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CALENDAR FOR 1921

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Wisconsin. Laws, statutes, etc. Revised statutes

WISCONSIN STATUTES

1921

VOLUME I.

Embracing all general statutes in force at the close of the General Session of 1921, consolidated and in part revised pursuant to sections 43.07, 43.08, 35.18 and 35.19 of these statutes.

BY

C. H. CROWNHART, Revisor

ASSISTED BY

LYMAN J. NASH.
WILLIAM RYAN.
FRED M. WYLIE.

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INTRODUCTION.

1. **"Wisconsin Statutes."** They consist of the Statutes of 1898 with such additions thereto and eliminations therefrom as have been effected by the enactments and repeals, express and implied, in the session laws of 1899, 1901, 1903, 1905, Spl. S. 1905, 1907, 1909, 1911, Spl. S. 1912, 1913, 1915, Spl. S. 1916, 1917, First Spl. S. 1918, Second Spl. S. 1918, 1919, Spl. S. 1919, Spl. S. 1920, and 1921. (Sec. 4977, Stats. 1921.)

These volumes contain all that remain of said original and new sections of the statutes after all such additions and eliminations have been made. They contain all of the general laws in force at the end of the general session of 1921, except a few scattered here and there through the session laws (most of them affecting the city or county of Milwaukee), that have not yet been incorporated in the statutes by direct action of the legislature or by the process of revision. But these stray provisions of general law are being gathered into the statutes as fast as the progress of revision can accomplish that end. They contain what would otherwise be looked for in the two volumes of Revised Statutes of 1898, the Supplement of 1906, and the nineteen volumes of session laws enumerated above.

2. **Usefulness of former biennial statutes.** It is just as true now as it was two years ago that the volume of Wisconsin Annotations and the latest issue of Wisconsin Statutes are likely to become constant companions on the desk of every judge and lawyer, while the last preceding issue of the Statutes goes into a retirement that will not be absolute, but partial only. The Statutes of 1919, like the Statutes of 1917, 1915, 1913 and 1911 will still have a permanent value for ready reference in any search for the precise state of statute law at a given time in the past.

3. **Some features of the Statutes of 1921.** The statutes are issued in two volumes. The first volume contains a copy of the bare text of the constitution of the United States and of the constitution of Wisconsin for handy reference; and all the text of the general statutes to chapter 85. The second volume contains the rest of the statute law; a continuation to date of the annotations printed in the volume designated as Wisconsin Annotations; a consolidated and completed table of classified special, private and local acts printed originally in Wisconsin Statutes of 1911 and hitherto continued to date in the Appendix of each succeeding issue of the biennial statutes; a table of all acts of the legislature, territorial and state, from 1836 to the present time that have been expressly repealed, being the same table printed in the Appendix of the Statutes of 1917 and 1919, but now completed and brought down to date; a table of all congressional acts that have concerned in any material way either the territory or the state of Wisconsin; a compilation of all the rules of all the courts with annotations and a section alphabetical index.

The bulk of the volume of Wisconsin Statutes for 1917 made some measures of relief imperative. The division of the issues since then into two volumes is one of those measures. The substitution of a better and more suitable grade of paper is another. But the most important of all has been the eliminations effected by revision. While the thinner paper has not diminished the number of pages required for the text, it has diminished materially the size and weight of the two volumes; and revision, on the other hand, has contributed to the same end by diminishing the amount of text that

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otherwise would have to be printed. The growth of statutory text since biennial issues of the statutes began, over and above the amount of text eliminated by revision, may be shown by the following table:

Statutes	Pages	
1911	2126	* * *
1913	2215	Increase 89
1915	2281	Increase 66
1917	2366	Increase 85
1919	2423	Increase 57
1921	2379	Decrease 44

The size of the volumes of the present issue show what has been accomplished by the use of more suitable paper, and a comparison of that paper with what is used for some other current law publications furnishes an assurance that for many years to come the statutes with index can be printed in two volumes of convenient size and weight for every-day desk service.

4. **Tracing old sections to their new locations.** Attention is again called to the mode provided for tracing out the ultimate disposition of chapters and sections that at times have constituted parts of the statutes but have been removed therefrom by revision or repeal, or relocated by renumbering. The first 870 pages contain revised and renumbered chapters and sections and nothing else. Immediately following, beginning on page 871, is a tabulation showing what became of former chapters and of former sections 1 to 1211—53. Following this tabulation the text of unrevised sections again begins, and all through the remaining chapters and sections a note will be found wherever there is a vacancy, giving the disposition of the section or sections that once occupied the place of such vacancy.

5. **Continuation of annotations.** The annotations in the second volume of the Statutes of 1921 are not a continuation simply from the annotations printed in the Appendix of the Statutes of 1919, but a continuation from the annotations contained in Wisconsin Annotations. The annotations found in that volume and in said second volume cover the whole field and the whole time from 1836 down to April, 1921. It will not be necessary therefore for anyone having these two volumes to consult the annotations in the Appendix to the Statutes of 1915, 1917 or 1919.

The annotations refer, of course, to sections of the statutes as numbered at the times when the annotations were published. But as some of those sections have been since renumbered, or revised and renumbered, a word of explanation respecting the mode of utilizing the annotations in such cases may be useful. For example: If the interpretation of section 6.51 is under consideration it must be observed first that the history note appended to the section shows that the former designation thereof was section 69. Turning to Wisconsin Annotations for section 69 in its numerical order references are found to several Wisconsin decisions. Then turning to the annotations in the second volume of the Statutes of 1921 and looking first for section 69 it is found that no citations are found under that number; but turning further to the new number 6.51 references are found to still other Wisconsin decisions. But if the annotations for sections 1770*b*, or 4070, or 4096, are desired, look first for the section in question in Wisconsin Annotations. Each of said sections will be found there extensively annotated. Then turning to the same section number in the annotations printed in said second volume it will be found extensively annotated there also.

These illustrations furnish the following simple formula: If the annotations of a section that has not yet been renumbered are sought, look first in Wisconsin Annotations and then in the continuation thereof for the section number in its proper numerical order. That exhausts the search. But if the interpretation of a section that has been renumbered is under review, first look at its appended history note and learn its former numerical designation. Then look in both Wisconsin Annotations and the continuation thereof under such former section number, and finally under the new section number in the continuation.

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6. The table of classified special, private and local laws and the table of repealed and repealing acts. The table of classified special, private and local laws has been enlarged and developed since the publication of its last continuation in the Appendix of the Statutes of 1919. The citations under some of its most important heads were so numerous that it was burdensome to use them when it was desired to consult a single act or a small group of acts. For example, under the title "Corporations, railroads," there are more than a thousand citations relating to nearly three hundred different railroad charters; and a search for the legislation granting or amending any particular charter has been heretofore necessarily tedious. In order to relieve this condition the title relating to railroads and certain other titles were selected and the citations under them were subdivided and relocated under appropriate subtitles. That will enable the searcher to get nearer his objective at the start and require of him an examination of relevant legislation only. The titles that have been so subdivided follow: Academies, seminaries and institutes; Colleges and universities (other than University of Wisconsin); Corporations, cultural; Fire, marine and transit insurance companies; Interurban railroad companies; Legalizing public and private acts; Life and accident insurance companies; Manufacturing, merchandising, hydraulic and water-power companies; Mining and iron works; Normal schools; Peat companies; Plank, gravel and turnpike roads; Railroad companies; Steamboat and navigation companies; Street railroad companies; Telegraph companies; University of Wisconsin; Waterworks companies.

7. The index to statutes. The index to the statutes meets with many criticisms. Within the appropriation at hand and the time I had after my appointment I found it impossible to make a new index were that desirable. But I have had the index checked over and several thousand corrections and additions have been made. I am assured by attorneys that the index is becoming better with each publication of the statutes, and I trust the index to the 1921 Statutes will be found more serviceable than the former ones.

8. Revision of 1921. The principal revision for the session of 1921 are chapters 62, 66 and 67 of the statutes, revising and consolidating the charter law, general municipal law and the law of municipal borrowing. The special city charters excepting that of Milwaukee are repealed and the general law made applicable to all cities except cities of the first class. In addition the chapters on taxation have been renumbered and a few corrections made. Because of the age and general understanding of the tax laws and the court decisions construing them it was thought best not to attempt any extensive revision at this time.

9. Future revision. With the progress now made we hope for a complete renumbering of the remaining chapters and sections of the statutes together with a thorough revision of many of the chapters at an early date.

10. Chapter 9 of the Laws of 1921. By chapter 9 of the Laws of 1921, the Revisor is authorized to renumber sections, chapters and reference numbers. Many corrections have been made under this provision without further legislative action. When chapter 9 of the Laws of 1921 is cited, it simply means that the Revisor has acted under that authority instead of a "Revisor's bill" in the legislature.

C. H. CROWNHART,
Revisor.

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CONSTITUTION

OF THE

UNITED STATES.

PREAMBLE.

Preamble. We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. [1] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[2] No person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[3] [1][Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such vacancies.

[5] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole power of Impeachment.

Section 3. [2][1] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

[2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature

[1] The clause included in brackets is amended by the fourteenth amendment, second section.

[2] The first paragraph of section three of article I, of the Constitution of the United States, and so much of paragraph two of the same section as relates to filling vacancies are amended by the seventeenth amendment to the Constitution.

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of any State, the Executive thereof may make temporary Appointments [until the next Meeting of the Legislature, which shall then fill such Vacancies].

[3] No Person shall be a Senator who shall not have attained to the Age of thirty Years and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[4] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[5] The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

[6] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the Concurrence of two thirds of the Members present.

[7] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. [1] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

[2] The Congress shall assemble at least once in every Year, and such Meetings shall be on the first Monday in December, unless they shall by Law appoint a different day.

Section 5. [1] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[2] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

[3] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[4] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. [1] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

[2] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the emoluments whereof should have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. [1] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

[2] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each house respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like

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Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[3] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power [1] To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

[2] To borrow money on the credit of the United States;

[3] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

[4] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

[5] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

[6] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

[7] To establish Post Offices and post Roads;

[8] To promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

[9] To constitute Tribunals inferior to the supreme Court;

[10] To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

[11] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

[12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two years;

[13] To provide and maintain a Navy;

[14] To make Rules for the Government and Regulation of the land and naval Forces;

[15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

[16] To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings;—And

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. [1] The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[2] The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3] No Bill of Attainder or ex post facto Law shall be passed.

[1][4] No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[5] No Tax or Duty shall be laid on Articles exported from any State.

[6] No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

[1] See XVI Amendment.

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[7] No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[8] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. [1] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[2] No State shall, without the Consent of the Congress, lay any imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

[3] No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II.

Section 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

[2] Each state shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an office of Trust or Profit under the United States, shall be appointed an Elector.

[1][The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]

[3] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[4] No person except a natural born Citizen, or a Citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that office who shall not have attainted to the Age of thirty-five Years and been fourteen Years a Resident within the United States.

[5] In Case of the Removal of the President from Office, or of his Death, Resignation, or inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[1] This clause has been superseded by the twelfth amendment.

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[6] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[7] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. [1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

[2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Offices, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and Inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

Section 2. [1] The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more states;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

[2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

[3] The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. [1] Treason against the United States, shall consist only in levying War against them, or, in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

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[2] The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. [1] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[2] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[3] No person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. [1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[2] The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal suffrage in the Senate.

ARTICLE VI.

[1] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

[*Attestation Omitted.*]

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ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Governnment for a redress of grievances.

ARTICLE II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

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ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by Citizens or Subjects of any foreign State.

ARTICLE XII.

The Electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one

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years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII.

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportaion of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

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CONSTITUTION

OF THE

STATE OF WISCONSIN.

PREAMBLE.[1]

Preamble. We, the people of Wisconsin, grateful to Almighty God for our freedom, in order to secure its blessings, form a more perfect government, insure domestic tranquillity and promote the general welfare, do establish this constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

Equality of rights. SECTION 1. All men are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Slavery prohibited. SECTION 2. There shall be neither slavery, nor involuntary servitude in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

Liberty of speech; libel. SECTION 3. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence, and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Right to assemble and petition. SECTION 4. The right of the people peaceably to assemble, to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

Trial by jury. SECTION 5. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law.

Bail; punishments. SECTION 6. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.

Rights of accused. SECTION 7. In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf; and in prosecutions by indictment, or information, to a speedy public trial by an impartial jury of the county or district wherein the offense shall have been committed; which county or district shall have been previously ascertained by law.

Prosecutions; second jeopardy; bail; habeas corpus. SECTION 8. [As amended November, 1870.] No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy

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[1] No investigation has been made of amendments dating prior to 1898. It has been assumed that they were all regularly adopted and correctly embodied in the constitution as printed in the statutes of 1898.

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of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it.

Remedy for wrongs. SECTION 9. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

Treason. SECTION 10. Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Searches and seizures. SECTION 11. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Bill of attainder; ex post facto law; obligation of contracts. SECTION 12. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Compensation for private property. SECTION 13. The property of no person shall be taken for public use without just compensation therefor.

Lands allodial; tenures; leases and fines. SECTION 14. All lands within the state are declared to be allodial, and feudal tenures are prohibited. Leases and grants of agricultural land for a longer term than fifteen years in which rent or service of any kind shall be reserved, and all fines and like restraints upon alienation reserved in any grant of land, hereafter made, are declared to be void.

Equal rights for aliens and citizens. SECTION 15. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.

Imprisonment for debt. SECTION 16. No person shall be imprisoned for debt arising out of or founded on a contract, expressed or implied.

Exemption of property. SECTION 17. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.

Freedom of worship; liberty of conscience; public funds for religious purposes. SECTION 18. The right of every man to worship Almighty God according to the dictates of his own conscience shall never be infringed; nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any ministry, against his consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.

Religious test. SECTION 19. No religious test shall ever be required as a qualification for any office of public trust under the state, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.

Military and civil power. SECTION 20. The military shall be in strict subordination to the civil power.

Writs of error. SECTION 21. Writs of error shall never be prohibited by law.

Maintenance of free government. SECTION 22. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

ARTICLE II.

BOUNDARIES.

State boundaries. SECTION 1. It is hereby ordained and declared that the state of Wisconsin doth consent and accept of the boundaries prescribed in the act of congress entitled "An act to enable the people of Wisconsin territory to form a constitution and state government, and for the admission of such state into the Union," approved August sixth, one thousand eight hundred and forty-six, to wit: Beginning at the northeast corner of the state of Illinois—that is to say, at a point in the center

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of Lake Michigan where the line of forty-two degrees and thirty minutes of north latitude crosses the same; thence running with the boundary line of the state of Michigan, through Lake Michigan, Green Bay, to the mouth of the Menominie river; thence up the channel of the said river to the Brule river; thence up said last-mentioned river to Lake Brule; thence along the southern shore of Lake Brule, in a direct line to the center of the channel between Middle and South Islands in the Lake of the Desert; thence in a direct line to the headwaters of the Montreal river, as marked upon the survey made by Captain Cramm; thence down the main channel of the Montreal river to the middle of Lake Superior; thence through the center of Lake Superior to the mouth of the St. Louis river; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nicollet's map; thence due south to the main branch of the River St. Croix; thence down the main channel of said river to the Mississippi; thence down the center of the main channel of that river to the northwest corner of the state of Illinois; thence due east with the northern boundary of the state of Illinois to the place of beginning, as established by "An act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states," approved April 18th, 1818. [Provided, however, that the following alteration of the aforesaid boundary be and hereby is proposed to the congress of the United States as the preference of the state of Wisconsin, and if the same shall be assented and agreed to by the congress of the United States, then the same shall be and forever remain obligatory on the state of Wisconsin, viz.: Leaving the aforesaid boundary line at the foot of the rapids of the St. Louis river; thence in a direct line, bearing southwesterly, to the mouth of the Iskodewabo, or Rum river, where the same empties into the Mississippi river; thence down the main channel of the said Mississippi river as prescribed in the aforesaid boundary.[1]]

Enabling act accepted. SECTION 2. The propositions contained in the act of congress are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this state shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations congress may find necessary for securing the title in such soil to bona fide purchasers thereof; and no tax shall be imposed on land the property of the United States; and in no case shall nonresident proprietors be taxed higher than residents. Provided, that nothing in this constitution, or in the act of congress aforesaid, shall in any manner prejudice or affect the right of the state of Wisconsin to five hundred thousand acres of land granted to said state, and to be hereafter selected and located by and under the act of congress entitled "An act to appropriate the proceeds of the sales of the public lands, and grant pre-emption rights," approved September fourth, one thousand eight hundred and forty-one.

ARTICLE III.

SUFFRAGE.

Who are electors. SECTION 1. [As amended November, 1882.] Every male person, of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote such time as may be prescribed by the legislature, not exceeding thirty days, shall be deemed a qualified elector at such election:

1. Citizens of the United States.

2. [As amended November, 1908.] Persons of foreign birth who, prior to the first day of December, A. D. 1908, shall have declared their intentions to become citizens conformable to the laws of the United States on the subject of naturalization, provided that the rights hereby granted to such persons shall cease on the first day of December, A. D. 1912.

3. Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

4. Civilized persons, of Indian descent, not members of any tribe; provided, that the legislature may at any time extend, by law, the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election; and provided further, that in incorporated cities and

[1] This proposal was not accepted by congress. See act admitting Wisconsin, approved May 29, 1848.

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villages the legislature may provide for the registration of electors, and prescribe proper rules and regulations therefor.

Who not electors. SECTION 2. No person under guardianship, non compos mentis or insane shall be qualified to vote at any election; nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

Votes to be by ballot. SECTION 3. All votes shall be given by ballot except for such township officers as may by law be directed or allowed to be otherwise chosen.

Residence not lost, when. SECTION 4. No person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state.

Who not residents. SECTION 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed within the same.

Exclusion from suffrage. SECTION 6. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and depriving every person who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election from the right to vote at such election.

ARTICLE IV.

LEGISLATIVE.

Legislative power. SECTION 1. The legislative power shall be vested in a senate and assembly.

Senate and assembly. SECTION 2. The number of the members of the assembly shall never be less than fifty-four nor more than one hundred. The senate shall consist of a number not more than one-third nor less than one-fourth of the number of the members of the assembly.

Apportionment. SECTION 3. [As amended November, 1910.] At their first session after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

Members, how chosen. SECTION 4. [As amended November, 1881.] The members of the assembly shall be chosen biennially, by single districts, on the Tuesday succeeding the first Monday of November after the adoption of this amendment, by the qualified electors of the several districts, such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory and be in as compact form as practicable.

Senators, how chosen. SECTION 5. [As amended November, 1881.] The senators shall be elected by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen; and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in the regular series, and the senators shall be chosen alternately from the odd and even-numbered districts. The senators elected or holding over at the time of the adoption of this amendment shall continue in office till their successors are duly elected and qualified; and after the adoption of this amendment all senators shall be chosen for the term of four years.

Qualifications of members. SECTION 6. No person shall be eligible to the legislature who shall not have resided one year within the state, and be a qualified elector in the district which he may be chosen to represent.

Returns of members; quorum; adjournment. SECTION 7. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Rules; contempts; expulsion. SECTION 8. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause.

Officers. SECTION 9. Each house shall choose its own officers, and the senate shall choose a temporary president when the lieutenant governor shall not attend as president or shall act as governor.

Journals; open doors; adjournments. SECTION 10. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The

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doors of each house shall be kept open except when the public welfare shall require secrecy. Neither house shall, without consent of the other, adjourn for more than three days.

Meeting of legislature. SECTION 11. [As amended November, 1881.] The legislature shall meet at the seat of government at such time as shall be provided by law, once in two years, and no oftener, unless convened by the governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.

Ineligibility to office. SECTION 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Who ineligible. SECTION 13. No person being a member of congress, or holding any military or civil office under the United States, shall be eligible to a seat in the legislature; and if any person shall, after his election as a member of the legislature, be elected to congress, or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

Filling vacancies. SECTION 14. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

Exemption from arrest. SECTION 15. Members of the legislature shall in all cases, except treason, felony and breach of the peace, be privileged from arrest; nor shall they be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement and after the termination of each session.

Privilege in debate. SECTION 16. No member of the legislature shall be liable in any civil action, or criminal prosecution whatever, for words spoken in debate.

Style of laws. SECTION 17. The style of the laws of the state shall be "The people of the state of Wisconsin, represented in senate and assembly, do enact as follows;" and no law shall be enacted except by bill.

Title of private bills. SECTION 18. No private or local bill which may be passed by the legislature shall embrace more than one subject, and that shall be expressed in the title.

Where bills may originate. SECTION 19. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended by the other.

Yeas and nays. SECTION 20. The yeas and nays of the members of either house on any question shall, at the request of one-sixth of those present, be entered on the journal.

Compensation of members. SECTION 21. [As amended November, 1881.] Each member of the legislature shall receive for his services for and during a regular session the sum of five hundred dollars, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature on the most usual route. In case of an extra session of the legislature, no additional compensation shall be allowed to any member thereof, either directly or indirectly, except for mileage, to be computed at the same rate as for a regular session. No stationery, newspapers, postage or other perquisites, except the salary and mileage above provided, shall be received from the state by any member of the legislature for his services or in any other manner as such member.

Powers may be conferred upon supervisors. SECTION 22. The legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe.

Uniform town and county government. SECTION 23. The legislature shall establish but one system of town and county government, which shall be as nearly uniform as practicable.

Lotteries and divorces. SECTION 24. The legislature shall never authorize any lottery, or grant any divorce.

Contracts for stationery and printing. SECTION 25. The legislature shall provide by law that all stationery required for the use of the state, and all printing authorized and required by them to be done for their use, or for the state, shall be let by contract to the lowest bidder, but the legislature may establish a maximum price, no member of the legislature or other state officer shall be interested, either directly or indirectly, in any such contract.

Extra compensation. SECTION 26. The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract entered into; nor shall the compensation of any public officer be increased or diminished during his term of office.

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Suits against state. SECTION 27. The legislature shall direct by law in what manner and in what courts suits may be brought against the state.

Oath of office. SECTION 28. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of the state of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability.

Militia. SECTION 29. The legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same in such manner as shall be prescribed by law.

Elections by legislature. SECTION 30. In all elections to be made by the legislature the members thereof shall vote viva voce, and their votes shall be entered on the journal.

Special legislation prohibited. SECTION 31. [Created November, 1871; amended November, 1892.] The legislature is prohibited from enacting any special or private laws in the following cases: 1st. For changing the name of persons or constituting one person the heir at law of another. 2d. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands may be granted by congress. 3d. For authorizing persons to keep ferries across streams at points wholly within this state. 4th. For authorizing the sale or mortgage of real or personal property of minors or others under disability. 5th. For locating or changing any county seat. 6th. For assessment or collection of taxes or for extending the time for the collection thereof. 7th. For granting corporate powers or privileges, except to cities. 8th. For authorizing the apportionment of any part of the school fund. 9th. For incorporating any city, town or village, or to amend the charter thereof.

General laws must be enacted. SECTION 32. [Created November, 1871.] The legislature shall provide general laws for the transaction of any business that may be prohibited by section thirty-one of this article, and all such laws shall be uniform in their operation throughout the state.

ARTICLE V.

EXECUTIVE.

Executive power; term of office. SECTION 1. The executive power shall be vested in a governor, who shall hold his office for two years; a lieutenant governor shall be elected at the same time and for the same term.

Eligibility. SECTION 2. No person except a citizen of the United States and a qualified elector of the state shall be eligible to the office of governor or lieutenant governor.

Governor and lieutenant governor, election of. SECTION 3. The governor and lieutenant governor shall be elected by the qualified electors of the state at the times and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor or lieutenant governor, the two houses of the legislature, at its next annual [biennial] session shall forthwith, by joint ballot, choose one of the persons so having an equal and the highest number of votes for governor or lieutenant governor. The returns of election for governor and lieutenant governor shall be made in such manner as shall be provided by law.

Powers of executive. SECTION 4. The governor shall be commander in chief of the military and naval forces of the state. He shall have power to convene the legislature on extraordinary occasions, and in case of invasion, or danger from the prevalence of contagious disease at the seat of government, he may convene them at any other suitable place within the state. He shall communicate to the legislature, at every session, the condition of the state, and recommend such matters to them for their consideration as he may deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.

Compensation of governor. SECTION 5. [As amended November, 1869.] The governor shall receive, during his continuance in office, an annual compensation of five thousand dollars, which shall be in full for all traveling or other expenses incident to his duties.

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Reprieves and pardons. SECTION 6. The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually [biennially] communicate to the legislature each case of reprieve. commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, with his reasons for granting the same.

Lieutenant governor, when to act as governor. SECTION 7. In case of the impeachment of the governor, or his removal from office, death, inability from mental or physical disease, resignation or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term or until the governor, absent or impeached, shall have returned, or the disability shall cease. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of the military force thereof, he shall continue commander in chief of the military force of the state.

Lieutenant governor president of senate; when secretary of state to be governor. SECTION 8. The lieutenant governor shall be president of the senate, but shall have only a casting vote therein. If, during a vacancy in the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or from mental or physical disease become incapable of performing the duties of his office, or be absent from the state, the secretary of state shall act as governor until the vacancy shall be filled or the disability shall cease.

His compensation. SECTION 9. [As amended November, 1869.] The lieutenant governor shall receive during his continuance in office an annual compensation of one thousand dollars.

Governor to approve bills; proceedings on veto. SECTION 10. [As amended November, 1908.] Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a law unless the legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

ARTICLE VI.

ADMINISTRATIVE.

Administrative officers, who, and how elected. SECTION 1. There shall be chosen by the qualified electors of the state, at the times and places of choosing the members of the legislature, a secretary of state, treasurer and attorney-general, who shall severally hold their offices for the term of two years.

Secretary of state; duties, compensation. SECTION 2. The secretary of state shall keep a fair record of the official acts of the legislature and executive department of the state, and shall, when required, lay the same and all matters relative thereto before either branch of the legislature. He shall be ex officio auditor, and shall perform such other duties as shall be assigned him by law. He shall receive as a compensation for his services yearly such sum as shall be provided by law, and shall keep his office at the seat of government.

Treasurer and attorney-general. SECTION 3. The powers, duties and compensation of the treasurer and attorney-general shall be prescribed by law.

County officers; election, terms and removal of. SECTION 4. [As amended November, 1882.] Sheriffs, coroners, registers of deeds, district attorneys, and all other county officers except judicial officers, shall be chosen by the electors of the respective counties once in every two years. Sheriffs shall hold no other office, and be ineligible for two

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years next succeeding the termination of their offices; they may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant; but the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer in this section mentioned, giving to such a copy of the charges against him and an opportunity of being heard in his defense. All vacancies shall be filled by appointment, and the person appointed to fill a vacancy shall hold only for the unexpired portion of the term to which he shall be appointed and until his successor shall be elected and qualified.

ARTICLE VII.

JUDICIARY.

Court of impeachment. SECTION 1. The court for the trial of impeachments shall be composed of the senate. The house of representatives shall have the power of impeaching all civil officers of this state for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court. No judicial officer shall exercise his office, after he shall have been impeached, until his acquittal. Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold any office of honor, profit or trust under the state; but the party impeached shall be liable to indictment, trial and punishment according to law.

Judicial power, where vested. SECTION 2. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, courts of probate, and in justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts, and shall have power to establish inferior courts in the several counties, with limited civil and criminal jurisdiction. Provided, that the jurisdiction which may be vested in municipal courts shall not exceed in their respective municipalities that of circuit courts in their respective circuits as prescribed in this constitution; and that the legislature shall provide as well for the election of judges of the municipal courts as of the judges of inferior courts, by the qualified electors of the respective jurisdictions. The term of office of the judges of the said municipal and inferior courts shall not be longer than that of the judges of the circuit courts.

Supreme court, jurisdiction of. SECTION 3. The supreme court, except in cases otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be coextensive with the state; but in no case removed to the supreme court shall a trial by jury be allowed. The supreme court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other original and remedial writs, and to hear and determine the same.

Supreme court, how constituted. SECTION 1 [4]. [As amended November, 1877; April, 1889 and November, 1903.[1]] The chief justice and associate justices of the supreme court shall be severally known as the justices of said court, with the same terms of office of ten years respectively as now provided. The supreme court shall consist of seven justices, any four of whom shall be a quorum, to be elected as now provided, not more than one each year. The justice having been longest a continuous member of said court, or in case two or more such senior justices shall have served for the same length of time, then the one whose commission first expires shall be ex officio, the chief justice.

Judicial circuits. SECTION 5. The state shall be divided into five judicial circuits, to be composed as follows: The first circuit shall comprise the counties of Racine, Walworth, Rock and Green; the second circuit, the counties of Milwaukee, Waukesha, Jefferson and Dane; the third circuit, the counties of Washington, Dodge, Columbia, Marquette, Sauk and Portage; the fourth circuit, the counties [of] Brown, Manitowoc, Sheboygan, Fond du Lac, Winnebago and Calumet; and the fifth circuit shall comprise

[1] The proceedings for the third amendment, from proposal to ratification by the electors, name section 1 of article VII, relating to the court of impeachment, as the section to be amended. A similar error intervened in the amendment of 1889.

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the counties of Iowa, La Fayette, Grant, Crawford and St. Croix; and the county of Richland shall be attached to Iowa, the county of Chippewa to the county of Crawford, and the county of La Pointe to the county of St. Croix, for judicial purposes, until otherwise provided by the legislature

Alteration of circuits. SECTION 6. The legislature may alter the limits or increase the number of circuits, making them as compact and convenient as practicable, and bounding them by county lines; but no such alteration or increase shall have the effect to remove a judge from office. In case of an increase of circuits, the judge or judges shall be elected as provided in this constitution and receive a salary not less than that herein provided for judges of the circuit court.

Election of judges. SECTION 7. [As amended April, 1897.] For each circuit there shall be chosen by the qualified electors thereof one circuit judge, except that in any circuit composed of one county only, which county shall contain a population, according to the last state or United States census, of one hundred thousand inhabitants or over, the legislature may, from time to time, authorize additional circuit judges to be chosen. Every circuit judge shall reside in the circuit from which he is elected, and shall hold his office for such term and receive such compensation as the legislature shall prescribe.

Circuit courts, jurisdiction of. SECTION 8. The circuit courts shall have original jurisdiction in all matters civil and criminal within this state, not excepted in this constitution, and not hereafter prohibited by law; and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control over the same. They shall also have the power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and all other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and jurisdictions.

Elections and vacancies. SECTION 9. When a vacancy shall happen in the office of judge of the supreme or circuit courts, such vacancy shall be filled by an appointment of the governor, which shall continue until a successor is elected and qualified; and when elected such successor shall hold his office the residue of the unexpired term. There shall be no election for a judge or judges at any general election for state or county officers, nor within thirty days either before or after such election.

Salaries of judges; to hold no other office. SECTION 10. [As amended November, 1912.] Each of the judges of the supreme and circuit courts shall receive a salary, payable at such time as the legislature shall fix, of not less than one thousand five hundred dollars annually; they shall receive no fees of office, or other compensation than their salary; they shall hold no office of public trust except a judicial office, during the term for which they are respectively elected, and all votes for either of them for any office, except a judicial office, given by the legislature or the people, shall be void. No person shall be eligible to the office of judge who shall not at the time of his election, be a citizen of the United States and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen.

Terms of courts; change of judges. SECTION 11. The supreme court shall hold at least one term annually, at the seat of government of the state, at such time as shall be provided by law. And the legislature may provide for holding other terms and at other places when they may deem it necessary. A circuit court shall be held at least twice in each year in each county of this state organized for judicial purposes. The judges of the circuit court may hold courts for each other, and shall do so when required by law.

Clerks of circuit and supreme courts. SECTION 12. [As amended November, 1882.] There shall be a clerk of the circuit court chosen in each county organized for judicial purposes by the qualified electors thereof, who shall hold his office for two years, subject to removal as shall be provided by law; in case of a vacancy, the judge of the circuit court shall have power to appoint a clerk until the vacancy shall be filled by an election; the clerk thus elected or apointed shall give such security as the legislature may require. The supreme court shall appoint its own clerk, and a clerk of the circuit court may be appointed a clerk of the supreme court.

Removal of judges. SECTION 13. Any judge of the supreme or circuit court may be removed from office by address of both houses of the legislature, if two-thirds of all the members elected to each house concur therein, but no removal shall be made by virtue of this section unless the judge complained of shall have been served with a copy of the charges against him, as the ground of address, and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journals.

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Judges of probate. SECTION 14. There shall be chosen in each county, by the qualified electors thereof, a judge of probate, who shall hold his office for two years and until his successor shall be elected and qualified, and whose jurisdiction, powers and duties shall be prescribed by law. Provided, however, that the legislature shall have power to abolish the office of judge of probate in any county, and to confer probate powers upon such inferior courts as may be established in said county.

Justices of the peace, election and term. SECTION 15. The electors of the several towns at their annual town meeting, and the electors of cities and villages at their charter elections, shall, in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be for two years and until their successors in office shall be elected and qualified. In case of an election to fill a vacancy occurring before the expiration of a full term, the justice elected shall hold for the residue of the unexpired term. Their number and classification shall be regulated by law. And the tenure of two years shall in no wise interfere with the classification in the first instance. The justices thus elected shall have such civil and criminal jurisdiction as shall be prescribed by law.

Tribunals of conciliation. SECTION 16. The legislature shall pass laws for the regulation of tribunals of conciliation, defining their powers and duties. Such tribunals may be established in and for any township, and shall have power to render judgment to be obligatory on the parties when they shall voluntarily submit their matter in difference to arbitration, and agree to abide the judgment or assent thereto in writing.

Style of writs; indictments. SECTION 17. The style of all writs and process shall be, "The state of Wisconsin;" all criminal prosecutions shall be carried on in the name and by the authority of the same, and all indictments shall conclude against the peace and dignity of the state.

Tax on civil suits. SECTION 18. The legislature shall impose a tax on all civil suits commenced or prosecuted in the municipal, inferior or circuit courts, which shall constitute a fund to be applied toward the payment of the salary of judges.

Testimony in suits in equity. SECTION 19. The testimony in causes in equity shall be taken in like manner as in cases at law, and the office of master in chancery is hereby prohibited.

Rights of suitors. SECTION 20. Any suitor, in any court of this state, shall have the right to prosecute or defend his suit either in his own proper person, or by an attorney or agent of his choice.

Publication of laws. SECTION 21. The legislature shall provide by law for the speedy publication of all statute laws, and of such judicial decisions, made within the state, as may be deemed expedient. And no general law shall be in force until published.

Commissioners to revise code, etc. SECTION 22. The legislature, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, whose duty it shall be to inquire into, revise and simplify the rules of practice, pleadings, forms and proceedings, and arrange a system adapted to the courts of record of this state, and report the same to the legislature, subject to their modification and adoption; and such commission shall terminate upon the rendering of the report, unless otherwise provided by law.

Court commissioners. SECTION 23. The legislature may provide for the appointment of one or more persons in each organized county, and may vest in such persons such judicial powers as shall be prescribed by law. Provided, that said power shall not exceed that of a judge of a circuit court at chambers.

ARTICLE VIII.

FINANCE.

Taxation uniform; income taxes. SECTION 1. [As amended November, 1908.] The rule of taxation shall be uniform, and taxes shall be levied upon such property as the legislature shall prescribe. Taxes may also be imposed on incomes, privileges and occupations, which taxes may be graduated and progressive, and reasonable exemptions may be provided.

Appropriation of money. SECTION 2. [As amended November, 1877.] No money shall be paid out of the treasury except in pursuance of an appropriation by law. No appropriation shall be made for the payment of any claim against the state except claims of the United States and judgments, unless filed within six years after the claim accrued.

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Credit of state, loan of. SECTION 3. The credit of the state shall never be given, or loaned, in aid of any individual, association or corporation.

Contracting debts. SECTION 4. The state shall never contract any public debt except in the cases and manner herein provided.

Annual tax, levy of. SECTION 5. The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the state for each year; and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency as well as the estimated expenses of such ensuing year.

Limitation on public debt. SECTION 6. For the purpose of defraying extraordinary expenditures the state may contract public debts (but such debts shall never in the aggregate exceed one hundred thousand dollars). Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt and the principal within five years from the passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

State may borrow money. SECTION 7. The legislature may also borrow money to repel invasion, suppress insurrection, or defend the state in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

Vote on passage of fiscal bills. SECTION 8. On the passage in either house of the legislature of any law which imposes, continues or renews a tax, or creates a debt or charge, or makes, continues or renews an appropriation of public or trust money, or releases, discharges or commutes a claim or demand of the state, the question shall be taken by yeas and nays, which shall be duly entered on the journal; and three-fifths of all the members elected to such house shall in all such cases be required to constitute a quorum therein.

Evidences of debt. SECTION 9. No scrip, certificate, or other evidence of state debt whatsoever, shall be issued except for such debts as are authorized by the sixth and seventh sections of this article.

Internal improvements. SECTION 10. The state shall never contract any debt for works of internal improvement, or be a party in carrying on such works; but whenever grants of land or other property shall have been made to the state, especially dedicated by the grant to particular works of internal improvement, the state may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion. (Added November, 1908.) Provided that the state may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways.

ARTICLE IX.

EMINENT DOMAIN AND PROPERTY OF THE STATE.

Jurisdiction on rivers and lakes; navigable waters. SECTION 1. The state shall have concurrent jurisdiction on all rivers and lakes bordering on this state so far as such rivers or lakes shall form a common boundary to the state and any other state or territory now or hereafter to be formed, and bounded by the same; and the river Mississippi and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the state as to the citizens of the United States, without any tax, impost or duty therefor.

Territorial property. SECTION 2. The title to all lands and other property which have accrued to the territory of Wisconsin by grant, gift, purchase, forfeiture, escheat or otherwise shall vest in the state of Wisconsin.

Property in lands. SECTION 3. The people of the state, in their right of sovereignty, are declared to possess the ultimate property in and to all lands within the jurisdiction of the state; and all lands the title to which shall fail from a defect of heirs shall revert or escheat to the people.

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ARTICLE X.

EDUCATION.

Duties and compensation of state superintendent. SECTION 1. [As amended November, 1902.] The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the supreme court, and shall hold his office for four years from the succeeding first Monday in July. The state superintendent chosen at the general election in November, 1902, shall hold and continue in his office until the first Monday in July, 1905, and his successor shall be chosen at the time of the judicial election in April, 1905. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law.

School fund; interest of, how applied. SECTION 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this state for educational purpose (except the lands heretofore granted for the purposes of a university), and all moneys and the clear proceeds of all property that may accrue to the state by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty; and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the state where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the state is entitled by the provisions of an act of congress, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant preemption rights," approved the fourth day of September, one thousand eight hundred and forty-one; and also the five per centum of the net proceeds of the public lands to which the state shall become entitled on her admission into the Union (if congress shall consent to such appropriation of the two grants last mentioned), shall be set apart as a separate fund to be called "the school fund," the interest of which and all other revenues derived from the school lands shall be exclusively applied to the following objects, to wit:

1. To the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

District schools; tuition; sectarian instruction. SECTION 3. The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

Annual school tax. SECTION 4. Each town and city shall be required to raise by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes from the income of the school fund.

Income of school fund. SECTION 5. Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the state for the support of common schools therein, in some just proportion to the number of children and youth resident therein between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town for the year in which said city or town shall fail to raise such tax; nor to any school district for the year in which a school shall not be maintained at least three months.

State university. SECTION 6. Provision shall be made by law for the establishment of a state university at or near the seat of state government, and for connecting with the same, from time to time, such colleges in different parts of the state as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the state for the support of a university shall be and remain a perpetual fund to be called "the university fund," the interest of which shall be appropriated to the support of the state university, and no sectarian instruction shall be allowed in such university.

Commissioners of school and university lands. SECTION 7. The secretary of state, treasurer and attorney-general shall constitute a board of commissioners for the sale of the school and university lands and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

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Lands, how sold; payment. SECTION 8. Provision shall be made by law for the sale of all school and university lands after they shall have been appraised; and when any portion of such lands shall be sold and the purchase money shall not be paid at the time of the sale, the commissioners shall take security by mortgage upon the land sold for the sum remaining unpaid, with seven per cent interest thereon, payable annually at the office of the treasurer. The commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of such lands, and to discharge any mortgages taken as security, when the sum due thereon shall have been paid. The commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other university and school funds, in such manner as the legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

ARTICLE XI.

CORPORATIONS.

How formed; repeal of laws. SECTION 1. Corporations without banking powers or privileges may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. All general laws or special acts enacted under the provisions of this section may be altered or repealed by the legislature at any time after their passage.

Property, taking of by municipality. SECTION 2. No municipal corporation shall take private property for public use, against the consent of the owner, without the necessity thereof being first established by the verdict of a jury.

Municipalities and their indebtedness. SECTION 3. [As amended November, 1874, and November, 1912.] It shall be the duty of the legislature, and they are hereby empowered, to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments and taxation, and in contracting debts by such municipal corporations. No county, city, town, village, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to any amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness. Any county, city, town, village, school district, or other municipal corporation incurring any indebtedness as aforesaid, shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same; except that when such indebtedness is incurred in the acquisition of lands by cities, or by counties having a population of one hundred fifty thousand or over, for public, municipal purposes, or for the permanent improvement thereof, the city or county incurring the same shall, before or at the time of so doing, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within a period not exceeding fifty years from the time of contracting the same.

Acquisition of lands by the state. SECTION 3*a*. [Added November, 1912.] The state or any of its cities may acquire by gift, purchase, or condemnation lands for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same; and after the establishment, layout, and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate, so as to protect such public works and improvements, and their environs, and to preserve the view, appearance, light, air, and usefulness of such public works.

Authorizing a general banking law. SECTION 4. [Substituted for former sections 4 and 5, November, 1902.] The legislature shall have power to enact a general banking law for the creation of banks, and for the regulation and supervision of the banking business, provided that the vote of two-thirds of all the members elected to each house, to be taken by yeas and nays, be in favor of the passage of such law.

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ARTICLE XII.

AMENDMENTS.

How proposed, submitted and adopted. SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published for three months previous to the time of holding such election; and if, in the legislature so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become part of the constitution; provided, that if more than one amendment be submitted they shall be submitted in such manner that the people may vote for or against such amendments separately.

Constitutional convention. SECTION 2. If at any time a majority of the senate and assembly shall deem it necessary to call a convention to revise or change this constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the legislature. And if it shall appear that a majority of the electors voting thereon have voted for a convention, the legislature shall, at its next session, provide for calling such convention.

ARTICLE XIII.

MISCELLANEOUS PROVISIONS.

Political year; elections. SECTION 1. [As amended November, 1882.] The political year for the state of Wisconsin shall commence on the first Monday in January in each year, and the general election shall be holden on the Tuesday next succeeding the first Monday in November. The first general election for all state and county officers, except judicial officers, after the adoption of this amendment shall be holden in the year A. D. 1884, and thereafter the general election shall be held biennially. All state, county or other officers elected at the general election in the year 1881, and whose term of office would otherwise expire on the first Monday of January in the year 1884, shall hold and continue in such offices respectively until the first Monday in January in the year 1885.

Duelists disqualified as electors, etc. SECTION 2. Any inhabitant of this state who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the constitution and laws of this state, and may be punished in such other manner as shall be prescribed by law.

Who ineligible to office. SECTION 3. No member of congress, nor any person holding any office of profit or trust under the United States (postmasters excepted) or under any foreign power, no person convicted of any infamous crime in any court within the United States, and no person being a defaulter to the United States or to this state, or to any county or town therein, or to any state or territory within the United States, shall be eligible to any office of trust, profit or honor in this state.

Great seal. SECTION 4. It shall be the duty of the legislature to provide a great seal for the state, which shall be kept by the secretary of state, and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated.

Residents on Indian lands, where may vote. SECTION 5. All persons residing upon Indian lands, within any county of the state, and qualified to exercise the right of suffrage under this constitution, shall be entitled to vote at the polls which may be held nearest their residence, for state, United States or county officers. Provided, that no person shall vote for county officers out of the county in which he resides.

Legislative officers. SECTION 6. The elective officers of the legislature, other than the presiding officers, shall be a chief clerk and a sergeant at arms, to be elected by each house.

Division of counties. SECTION 7. No county with an area of nine hundred square miles or less shall be divided or have any part stricken therefrom without submitting

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the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

County seats. SECTION 8. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county voting on the question shall have voted in favor of its removal to such point.[1]

Election of officers. SECTION 9. All county officers whose election or appointment is not provided for by this constitution shall be elected by the electors of the respective counties, or appointed by the boards of supervisors or other county authorities, as the legislature shall direct. All city, town and village officers whose election or appointment is not provided for by this constitution shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof as the legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people or appointed, as the legislature may direct.

Vacancies in offices. SECTION 10. The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

Free passes forbidden. SECTION 11. [Added November, 1902.] No person, association, copartnership, or corporation, shall promise, offer, or give, for any purpose, to any political committee, or any member or employe thereof, to any candidate for, or incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, or to any person at the request or for the advantage of all or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

No political committee, and no member or employe thereof, no candidate for and no incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality of this state, shall ask for, or accept, from any person, association, copartnership, or corporation, or use, in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

Any violation of any of the above provisions shall be bribery and punished as provided by law, and if any officer or any member of the legislature be guilty thereof, his office shall become vacant.

No person within the purview of this act shall be privileged from testifying in relation to anything therein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence.

The railroad commissioner and his deputy in the discharge of duty are excepted from the provisions of this amendment.

ARTICLE XIV.

SCHEDULE.

Effect of change of government. SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place; and all process which may be issued under the authority of the territory of Wisconsin previous to its admission into the union of the United States shall be as valid as if issued in the name of the state.

Territorial laws. SECTION 2. All laws now in force in the territory of Wisconsin which are not repugnant to this constitution shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

Fines to accrue to state. SECTION 3. All fines, penalties or forfeitures accruing to the territory of Wisconsin shall inure to the use of the state.

Rights of action and prosecutions. SECTION 4. All recognizances heretofore taken, or which may be taken before the change from territorial to a permanent state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state; and all bonds executed to the governor of the territory, or to any other officer or court in his or their official capacity, shall pass to the governor or state au-

[1] See sec. 31, subd. 5, art. 4, ante.

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thority and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate, or property, real, personal or mixed, and all judgments, bonds, specialties, choses in action and claims or debts of whatsoever description of the territory of Wisconsin, shall inure to and vest in the state of Wisconsin, and may be sued for and recovered in the same manner and to the same extent by the state of Wisconsin as the same could have been by the territory of Wisconsin. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the territory of Wisconsin before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Wisconsin with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the territory of Wisconsin at the time of the change from a territorial to a state government may be continued and transferred to any court of the state which shall have jurisdiction of the subject matter thereof.

Officers to hold. SECTION 5. All officers, civil and military, now holding their offices under the authority of the United States or of the territory of Wisconsin shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

Seat of government. SECTION 6. The first session of the legislature of the state of Wisconsin shall commence on the first Monday in June next, and shall be held at the village of Madison, which shall be and remain the seat of government until otherwise provided by law.

County officers to hold. SECTION 7. All county, precinct and township officers shall continue to hold their respective offices, unless removed by the competent authority, until the legislature shall, in conformity with the provisions of this constitution, provide for the holding of elections to fill such offices respectively.

Copy of constitution for president. SECTION 8. The president of this convention shall, immediately after its adjournment, cause a fair copy of this constitution, together with a copy of the act of the legislature of this territory, entitled "An act in relation to the formation of a state government in Wisconsin, and to change the time of holding the annual session of the legislature," approved October 27, 1847, providing for the calling of this convention, and also a copy of so much of the last census of this territory as exhibits the number of its inhabitants to be forwarded to the president of the United States to be laid before the congress of the United States at its present session.

Vote on constitution; election of officers. SECTION 9. This constitution shall be submitted at an election to be held on the second Monday in March next, for ratification or rejection, to all white male persons of the age of twenty-one years or upwards, who shall then be residents of this territory and citizens of the United States, or shall have declared their intention to become such in conformity with the laws of congress on the subject of naturalization; and all persons having such qualifications shall be entitled to vote for or against the adoption of this constitution, and for all officers first elected under it. And if the constitution be ratified by the said electors it shall become the constitution of the state of Wisconsin. On such of the ballots as are for the constitution shall be written or printed the word "yes," and on such as are against the constitution the word "no." The election shall be conducted in the manner now prescribed by law, and the returns made by the clerks of the boards of supervisors or county commissioners (as the case may be) to the governor of the territory at any time before the tenth day of April next. And in the event of the ratification of this constitution by a majority of all the votes given, it shall be the duty of the governor of this territory to make proclamation of the same, and to transmit a digest of the returns to the senate and assembly of the state on the first day of their session. An election shall be held for governor, lieutenant governor, treasurer, attorney-general, members of the state legislature, and members of congress, on the second Monday of May next; and no other or further notice of such election shall be required.[1]

First election; returns. SECTION 11. The several elections provided for in this article shall be conducted according to the existing laws of the territory; provided, that no elector shall be entitled to vote except in the town, ward or precinct where he resides. The returns of election for senators and members of assembly shall be transmitted to the clerk of the board of supervisors or county commissioners, as the case

[1] Sections 10 and 12 of article 14 are omitted as obsolete. They apportioned the state, temporarily, into congressional, senatorial and assembly districts.

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may be; and the votes shall be canvassed and certificates of election issued as now provided by law. In the first senatorial district the returns of the election for senator shall be made to the proper officer in the county of Brown; in the second senatorial district to the proper officer in the county of Columbia; in the third senatorial district to the proper officer in the county of Crawford; in the fourth senatorial district to the proper officer in the county of Fond du Lac; and in the fifth senatorial district to the proper officer in the county of Iowa. The returns of election for state officers and members of congress shall be certified and transmitted to the speaker of the assembly, at the seat of government, in the same manner as the vote for delegate to congress are required to be certified and returned by the laws of the territory of Wisconsin, to the secretary of said territory, and in such time that they may be received on the first Monday in June next; and as soon as the legislature shall be organized the speaker of the assembly and the president of the senate shall, in the presence of both houses, examine the returns and declare who are duly elected to fill the several offices hereinbefore mentioned, and give to each of the persons elected a certificate of his election.[1]

Common law in force. SECTION 13. Such parts of the common law as are now in force in the territory of Wisconsin, not inconsistent with this constitution, shall be and continue part of the law of this state until altered or suspended by the legislature.

Officers, when to enter on duties. SECTION 14. The senators first elected in the even-numbered senate districts, the governor, lieutenant governor and other state officers first elected under this constitution, shall enter upon the duties of their respective offices on the first Monday of June next, and shall continue in office for one year from the first Monday of January next; the senators first elected in the odd-numbered senate districts, and the members of the assembly first elected, shall enter upon their duties respectively on the first Monday of June next, and shall continue in office until the first Monday in January next.

Oath of office. SECTION 15. The oath of office may be administered by any judge or justice of the peace until the legislature shall otherwise direct.

We, the undersigned, members of the convention to form a constitution for the state of Wisconsin, to be submitted to the people thereof for their ratification or rejection, do hereby certify that the foregoing is the constitution adopted by the convention.

In testimony whereof, we have hereunto set our hands at Madison, the first day of February, A. D. eighteen hundred and forty-eight.

[*Attestation Omitted.*]

[1] See note following section nine.

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WISCONSIN STATUTES

1921.

PART I.

Sovereignty, Jurisdiction, Divisions, Civil Polity and Internal Administration of the State.

TITLE I.

Sovereignty, Jurisdiction and Civil Divisions of the State.

CHAPTER 1.

SOVEREIGNTY AND JURISDICTION OF THE STATE.

1.01 State sovereignty and jurisdiction.
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1.07 State coat of arms.
1.08 State flag.
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1.01 State sovereignty and jurisdiction. The sovereignty and jurisdiction of this state extend to all places within the boundaries thereof as declared in the constitution, subject only to such rights of jurisdiction as have been or shall be acquired by the United States over any places therein; and it shall be the duty of the governor, and of all subordinate officers of the state, to maintain and defend its sovereignty and jurisdiction. Such sovereignty and jurisdiction are hereby asserted and exercised over the St. Croix river from the eastern shore thereof to the center or thread of the same, and the exclusive jurisdiction of the state of Minnesota to authorize any person or corporation to obstruct the navigation of said river east of the center or thread thereof, or to enter

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upon the same and build piers, booms or other fixtures, or to occupy any part of said river east of the center or thread thereof for the purpose of sorting or holding logs, is denied; such acts can only be authorized by the concurrent consent of the legislature of this state. [*Stats. 1913 s. 1; 1915 c. 382 s. 1*]

1.02 United States sites and buildings. Subject to the conditions mentioned in section 1.03 the legislature hereby consents to the acquisitions heretofore effected and hereafter to be effected by the United States, by gift, purchase or condemnation proceedings, of the title to places or tracts of land within the state; and, subject to said conditions, the state hereby grants, cedes and confirms to the United States exclusive jurisdiction over all such places and tracts. Such acquisitions are limited to the following purposes:

(1) To sites for the erection of forts, magazines, arsenals, dockyards, custom houses, courthouses, post offices, or other public buildings or for any purpose whatsoever contemplated by the seventeenth clause of section eight of article one of the constitution of the United States.

(2) To a tract having an aggregate area of fourteen thousand one hundred and eleven acres of land in townships 17 and 18 north, ranges 2 and 3 west, near Sparta, in Monroe county, to be used for military purposes as a target and maneuver range.

(3) To erect thereon dams, abutments, locks, lockkeepers' dwellings, chutes, or other structures necessary or desirable in improving the navigation of the rivers or other waters within and on the borders of this state. [*Stats. 1913 s. 2, 2—1, 2a, 2b, 2c, 4; 1915 c. 382 s. 2; 1917 c. 335 s. 7*]

1.03 Concurrent jurisdiction over United States sites; conveyances. The conditions mentioned in section 1.02 are the following conditions precedent:

(1) That an application setting forth an exact description of the place or tract so acquired shall be made by an authorized officer of the United States to the governor, accompanied by a plat thereof, and by proof that all conveyances and a copy of the record of all judicial proceedings necessary to the acquisition of an unincumbered title by the United States have been recorded in the office of the register of deeds of each county in which such place or tract may be situated in whole or in part.

(2) That the ceded jurisdiction shall not vest in the United States until they shall have complied with all the requirements on their part of sections 1.02 and 1.03, and shall continue so long only as the place or tract shall remain the property of the United States.

(3) That the state shall forever retain concurrent jurisdiction over every such place or tract to the extent that all legal and military process issued under the authority of the state may be executed anywhere thereon, or in any building situate in whole or in part thereon, and that any offense against the law of the state committed on such place or tract may be tried and punished by any competent court or magistrate of the state, to the same extent as if such place or tract had not been acquired by the United States. [*Stats. 1913 s. 2, 2—1, 2a, 2b, 2c, 4; 1915 c. 382 s. 2*]

1.04 United States sites exempt from taxation. Upon full compliance by the United States with the requirements of sections 1.02 and 1.03, relating to the acquisition of any place or tract within the state the governor shall execute in duplicate, under the great seal, a certificate of such consent given and of such compliance with said sections, one of which shall be delivered to such officer of the United States and the other filed with the secretary of state. Such certificate shall be sufficient evidence of such consent of the legislature and of such compliance with the conditions specified. All such places and tracts after such acquisition and while owned by the United States, shall be and remain exempt from all taxation and assessment by authority of the state. [*Stats. 1913 s. 2, 2—1, 2a, 2b, 2c, 4; 1915 c. 382 s. 2*]

1.05 United States sites for aids to navigation. Whenever the United States shall desire to acquire title to any land belonging to the state and covered by the navigable waters of the United States, for sites for lighthouses, beacons, or other aids to navigation, the governor may, upon application therefor by any authorized officer of the United States, setting forth an exact description of the place desired, and accompanied by a plat thereof, grant and convey to the United States, by a deed executed by him in the name of the state and under the great seal, all the title of the state thereto; and such conveyance shall be evidence of the consent of the legislature to such purchase upon the conditions specified in section 1.03. [*Stats. 1913 s. 3; 1915 c. 382 s. 3*]

1.06 Surveys by United States; adjustment of damages. Any person charged, pursuant to the laws of the United States, with the execution of a survey or any part thereof, may enter upon any lands in this state for the purpose of doing any act necessary to the performance of the duty thereby imposed upon him, and may erect on such lands any signals, temporary observatories or other small frame structures, establish permanent marks of stations, and encamp thereon; provided, that he shall be liable for all actual

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damages done thereby. If the amount of such damages cannot be agreed upon by such person, or any representative of the government of the United States, and the owner or occupant of the lands so entered upon, either of them may petition the county judge of the county in which such lands, or any part of them, are situated for the appointment of a day for the hearing of the parties and their witnesses and the assessment of such damages. Such hearing shall be held at the earliest practicable time after fourteen days' notice of the time and place thereof is given to all the parties interested in such manner as such judge shall order. The damages may be assessed by such judge with or without a view of the premises. If the damages so assessed do not exceed the sum tendered the occupant or owner of the land, the person who made the tender shall recover costs; if they are in excess of that sum, the other party shall recover costs, which shall be allowed and taxed in accordance with the rules of the court. [*Stats. 1913 s. 3a; 1915 c. 382 s. 4, 5*]

1.07 State coat of arms. The coat of arms of the state of Wisconsin is hereby declared to be as follows, viz.:

ARMS.—Or, quartered, the quarters bearing respectively a plow, a crossed shovel and pick, an arm and held hammer, and an anchor, all proper; the base of shield resting upon a horn of plenty and pyramid of pig lead, all proper; over all, on fesse point, the arms and motto of the United States, viz.: Arms, palewise of thirteen pieces argent and gules; a chief azure; motto (on garter surrounding inescutcheon), "E pluribus unum."

CREST.—A badger, passant, proper.

SUPPORTERS.—Dexter, a sailor holding a coil of rope, proper; sinister, a yeoman resting on a pick, proper.

MOTTO.—Over crest, "Forward." [*Stats. 1913 s. 98; 1915 c. 382 s. 6*]

1.08 State flag. (1) The Wisconsin state flag is of dark blue silk, five feet six inches fly and four feet four inches on the pike; the state coat of arms embroidered on each side with silk of appropriate colors; the edges trimmed with knotted fringe of yellow silk two and one-half inches wide; the pike nine feet long including spearhead and ferrule; the cord eight feet six inches long with two tassels, and composed of blue and white silk strands intermixed.

(2) Service flags may be of bunting or other material, of such size as may be required, and the coat of arms represented otherwise than by embroidery, all conforming to proportionate specifications of subsection (1). [*Stats. 1913 s. 98m; 1915 c. 382 s. 7*]

1.09 Seat of government. Be it enacted by the council and house of representatives of the territory of Wisconsin, that the seat of government of the territory of Wisconsin, be and the same is hereby located and established at the town of Madison, between the third and fourth of the four lakes, on the corner of sections thirteen, fourteen, twenty-three and twenty-four in township seven, north, of range nine, east. [*1836 No. 11 s. 1; 1917 c. 566 s. 3*]

CHAPTER 2.

DIVISION OF THE STATE INTO COUNTIES, AND THEIR BOUNDARIES.

2.01 County boundaries.
2.02 Construction of boundary descriptions.
2.03 Jurisdiction of counties on boundary streams.
2.04 Jurisdiction of counties on boundary lakes and state boundary waters.

2.01 County boundaries. The state is divided into the counties hereinafter named, and they are respectively bounded as follows, to wit:

(1) ADAMS: Beginning at the southeast corner of township fourteen, of range seven east of the fourth principal meridian, and running thence north on the range line to the northeast corner of township twenty, range seven east; thence west on the township line to the center of the main channel of the Wisconsin river; thence southerly along the main channel of said river to the township line between townships thirteen and fourteen; thence east on the township line to the place of beginning. [*1848 p. 168; 1849 c. 77; R. S. 1849 c. 2; 1855 c. 28; 1856 c. 130; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 1; Ann. Stats. 1889 s. 5 sub. 1; Stats. 1898 s. 5 sub. 1; Stats. 1913 s. 5 sub. 1; 1915 c. 382 s. 10*]

(2) ASHLAND: Beginning at the southwest corner of township forty-one north, of range four west of the fourth principal meridian, and running thence north on the range line between ranges four and five west, to the south end of Long Island Bay, on Lake Superior; thence northerly along the center of said bay to the center of the channel known as the Bay of La Pointe; thence northerly, following the center of the watercourse

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between the main land and the Apostle Islands, and passing east of Raspberry Island, to the state line; thence easterly and northerly along the state line, to the center of Lake Superior; thence southwesterly to the northwest corner of township number forty-seven north, of range number one west; thence south on the range line between ranges number one and two west, to the southwest corner of township number forty-four north of range number one west; thence east along the township line to the southeast corner of said township number forty-four north, of range number one west; thence south on the range line to the southwest corner of township number forty-three north, of range number one east; thence east along the township line to the southeast corner of said township forty-three north, of range number one east; thence south along the range line to the southeast corner of township number forty-one north, of range number one east; thence west on the township line to the place of beginning. [*1860 c. 211; 1866 c. 146; 1869 c. 116; R. S. 1878 s. 5 sub. 2; 1883 c. 47, 74; Ann. Stats. 1889 s. 5 sub. 2; 1893 c. 8, 150; Stats. 1898 s. 5 sub. 2; 1903 c. 303 s. 1; Supl. 1906 s. 5 sub. 2; 1907 c. 118; Stats. 1913 s. 5 sub. 2; 1915 c. 382 s. 10*]

(3) BARRON: Beginning at the southwest corner of township thirty-two, of range fourteen west of the meridian aforesaid; running thence east on the township line to the southeast corner of township thirty-two, of range ten west; thence north on the range line to the northeast corner of township thirty-six, of range ten west; thence west on the township line to the northwest corner of township thirty-six, of range fourteen west; thence south on the range line to the place of beginning. [*1859 c. 191; 1860 c. 235; 1863 c. 106; 1869 c. 75; 1874 c. 248; R. S. 1878 s. 5 sub. 3; Ann. Stats. 1889 s. 5 sub. 3; Stats. 1898 s. 5 sub. 3; Stats. 1913 s. 5 sub. 3; 1915 c. 382 s. 10*]

(4) BAYFIELD: Beginning at the southwest corner of township forty-three, of range nine west of the meridian aforesaid; and running thence east on the township line to the range line between ranges four and five west; thence north on said range line to the south end of Long Island Bay on Lake Superior; thence northerly along the center of said bay to the center of the channel known as the Bay of La Pointe; thence northerly, following the center of the watercourse between the main land and the Apostle Islands, passing east of Raspberry Island to the state line; thence southwesterly along the state line to a point where the range line between ranges nine and ten west, when extended, intersects the state line; thence south on said last-named range line to the place of beginning. [*1845 c. 52; 1849 c. 77; R. S. 1849 c. 2; 1854 c. 10; 1858 c. 2; 1860 c. 211; 1866 c. 146; 1869 c. 116; R. S. 1878 s. 5 sub. 4; Ann. Stats. 1889 s. 5 sub. 4; Stats. 1898 s. 5 sub. 4; Stats. 1913 s. 5 sub. 4; 1915 c. 382 s. 10*]

(5) BROWN: Beginning at the southeast corner of township twenty-two, of range twenty-two east of the meridian aforesaid; and running thence north on the range line to the point where said range line intersects the east shore of Green Bay; thence northeasterly along the east shore of said bay to a point where the township line between townships twenty-five and twenty-six intersects the shore of said bay; thence west on said township line to the southeast corner of fractional section thirty-one, in township twenty-six, of range nineteen east; thence north on the section line to the quarter-post between fractional section thirty-one and section thirty-two in township twenty-six, of range nineteen east; thence west on the quarter-section lines to the center-post of section thirty-six, in township twenty-six, of range eighteen east; thence south on the quarter-section lines to the center-post of section one, in township twenty-five, of range eighteen east; thence east on the quarter-section line to the quarter-post between section one, in township twenty-five, of range eighteen east, and section six, in township twenty-five, of range nineteen east; thence south on the range line to the southwest corner of township twenty-five, of range nineteen east; thence east on the south line of said township to the northeast corner of section four, in township twenty-four, of range nineteen east; thence south on the section lines to the southeast corner of section thirty-three, in township twenty-one, of range nineteen east; thence east on the township line to the southwest corner of township twenty-one, of range twenty-two east; thence east on the township line to the place of beginning. [*1836 No. 28; 1841 No. 38 s. 8; 1841 No. 40 s. 13, 14; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 5; Ann. Stats. 1889 s. 5 sub. 5; Stats. 1898 s. 5 sub. 5; Stats. 1913 s. 5 sub. 5; 1915 c. 382 s. 10; 1919 c. 702 s. 1*]

(6) BUFFALO: Beginning at the northwest corner of township twenty-four, of range Trempealeau or Mountain river; thence down the meandered channel, being the most westerly channel of said river, passing through townships twenty and nineteen, of range ten west, and through the northeast corner of section two, through sections three, ten, nine and fifteen of township eighteen, of range ten west, to the Mississippi river, and to the western boundary line of this state; thence northerly up the Mississippi river, along the western boundary of this state, to the mouth of the Chippewa river; thence up the

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main channel of the Chippewa river to the township line between townships twenty-four and twenty-five; thence east on said township line to the place of beginning. [*1853 c. 100; 1854 c. 1; 1857 c. 16; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 6; Ann. Stats. 1889 s. 5 sub. 6; Stats. 1898 s. 5 sub. 6; Stats. 1913 s. 5 sub. 6; 1915 c. 382 s. 10*]

(7) BURNETT: Beginning at the southeast corner of township thirty-seven, of range fourteen west of the meridian aforesaid; and running thence north on the range line to the northeast corner of township forty-two, of said range fourteen west; thence west on the township line to the boundary line between this state and the state of Minnesota; thence south along said boundary line to a point where the township line between townships thirty-six and thirty-seven intersects said line; thence east on said township line to the southeast corner of township thirty-seven, of range eighteen west; thence north to the northeast corner of said last-named township; thence east to the southeast corner of township thirty-eight, of range fifteen west; thence south on the range line to the southwest corner of township thirty-seven, of range fourteen west; thence east on the township line to the place of beginning. [*1856 c. 94; R. S. 1858 c. 2; 1864 c. 462; 1864 c. 466, 479; P. & L. 1866 c. 466; 1869 c. 162; P. & L. 1872 c. 18; 1874 c. 248; R. S. 1878 s. 5 sub. 7; 1883 c. 172; Ann. Stats. 1889 s. 5 sub. 7; Stats. 1898 s. 5 sub. 7; Stats. 1913 s. 5 sub. 7; 1915 c. 382 s. 10*]

(8) CALUMET: Beginning at the southeast corner of township seventeen, of range twenty east of the meridian aforesaid; and running thence north on the range line to the northeast corner of township twenty, of range twenty east; thence west on the township line to the northwest corner of township twenty, of range eighteen east; thence due south through Winnebago lake to a point in the range of the east and west line which forms the southern boundary of the Indian reservation; thence east on said last-named boundary line to the range line between ranges nineteen and twenty east; thence south on said range line to the southwest corner of township seventeen, of range twenty east; thence east on the township line to the place of beginning. [*1836 No. 28; 1841 No. 40 s. 13; 1842 p. 74; 1848 p. 80 s. 4; R. S. 1849 c. 2; 1850 c. 84; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 8; Ann. Stats. 1889 s. 5 sub. 8; Stats. 1898 s. 5 sub. 8; Stats. 1913 s. 5 sub. 8; 1915 c. 382 s. 10*]

(9) CHIPPEWA: Beginning at the northeast corner of township twenty-seven north, of range five west of the meridian aforesaid; running thence north on the range line to the northeast corner of township thirty-two, of range five west; thence west on the township line to the northwest corner of township thirty-two north, of range nine west; thence south on the range line to the southwest corner of township thirty-two north, of range nine west; thence west on the township line to the northwest corner of township thirty-one, of range ten west; thence south on the township line to the southwest corner of township thirty-one north, of range ten west; thence east on the township line to the northwest corner of township thirty north of range ten west; thence south on the range line to the southwest corner of township twenty-eight north, of range ten west; thence east on the township line to the place of beginning. [*1845 p. 35; 1846 p. 38; 1849 c. 77; R. S. 1849 c. 2; 1854 c. 1, 100; 1856 c. 114; R. S. 1858 c. 2; 1860 c. 235; 1864 c. 462; 1875 c. 178; R. S. 1878 s. 5 sub. 9; 1879 c. 103; 1883 c. 47; Ann. Stats. 1889 s. 5 sub. 9; Stats. 1898 s. 5 sub. 9; 1901 c. 469; Supl. 1906 s. 5 sub. 9; 1907 c. 118; 1911 c. 538; Stats. 1913 s. 5 sub. 9; 1915 c. 382 s. 10*]

(10) CLARK: Beginning at the southeast corner of township twenty-three, of range one east of the meridian aforesaid; thence north on the range line to the northeast corner of township twenty-nine, of range one east; thence west on the township line to the northwest corner of township twenty-nine, of range four west; thence south on the range line to the southwest corner of township twenty-four, of range four west; thence east on the township line to the southeast corner of said township twenty-four, of range four west; thence south on the range line to the southwest corner of township twenty-three, of range three west; thence east on the township line to the place of beginning. [*1853 c. 100; 1854 c. 100; R. S. 1858 c. 2; 1875 c. 178; R. S. 1878 s. 5 sub. 10; Ann. Stats. 1889 s. 5 sub. 10; Stats. 1898 s. 5 sub. 10; Stats. 1913 s. 5 sub. 10; 1915 c. 382 s. 10*]

(11) COLUMBIA: Beginning at a point in the north line of township thirteen, of range six east, where the said line intersects the center of the main channel of the Wisconsin river; running thence down the middle of the main channel of said river to a point where the range line between ranges seven and eight east intersect said river; thence south on said range line to the middle of the Wisconsin river aforesaid (in township ten); thence down the middle of the main channel of said river to a point where the north line of township nine intersects the same; thence east on said township line to the southeast corner of township ten, of range twelve east; thence north on the range line to the northeast corner of township thirteen, of range twelve east; thence west on the township line

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to the place of beginning. [*1846 p. 76; 1847 p. 188; 1849 c. 77; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 11; Ann. Stats. 1889 s. 5 sub. 11; Stats. 1898 s. 5 sub. 11; Stats. 1913 s. 5 sub. 11; 1915 c. 382 s. 10*]

(12) CRAWFORD: Beginning at a point in the western boundary line of this state, in the Mississippi river, opposite the mouth of the Wisconsin river; and running thence easterly up the middle of the main channel of the Wisconsin river to a point where the range line between ranges two and three west of the meridian aforesaid intersects the middle of said main channel; thence north on said range line to the northeast corner of section twenty-four, of township eleven, of range three west; thence west on the section line to the west boundary line of this state, in the main channel of the Mississippi river; thence southerly on said boundary line to the place of beginning. [*1838 No. 104; 1845 p. 35; 1846 p. 38; R. S. 1849 c. 2; 1851 c. 131, 132; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 12; Ann. Stats. 1889 s. 5 sub. 12; Stats. 1898 s. 5 sub. 12; Stats. 1913 s. 5 sub. 12; 1915 c. 382 s. 10*]

(13) DANE: Beginning at a point in the center of the main channel of the Wisconsin river where the range line between ranges five and six east of the meridian aforesaid crosses said river; running thence south on said range line to the southwest corner of township five, of range six east; thence east on the township line to the southeast corner of township five, of range twelve east; thence north on the range line to the northeast corner of township nine, of range twelve east; thence west on the township line to the middle of the Wisconsin river; thence down the middle of the main channel of said river to the place of beginning. [*1836 No. 28; 1839 No. 36; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 13; Ann. Stats. 1889 s. 5 sub. 13; Stats. 1898 s. 5 sub. 13; Stats. 1913 s. 5 sub. 13; 1915 c. 382 s. 10*]

(14) DODGE: Beginning at the southeast corner of township nine, of range seventeen east of the meridian aforesaid; running thence north on the range line to the northeast corner of township thirteen, of range seventeen east; thence west on the township line to the northwest corner of township thirteen, of range thirteen east; thence south on the range line to the southwest corner of township nine, of range thirteen east; thence east on the township line to the place of beginning. [*1836 No. 28; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 14; Ann. Stats. 1889 s. 5 sub. 14; Stats. 1898 s. 5 sub. 14; Stats. 1913 s. 5 sub. 14; 1915 c. 382 s. 10*]

(15) DOOR: Beginning on the west shore of Lake Michigan where the south line of township twenty-six intersects Lake Michigan; running thence west on the township line to the center of Green Bay; thence northeasterly along the center of the main channel of Green Bay to the boundary line between the states of Michigan and Wisconsin; thence along said boundary line between the state of Michigan and the state of Wisconsin to a point in Lake Michigan where the east and west line on the south side of township twenty-six, extended easterly, would intersect the eastern boundary of the state of Wisconsin; and from thence west to the place of beginning. [*1851 c. 66; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 15; Ann. Stats. 1889 s. 5 sub. 15; Stats. 1898 s. 5 sub. 15; Stats. 1913 s. 5 sub. 15; 1915 c. 382 s. 10*]

(16) DOUGLAS: All that part of this state lying west of range nine west of the fourth principal meridian and north of the township line between townships forty-two and forty-three. [*1854 c. 10; R. S. 1858 c. 2; 1864 c. 411, 466, 479; R. S. 1878 s. 5 sub. 16; Ann. Stats. 1889 s. 5 sub. 16; Stats. 1898 s. 5 sub. 16; Stats. 1913 s. 5 sub. 16; 1915 c. 382 s. 10*]

(17) DUNN: Beginning at the southwest corner of township twenty-six, of range fourteen west of the meridian aforesaid; and running thence east on the township line to the range line between ranges ten and eleven west; thence north on said range line to the township line between townships thirty-one and thirty-two; thence west on the township line to the range line between ranges fourteen and fifteen west; thence south on said range line to the place of beginning. [*1854 c. 7; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 17; Ann. Stats. 1889 s. 5 sub. 17; Stats. 1898 s. 5 sub. 17; Stats. 1913 s. 5 sub. 17; 1915 c. 382 s. 10*]

(18) EAU CLAIRE: Beginning at the southwest corner of township twenty-five, of range ten west of the meridian aforesaid; and running thence east on the township line to the range line between ranges four and five west; thence north on said range line to the township line between townships twenty-seven and twenty-eight; thence west on said township line to the range line between ranges ten and eleven west; thence south on said line to the place of beginning. [*1856 c. 114; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 18; Ann. Stats. 1889 s. 5 sub. 18; Stats. 1898 s. 5 sub. 18; Stats. 1913 s. 5 sub. 18; 1915 c. 382 s. 10*]

(19) FLORENCE: Commencing at the southwest corner of township thirty-eight, of range fifteen east of the meridian aforesaid; thence east along the township line to the

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southeast corner of township thirty-eight, of range nineteen east; thence north on the range line to the northern boundary of this state, in the Menomonee river; thence northwesterly along said boundary line to the range line between ranges fourteen and fifteen east, in the Brule river; thence southerly on said range line to the place of beginning. [*1882 c. 165; Ann. Stats. 1889 s. 5 sub. 18a; Stats. 1898 s. 5 sub. 19; Stats. 1913 s. 5 sub. 19; 1915 c. 382 s. 10*]

(20) FOND DU LAC: Beginning at the southeast corner of township thirteen, of range nineteen east of the meridian aforesaid; running thence north on the range line to the south line of the Indian reservation; thence west on said south line to a point in Lake Winnebago, in the range line between ranges seventeen and eighteen east; thence south on said range line to the township line between townships sixteen and seventeen; thence west to the northwest corner of township sixteen, of range fourteen east; thence south on the range line to the southwest corner of township fourteen, of range fourteen east; thence east on the township line to the northwest corner of township thirteen, of range eighteen east; thence south to the southwest corner of the last-named township; thence east on the township line to the place of beginning. [*1836 No. 28; T. L. 1848 p. 79; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 19; Ann. Stats. 1889 s. 5 sub. 19; Stats. 1898 s. 5 sub. 20; Stats. 1913 s. 5 sub. 20; 1915 c. 382 s. 10*]

(21) FOREST: Commencing at the southwest corner of township thirty-four north, of range thirteen east of the fourth principal meridian; running thence north on the range line between ranges twelve and thirteen to the township line between townships thirty-four and thirty-five north; thence west on said township line to the range line between ranges eleven and twelve east; thence north on said range line to the fourth correction line; thence east on said correction line to the range line between ranges twelve and thirteen; thence north on the range line between ranges twelve and thirteen to the boundary line between the states of Michigan and Wisconsin; thence southeasterly on said boundary line to the range line between ranges fourteen and fifteen east; thence south on said range line to the fourth correction line; thence east on said correction line to the northeast corner of township forty, of range fourteen east; thence south on the range line between ranges fourteen and fifteen to the southeast corner of township thirty-eight, of range fourteen east; thence east on the township line to the range line between ranges sixteen and seventeen east; thence south on the range line to the township line between townships thirty-three and thirty-four; thence west on the township line to the place of beginning. [*1885 c. 436; Ann. Stats. 1889 s. 5 sub. 19a; 1893 c. 275; 1897 c. 278; Stats. 1898 s. 5 sub. 21; 1913 c. 65; Stats. 1913 s. 5 sub. 21; 1915 c. 382 s. 10*]

(22) GRANT: All that part of this state lying west of the fourth principal meridian, and south of the center of the main channel of the Wisconsin river. [*1836 No. 31; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 20; Ann. Stats. 1889 s. 5 sub. 20; Stats. 1898 s. 5 sub. 22; Stats. 1913 s. 5 sub. 22; 1915 c. 382 s. 10*]

(23) GREEN: Beginning at the southeast corner of township one, of range nine east of the meridian aforesaid, in the boundary line of this state; running thence north on the range line to the northeast corner of township four, of range nine east; thence west on the township line to the northwest corner of township four, of range six east; thence south on the range line to the southwest corner of township one, of range six east; thence east on the boundary line aforesaid to the place of beginning. [*1836 No. 31; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 21; Ann. Stats. 1889 s. 5 sub. 21; Stats. 1898 s. 5 sub. 23; Stats. 1913 s. 5 sub. 23; 1915 c. 382 s. 10*]

(24) GREEN LAKE: Beginning at the southwest corner of township fourteen, of range eleven east; and running thence east on the township line to the range line between ranges thirteen and fourteen east; thence north on said range line to the northeast corner of township seventeen, of range thirteen east; thence west on the township line to the northeast corner of section three, of township seventeen, of range eleven east; thence south to the north line of township sixteen, of range eleven east, and to the northeast corner of section three in the said last-named township; thence west along the township line to the half section corner of section four in township sixteen, of range eleven east; thence south to the south line of said section four; thence east to the northeast corner of section nine in township sixteen; thence south to the southeast corner of section nine; thence west to the half section corner of sections nine and sixteen; thence south through the center of sections sixteen, twenty-one, twenty-eight and thirty-three to the township line between townships fifteen and sixteen; thence east along said township line to the northeast corner of section three, in township fifteen, of range eleven east; thence south on the section line to Lake Puckaway; thence along the shore of said lake as meandered by the government survey to the range line between ranges ten and eleven east; thence south on said range line to the place of beginning. [*1858 c. 17, 85; R. S. 1858 c. 2; 1860 c. 143; R. S. 1878*

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s. 5 sub. 22; Ann. Stats. 1889 s. 5 sub. 22; Stats. 1898 s. 5 sub. 24; Stats. 1913 s. 5 sub. 24; 1915 c. 382 s. 10]

(25) IOWA: Beginning at a point in the middle of the main channel of the Wisconsin river where the fourth principal meridian crosses said river; running thence south on said meridian to the southwest corner of section eighteen, in township four, of range one east; thence east on the section lines to the southeast corner of section thirteen, in township four, of range five east; thence north on the range line to the middle of the Wisconsin river; thence down the middle of the main channel of said river to the place of beginning. [*Mich. Ter. 1835 p. 575; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 23; Ann. Stats. 1889 s. 5 sub. 23; Stats. 1898 s. 5 sub. 25; Stats. 1913 s. 5 sub. 25; 1915 c. 382 s. 10*]

(26) IRON: Commencing at the mouth of the Montreal river, thence to the center of Lake Superior along the state line; thence southwesterly to the northwest corner of township number forty-seven north, of range number one west; thence south on the range line between ranges number one and two west, to the southwest corner of township number forty-four north, of range number one west; thence east, along the township line, to the southeast corner of said township number forty-four north, of range number one west; thence south on range line, to the southwest corner of township number forty-three north, of range number one east; thence east along the township line to the southeast corner of said township number forty-three north, of range number one east; thence south, along the range line, to the southeast corner of township number forty-one north, of range number one east; thence east, along the township line, to the southeast corner of township number forty-one north, of range number four east; thence north on the range line between ranges number four and five east, to the state line; thence northwesterly along the state line to the center of the Montreal river, and following center line of said river to the place of beginning. [*1893 c. 8, 90, 150; Stats. 1898 s. 5 sub. 26; 1903 c. 303 s. 2; Supl. 1906 s. 5 sub. 26; 1907 c. 118; Stats. 1913 s. 5 sub. 26; 1915 c. 382 s. 10*]

(27) JACKSON: Beginning at the southeast corner of township twenty, of range one east to the meridian aforesaid; running thence north on the range line to the township line between townships twenty-two and twenty-three; thence west on said township line to the southwest corner of township twenty-three, of range three west; thence north on the range line to the northwest corner of said township twenty-three; thence west on the township line to the range line between ranges four and five west; thence north on said range line to the township line between townships twenty-four and twenty-five; thence west on said township line to the range line between ranges six and seven west; thence south on said range line to the township line between townships eighteen and nineteen; thence east on said township line to the southwest corner of section thirty-four, of township nineteen, of range five west; thence north on section lines to the point where the center of Black river crosses the west line of the southwest quarter of section fifteen, in said township and range; thence northeasterly, northerly and westerly along the center of Black river to the point where the center of said river crosses the east line of the northeast quarter of section sixteen, in said township and range; thence north on section lines to the point where the center of said river crosses the west line of section ten, in said township and range; thence northeasterly in the center of said river to the point where the said center crosses the south line of section two, in said township and range; thence east to the southeast corner of said section two; thence north to the point where the center of said river crosses the east line of said section two; thence northeasterly in the center of said river to the point where said center crosses the east line of section one, in said township and range; thence north to the northeast corner of said section one; thence east on the township line between townships nineteen and twenty to the place of beginning. [*1853 c. 8; 1856 c. 145; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 24; Ann. Stats. 1889 s. 5 sub. 24; Stats. 1898 s. 5 sub. 27; Stats. 1913 s. 5 sub. 27; 1915 c. 382 s. 10*]

(28) JEFFERSON: Beginning at the southeast corner of township five, of range sixteen east of the meridian aforesaid; running thence north on the range line to the northeast corner of township eight, of range sixteen east; thence west on the township line to the northwest corner of township eight, of range thirteen east; thence south on the range line to the southwest corner of township five, of range thirteen east; thence east on the township line to the place of beginning. [*1836 No. 28; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 25; Ann. Stats. 1889 s. 5 sub. 25; Stats. 1898 s. 5 sub. 28; Stats. 1913 s. 5 sub. 28; 1915 c. 382 s. 10*]

(29) JUNEAU: Beginning at the southwest corner of township fourteen, of range two east of the meridian aforesaid; running thence east on the township line to the center of the main channel of the Wisconsin river; thence northerly up the main channel of said river to the township line between townships twenty and twenty-one; thence west

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on said township line to the range line between ranges one and two east; thence south on said range line to the place of beginning. [*1856 c. 130; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 26; Ann. Stats. 1889 s. 5 sub. 26; Stats. 1898 s. 5 sub. 29; Stats. 1913 s. 5 sub. 29; 1915 c. 382 s. 10*]

(30) KENOSHA: Beginning at the southwest corner of township one, of range nineteen east of the meridian aforesaid, in the southern boundary line of this state; running thence east on said boundary line to the center of Lake Michigan; thence northerly along the eastern boundary line of this state to the township line between townships two and three; thence west on said township line to the range line between ranges nineteen and twenty east; thence south on said range line to the section line between sections twenty-four and twenty-five, in township two, of range nineteen east; thence west on said section line to the range line between ranges eighteen and nineteen east; thence south on said range line to the place of beginning. [*1850 c. 39; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 27; Ann. Stats. 1889 s. 5 sub. 27; Stats. 1898 s. 5 sub. 30; Stats. 1913 s. 5 sub. 30; 1915 c. 382 s. 10*]

(31) KEWAUNEE: Beginning at a point on the west shore of Lake Michigan where the north line of township twenty-one intersects said shore; running thence west on the north line of said township twenty-one to the range line between ranges twenty-two and twenty-three east of the meridian aforesaid; thence north on said range line until it strikes the east shore of Green Bay, and thence northeasterly along the shore of said bay to the township line between townships twenty-five and twenty-six; thence east on said township line to the east boundary line of this state; thence south on said boundary line to a point directly east of the place of beginning; thence west to the place of beginning. [*1852 c. 363; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 28; Ann. Stats. 1889 s. 5 sub. 28; Stats. 1898 s. 5 sub. 31; Stats. 1913 s. 5 sub. 31; 1915 c. 382 s. 10*]

(32) LA CROSSE: Beginning at the point in the western boundary line of this state, in the Mississippi river, where the township line between townships seventeen and eighteen intersects said boundary line; running thence east on said township line to the main channel of the Black river; thence up the main channel of the Black river to the range line between ranges six and seven west; thence south on said range line to the township line between townships eighteen and nineteen; thence east on said township line to the range line between ranges four and five west of the meridian aforesaid; thence south on said range line to the township line between townships fourteen and fifteen; thence west on said township line to the western boundary line of this state, in the Mississippi river; thence northerly up the main channel of said river to the place of beginning. [*1851 c. 131, 132; 1853 c. 8; 1854 c. 2, 35; 1856 c. 145; 1857 c. 17, 42; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 29; Ann. Stats. 1889 s. 5 sub. 29; Stats. 1898 s. 5 sub. 32; Stats. 1913 s. 5 sub. 32; 1915 c. 382 s. 10*]

(33) LA FAYETTE: Beginning at the southwest corner of township one, of range one east of the meridian aforesaid, in the boundary line of this state; running thence east on said boundary line to the southeast corner of township one, of range five east; thence north on the range line to the northeast corner of section twenty-four, in township four, of range five east; thence on the section line to the northwest corner of section nineteen, in township four, of range one east; thence south on the aforesaid principal meridian to the place of beginning. [*1846 p. 41; 1847 p. 57; R. S. 1849 c. 2; 1858 c. 2; R. S. 1878 s. 5 sub. 30; Ann. Stats. 1889 s. 5 sub. 30; Stats. 1898 s. 5 sub. 33; Stats. 1913 s. 5 sub. 33; 1915 c. 382 s. 10*]

(34) LANGLADE: Commencing at the southwest corner of township thirty-one, of range nine east; thence north on the range line to the southwest corner of township thirty-five, of the same range; thence east on the township line to the range line between ranges twelve and thirteen east; thence south to the southwest corner of township thirty-four, of range thirteen east; thence east to the range line between ranges fourteen and fifteen east; thence south on the range line to the southwest corner of township thirty-two of range fifteen east; thence east to the northeast corner of section five, in township thirty-one, of range fifteen east; thence south on section lines to the township line between townships thirty and thirty-one; thence west on the township line to the northeast corner of township thirty, of range twelve east; thence south to the southeast corner of township thirty, of range twelve east; thence west to the southwest corner of township thirty, of range eleven east; thence north to the northwest corner of township thirty, of range eleven east; thence west to the place of beginning. [*1879 c. 114; 1880 c. 19, 247; 1881 c. 7; 1883 c. 303; 1885 c. 137, 436; Ann. Stats. 1889 s. 5 sub. 30a; Stats. 1898 s. 5 sub. 34; 1907 c. 107; 1913 c. 773 s. 3; Stats. 1913 s. 5 sub. 34; 1915 c. 382 s. 10*]

(35) LINCOLN: Commencing at the southwest corner of township thirty-one, range four east; thence north on the range line to the southwest corner of township thirty-six,

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same range; thence east on the township line to the southeast corner of township thirty-six, range eight east; thence south on the range line to the township line between townships thirty and thirty-one; thence west on the township line to the place of beginning. [*1874 c. 128; R. S. 1878 s. 5 sub. 31; 1879 c. 103; 1883 c. 74; 1885 c. 411, 436; Ann. Stats. 1889 s. 5 sub. 31; Stats. 1898 s. 5 sub. 35; Stats. 1913 s. 5 sub. 35; 1915 c. 382 s. 10*]

(36) MANITOWOC: Beginning at the southwest corner of township seventeen, of range twenty-one east of the meridian aforesaid; running thence on the township line to the eastern boundary of this state in Lake Michigan; thence north along said boundary line to the point where the township line between townships twenty-one and twenty-two, extended, intersects said boundary line; thence west on said township line to the northwest corner of township twenty-one, of range twenty-two east; thence south on the range line to the township line between townships twenty and twenty-one; thence west on said township line to the range line between ranges twenty and twenty-one east; thence south on said range line to the place of beginning. [*1836 No. 28; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 32; Ann. Stats. 1889 s. 5 sub. 32; Stats. 1898 s. 5 sub. 36; Stats. 1913 s. 5 sub. 36; 1915 c. 382 s. 10*]

(37) MARATHON: Beginning at the southwest corner of township twenty-six, of range two east of the meridian aforesaid; running thence east on the township line to the southeast corner of township twenty-six, of range ten east; thence north on the range line to the northeast corner of township thirty, of range ten east; thence west on the township line to the northwest corner of township thirty, of range three east; thence south to the southwest corner of the last-named township; thence west on the township line to the range line between ranges one and two east; thence south on said range line to the place of beginning. [*1850 c. 226; R. S. 1858 c. 2; 1860 c. 120; 1874 c. 128; 1875 c. 178; R. S. 1878 s. 5 sub. 33; Ann. Stats. 1889 s. 5 sub. 33; Stats. 1898 s. 5 sub. 37; Stats. 1913 s. 5 sub. 37; 1915 c. 382 s. 10*]

(38) MARINETTE: Beginning on the north boundary line of this state, on the range line between ranges nineteen and twenty east of the meridian aforesaid; thence southerly along said boundary line to the center of the main channel of Green Bay; thence southerly along the main channel of Green Bay to the range line between ranges twenty-two and twenty-three; thence north along said range line to the southeast corner of section twelve, in township twenty-nine, of range twenty-two; thence west along section lines to the southwest corner of section ten, in township twenty-nine, of range twenty-one; thence north along section lines to the township line between townships twenty-nine and thirty; thence west along the same to the range line between ranges nineteen and twenty; thence north along the same to the township line between townships thirty and thirty-one; thence west along the same to the range line between ranges eighteen and nineteen; thence north along the same to the township line between townships thirty-one and thirty-two; thence west along the same to the range line between ranges seventeen and eighteen; thence north along the same to the township line between townships thirty-three and thirty-four; thence west along the same to the range line between ranges sixteen and seventeen east; thence north along the same to the township line between townships thirty-seven and thirty-eight; thence east on the township line to the range line between ranges nineteen and twenty east; thence north along the same to the place of beginning. [*1879 c. 114; 1882 c. 165; Ann. Stats. 1889 s. 5 sub. 33a; Stats. 1898 s. 5 sub. 38; Stats. 1913 s. 5 sub. 38; 1915 c. 382 s. 10*]

(39) MARQUETTE: Beginning at the northeast corner of section three in township seventeen, of range eleven east of the meridian aforesaid; running thence south to the north line of township sixteen, of range eleven east, and to the northeast corner of section three in said last-mentioned township; thence west along the township line to the half section corner of section four in said township sixteen; thence south to the south line of said section four; thence east to the northeast corner of section nine in said last-mentioned township; thence south to the southeast corner of said section nine; thence west to the half section corner of sections nine and sixteen of said last-mentioned township; thence south through the center of sections sixteen, twenty-one, twenty-eight and thirty-three to the township line between townships fifteen and sixteen; thence east along said last-mentioned line to the northeast corner of section three in township fifteen, range eleven east; thence south on the section line to Lake Puckaway; thence along the shore of said lake, as meandered by the government survey, to the range line between ranges ten and eleven east; thence south on said range line to the township line between townships thirteen and fourteen; thence west on said last-named township line to the southwest corner of township fourteen, range eight east; thence north on the range line to the northwest corner of township seventeen, range eight east; thence east on the township line to the place of beginning. [*1836 No. 28; 1849 c. 73; R. S. 1849 c. 2; 1851 c. 77;*

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1858 c. 85; R. S. 1858 c. 2; 1860 c. 143; R. S. 1878 s. 5 sub. 34; Ann. Stats. 1889 s. 5 sub. 34; Stats. 1898 s. 5 sub. 39; Stats. 1913 s. 5 sub. 39; 1915 c. 382 s. 10]

(40) MILWAUKEE: Beginning at the southwest corner of township five, of range twenty-one east of the meridian aforesaid; running thence due east to the boundary line of this state in Lake Michigan; thence northerly on said boundary line to a point in range with the east and west line between townships eight and nine; thence due west to the northwest corner of township eight of range twenty-one east; thence south on the range line to the place of beginning. [*1836 No. 28; 1846 p. 22; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 35; Ann. Stats. 1889 s. 5 sub. 35; Stats. 1898 s. 5 sub. 40; Stats. 1913 s. 5 sub. 40; 1915 c. 382 s. 10*]

(41) MONROE: Beginning at the southeast corner of township fifteen, of range one east of the meridian aforesaid; running thence north on the range line to the township line between townships nineteen and twenty; thence west on said township line to the northeast corner of section one, in township nineteen, of range five west; thence south to the point where the center of Black river crosses the east line of said section one; thence southwesterly in the center of said river to the east line of section two, in said township and range; thence south to the southeast corner of said section two; thence west to the point where the center of said river crosses the south line of said section two; thence southwesterly in the center of said river to the point where said center crosses the east line of section nine, in said township and range; thence south on section lines to the point where the center of said river crosses the east line of the northeast quarter of section sixteen, in said township and range; thence easterly, southerly and southwesterly, in the center of said river, to the point where said center crosses the east line of the southeast quarter of said section sixteen; thence south on section lines to the southwest corner of section thirty-four, in said township and range; thence east to the range line between ranges four and five west; thence south on said range line to the township line between townships fourteen and fifteen; thence east on said township line to the place of beginning. [*1854 c. 35; 1856 c. 145; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 36; 1883 c. 194; Ann. Stats. 1889 s. 5 sub. 36; Stats. 1898 s. 5 sub. 41; Stats. 1913 s. 5 sub. 41; 1915 c. 382 s. 10*]

(42) OCONTO: Beginning at the quarter-post between section thirty-six, in township twenty-six, of range eighteen east of the meridian aforesaid, and fractional section thirty-one, in township twenty-six, of range nineteen east; thence north on the range line to the township line between townships twenty-seven and twenty-eight; thence west on said township line to the range line between ranges fifteen and sixteen east; thence north on said range line to the correction line between townships thirty and thirty-one; thence west on said correction line to the southeast corner of section thirty-two, of township thirty-one, range fifteen east; thence north on section lines to the township line between townships thirty-one and thirty-two; thence west on said township line to the range line between ranges fourteen and fifteen east; thence north on such range line to the township line between townships thirty-three and thirty-four; thence east on said township line to the range line between ranges seventeen and eighteen; thence south on said range line to the township line between townships thirty-one and thirty-two; thence east on said township line to the range line between ranges eighteen and nineteen; thence south on said range line to the township line between townships thirty and thirty-one; thence east on said township line to the range line between ranges nineteen and twenty; thence south on said range line to the township line between townships twenty-nine and thirty; thence east along said township line to the northwest corner of section three, in township twenty-nine, range twenty-one; thence south along section lines to the southwest corner of section ten, of the township and range last aforesaid; thence east along section lines to the southeast corner of section twelve, in township twenty-nine, of range twenty-two; thence south along the range line to the center of the main channel of Green Bay; thence southerly along the center of said main channel to the township line between townships twenty-five and twenty-six; thence west on said township line to the southeast corner of fractional section thirty-one, in township twenty-six, of range nineteen east; thence north on the section line to the quarter-post between fractional section thirty-one and section thirty-two, in township twenty-six, of range nineteen east; thence west on the quarter-section lines to the place of beginning. [*1853 c. 9; 1854 c. 23, 44, 234; R. S. 1858 c. 2; 1860 c. 119, 120; R. S. 1878 s. 5 sub. 37; 1879 c. 114; 1881 c. 7; 1882 c. 165; 1885 c. 436; Ann. Stats. 1889 s. 5 sub. 37; Stats. 1898 s. 5 sub. 42; Stats. 1913 s. 5 sub. 42; 1915 c. 382 s. 10; 1919 c. 702 s. 1*]

(43) ONEIDA: Commencing at the southeast corner of township thirty-five north, of range eleven east; thence north on the range line between ranges eleven and twelve to

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the southeast corner of township forty, of range eleven east; thence west on the township line between townships thirty-nine and forty to the northeast corner of township thirty-nine, of range ten east; thence south on the range line between ranges ten and eleven to the southeast corner of section thirteen, in said township thirty-nine, of range ten east; thence west on the south lines of sections thirteen, fourteen, fifteen, sixteen, seventeen and eighteen to the southwest corner of section eighteen, in the same town and range; thence north on the range line between ranges nine and ten east to the northeast corner of township thirty-nine, north of range nine east; thence west on the township line between townships thirty-nine and forty to the northwest corner of township thirty-nine, of range four east; thence south on the range line between ranges three and four to the southwest corner of township thirty-six, of range four east; thence east on the township line between townships thirty-five and thirty-six to the southeast corner of township thirty-six, of range eight east; thence south on the range line between ranges eight and nine to the southwest corner of township thirty-five, of range nine east; thence east on the township line between townships thirty-four and thirty-five to the place of beginning. [*1885 c. 411; Ann. Stats. 1889 s. 5 sub. 37a; 1893 c. 150, 275; 1897 c. 278; Stats. 1898 s. 5 sub. 43; 1905 c. 57 s. 1; Supl. 1906 s. 5 sub. 43; 1907 c. 118; 1911 c. 538; Stats. 1913 s. 5 sub. 43; 1915 c. 382 s. 10*]

(44) OUTAGAMIE: Beginning at the southwest corner of township twenty-one, of range fifteen east of the fourth principal meridian; running thence north on the range line to the northwest corner of township twenty-four, of range fifteen east; thence east on the township line to the northeast corner of section four, in township twenty-four, of range nineteen east; thence south on the section lines to the southeast corner of section thirty-three, in township twenty-one, of range nineteen east; thence west on the township line to the place of beginning. [*1851 c. 83; 1852 c. 77; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 38; Ann. Stats. 1889 s. 5 sub. 38; Stats. 1898 s. 5 sub. 44; Stats. 1913 s. 5 sub. 44; 1915 c. 382 s. 10*]

(45) OZAUKEE: Beginning at the southwest corner of township nine, of range twenty-one east of the meridian aforesaid; running thence north on the range line to the northwest corner of township twelve, of range twenty-one east; thence east on the township line to the eastern boundary line of this state, in Lake Michigan; thence southerly on said boundary line until it intersects a line running due east between townships eight and nine; thence west on said line to the place of beginning. [*1853 c. 21; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 39; Ann. Stats. 1889 s. 5 sub. 39; Stats. 1898 s. 5 sub. 45; Stats. 1913 s. 5 sub. 45; 1915 c. 382 s. 10*]

(46) PEPIN: Beginning in the center of the Mississippi river, at the mouth of Rush river; thence running due east to the range line between ranges fourteen and fifteen west of the meridian aforesaid; thence north on the said range line to the township line between townships twenty-five and twenty-six; thence east on the township line to the range line between ranges ten and eleven west; thence south on said range line to the township line between townships twenty-four and twenty-five; thence west on said township line to the Chippewa river; thence down the center of the main channel of said river to the Mississippi river; thence up the center of the Mississippi river to the place of beginning. [*1858 c. 15; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 40; Ann. Stats. 1889 s. 5 sub. 40; Stats. 1898 s. 5 sub. 46; Stats. 1913 s. 5 sub. 46; 1915 c. 382 s. 10*]

(47) PIERCE: Beginning in the Mississippi river in the western boundary line of this state at the mouth of the Rush river; thence due east to the range line between ranges fourteen and fifteen west; thence north on said range line to the township line between townships twenty-seven and twenty-eight; thence west on said township line to the western boundary of this state; thence southerly along said western boundary to the place of beginning. [*1853 c. 31; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 41; Ann. Stats. 1889 s. 5 sub. 41; Stats. 1898 s. 5 sub. 47; Stats. 1913 s. 5 sub. 47; 1915 c. 382 s. 10*]

(48) POLK: Beginning at the southeast corner of township thirty-two, of range fifteen west of the meridian aforesaid; running thence north on the range line to the township line between townships thirty-seven and thirty-eight; thence west on said township line to the northwest corner of township thirty-seven, of range seventeen west; thence south to the southwest corner of said township; thence west to the western boundary line of this state; thence southerly along said boundary line to the township line between townships thirty-one and thirty-two; thence east on said township line to the place of beginning. [*1853 c. 31; R. S. 1858 c. 2; 1859 c. 191; 1863 c. 106; P. & L. 1866 c. 466; R. S. 1878 s. 5 sub. 42; Ann. Stats. 1889 s. 5 sub. 42; Stats. 1898 s. 5 sub. 48; Stats. 1913 s. 5 sub. 48; 1915 c. 382 s. 10*]

(49) PORTAGE: Beginning at the southeast corner of township twenty-one, of range ten east of the meridian aforesaid; thence north on the range line to the township line

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between townships twenty-five and twenty-six; thence west on said township line to the range line between ranges five and six east; thence south on said range line to the township line between townships twenty-three and twenty-four; thence east on said township line to the range line between ranges six and seven east; thence south on said range line to the township line between townships twenty and twenty-one; thence east on said township line to the place of beginning. [*1836 No. 28; 1838 No. 39; 1841 c. 38; 1844 p. 4; 1846 p. 76; 1849 c. 77; R. S. 1849 c. 2; 1850 c. 226; 1851 c. 114; 1855 c. 58; 1856 c. 54, 108; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 43; Ann. Stats. 1889 s. 5 sub. 43; Stats. 1898 s. 5 sub. 49; Stats. 1913 s. 5 sub. 49; 1915 c. 382 s. 10*]

(50) PRICE: Beginning at the southwest corner of township thirty-four, of range two west of the meridian aforesaid; thence north on the range line to the township line between townships forty and forty-one; thence east on said township line to the range line between ranges three and four east; thence south on said range line to the township line between townships thirty-three and thirty-four; thence west on said township line to the place of beginning. [*1879 c. 103; 1882 c. 34; Ann. Stats. 1889 s. 5 sub. 43a; Stats. 1898 s. 5 sub. 50; Stats. 1913 s. 5 sub. 50; 1915 c. 382 s. 10*]

(51) RACINE: Beginning at the northwest corner of township four, of range nineteen east of the aforesaid meridian; running thence east on the township line to the east boundary line of this state, in Lake Michigan; thence south along said boundary line to a point where the township line between townships two and three, extended, intersects said boundary line; thence west on said township line to the range line between ranges nineteen and twenty east; thence south on said range line to the section line between sections twenty-four and twenty-five, in township two, of range nineteen east; thence west on said section line to the range line between ranges eighteen and nineteen east; thence north on said range line to the place of beginning. [*1836 No. 28; R. S. 1849 c. 2; 1850 c. 39; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 44; Ann. Stats. 1889 s. 5 sub. 44; Stats. 1898 s. 5 sub. 51; Stats. 1913 s. 5 sub. 51; 1915 c. 382 s. 10*]

(52) RICHLAND: Beginning at a point in the center of the main channel of the Wisconsin river where the range line between ranges two and three east of the meridian aforesaid crosses said river; running thence on said range line to the northeast corner of township twelve, of range two east; thence west on the township line to the northwest corner of township twelve, of range two west of said meridian; thence south on the range line to the middle of the Wisconsin river, thence up the middle of the main channel of said river to the place of beginning. [*1842 p. 42; R. S. 1849 c. 2; 1850 c. 92; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 45; Ann. Stats. 1889 s. 5 sub. 45; Stats. 1898 s. 5 sub. 52; Stats. 1913 s. 5 sub. 52; 1915 c. 382 s. 10*]

(53) ROCK: Beginning at the southwest corner of township one, of range ten east of the meridian aforesaid, in the southern boundary line of this state; running thence east on said boundary line to the southeast corner of township one, of range fourteen east; thence north on the range line to the northeast corner of township four, of range fourteen east; thence west on the township line to the northwest corner of township four, of range ten east; thence south on the range line to the place of beginning. [*1836 No. 28; 1838 No. 5; 1839 No. 22; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 46; Ann. Stats. 1889 s. 5 sub. 46; Stats. 1898 s. 5 sub. 53; Stats. 1913 s. 5 sub. 53; 1915 c. 382 s. 10*]

(54) RUSK: Commencing at the southeast corner of township number thirty-three north, of range five west; running thence north on the range line between ranges numbered four and five, to the northeast corner of said township numbered thirty-three; thence running east on the town line between towns numbered thirty-three and thirty-four to the southeast corner of township numbered thirty-four north, of range numbered three west; thence running north on the range line between ranges numbered two and three west, to the northeast corner of township numbered thirty-six north, of range numbered three west; thence running west on the town line between townships numbered thirty-six and thirty-seven, to the northwest corner of township numbered thirty-six north, of range numbered nine west; thence south on the range line between ranges numbered nine and ten west, to the southwest corner of township numbered thirty-three north, of range numbered nine west; thence running east on the town line between townships numbered thirty-two and thirty-three north, to the place of beginning. [*1901 c. 469; 1905 c. 463; Supl. 1906 s. 5 sub. 53a; 1907 c. 118; 1913 c. 773 s. 4; Stats. 1913 s. 5 sub. 53a; 1915 c. 382 s. 10*]

(55) ST. CROIX: Beginning at the southeast corner of township twenty-eight, of range fifteen west of the meridian aforesaid; running thence north on the range line to the township line between townships thirty-one and thirty-two; thence west on said township line to the western boundary of this state; thence southerly along said western boundary line to the township line between townships twenty-seven and twenty-eight; thence east on said township line to the place of beginning. [*1840 No. 20; 1845 p. 52;*

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1847 p. 147; 1849 c. 77; R. S. 1849 c. 2; 1853 c. 31; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 47; Ann. Stats. 1889 s. 5 sub. 47; Stats. 1898 s. 5 sub. 54; Stats. 1913 s. 5 sub. 54; 1915 c. 382 s. 10]

(56) SAUK: Beginning at a point in the middle of the main channel of the Wisconsin river, in the range line between ranges two and three, east of the meridian aforesaid; running thence north on said range line to the southeast corner of township thirteen, of range two east; thence west on the township line to the southwest corner of the last-named township; thence north on the range line to the northwest corner of the last-named township; thence east on the township line to the middle of the Wisconsin river; thence down the middle of the main channel of said river until it intersects the range line between ranges seven and eight east; thence south on said range line until it strikes the middle of said river; thence down the middle of the main channel of said river to the place of beginning. [*1840 No. 23; 1842 p. 26, 27; 1849 c. 77; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 48; Ann. Stats. 1889 s. 5 sub. 48; Stats. 1898 s. 5 sub. 55; Stats. 1913 s. 5 sub. 55; 1915 c. 382 s. 10*]

(57) SAWYER: Commencing at the southeast corner of township thirty-seven, range three west of the meridian aforesaid; thence north on the range line to the northeast corner of township forty, of range three west; thence west on the township line to the southeast corner of township forty-one, of range five west; thence north on the range line to the northeast corner of township forty-two, range five west; thence west on the township line to the northwest corner of township forty-two, range nine west; thence south on the range line to the southwest corner of township thirty-seven, range nine west; thence east on said township line to the place of beginning. [*1883 c. 47; 1885 c. 38; Ann. Stats. 1889 s. 5 sub. 48a; Stats. 1898 s. 5 sub. 56; Stats. 1913 s. 5 sub. 56; 1915 c. 382 s. 10*]

(58) SHAWANO: Beginning at the southeast corner of township twenty-five, of range eighteen east of the meridian aforesaid; thence north on the range line to the quarter-post between section one, in township twenty-five, of range eighteen east, and section six, in township twenty-five, of range nineteen east; thence west on the quarter-section line to the center-post of section one, in township twenty-five, of range eighteen east; thence north on the quarter-section lines to the center-post of section thirty-six, in township twenty-six, of range eighteen east; thence east on the quarter-section line to the quarter-post between section thirty-six, in township twenty-six, of range eighteen east, and fractional section thirty-one, in township twenty-six of range nineteen east; thence north on the range line to the township line between townships twenty-seven and twenty-eight; thence west on said township line to the range line between ranges fifteen and sixteen east; thence north on said range line to the township line between townships thirty and thirty-one; thence west on said township line to the northeast corner of township thirty, range twelve east; thence south on the range line to the township line between townships twenty-nine and thirty; thence west on said township line to the range line between ranges ten and eleven east; thence south on said range line to the township line between townships twenty-five and twenty-six; thence east on said township line to the range line between ranges fifteen and sixteen east; thence south on said range line to the township line between townships twenty-four and twenty-five; thence east on said township line to the place of beginning. [*1853 c. 9; R. S. 1858 c. 2; 1860 c. 119, 120, 251; 1864 c. 411; R. S. 1878 s. 5 sub. 49; 1879 c. 114; 1880 c. 247; 1881 c. 7; 1883 c. 303; 1885 c. 137; Ann. Stats. 1889 s. 5 sub. 49; Stats. 1898 s. 5 sub. 57; Stats. 1913 s. 5 sub. 57; 1915 c. 382 s. 10; 1919 c. 702 s. 1*]

(59) SHEBOYGAN: Beginning at the southwest corner of township thirteen, of range twenty east of the meridian aforesaid; running thence due east to the eastern boundary line of this state, in Lake Michigan; thence northerly on said boundary line until it intersects a line running due east between townships sixteen and seventeen; thence due west on said line to the northwest corner of township sixteen, of range twenty east; thence south on the range line to the place of beginning. [*1836 No. 28; 1836 p. 74, 75; 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 50; Ann. Stats. 1889 s. 5 sub. 50; Stats. 1898 s. 5 sub. 58; Stats. 1913 s. 5 sub. 58; 1915 c. 382 s. 10*]

(60) TAYLOR: Beginning at the northeast corner of township thirty-three, of range three east of the meridian aforesaid; thence running west on the township line to the range line between ranges four and five west; thence south on said range line to the township line between townships twenty-nine and thirty; thence east on said township line to the range line between ranges two and three east; thence north on said range line to the township line between townships thirty and thirty-one; thence east on said township line to the southeast corner of township thirty-one, of range three east; thence

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north on the east line of townships thirty-one, thirty-two and thirty-three to the place of beginning. [*1875 c. 178; R. S. 1878 s. 5 sub. 51; Ann. Stats. 1889 s. 5 sub. 51; Stats. 1898 s. 5 sub. 59; Stats. 1913 s. 5 sub. 59; 1915 c. 382 s. 10*]

(61) TREMPEALEAU: Beginning at the point of the western boundary line of this state, in the Mississippi river, where the line between townships seventeen and eighteen intersects said boundary line; thence running east on said township line to the main channel of Black river; thence up the middle of the main channel of said river to the range line between ranges six and seven west; thence north on said range line to the township line between townships twenty-four and twenty-five; thence west on said township line to the range line between ranges nine and ten west; thence south on said range line to the Trempealeau or Mountain river; thence down the meandered channel, being the most westerly channel of said Trempealeau or Mountain river, passing through townships twenty and nineteen of range ten west, and through the northeast corner of section two, and through sections three, ten, nine and fifteen, of township eighteen, of range ten west, to the Mississippi river, including in Trempealeau county the island in the Mississippi river composed of portions of sections fourteen, fifteen, twenty-two, twenty-three and twenty-four, of township eighteen, of range ten west, as surveyed by the United States, to the western boundary of this state in the Mississippi river; thence down the main channel of said river along said boundary line to the place of beginning. [*1854 c. 2; 1857 c. 16, 42; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 52; Ann. Stats. 1889 s. 5 sub. 52; Stats. 1898 s. 5 sub. 60; Stats. 1913 s. 5 sub. 60; 1915 c. 382 s. 10*]

(62) VERNON: Beginning at the northeast corner of township twelve, of range three west of the meridian aforesaid; thence running south on the range line to the northeast corner of section twenty-four, of township eleven, of range three west; thence west on the section line to the boundary line of this state, in the main channel of the Mississippi river; thence northerly on the boundary line of this state in said river, to the point of intersection of said boundary line and the township line between townships fourteen and fifteen; thence east on said township line to the northeast corner of township fourteen, of range one east; thence south on the range line to the southeast corner of township thirteen, of range one east; thence west on the township line to the place of beginning. [*1841 c. 131; R. S. 1849 c. 2; R. S. 1858 c. 2; 1862 c. 137; R. S. 1878 s. 5 sub. 53; Ann. Stats. 1889 s. 5 sub. 53; Stats. 1898 s. 5 sub. 61; Stats. 1913 s. 5 sub. 61; 1915 c. 382 s. 10*]

(63) VILAS: Commencing at the southeast corner of township forty north, of range eleven east of the meridian aforesaid; thence north on the township line to the fourth correction line; thence east on the fourth correction line to the range line between ranges twelve and thirteen east; thence north on the range line between ranges twelve and thirteen east to the state boundary; thence northwesterly on the state boundary to the northwest corner of township forty-four, of range five east; thence south on the range line to the southwest corner of township forty-one north, of range five east; thence west on the township line between towns forty and forty-one to the northwest corner of town forty north, of range four east; thence south on the range line to the southwest corner of township forty north, range four east; thence east on the township line between townships thirty-nine and forty to the northwest corner of township thirty-nine north, of range ten east; thence south on the range line between ranges nine and ten east to the southwest corner of section eighteen, in township thirty-nine north, of range ten east; thence east on the south lines of sections eighteen, seventeen, sixteen, fifteen, fourteen and thirteen to the southeast corner of section thirteen, in the same town and range; thence north on the range line between ranges ten and eleven east to the northeast corner of township thirty-nine north, of range ten east; thence east on the township line between townships thirty-nine and forty to the place of beginning. [*1893 c. 150; 1895 c. 140; 1897 c. 278; Stats. 1898 s. 5 sub. 62; 1905 c. 57; Supl. 1906 s. 5 sub. 62; 1907 c. 118; 1911 c. 538; 1913 c. 65; Stats. 1913 s. 5 sub. 62; 1915 c. 382 s. 10*]

(64) WALWORTH: Beginning at the southwest corner of township one, of range fifteen east of the meridian aforesaid, in the southern boundary line of this state; running thence east on said boundary line to the southeast corner of township one, of range eighteen east; thence north on the range line to the northeast corner of township four, of range eighteen east; thence west on the township line to the northwest corner of township four, of range fifteen east; thence south on the range line to the place of beginning. [*1836 No. 28; 1838 No. 62; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 54; Ann. Stats. 1889 s. 5 sub. 54; Stats. 1898 s. 5 sub. 63; Stats. 1913 s. 5 sub. 63; 1915 c. 382 s. 10*]

(65) WASHBURN: Commencing at the southeast corner of township thirty-seven, of range ten west of the meridian aforesaid; thence north on the range line to the northeast

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corner of township forty-two, of range ten; thence west on the township line to the northwest corner of township forty-two, of range thirteen west; thence south on the range line to the southwest corner of township thirty-seven, of range thirteen west; thence east on the township line to the place of beginning. [*1883 c. 172; Ann. Stats. 1889 s. 5 sub. 54a; Stats. 1898 s. 5 sub. 64; Stats. 1913 s. 5 sub. 64; 1915 c. 382 s. 10*]

(66) WASHINGTON: Beginning at the southwest corner of township nine, of range eighteen east of the meridian aforesaid; running thence east on the township line to the range line between ranges twenty and twenty-one east; thence north on said range line to the township line between townships twelve and thirteen; thence west on said township line to the range line between ranges seventeen and eighteen east; thence south on said range line to the place of beginning. [*1836 No. 28; 1841 No. 40; R. S. 1849 c. 2; 1853 c. 21; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 55; Ann. Stats. 1889 s. 5 sub. 55; Stats. 1898 s. 5 sub. 65; Stats. 1913 s. 5 sub. 65; 1915 c. 382 s. 10*]

(67) WAUKESHA: Beginning at the southwest corner of township five, of range seventeen east of the meridian aforesaid; running thence east on the township line to the southeast corner of township five, of range twenty east; thence north on the range line to the northeast corner of township eight, of range twenty east; thence west on the township line to the northwest corner of township eight, of range seventeen east; thence south on the range line to the place of beginning. [*1836 No. 28; R. S. 1849 c. 2; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 56; Ann. Stats. 1889 s. 5 sub. 56; Stats. 1898 s. 5 sub. 66; Stats. 1913 s. 5 sub. 66; 1915 c. 382 s. 10*]

(68) WAUPACA: Beginning at the southeast corner of township twenty-one, of range fourteen east of the meridian aforesaid; running thence north on the range line to the township line between townships twenty-four and twenty-five; thence east on said township line to the range line between ranges fifteen and sixteen east; thence north on said range line to the township line between townships twenty-five and twenty-six; thence west on said township line to the range line between ranges ten and eleven east; thence south on said range line to the township line between townships twenty and twenty-one; thence east on said township line to the place of beginning. [*1851 c. 78; R. S. 1858 c. 2; 1860 c. 217; R. S. 1878 s. 5 sub. 57; Ann. Stats. 1889 s. 5 sub. 57; Stats. 1898 s. 5 sub. 67; Stats. 1913 s. 5 sub. 67; 1915 c. 382 s. 10*]

(69) WAUSHARA: Beginning at the southeast corner of township eighteen, of range thirteen east of the meridian aforesaid; running thence north on the range line to the northeast corner of township twenty; thence west on the township line to the range line between ranges seven and eight east; thence south on said range line to the township line between townships seventeen and eighteen; thence east on said township line to the place of beginning. [*1851 c. 71; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 58; Ann. Stats. 1889 s. 5 sub. 58; Stats. 1898 s. 5 sub. 68; Stats. 1913 s. 5 sub. 68; 1915 c. 382 s. 10*]

(70) WINNEBAGO: Beginning at the northeast corner of township twenty, of range seventeen east of the meridian aforesaid; running thence due south through Lake Winnebago until it intersects the township line between townships sixteen and seventeen; thence west on said township line to the southwest corner of township seventeen, of range fourteen east; thence north on the range line to the northwest corner of township twenty, of range fourteen east; thence east on the township line to the place of beginning. [*1840 No. 12; 1849 c. 79; R. S. 1849 c. 2; 1855 c. 51, 58; 1856 c. 45; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 59; Ann. Stats. 1889 s. 5 sub. 59; Stats. 1898 s. 5 sub. 69; Stats. 1913 s. 5 sub. 69; 1915 c. 382 s. 10*]

(71) WOOD: Beginning at the southwest corner of township twenty-one, of range two east of the meridian aforesaid; running thence east on the township line to the range line between ranges six and seven east; thence north on said range line to the township line between townships twenty-three and twenty-four; thence west on said township line to the range line between ranges five and six east; thence north on said range line to the township line between townships twenty-five and twenty-six; thence west on said township line to the range line between ranges one and two east; thence south on said range line to the place of beginning. [*1856 c. 54, 108; R. S. 1858 c. 2; R. S. 1878 s. 5 sub. 60; Ann. Stats. 1889 s. 5 sub. 60; Stats. 1898 s. 5 sub. 70; Stats. 1913 s. 5 sub. 70; 1915 c. 382 s. 10*]

2.02 Construction of boundary descriptions. Whenever the boundary line of any county is described as running north or south on any range line, or east or west on any township line, the said boundary line shall be deemed to run on such lines as are established by the United States survey, making such offsets, where said range lines and township lines are not continuous straight lines, as are made by such United States surveys. [*Stats. 1913 s. 6; 1915 c. 382 s. 10*]

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2.03 Jurisdiction of counties on boundary streams. Whenever two counties are separated from each other by a river or a creek, the middle of the main channel of such river or creek shall be the division line between them, unless otherwise provided in the description of the boundaries of such counties. The counties so separated shall have common jurisdiction of all offenses committed on the waters between them, and all writs and process issued in any such county may be executed at any place on the waters of such river or creek opposite the county from which it was issued. [*Stats. 1913 s. 7; 1915 c. 382 s. 10*]

2.04 Jurisdiction of counties on boundary lakes and state boundary waters. The counties now or hereafter organized upon the westerly shore of Lake Michigan shall have jurisdiction in common of all offenses committed on that part of said lake which lies within the limits of this state. The counties now or hereafter organized on the shores of Green Bay shall have jurisdiction in common of all offenses committed on that part of said Green Bay which lies within the limits of this state. The counties now or hereafter organized on the southerly shore of Lake Superior shall have jurisdiction in common of all offenses committed on that part of said lake which lies within the limits of this state. The counties now or hereafter organized on the easterly shore of the Mississippi river shall have jurisdiction in common of all offenses committed on that part of said river which lies within the limits of this state. The counties now or hereafter organized on the shores of Lake Winnebago shall have jurisdiction in common of all offenses committed on any part of said lake. The counties now or hereafter organized on the easterly shore of the St. Croix river or lake shall have jurisdiction in common of all offenses committed on any part of said river or lake; and all offenses committed against this state on any part of said waters may be heard and tried in either of the counties having, as aforesaid, common jurisdiction over such waters where such offense may be committed in which legal process against the offender shall be first served, and may be alleged and shall be conclusively deemed to have been committed within such county; and all civil process from either of the counties aforesaid may be executed within and upon such waters as are within the jurisdiction of such county above given. In the construction of this section all wharves and piers shall be deemed part of the land with which they are connected. [*Stats. 1913 s. 8; 1915 c. 382 s. 10*]

CHAPTER 3.

CONGRESSIONAL DISTRICTS.

3.01 Congressional districts.

3.01 Congressional districts. Until otherwise provided by law, the state is divided into eleven congressional districts, each of which shall be entitled to elect one representative in the congress of the United States.

The counties of Racine, Kenosha, Walworth, Rock and Waukesha shall constitute the first district.

The counties of Jefferson, Columbia, Dodge, Washington, Ozaukee and Sheboygan shall constitute the second district.

The counties of Crawford, Richland, Grant, Iowa, Dane, La Fayette and Green shall constitute the third district.

The third, fourth, fifth, eighth, eleventh, twelfth, fourteenth, sixteenth, seventeenth, twenty-third and twenty-fourth wards of the city of Milwaukee, together with the following subdivisions of Milwaukee county: Town of Wauwatosa, city of Wauwatosa, town of Greenfield, town of Franklin, city of West Allis, village of West Milwaukee, city of South Milwaukee, town of Oak Creek, town of Lake and city of Cudahy shall constitute the fourth district.

The first, second, sixth, seventh, ninth, tenth, thirteenth, fifteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-fifth wards of the city of Milwaukee, together with the following subdivisions of Milwaukee county: Village of North Milwaukee, village of East Milwaukee, village of Whitefish Bay, town of Granville and town of Milwaukee shall constitute the fifth district.

The counties of Marquette, Green Lake, Fond du Lac, Winnebago, Calumet and Manitowoc shall constitute the sixth district.

The counties of La Crosse, Jackson, Monroe, Clark, Vernon, Juneau, Adams and Sauk shall constitute the seventh district.

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The counties of Marathon, Portage, Waupaca, Waushara, Wood and Shawano shall constitute the eighth district.

The counties of Langlade, Forest, Florence, Marinette, Oconto, Outagamie, Brown, Kewaunee and Door shall constitute the ninth district.

The counties of Dunn, Barron, Chippewa, Eau Claire, Trempealeau, Buffalo, Pepin, Pierce and St. Croix shall constitute the tenth district.

The counties of Douglas, Bayfield, Ashland, Iron, Vilas, Burnett, Polk, Washburn, Sawyer, Rusk, Price, Taylor, Oneida and Lincoln shall constitute the eleventh district. [*Stats. 1913 s. 9; 1915 c. 382 s. 11*]

CHAPTER 4.*

ASSEMBLY AND SENATE DISTRICTS.

4.01 Assembly districts.
4.02 Senate districts.
4.03 Territory omitted from apportionment.
4.04 Ward boundaries in Milwaukee.

4.01 Assembly districts. Until there shall be a new apportionment, the members of the assembly shall be apportioned among the several districts of the state as hereinafter mentioned, and each district shall be entitled to elect one member of the assembly.

The counties of Ashland, Barron, Bayfield, Calumet, Chippewa, Clark, Columbia, Crawford, Door, Dunn, Eau Claire, Green, Iowa, Jackson, Jefferson, Juneau, Kewaunee, La Fayette, Langlade, Lincoln, Marinette, Monroe, Oconto, Ozaukee, Pierce, Polk, Portage, Price, Richland, St. Croix, Sauk, Shawano, Taylor, Trempealeau, Vernon, Walworth, Washington, Waupaca and Wood shall each constitute an assembly district.

The counties of Adams and Marquette shall constitute an assembly district.

The counties of Buffalo and Pepin shall constitute an assembly district.

The counties of Burnett and Washburn shall constitute an assembly district.

The counties of Florence, Forest and Oneida shall constitute an assembly district.

The counties of Green Lake and Waushara shall constitute an assembly district.

The counties of Iron and Vilas shall constitute an assembly district.

The counties of Rusk and Sawyer shall constitute an assembly district.

BROWN COUNTY.—The city of Green Bay shall constitute the first assembly district.

All the towns, cities and villages in the county except the city of Green Bay shall constitute the second district.

DANE COUNTY.—The city of Madison and the town of Madison shall constitute the first district.

The towns of Albion, Blooming Grove, Bristol, Burke, Christiana, Cottage Grove, Deerfield, Dunkirk, Dunn, Medina, Pleasant Springs, Sun Prairie, Windsor and York; the villages of Cambridge, Deerfield, DeForest, McFarland, Marshall, Rockdale, and Sun Prairie and the city of Stoughton shall constitute the second district.

The towns of Black Earth, Berry, Blue Mounds, Cross Plains, Dane, Fitchburg, Mazomanie, Middleton, Montrose, Oregon, Perry, Primrose, Roxbury, Rutland, Springdale, Springfield, Vermont, Verona, Vienna and Westport; and the villages of Belleville, Black Earth, Blue Mounds, Brooklyn, Cross Plains, Dane, Mazomanie, Middleton, Mt. Horeb, Oregon, Verona and Waunakee shall constitute the third district.

DODGE COUNTY.—The towns of Ashippun, Clyman, Emmett, Herman, Hubbard, Hustisford, Lebanon, Leroy, Lomira, Rubicon, Shields, Theresa and Williamstown; the villages of Hustisford, Lomira, Neosho, Iron Ridge and Theresa; and the cities of Horicon and Mayville, and the fifth, sixth, thirteenth and fourteenth wards of the city of Watertown shall constitute the first district.

The towns of Beaver Dam, Burnett, Calamus, Chester, Elba, Fox Lake, Lowell, Oak Grove, Portland, Trenton and Westford; the villages of Fox Lake, Lowell, Reeseville and east ward of Randolph; the cities of Juneau, and Beaver Dam and the first, second, third and fourth wards of the city of Waupun shall constitute the second district.

DOUGLAS COUNTY.—The third, fourth, fifth, sixth and seventh wards of the city of Superior shall constitute the first district.

The towns of Amnicon, Bennett, Brule, Cloverland, Dairyland, Gordon, Hawthorne, Highland, Lakeside, Maple, Oakland, Parkland, Solon Springs, Summit, Superior and Wascott; the villages of Lake Nebagamon, Oliver and Poplar; and the first, second, eighth, ninth and tenth wards of the city of Superior shall constitute the second district.

FOND DU LAC COUNTY.—The towns of Calumet, Empire, Fond du Lac and Taycheedah and the city of Fond du Lac shall constitute the first district.

*This chapter effective April 1, 1922.

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The towns of Alto, Ashford, Auburn, Byron, Eden, Eldorado, Forest, Friendship, Lamartine, Marshfield, Metomen, Oakfield, Osceola, Ripon, Rosendale, Springvale and Waupun; the villages of Brandon, Campbellsport, Eden, North Fond du Lac, Oakfield, Rosendale and St. Cloud; the city of Ripon and the fifth and sixth wards of the city of Waupun shall constitute the second district.

GRANT COUNTY.—The towns of Beetown, Cassville, Clifton, Ellenboro, Glen Haven, Harrison, Hazel Green, Jamestown, Lima, Paris, Platteville, Potosi, Smelser and Waterloo; the villages of Cassville, Cuba City, Hazel Green, Livingston and Potosi; and the city of Platteville shall constitute the first district.

The towns of Bloomington, Boscobel, Castle Rock, Fennimore, Hickory Grove, Liberty, Little Grant, Marion, Millville, Mt. Hope, Mt. Ida, Muscoda, North Lancaster, Patch Grove, South Lancaster, Watterstown, Wingville, Woodman and Wyalusing; the villages of Bagley, Bloomington, Blue River, Montfort, Mt. Hope, Muscoda, Patch Grove and Woodman; and the cities of Boscobel, Fennimore and Lancaster shall constitute the second district.

KENOSHA COUNTY.—The first, second, third, sixth, seventh and ninth wards of the city of Kenosha shall constitute the first district.

The towns of Brighton, Bristol, Paris, Pleasant Prairie, Randall, Salem, Somers and Wheatland, and the fourth, fifth and eighth wards of the city of Kenosha shall constitute the second district.

LA CROSSE COUNTY.—The first, second, third, fourth, fifth, sixth, seventh, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, nineteenth and twentieth wards of the city of La Crosse shall constitute the first district.

The eighth, seventeenth, eighteenth and twenty-first wards of the city of La Crosse and all that part of the county outside the city of La Crosse shall constitute the second district.

MANITOWOC COUNTY.—The towns of Centerville, Liberty, Manitowoc, Manitowoc Rapids, Meeme and Newton and the city of Manitowoc shall constitute the first district.

The towns of Cato, Cooperstown, Eaton, Franklin, Gibson, Koesuth, Maple Grove, Mishicot, Rockland, Schleswig, Two Creeks and Two Rivers; the villages of Reedsville and Valders; and the cities of Kiel and Two Rivers shall constitute the second district.

MARATHON COUNTY.—The towns of Bergen, Berlin, Bern, Brighton, Cassel, Cleveland, Day, Eau Pleine, Emmet, Flieth, Frankfort, Green Valley, Halsey, Hamburg, Holton, Hull, Johnson, McMillan, Maine, Marathon, Mosinee, Rib Falls, Rietbrock, Spencer and Wein; that part of Abbotsford village in Marathon county and the villages of Athens, Edgar, Fenwood, McMillan, Marathon, Mosinee, Spencer, Stratford and that part of Unity village in Marathon county and that part of the city of Colby in Marathon county shall constitute the first district.

The towns of Bevent, Easton, Elderon, Franzen, Guenther, Harrison, Hewitt, Knowlton, Kronenwetter, Norrie, Plover, Reid, Ringle, Texas, Wausau and Weston; the villages of Brokaw, Elderon, Hatley, Rothschild and Schofield and the city of Wausau shall constitute the second district.

MILWAUKEE COUNTY.—The first and third wards of the city of Milwaukee shall constitute the first district.

The second and fourth wards of the city of Milwaukee shall constitute the second district.

The twenty-fifth ward of the city of Milwaukee shall constitute the third district.

The twenty-first ward of the city of Milwaukee shall constitute the fourth district.

The fifth and twelfth wards of the city of Milwaukee shall constitute the fifth district.

The sixth ward of the city of Milwaukee shall constitute the sixth district.

The seventh ward of the city of Milwaukee shall constitute the seventh district.

The eighth and fourteenth wards of the city of Milwaukee shall constitute the eighth district.

The ninth and tenth wards of the city of Milwaukee shall constitute the ninth district.

The sixteenth and twenty-third wards of the city of Milwaukee shall constitute the tenth district.

The eleventh and twenty-fourth wards of the city of Milwaukee shall constitute the eleventh district.

The twenty-second ward of the city of Milwaukee shall constitute the twelfth district.

The thirteenth ward of the city of Milwaukee shall constitute the thirteenth district.

The seventeenth ward of the city of Milwaukee shall constitute the fourteenth district.

The fifteenth and nineteenth wards of the city of Milwaukee shall constitute the fifteenth district.

The towns of Granville and Wauwatosa and the cities of Wauwatosa and North Milwaukee shall constitute the sixteenth district.

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The towns of Lake and Oak Creek and the cities of Cudahy and South Milwaukee shall constitute the seventeenth district.

The eighteenth ward of the city of Milwaukee, the town of Milwaukee, and the villages of Whitefish Bay and Shorewood shall constitute the eighteenth district.

The village of West Milwaukee, the city of West Allis, and the towns of Greenfield and Franklin shall constitute the nineteenth district.

The twentieth ward of the city of Milwaukee shall constitute the twentieth district.

OUTAGAMIE COUNTY.—The towns of Bovina, Center, Dale, Ellington, Grand Chute and Greenville, the village of Shiocton and the city of Appleton shall constitute the first district.

The towns of Black Creek, Buchanan, Cicero, Deer Creek, Freedom, Hortonia, Kaukauna, Liberty, Maple Creek, Maine, Oneida, Osborne, Seymour and Vandenbrook; the villages of Black Creek, Bear Creek, Combined Locks, Kimberly, Little Chute and Hortonville; and the cities of Kaukauna, Seymour and third ward of New London shall constitute the second district.

RACINE COUNTY.—The first, second, third, sixth, tenth, eleventh, thirteenth and fourteenth wards of the city of Racine shall constitute the first district.

The fourth, fifth, seventh, eighth, twelfth and fifteenth wards of the city of Racine shall constitute the second district.

The towns of Burlington, Caledonia, Dover, Mt. Pleasant, Norway, Raymond, Rochester, Waterford and Yorkville; the villages of Corliss, Rochester, Union Grove and Waterford; the city of Burlington and the ninth ward of the city of Racine shall constitute the third district.

ROCK COUNTY.—The towns of Center, Fulton, Harmony, Janesville, Lima, Milton, Magnolia, Porter and Union; the village of Milton; and cities of Edgerton, Evansville and Janesville shall constitute the first district.

The towns of Avon, Beloit, Bradford, Clinton, Johnston, La Prairie, Newark, Plymouth, Rock, Spring Valley and Turtle; the villages of Clinton, Footville and Orfordville; and the city of Beloit shall constitute the second district.

SHEBOYGAN COUNTY.—The city of Sheboygan shall constitute the first district.

All the towns, cities and villages of the county except the city of Sheboygan shall constitute the second district.

WAUKESHA COUNTY.—The towns of Eagle, Genesee, Mukwonago, Muskego, New Berlin, Ottawa, Vernon and Waukesha; the villages of Dousman, Eagle, Mukwonago and North Prairie, and the city of Waukesha shall constitute the first district.

The towns of Brookfield, Delafield, Lisbon, Menomonie, Merton, Oconomowoc, Pewaukee and Summit; the villages of Hartland, Menomonie Falls, New Butler and Pewaukee; and the city of Oconomowoc shall constitute the second district.

WINNEBAGO COUNTY.—The city of Oshkosh shall constitute the first district.

All the towns, villages and cities of the county except the city of Oshkosh shall constitute the second district. [*Stats. 1913 s. 11; 1915 c. 382 s. 12; 1921 c. 470 s. 2; 1921 c. 590 s. 87*]

4.02 Senate districts. Until there shall be a new apportionment, the senatorial districts of the state shall be constituted as follows: The counties of Manitowoc, Kewaunee and Door shall constitute the first district.

The counties of Brown and Oconto shall constitute the second district.

The eighth, eleventh, fourteenth and twenty-fourth wards of the city of Milwaukee shall constitute the third district.

The thirteenth, twenty-first, twenty-fifth and eighteenth wards of the city of Milwaukee, the town of Milwaukee and the villages of Shorewood and Whitefish Bay shall constitute the fourth district.

The fifteenth, nineteenth, twentieth and twenty-second wards of the city of Milwaukee shall constitute the fifth district.

The sixth, seventh, ninth and tenth wards of the city of Milwaukee shall constitute the sixth district.

The fifth, twelfth and seventeenth wards of the city of Milwaukee, the cities of Cudahy and South Milwaukee and the towns of Lake and Oak Creek shall constitute the seventh district.

The sixteenth and twenty-third wards of the city of Milwaukee, the cities of West Allis, North Milwaukee and Wauwatosa, the village of West Milwaukee, and the towns of Franklin, Greenfield, Granville and Wauwatosa shall constitute the eighth district.

The first, second, third and fourth wards of the city of Milwaukee shall constitute the ninth district.

The counties of Buffalo, Pepin, Pierce and St. Croix shall constitute the tenth district.

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The counties of Douglas, Bayfield, Burnett and Washburn shall constitute the eleventh district.

The counties of Ashland, Iron, Vilas, Price, Rusk and Sawyer shall constitute the twelfth district.

The counties of Dodge and Washington shall constitute the thirteenth district.

The counties of Outagamie and Shawano shall constitute the fourteenth district.

The county of Rock shall constitute the fifteenth district.

The counties of Grant, Crawford and Vernon shall constitute the sixteenth district.

The counties of Iowa, La Fayette and Green shall constitute the seventeenth district.

The counties of Fond du Lac, Waushara and Green Lake shall constitute the eighteenth district.

The counties of Calumet and Winnebago shall constitute the nineteenth district.

The counties of Ozaukee and Sheboygan shall constitute the twentieth district.

The county of Racine shall constitute the twenty-first district.

The counties of Kenosha and Walworth shall constitute the twenty-second district.

The counties of Portage and Waupaca shall constitute the twenty-third district.

The counties of Clark, Taylor and Wood shall constitute the twenty-fourth district.

The counties of Lincoln and Marathon shall constitute the twenty-fifth district.

The county of Dane shall constitute the twenty-sixth district.

The counties of Columbia, Richland and Sauk shall constitute the twenty-seventh district.

The counties of Chippewa and Eau Claire shall constitute the twenty-eighth district.

The counties of Barron, Dunn and Polk shall constitute the twenty-ninth district.

The counties of Florence, Forest, Langlade, Marinette and Oneida shall constitute the thirtieth district.

The counties of Adams, Juneau, Monroe and Marquette shall constitute the thirty-first district.

The counties of Jackson, La Crosse and Trempealeau shall constitute the thirty-second district.

The counties of Jefferson and Waukesha shall constitute the thirty-third district. [*Stats. 1913 s. 10; 1915 c. 382 s. 12; 1921 c. 470 s. 2*]

4.03 Territory omitted from apportionment. In case any town, city, village or ward has not been included in any assembly district, such town, city, ward or village shall be a part of the assembly district in which the adjoining town, village or ward having the least population in the same county is situated. In case any new town, village or city is hereafter created it shall remain a part of the assembly district in which it is now situate, and if created in part from two or more assembly districts it shall be a part of the assembly district now having the smallest population. [*Stats. 1913 s. 11m; 1915 c. 382 s. 12; 1921 c. 470 s. 2*]

4.04 Ward boundaries in Milwaukee. The wards of the city of Milwaukee referred to in sections 3.01, 4.01 and 4.02 of the statutes shall be construed to be the wards of said city as created by a certain ordinance passed by the common council of the city of Milwaukee on the twentieth day of June, 1911. [*Stats. 1913 s. 11n; 1915 c. 382 s. 12*]

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TITLE II.

Elections.

CHAPTER 5.

NOMINATION OF CANDIDATES FOR OFFICE.

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PRIMARY NOMINATIONS.

5.01 Definition of terms; liberal construction. The words and phrases in this title, shall, unless the same be inconsistent with the context, be construed as follows:

(1) The word "primary," the primary election provided for by this title.

(2) The words "September primary," the primary election held in September to nominate candidates to be voted for at the ensuing general election.

(3) The word "election," a general or municipal election, as distinguished from a primary election.

(4) The words "November election," the general election held in November.

(5) The word "precinct," a district established by law within which all qualified electors vote at one polling place.

(6) This title shall be construed so as to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to comply with some of its provisions. [*Stats. 1913 s. 11—1; 1915 c. 381 s. 2*]

5.02 Methods of nominations. Hereafter, all candidates for elective offices shall be nominated:

(1) By a primary held in accordance with this chapter, or

(2) By nomination papers signed and filed as provided by this chapter.

(3) Party candidates for the office of United States senator shall be nominated in the manner provided herein for the nomination of candidates for state offices.

(4) Except as otherwise specially provided in this chapter there shall be no nomination by primary election of any candidate for the office of state superintendent, or county or district superintendent of schools, or board of education by whatever name designated, or for any school district or judicial office. [*Stats. 1913 s. 11—2; 1915 c. 381 s. 3; 1921 c. 423 s. 1*]

5.03 Primaries; time and place. (1) The September primary shall be held at the regular polling places in each precinct on the first Tuesday of September, 1908, and biennially thereafter for the nomination of all candidates to be voted for at the next November election.

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(2) Any primary other than the September primary shall be held two weeks before the election for which such primary is held. [*Stats. 1913 s. 11—3; 1915 c. 381 s. 4*]

5.04 Notice of primaries. (1) At least sixty days before the time of holding such September primary, the secretary of state shall prepare and transmit to each county clerk, a notice in writing designating the offices for which candidates are to be nominated at such primary.

(2) Upon receipt of such notice such county clerk shall immediately transmit a copy thereof to each town, city and village clerk in his county and not less than ten days thereafter publish so much thereof as may be applicable to his county, once in each week for four consecutive weeks in at least two, and not to exceed four, newspapers of general circulation published in said county.

(3) Each town, village and city clerk shall, within ten days after the receipt of such notice, cause notice of such primary to be posted in three public places in each precinct in his town, city or village; such notice shall state the time when, and place where, the primary will be held in each precinct therein, together with the offices for which candidates are to be nominated.

(4) The city clerk of any city holding a primary to select nonpartisan candidates for city offices shall cause a similar notice thereof to be published once, and to be posted in three public places in each precinct therein, not more than twenty nor less than ten days before such primary.

(5) Each county clerk shall, annually, on the first Tuesday of June, transmit to the secretary of state a typewritten or printed list showing the name and post-office address of the chairman, mayor, president, clerk, treasurer and assessor of each town, city and village within his county. Such lists shall be placed on file for the information of the public. [*Stats. 1913 s. 11—4; 1915 c. 381 s. 5; 1921 c. 133*]

5.05 Primary nomination papers, except for city primaries. (1) The name of no candidate shall be printed upon an official ballot used at any September primary unless not later than the last Tuesday of July of the year in which such primary is to be held a nomination paper shall have been filed in his behalf as provided in this chapter, in substantially the following form:

"I, the undersigned, a qualified elector of (the .... precinct of the town of ....) or (the .... ward of the city of ....), county of .... and state of Wisconsin, and a member of the .... party, hereby nominate ...., who resides (at No. ...., on .... street, city of ....) or (in the town of ....), in the county of .... as a candidate for the office of (here specify the office) ...., to be voted for at the primary to be held on the first Tuesday in September, 19.., as representing the principles of said party, and I further declare that I intend to support the candidate named herein."

Name of signer.	In cities.		Date of signing.
	Street.	No.	
.....	.....	.....	.....

(2) All nomination papers shall have substantially the above form written or printed at the top thereof. No signatures shall be counted unless they be upon sheets each having such form written or printed at the top thereof.

(3) Each signer of a nomination paper shall sign but one such paper for the same office, and shall declare that he intends to support the candidate named therein; he shall add his residence, with the street and number, if any, and the date of signing.

(4) No nomination paper shall be circulated prior to sixty days before the date on which such paper must be filed according to law, and no signature shall be counted unless it has been affixed to such nomination paper and bears date within sixty days prior to the time for filing such nomination paper.

(5) (a) For all nominations, except state officers, representatives in congress and all judicial officers elected by the voters of one or more counties, all signers of each separate nomination paper shall reside in the same ward, town or village. For state officers, congressmen and all judicial officers elected by the voters of one or more counties, all signers on each separate nomination paper, shall reside in the same county.

(b) The affidavit of a qualified elector shall be appended to each such nomination paper, stating that he is personally acquainted with all persons who have signed the same, and that he knows them to be electors of that precinct, ward, town, village or county, as

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the nomination papers shall require; that he knows that they signed the same with full knowledge of the contents thereof and that their respective residences are stated therein and that each signer signed the same on the date stated opposite his name, and that he, the affiant, intends to support the candidate named therein. Such affidavit shall not be made by the candidate, but each candidate shall file with his nomination paper or papers, or within five days thereafter, a declaration that he will qualify as such officer if nominated and elected.

(6) Such nomination papers shall be signed:

(a) If for a state office by at least one per cent of the voters of the party of such candidate in at least each of six counties in the state, and in the aggregate not less than one per cent nor more than ten per cent of the total vote of his party in the state.

(b) If for a representative in congress, by at least two per cent of the voters of his party, in each of at least one-half of the counties of the congressional district, and in the aggregate not less than two per cent nor more than ten per cent of the total vote of his party in such district.

(c) If for an office representing less than a congressional district in area, or a city or county office, by at least three per cent of the party vote in at least one-sixth of the election precincts of such district and in the aggregate not less than three per cent nor more than ten per cent of the total vote of his party in such district.

(d) The basis of percentage in each case shall be the vote of the party for the presidential elector receiving the largest vote at the last preceding presidential election. But any political organization which at the last preceding general election was represented on the official ballot by either regular party candidates or by individual nominees only, may, upon complying with the provisions of this act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees received one per cent of the total vote cast at the last preceding general election in the state, or subdivision thereof, in which the candidate seeks the nomination; and any political organization which shall file with the secretary of state, not less than ninety days prior to the holding of a September primary, a petition signed by not less than one-sixth of the electors in at least ten counties therein, or by one-sixth of the electors within any senatorial, assembly or congressional district, praying that said organization be given a party ticket at the said September primary, may have a separate party ticket as a political party in such district or in the state, as the case may be, at such primary; and all candidates of such party for the nomination as candidates for the office of member of the assembly or of the senate or for representative in congress, if the petition be signed by electors in the district only, or for the nomination as candidates for state offices, if the petition be signed by the above required number of electors in at least ten counties in the state, shall, upon complying with the provisions of law relative to nomination papers, be placed upon such ticket. The basis for ascertaining the number of signers required on any such petition shall be the same as for ascertaining the number of signers necessary on nomination papers as provided in this section. [*Stats. 1913 s. 11—5; 1915 c. 65; 1915 c. 381 s. 6; 1915 c. 604 s. 55; 1919 c. 352; 1921 c. 226*]

5.06 City nomination papers. Papers for the nomination of any candidate for any city office shall be signed by voters equal in number to not less than two per cent of those who voted for the candidate receiving the highest number of votes for such office at the last preceding city election, and shall be filed not less than fifteen days before the primary. No elector shall sign such papers for more candidates for each office than there are persons to be elected to such office. [*Stats. 1913 s. 35—20, 35—21; 1915 c. 381 s. 7*]

5.07 Filing of nomination papers; destruction. All nomination papers shall be filed as follows:

(1) For state officers, United States senators, representatives in congress, and those members of senate and assembly whose districts comprise more than one county, in the office of the secretary of state.

(2) For officers to be voted for wholly within one county, except representatives in congress, in the office of the county clerk of such county.

(3) For city officers, or other officers voted for exclusively within one city, in the office of the city clerk.

(4) When nomination papers shall be received which contain ten per cent of the total vote as limited in subdivisions (a), (b) and (c) of subsection (6) of section 5.05, the clerk with whom such papers are required to be filed, shall not receive or file further nomination papers for the candidate named therein.

(5) All nomination papers in the custody of any official under the provisions of this section shall, four months after the day of the election at which the nominees sought to

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be named by such nomination papers have been voted for, be destroyed, by the official having such custody. Such papers as are material to any investigation or litigation then pending, shall not be destroyed, however, until the final determination of such investigation or litigation. [*Stats. 1913 s. 11—6; 1915 c. 381 s. 8; 1915 c. 604 s. 56*]

5.08 Certification of names by secretary of state for primary ballot. (1) After the filing of nomination papers as provided in section 5.05, the secretary of state shall transmit to each county clerk not later than the second Monday in August a certified list containing the name and post-office address of each person for whom nomination papers have been filed in his office, and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents; such lists shall designate the order in which the names of the candidates shall be printed upon the primary ballot in each assembly district.

(2) (a) For the purpose of determining the order in which the names of candidates for each state office shall be placed upon the primary ballot, the secretary of state shall number the assembly districts in the state consecutively, from one to one hundred, in the order of their population according to the last preceding published census, beginning with the district having the largest population, which shall be numbered one.

(b) In determining the order in which the names of candidates for representatives in congress, and state senators in districts comprising more than one county, shall be placed upon the primary ballot, the secretary of state shall number the assembly districts and parts of districts in each congressional or senatorial district from one upward, according to population, as aforesaid.

(c) In determining the order in which the names of candidates for members of assembly, in districts comprising more than one county, shall be placed upon the primary ballot, the secretary of state shall number the counties in each assembly district from one upward, according to population, as aforesaid.

(3) (a) The secretary of state shall arrange the surnames of all candidates for each office alphabetically for the first assembly district; thereafter for each succeeding district, the name appearing first for each office in the last preceding district shall be placed last.

(b) He shall arrange the surnames of all candidates for member of assembly alphabetically for the first county in each assembly district; thereafter for each succeeding county, the name appearing first in the last preceding county shall be placed last.

(4) Such clerk shall forthwith upon receipt thereof publish under the proper party designation, the title of each office, the names and addresses of all persons for whom nomination papers have been filed, giving the name and address of each, the date of the primary, the hours during which the polls will be opened, and that the primary will be held at the regular polling places in each precinct. The fee for such publication shall be as provided in subsection (4) of section 6.22.

(5) It shall be the duty of the county clerk to publish such notice once each week for two consecutive weeks prior to said primary.

(6) Such clerk shall also forthwith mail copies of such notice to each town, village and city clerk of his county, who shall immediately post copies of the same in at least three public places in each precinct in his town, village or city, designating therein the location of the polling booth in each election precinct. [*Stats. 1913 s. 11—7; 1915 c. 381 s. 9; 1921 c. 422 s. 1; 1921 c. 423 s. 2*]

5.09 Publication of notice of primaries. (1) Every publication required in this chapter shall be made in at least two, and not to exceed four newspapers of general circulation in such county or city, one of such newspapers shall represent the political party that cast the largest vote in such county or city at the preceding general election, and one of such newspapers shall represent the political party that cast the next largest vote in such county or city at the preceding general election; provided, that every publication required in this chapter shall not be made in more than two newspapers as herein provided, unless authorized by resolution adopted by the county board of supervisors of such county or city council of such city.

(2) In any case where the publication of a notice cannot be made as hereinbefore required, it may be made in any newspaper having a general circulation in the county or city in which the notice is required to be published. [*Stats. 1913 s. 11—8; 1915 c. 381 s. 10*]

5.10 Ballot for primaries. (1) An official ballot for September primaries shall be printed and provided for use at each voting precinct in substantially the form provided herein and annexed hereto. The names of all candidates for the respective offices for whom the nomination papers prescribed shall have been duly filed, shall be printed thereon.

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(2) The name of each nonpartisan candidate placed in nomination for a city primary as provided by section 5.06, and no others, shall be printed under a designation of the office for which he is named on the official ballot used at such primary, which ballot shall be so arranged as to admit of any other person being voted for by the elector if he so desires. [*Stats. 1913 s. 11—9, 35—22, 35—23; 1915 c. 92 s. 6; 1915 c. 381 s. 11, 11a; 1915 c. 604 s. 57*]

5.11 Preparation of primary ballots by county clerk; sample ballots. (1) Not later than the second Tuesday of August before the September primary each county clerk shall prepare sample official ballots in substantially the annexed form which sample ballots shall be printed upon tinted or colored paper, and shall contain no blank indorsement or certificate. Said clerk shall place thereon, under the appropriate title of each office and party designation, the names of all candidates to be voted for in the precincts of his county. The names certified by the secretary of state shall be arranged in the order in which they were certified.

(2) For the purpose of determining the order in which the names of candidates for each office for whom nomination papers have been filed in the office of the county clerk shall be placed on the primary ballot, the county clerk shall prepare a list of the election precincts of his county. Such list shall be prepared by arranging the various towns, cities and villages of the county in alphabetical order, and the wards or precincts of each city, village or town in numerical order under the name of such city, village or town. The precincts in each assembly district within the county shall be arranged in the same manner.

(3) The county clerk shall arrange the surnames of all candidates for each office for whom nomination papers have been filed in his office alphabetically for the first precinct in the list; thereafter for each succeeding precinct; the name appearing first for each office in the last preceding precinct shall be placed last.

(4) Such clerk shall forthwith submit the ticket of each party to the county chairman thereof, and mail a copy to each candidate for whom nomination papers have been filed with him as required by this act, to his post-office address as given in such nomination paper, and he shall post a copy of each sample ballot in a conspicuous place in his office.

(5) Not later than the third Tuesday of August before such primary the county clerk shall correct any errors or omissions in the ballot, cause the same to be printed and distributed as required by law in the case of ballots for the general election, except that the number of ballots to be furnished to each precinct shall not exceed twice the number of votes cast thereat in the last preceding general election. At the same time the county clerk shall cause to be printed and distributed unofficial sample ballots. The form, printing, distribution, number and payment of such unofficial sample ballots shall be governed so far as applicable, by the provisions of this chapter, concerning sample ballots at general elections.

(6) The order in which the names of nonpartisan candidates shall be printed on the ballot at city primaries shall be determined by drawing lots by or under the supervision of the city clerk at his office, at twelve o'clock on the day first succeeding the last day for filing such papers. [*Stats. 1913 s. 11—10, 35—22; 1915 c. 92; 1915 c. 381 s. 12; Spl. S. 1916 c. 1; 1919 c. 352; 1921 c. 169*]

5.12 Primary election supplies and expenses; publication fees. (1) All ballots, blanks and other supplies to be used at any primary, and all expenses necessarily incurred in the preparation for or conducting such primary, shall be paid out of the treasury of the town, village, city, county or state, as the case may be, in the same manner, with like effect, and by the same officers as in the case of elections.

(2) The fees for publishing notices of primary elections and for publishing all other matters relating to primary elections shall be sixty cents per folio for the first insertion and thirty-five cents per folio for the subsequent insertion. [*Stats. 1913 s. 11—11; 1915 c. 381 s. 13; 1921 c. 422 s. 2*]

5.13 Form and use of ballot. (1) At all primaries there shall be an Australian ballot made up of the several party tickets herein provided for, all of which shall be securely fastened together at the top and folded; provided, that there shall be as many separate tickets as there are parties entitled to participate in said primary election. The names of all candidates at the September primary, and the names of all nonpartisan candidates at city primaries, shall be arranged as provided in sections 5.08 and 5.11.

(2) If any elector write upon his ticket the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written, this ballot shall be counted for such person only as a candidate of the party upon whose ticket his name is written, and shall in no case be counted for such person as a candidate upon any other ticket.

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(3) In case the person is nominated upon more than one ticket he shall forthwith file with the proper officer, or officers in charge of the preparation of the ballots, a written declaration indicating the party designation under which his name is to be printed on the official ballot; provided, that in case a candidate is nominated on a ticket on which his name is printed and also on some other ticket by having his name written thereon, he shall not have the right of choice but shall be held to be the nominee of the party on which his name is printed.

(4) The ballots with the indorsements shall be in substantially the form heretofore annexed; provided, that ballots for any city primary may be varied as to the title of the offices to be printed thereon, so as to conform to the law under which each such primary is held.

(5) The provisions of section 6.37 of the statutes, so far as applicable, shall govern the preparation of the ballot.

(6) After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the printed indorsements and signatures or initials thereon seen.

(7) The remaining tickets attached together shall be folded in like manner by the elector, who shall thereupon without leaving the polling place, vote the marked ballot forthwith, and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box.

(8) Immediately after the canvass, the inspectors shall, without examination, destroy the tickets deposited in the blank ballot box. [*Stats. 1913 s. 11—12; 1915 c. 92 s. 3; 1915 c. 381 s. 14; 1915 c. 604 s. 58*]

5.14 Vacancies occurring after primaries. (1) Vacancies occurring after the holding of any primary shall be filled by the party committee of the district, county or state, as the case may be. When such vacancies occur in cities, other nominations may be made as provided in section 5.26.

(2) If a person whose name is printed on the primary ballot shall die or file a declination to accept the nomination after the ballots are printed, or if he shall be disqualified to accept such nomination, the votes cast for him shall be counted and returned; and if he shall receive the greatest number of votes, as provided by section 5.15, the vacancy shall be filled by the party committee, as aforesaid. [*Stats. 1913 s. 11—13; 1915 c. 381 s. 16*]

5.15 Canvass of primary votes, except for city primaries. (1) The party chairman of the precinct in a precinct canvass, of the county in a county canvass, of the state in a state canvass, or some duly appointed agent to represent each party, shall be allowed to be present and observe the proceedings.

(2) The precinct inspectors of election shall, on separate sheets on blanks to be provided for that purpose, make full and accurate returns of the votes cast for each candidate, and shall, within twenty-four hours, cause such returns to be delivered to the county clerk, if a September primary, or to the city clerk if a city primary; provided, always, that such returns shall be sent by registered mail where practicable.

(3) The county canvass of the returns of a September primary shall be made by the same officers, and in the manner provided in chapter 6, of the statutes, for the canvass of the returns of a November election.

(4) The canvassers shall meet and canvass such returns at ten o'clock on the Friday following the September primary. Their returns shall contain the whole number of votes cast for each candidate of each political party.

(5) The canvassers shall also make an additional duplicate return in the same form as provided in subsection (4), showing the votes cast for each candidate not voted for wholly within the limits of one county.

(6) The county clerk shall forthwith send to the secretary of state by registered mail a complete copy of all returns as to such candidates. [*Stats. 1913 s. 11—16; 1915 c. 92 s. 3; 1915 c. 381 s. 17; 1915 c. 604 s. 60; 1917 c. 566 s. 4, 5*]

5.16 State board of canvassers of primaries. The board of canvassers provided by section 6.69 of the statutes to canvass returns of the November election shall constitute the state board of canvassers of the September primary. The board shall make a canvass of the votes cast for candidates for members of the senate and assembly in districts not wholly within one county, and all of the provisions of sections 6.70, 6.71, 6.72 and 6.73 of the statutes relating to the canvass of the returns of the November election, shall, as far as applicable, apply to the canvass, return and certification to the secretary of state of such primary. Such board shall meet at the office of the secretary of state, at ten o'clock A. M. on the third Tuesday of September in each year in which the September primary is held. [*Stats. 1913 s. 11—17; 1915 c. 92 s. 5; 1915 c. 381 s. 18*]

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5.17 Determination of nominations made at primaries. (1) If all candidates for nomination for any one office voted for on any party ballot shall receive in the aggregate ten per cent or more of the vote cast for the nominee of such party for governor at the last general election, the person receiving the greatest number of votes at such primary election as the candidate of such party for such office, shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the following election.

(2) If all the candidates for nomination for any one office voted for on any party ballot, shall receive in the aggregate less than ten per cent of such votes so cast at such last general election, no person shall be deemed to be the party nominee for such office, but the person receiving the greatest number of votes at such primary as the candidate of such party for such office, shall be deemed an independent candidate for such office, and his name shall be placed on the official ballot in the column of individual nominations and he shall be denominated in such column as "independent."

(3) But no person shall be entitled to have his name placed on such ballot who has not filed a nomination paper as provided in sections 5.05 and 5.07 of the statutes, unless he shall have received at such primary election a number of votes not less than the number of signers required by sections 5.05 and 5.07 of the statutes for nomination papers, and shall have filed within five days after receiving official notice of his nomination, a declaration that he will qualify as such officer if elected.

(4) The persons, equal in number to twice the number of persons to be elected to any office, receiving the highest vote for such office at any city primary, shall be the nominees for such office, and their names, and no others, shall be placed upon the official ballot at the ensuing city election in such city. [*Stats. 1913 s. 11—18, 35—23; 1915 c. 92 s. 6; 1915 c. 381 s. 19*]

5.18 Canvass of votes cast at city primaries. (1) The canvass of the returns of a city primary shall be made by the same board or body of officers that is empowered to canvass the returns of the city election.

(2) Such board of canvassers shall meet at eleven o'clock in the forenoon of the day following the city primary and canvass the vote substantially as provided by sections 6.62 and 6.63.

(3) They shall make and certify returns as to the votes cast for the candidates and forthwith file the same with the city clerk.

(4) So far as applicable and not otherwise provided herein, the provisions of this chapter shall apply to all city primaries; provided that a list of candidates shall be posted and published at least ten days and the official ballot shall be printed at least ten days before the day of holding such primaries. [*Stats. 1913 s. 11—20; 1915 c. 381 s. 20; 1917 c. 35*]

5.19 Party committees in counties, cities and precincts. (1) (a) At the September primary each voter, except in counties containing a city of the first class, may write in the space left on his ticket for that purpose the name of not to exceed one qualified elector of the precinct for his party precinct committeeman. The person having the highest number of votes shall constitute such committeeman.

(b) The official return made by the inspectors shall show the name and address of each ward and party committeeman chosen.

(2) In counties containing a city of the first class there shall be elected at the September primary one committeeman for each political party from each ward, town and village. Such committeemen shall be nominated by nomination papers to be signed by not less than three per cent and not more than ten per cent of the party vote for governor at the last preceding election in such ward, town or village. Nomination papers shall be in substantially the same form as provided in section 5.05 of the statutes and shall be filed with the county clerk at least thirty days before the primary. The county clerk shall arrange the names of candidates for such committeemen, as provided in section 5.11 of the statutes, and place the names so arranged in the proper party column as candidates for such ward, town and village committeemen. Such committeemen shall constitute the county committee of the respective parties.

(3) In case of a tie, the inspectors of election shall decide by lot.

(4) The term of office of each party committeeman elected shall be for the two years next succeeding the date of his election.

(5) The city committee of each political party shall consist of the several precinct and ward committeemen in such city. It shall be the duty of the chairman of each party county committee to call, within ten days after the September primary, a meeting of such members of the city committee at a place to be designated by him. They shall at such meeting elect a chairman and such other officers as they shall deem necessary.

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(6) Except in counties containing a city of the first class the county committee of each party shall consist of the several committees from each election precinct in the county elected at the September primary.

(7) In all counties the chairman of the county committee shall within two days after the completion of the official county canvass of said primary call a meeting of said county committee, by giving each member thereof a notice in writing, at least five days prior to the holding of such meeting.

(8) The county committee shall at such meeting elect a chairman, secretary and treasurer of the county committee, and such other officers or subcommittees as they may deem necessary, and two persons from each assembly district in the county to be members of the congressional district committee, but where an assembly district comprises two or more counties, then there shall be one member from each county. In counties constituting one or more assembly or senatorial districts the members of the county committee residing within the territory of such assembly or senatorial districts shall constitute the party committee for such assembly or senatorial district and they may, at such meeting of the county committee, elect a chairman, secretary and treasurer and such other officers as they may deem necessary.

(9) In assembly districts or state senatorial districts embracing more than one county the county committee of each county shall elect two persons to be members of such assembly district or state senatorial district committee. The chairman of each county committee shall immediately certify to the chairman of the state central committee the name and post-office address of each person elected a member of said assembly or senatorial district committee, whose duty it shall be upon receipt thereof to call a meeting of the members of such assembly or senatorial district committee for the purpose of organization, such meeting to be called upon not less than five days' notice. The chairman of each county committee shall also certify to the chairman of the state central committee the name and post-office address of each person elected member of the congressional committee, upon receipt of which the said chairman shall immediately call a meeting of said members for the purpose of organization, such notice to be given at least five days prior to such meeting.

(10) Each committee and its officers shall have the powers usually exercised by such committees, and by the officers thereof, in so far as is consistent with this act.

(11) Any vacancy in any committee office shall be filled by the county committee, except that the chairman of the county committee may temporarily fill any vacancy. [*Stats. 1913 s. 11—21; 1915 c. 381 s. 21; 1915 c. 479; 1915 c. 604 s. 83*]

5.20 Platform convention; state central committee; presidential electors. (1) The candidates for the various state offices, and for the senate and assembly nominated by each political party at such primary, and senators of such political party, whose term of office extends beyond the first Monday in January of the year next ensuing, shall meet at the capitol at twelve o'clock noon on the third Tuesday of September in the year in which any primary is held preliminary to any general election. They shall forthwith formulate the state platform of their party. They shall thereupon proceed to elect a state central committee of at least two members from each congressional district and a chairman of such committee by ballot. After December 1, 1912, in the years in which presidential elections are held the convention shall nominate, by a majority vote, one elector for president and vice president from each congressional district, and two such electors from the state at large. The names of such nominees shall be immediately certified by the chairman and secretary of the meeting to the secretary of state. They shall perform such other business as may properly be brought before such meeting. The platform of each party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following day.

(2) The chairman and secretary of the platform convention of each party shall, within thirty days after the holding of said convention, file with the secretary of state a certified copy of the proceedings thereof and of the platform adopted. [*Stats. 1913 s. 11—22; 1915 c. 381 s. 22*]

5.21 Tie votes; election forms. (1) In every case of a tie vote, the tie shall forthwith be determined by lot by the canvassers.

(2) It shall be the duty of the secretary of state to prepare all forms necessary to carry out the provisions of this chapter, which forms shall be substantially followed in all primaries held in pursuance hereof. Such forms shall be printed with copies of this chapter for public use and distribution. [*1911 c. 515; Stats. 1913 s. 11—23; 1915 c. 381 s. 23; 1915 c. 604 s. 61; 1919 c. 671 s. 35*]

5.22 Delegates to national conventions. (1) There shall be chosen at an election held in each precinct of the state on the first Tuesday of April in each year in which elec-

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tors for president and vice president of the United States are to be elected, delegates to the national convention of each party, to nominate candidates for president and vice president.

(2) Except as herein otherwise provided, such elections shall be noticed, held and conducted, and the results canvassed and returned in the same manner that elections of judges of the supreme and circuit courts are noticed, held and conducted and the results canvassed and returned. The expense incurred in the preparation for or conducting such election shall be paid in the same manner and by the same officers as in the case of said judicial elections.

(3) The four candidates for delegates at large of each political party, receiving the highest number of votes, shall be the delegates at large.

(4) The two candidates for delegates of each political party, in each congressional district, receiving the highest number of votes shall be delegates from such district.

(5) It shall be the duty of the state central committee of each political party between the holding of such election and at least fifteen days prior to the holding of the party national convention, to meet and elect four alternate delegates at large and two alternate delegates from each congressional district. Said meeting shall be called by the chairman of the party state central committee, upon at least ten days' notice.

(6) For the purpose of enabling every voter to express his choice for the nomination of candidates for president and vice president of the United States, whenever there shall be filed with the secretary of state nomination papers as provided by sections 5.05 and 5.07 of the statutes, the names of such candidates shall be certified to the county clerks, and shall be printed as certified upon the official party ticket used at the election of delegates. No signature, statement or consent shall be required to be filed by any such candidate. [*Stats. 1913 s. 11—26; 1915 c. 381 s. 27*]

5.23 Nomination papers; president, vice president and delegates. (1) Nominations for candidates for president and vice president and for delegates shall be made by nomination papers, in the manner provided by sections 5.05 and 5.07, except that the nomination paper shall refer to the election to be held on the first Tuesday of April, in the year in which such candidates are to be voted for, and except that the nomination papers and ballot for any delegate may contain a statement of the principles or candidates favored by such candidate for delegate, which statement shall follow his name and be expressed in not more than five words. The number of signers on nomination papers of candidates for president, vice president and delegates at large shall be the same as for state officers, and of candidates for district delegates as for members of congress, and nomination papers for such candidates shall be filed in the office of the secretary of state.

(2) No political party shall be entitled to participate in the election of delegates unless nomination papers have been filed with the secretary of state as provided herein. [*Stats. 1913 s. 11—27; 1915 c. 381 s. 28*]

5.24 Ballot for delegates. (1) (a) An official ballot shall be printed and provided for use at each voting precinct in the form provided herein and annexed hereto. The names of all candidates for delegates for whom nomination papers prescribed shall have been duly filed, shall be printed thereon.

(b) The names of the candidates for president and vice president shall be placed first in each party column underneath the party designation, and immediately above the names of said candidates, respectively, shall appear the words, "For President," "For Vice President."

(2) Said official ballot shall be made up of the several party tickets, arranged alphabetically according to party name, all of which shall be securely fastened together at the top and folded; provided, that there shall be as many separate tickets as there are parties entitled to participate in said election.

(3) The names of all candidates shall be arranged according to surname under the appropriate title and under the proper party designation upon the party ticket, and rotated in accordance with the provisions of section 6.19.

(4) After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the printed indorsements and signatures or initials thereon seen. The remaining tickets attached together shall be folded in like manner by the elector who shall thereupon, without leaving the polling place, vote the marked ballot forthwith and deposit the remaining tickets in a separate ballot box to be marked and designated as the blank ballot box.

(5) Immediately after the canvass the inspectors shall, without examination, destroy the tickets deposited in the blank ballot box.

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(6) Whenever any elector shall vote for more than four delegates at large his vote shall not be counted for any of such delegates. Whenever any elector shall vote for more than two district delegates his vote shall not be counted for any such delegates.

(7) The official ballot for the election of delegates to the national convention shall be in substantially the same form as provided in section 5.10 of the statutes. [*Stats. 1913 s. 11—28; 1915 c. 92 s. 6; 1915 c. 381 s. 29; 1915 c. 604 s. 62*]

5.25 Primaries for special elections. (1) Whenever a special election shall be ordered as provided by section 7.04 of the statutes, all party candidates to be voted for at such election shall be nominated by a primary, which shall be held at a time to be fixed by the officer to whom the order for such special election is filed not less than twenty-five nor more than thirty days after the date of the filing of such order. This section shall apply to the filling of vacancies in the office of member of the assembly, state senator, United States senator, representative in congress and county officers.

(2) Notice of any such primary shall be given by the officer aforesaid forthwith upon the filing of the order for the special election, and publication thereof shall be made by the county clerk once in each week from the date of said order to the date of the primary.

(3) Nomination papers shall be filed not later than eighteen days before the day of the primary.

(4) When the primary embraces more than one county, the secretary of state shall, at least eighteen days prior thereto, transmit to each county clerk a certified list of all persons for whom nomination papers have been filed in his office.

(5) Except as otherwise provided and except when inconsistent herewith the provisions of this chapter respecting September primaries are applicable to all primaries held under this section. [*Stats. 1913 s. 29; 1915 c. 381 s. 30; Spl. S. 1916 c. 1*]

OTHER NOMINATIONS.

5.26 Nominations other than by primaries, and special primaries for certain judicial and school-board nominations. (1) Independent or nonpartisan nominations may be made for any office to be voted for at any general, judicial, special or city election.

(2) Except as otherwise provided in subsection (8) such nominations shall be made by nomination papers, containing the name of the candidate, the office for which he is nominated, his business or vocation, residence, post-office address, and except as otherwise provided by law the party or principle he represents, if any, expressed in not more than five words.

(3) To each separate nomination paper shall be appended the affidavit of a qualified elector to the effect that he is personally acquainted with all the persons who have signed the foregoing nomination paper, that they are electors and that their residence, post-office address and date of signing are truly stated therein. But such affidavit shall not be made by the candidate named therein.

(4) Such nomination papers shall be signed, if for a candidate to be voted for throughout the state, by at least one thousand voters thereof; if for a candidate to be voted for throughout a county, district, or other division less than the state, or within a city or ward, by at least three per centum and not more than five per centum of the whole number of electors voting therein for governor at the last preceding general election, but in no case by less than fifteen voters. Provided, however, that for candidates mentioned in subsection (8), such nomination papers shall be signed by at least one per centum and not more than three per centum of such electors.

(5) Each voter shall sign for but one candidate for the same office, and shall add his residence, post-office address and the date of signing.

(6) Such nomination papers shall be filed as follows: For candidates to be voted for throughout the state or any division or district embracing more than one county, in the office of the secretary of state, not more than forty nor less than thirty days before the election for which the nominations are made; for candidates to be voted for wholly within one county, in the office of the county clerk, not more than forty nor less than twenty days before such election, except for candidates for the office of county or district superintendent of schools, which shall be filed not more than forty nor less than twenty days before such election; for candidates to be voted for wholly within one city in the office of the city clerk, not more than fifteen nor less than twelve days before such election. Provided that nomination papers proposing candidates for judicial offices, members of the board of supervisors or for school board directors in the cases provided for in subsection (8), shall be filed not more than forty nor less than twenty days before the primary therein provided for.

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(7) All such nomination papers shall be destroyed by the officer with whom they are filed, on the first day of January next succeeding the election, except such papers as may be material to any investigation or litigation then pending, which shall be preserved until the final determination of such investigation or litigation.

(8) (a) Whenever such nomination papers propose three or more candidates for members of the county board of supervisors in counties having a population of two hundred fifty thousand or more, for any judicial office, except the office of police justice or justice of the peace, in any county having a population of three hundred thousand or more and containing an entire judicial circuit for which more than one circuit judge is provided by law, or propose eleven or more candidates for members of the board of school directors in any city of the first class, neither of the persons whose name is so presented shall become nominated as a candidate until nominated at a primary election held two weeks prior to the first Tuesday in April in the year in which such office is required to be filled by election.

(b) The nomination papers proposing said three or more candidates or proposing said eleven or more candidates, whether complying in all respects with the provisions of section 5.05 or not, shall be used for the purpose of preparing the ballots for such primary election and for no other purpose. The order in which the names of candidates so presented shall be printed on such ballots shall be determined by drawing lots at twelve o'clock, noon, on the day immediately following the last day for filing nomination papers, by or under the supervision of the county clerk at his office, in a case of candidates for a judicial office, or member of the county board of supervisors and by or under the supervision of the city clerk at his office, in a case of candidates for members of a school board. The candidates for any such office shall be designated upon the primary ballot as follows: "For Circuit Judge (to succeed ...., Branch Number ....);" "For Civil Judge (to succeed ...., Branch Number ....);" "For County Judge;" "For Member of the County Board of Supervisors, ... District;" "For Members of the Board of School Directors," etc., as the case may be. The two candidates for any judicial office, member of the county board of supervisors in each district and the ten candidates for members of the board of school directors receiving the highest number of votes cast at such primary shall be the nominees for such office, and their names, and none other, shall be placed on the official ballot at the ensuing judicial and school election.

(c) Except as otherwise provided in this section the general law relating to nomination of candidates at September primaries shall apply to nomination of judicial candidates, candidates for supervisor, under subsection (8) of this section and the general law relating to nomination of candidates at city primaries shall apply to nomination of school directors pursuant to this section. [*Stats. 1913 s. 30; 1915 c. 381 s. 31; Spl. S. 1916 c. 1; 1917 c. 5; 1919 c. 13, 32, 431*]

5.265 Nomination in populous counties. (1) In counties having more than two hundred fifty thousand the provisions of section 5.05 shall apply to the nomination of candidates for county offices, except that all reference to party and party principles shall be eliminated from nomination papers of candidates for such offices. Such papers shall be designated nonpartisan, and shall contain no other designation whatever.

(2) Nomination papers of a candidate for a county office shall be signed by qualified electors, equal in number to at least one per cent but not to exceed three per cent of the total number of votes cast for all candidates for such office at the last regular election.

(3) The two persons receiving the highest number of votes cast for candidates for any county office shall be the nominees for such office, and their names and none other shall be printed upon the official ballot at the ensuing general election.

(4) The names of candidates for county offices shall be arranged on a separate ballot at both the primary and general elections, under the designation of the office for which they are candidates, and there shall be no party or other designation whatever placed upon such ballot. The ballots shall be so prepared that an elector may vote for any other person for any county office by writing his name upon the ballot.

(5) Except where inconsistent with the provisions of this section the existing statutes shall apply to and govern the nomination and election of candidates for county offices. [*1919 c. 566; 1919 c. 703 s. 40*]

5.27 Nomination in towns and villages. Every candidate for any elective town or village office shall be nominated as provided in this section:

(1) At least twelve days before each first Tuesday of April, the electors of any town or village may assemble in caucus and by ballot select a caucus committee of three and nominate candidates for the different town and village offices. Each caucus committee shall give at least five days' written notice of the time and place of holding the caucus

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next following their election, such notice to be given either by publishing a copy thereof in some newspaper published in such village or town or by posting copies of such notice in at least five public places. The two candidates for each office at such caucus who receive the highest number of votes shall be certified by the caucus officers to the town or village clerk together with the number of votes cast for each and the names of such candidates shall be placed on the official ballot. Provided, that if the vote of the candidate receiving the second highest vote for any office at such caucus is not at least one-fifth as great as that of the candidate for the same office receiving the highest vote, or if the candidate receiving the second highest vote for any office at such caucus files with the town or village clerk within five days of the holding of the caucus a request that his name be not printed on the ballot, then only the name of the candidate receiving the highest number of votes shall appear thereon. A tie vote shall be determined by lot.

(2) Or such candidate may be nominated by nomination papers signed by electors of such town or village equal in number to ten per cent of all the votes cast in such town or village for all candidates for governor at the last preceding general election. Such nomination papers shall conform to the provisions of subsections (2) and (5) of section 5.26 and shall be filed in the office of the town or village clerk at least twelve days before the election. [*Stats. 1913 s. 29, 35—30; 1915 c. 381 s. 32; Spl. S. 1916 c. 1; 1917 c. 26; 1919 c. 182*]

MISCELLANEOUS PROVISIONS.

5.28 Vacancies after nomination. Any person nominated to office may decline and annul the same by delivering to the officer with whom his certificate of nomination or nomination paper is filed, not less than seven days before election in case of town, village or city officers, and nine days in other cases, a declination in writing signed by him and acknowledged before some officer authorized to take acknowledgments. Upon such declination or the death of a nominee the vacancy or any vacancy caused by the insufficiency of certificates of nomination or nomination papers may be filed in the same manner as original nominations, or in case the candidate is the nominee of a political party, by the committee representing the party, the chairman and secretary of which in such case shall make and deliver to the proper officer for filing a certificate, duly signed, certified and sworn to, as required in case of original certificates, setting forth the cause of the vacancy, name of new nominee, office for which nominated, and such other information as is required in case of original certificates. This certificate must be filed six days before election in case of town, village or city offices, and eight days in other cases, and when so filed shall have the effect of an original certificate. In case the candidate is a nonpartisan nominee, the vacancy shall be filled by the personal campaign committee of the candidate, who shall make and file a certificate in the manner above prescribed. If the candidate had no personal campaign committee, such vacancy shall be filled by the supervisors of the town, trustees of the village, council of the city, or board of supervisors of the county, as the case may be, and such board shall make and file a certificate as herein provided. If such declination, death or the permanent removal of a nominee take place after the ballots are printed and before election, the proper chairman of the committee above authorized to fill vacancies may make a nomination to fill the vacancy and provide the election boards with pasters containing the name of such nominee only, which shall be pasted upon each of the official ballots by the ballot clerks, before signing their initials thereon and delivering them to voters. If the nominee die after the ballots are printed, and no nomination shall be made as herein provided, the votes cast for him shall be counted and returned, and if he shall receive a plurality the vacancy shall be filled as in case of vacancies occurring by death after election. [*Stats. 1913 s. 34; 1915 c. 175; 1915 c. 381 s. 33*]

5.29 General election laws applicable; recount. (1) Except as otherwise specially provided all the provisions of chapter 6 of the statutes, relating to the qualification or registration of electors, notices of or pertaining to elections, poll lists, party challengers and challenges, officers and their duties, hours when the polls are to be opened and closed, canvass and return of votes, the solicitation of voters at the polls or to any other step or proceedings in preparation for or in the conduct of elections, are applicable to primaries in so far as they are consistent with this chapter.

(2) The provisions of section 6.66 shall apply to primaries except that the notices to candidates shall be served on opposing candidates for the same party nomination, only. [*Stats. 1913 s. 11—12, 11—14, 11—15, 11—16, 11—25, 35—24; 1915 c. 381 s. 34; 1915 c. 604 s. 63*]

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CHAPTER 6.

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ELECTORS.

6.01 Qualifications of electors. Every person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote ten days, shall be deemed a qualified elector at such election:

(1) Citizens of the United States.

(2) Persons of Indian blood who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

(3) Civilized persons of Indian descent not members of any tribe.

(4) Any civilized person, being a descendant of the Chippewas of Lake Superior or any other Indian tribe, residing within this state, and not upon any Indian reservation, who shall make and subscribe to an oath before the clerk of the circuit court or his deputy of the county where such person resides that he is not a member of any Indian tribe, and has no claim upon the United States for aid and assistance from any appropriation made by congress for the benefit of Indians, and that he thereby relinquishes all tribal relations, and all right to claim or receive such aid, shall be entitled, on such oath being filed and recorded, to vote at all elections held in this state, if he is otherwise qualified. The oath so taken, on being corroborated as to the residence and tribal relations of such person by the affidavit of a qualified elector, shall be filed in the office of the clerk before whom it was taken and recorded by him in a book to be provided for that purpose, upon such person paying to said clerk the sum of one dollar.

(5) No person who shall have made or become interested, directly or indirectly, in any bet or wager depending upon the result of any election at which he shall offer to vote shall be permitted to vote at such election; and any person who shall have been convicted of bribery shall be excluded from the right of suffrage unless restored to civil rights. [*Stats. 1913 s. 12; 1915 c. 383 s. 2; 1915 c. 604 s. 65, 66; 1917 c. 671 s. 1; 1919 c. 120 s. 1; 1919 c. 607 s. 2; 1921 c. 15 s. 1*]

6.015 [*Repealed by 1921 c. 15 s. 2*]

6.015 Women to have equal rights. (1) Women shall have the same rights and privileges under the law as men in the exercise of suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding office, holding and conveying property, care and custody of children, and in all other respects. The various courts, executive and administrative officers shall construe the statutes where the masculine gender is used to include the feminine gender unless such construction will deny to females the special protection and privileges which they now enjoy for the general welfare. The courts, executive and administrative officers shall make all necessary rules and provisions to carry out the intent and purposes of this statute.

(2) Any woman drawn to serve as a juror upon her request to the presiding judge or magistrate, before the commencement of the trial or hearing, shall be excused from the panel or venire. [*1921 c. 529; 1921 c. 9 s. 2*]

TIME, PLACE AND NOTICE OF ELECTIONS; ELECTION DISTRICTS.

6.02 Place for voting. (1) No elector shall vote except in the town, ward, village or election district in which he actually resides; provided, that all persons residing upon Indian lands within any county of the state, not embraced in any organized election district, and qualified to exercise the right of suffrage, shall be entitled to vote at the polls which may be held nearest their residence for state, United States or county officers; but no person shall vote for county officers out of the county in which he resides.

(2) The legal voting place of every elector who shall lodge in any hospital, school, or other building which is partly in one election district and partly in another, or whose residence is so divided by election district lines, shall be at the voting place nearest to the place where such voter so lodges or resides. [*Stats. 1913 s. 13; 1915 c. 383 s. 3; 1915 c. 604 s. 66; 1921 c. 386*]

6.03 Time of general election. The general elections prescribed in the constitution shall be held in the several towns, wards, villages and election districts on the Tuesday next succeeding the first Monday in November in the year 1898, and biennially thereafter, at which time shall be chosen such United States senators, representatives in congress, electors of president and vice president, state senators, members of assembly, state officers and county officers as are by law to be elected in such year. [*Stats. 1913 s. 14; 1915 c. 383 s. 4*]

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6.04 Place for holding elections. All elections under chapters 5, 6, 7, 8, 9 and 10 shall be held:

(1) In cities, in the wards, at the place or places to be ordered by the common councils thereof, respectively, at least four months before such election, unless otherwise provided by law.

(2) In villages, at the place in each election district thereof to be ordered by the trustees at least four months before such election, unless otherwise provided by law.

(3) In each town, at the place where the last town meeting was held, or at such other place as shall have been ordered by such meeting or by the supervisors, when they establish more than one election district as hereinafter provided; but the first election after the organization of a new town shall be at the place directed in the act, order or proceeding by which it was organized. [*Stats. 1913 s. 15; 1915 c. 383 s. 5; 1919 c. 456*]

6.05 Division and consolidation of election districts. (1) Election districts as established may be divided into two or more districts in towns when the supervisors shall deem it for the convenience of the voters, and shall be divided when fifty or more electors thereof shall petition the board in writing therefor; and such division shall be made in wards, villages or towns when it shall appear that six hundred or more votes were cast in any such district therein at any election; provided, however, that no division shall be made in any town containing less than fifty sections of land unless it shall appear that four hundred or more votes were cast in such town at the last preceding general election.

(2) Such division shall be made at least four months prior to the next succeeding general election and shall be so made that the districts shall be composed of compact, contiguous territory, no one of which shall contain over five hundred voters, except that in cities of the first class such districts may contain eight hundred registered voters. The order or resolution making such division shall be filed with the proper city, village or town clerk, who shall within five days after such filing transmit a copy thereof to the county clerk, and in towns and villages the clerks thereof shall post copies of such order or resolution in five public places therein.

(3) The order or resolution shall designate the districts by numbers, and the place where the election in each shall be held, which place shall be fixed with a view to the convenience of the largest number of voters.

(4) The order dividing a town into districts shall designate the persons who shall act as election officers, if present in the district or districts thereby created.

(5) The persons so designated shall possess the qualifications hereinafter prescribed, and represent the political parties in accordance with the provisions of this chapter respecting the officers of election in cities and villages. One of the persons named as inspectors for each district shall be designated as chairman.

(6) When a town is thus divided into election districts, the annual town meeting and all judicial and special town elections shall be held at election district number one; all other elections shall be held at the districts as divided.

(7) It shall be competent for town boards, village trustees or common councils to change the boundaries of election districts without creating new districts, or to consolidate two or more districts within the same town, village or city, subject to the foregoing conditions as to time, compactness of territory, filing of a copy of the order or resolution and posting copies thereof. [*Stats. 1913 s. 16; 1915 c. 176; 1915 c. 383 s. 6; 1919 c. 456*]

6.06 Compulsory division of election districts. If the council or board whose duty to make a division shall have become imperative under section 6.05 shall fail or refuse so to do as therein specified, any voter of such city, town or village may apply to the proper circuit court or the presiding judge thereof for an order compelling such division. Such court or judge may, after reasonable notice has been given to the council or board proceeded against, order such division if it appear that it has become the duty thereof to make the same. Failure to obey such order within the time specified, unless the same be stayed or superseded, shall be deemed a criminal contempt. Until divided all elections shall be held in the districts as previously established. [*Stats. 1913 s. 17; 1915 c. 383 s. 7*]

6.07 Alteration of election districts in Indian reservations. (1) Existing election districts located within the boundaries of Indian reservations are continued until altered as provided by law.

(2) The county board of any county containing any such reservation in whole or in part may, by recorded resolution, consolidate election districts already existing therein, or detach territory from one such district and attach it to another; and may in like manner create one or more new election districts by setting off for that purpose territory within the reservation and within the county not previously included in any such district, or by dividing a district already existing, or by making such new district to consist partly

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of territory not previously organized and partly of territory set off from existing districts. No new district shall be created containing less than fifty resident citizens of the United States who are electors of the state of Wisconsin. Such new districts may be organized as provided by section 6.33. [*Stats. 1913 s. 47a to 47i; 1915 c. 383 s. 8*]

6.08 [*Repealed by 1921 c. 15 s. 3*]

6.09 Adjournment of election to another place. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the board of inspectors, after having assembled at, or as near as practicable to, such place, and before receiving any votes, may adjourn to the nearest convenient place for holding the election, and at such adjourned place shall forthwith proceed with the election. Upon such adjournment said board shall cause proclamation thereof to be made, and shall station a constable or other proper person at the place where the adjournment was made to notify all electors arriving at such place of the adjournment and the place to which it was made. [*Stats. 1913 s. 19; 1915 c. 383 s. 10*]

6.10 Notice of general election; publication by secretary of state; publication fee. (1) The secretary of state, between the first day of August and the first day of September in each year in which state officers, United States senators, representatives in congress, members of the assembly and state senators are to be elected for a full term of office, or in which electors of president and vice president are to be elected, shall make out a notice in writing stating that at the next general election to be held on the Tuesday next succeeding the first Monday in November following the officers aforesaid, or so many of such officers as are then to be chosen, are to be elected, and specifying in the case of such representatives and senators the respective districts in which they are to be elected, and shall publish a copy of such notice in a newspaper printed at the seat of government once in each week from the date of such notice until the election to which it refers.

(2) The compensation for such publication shall not exceed fifty cents per folio for the first nor thirty cents per folio for any subsequent insertion and shall be chargeable to the proper appropriation for the secretary of state.

(3) The secretary of state shall transmit by mail a like notice to the county clerk of each county, specifying the said officers to be voted for in said county, and in case of a senator, the number of his district, and also any constitutional amendment or other question to be submitted to the electors of the state for a popular vote. The secretary of state shall append to each such constitutional amendment or other question to be submitted to the people a brief statement of the change that will be made in the constitution or the existing laws if such amendment or other question so submitted shall be ratified or approved by the people at such election. Such statement shall contain no argument for or against any such amendment or other question so submitted. [*Stats. 1913 s. 20; 1915 c. 383 s. 11*]

6.11 Notice of general election; publication by county clerk. The county clerk thereupon shall forthwith cause a notice containing so much of the notice so received by him as relates to any question and statement concerning the same and officers to be voted for in his county, together with a statement of the several county officers to be elected by the voters of his county to be published as follows: In counties containing a population of two hundred and fifty thousand such notice shall be published in not less than two and not more than four newspapers published therein; in all other counties of the state such notice shall be published in not more than two newspapers published therein, one of which publications shall be made in a newspaper which advocates the principles of the political party which at the last preceding election cast the largest number of votes, and another publication shall be made in a newspaper which advocates the principles of the political party that then cast the next largest number of votes. Such notice shall be published once each week until election, and shall be transmitted by mail to each town clerk, and the clerk of each village in which the next ensuing general election will be held, and to one of the inspectors of election in each election district in every city of his county. Whenever the office of county clerk is vacant and there shall be no person authorized to perform his duties, the sheriff shall make out and so transmit such notices. The fee for such publication shall be the same as provided in subsection (2) of section 5.12. [*Stats. 1913 s. 21; 1915 c. 383 s. 12; 1921 c. 422 s. 3*]

6.12 Notice of general election; posting by inspectors. Every such town and village clerk and inspector shall, ten days previous to any general election or on receiving any such notice, give to the town, village and election district electors, respectively, notice of such election by posting notices in five conspicuous places in their towns, villages and election districts, stating the time when and place where the election will be held, the questions and statement concerning each appearing in the county clerk's notice which are to be submitted to the electors of the state for a popular vote, the officers to be voted for,

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whether any of them are to be chosen to fill vacancies, in which case the names of the last incumbents of the offices in which vacancies exist shall be given. [*Stats. 1913 s. 22; 1915 c. 383 s. 13*]

REGISTRY OF ELECTORS.

6.13 General registration statutes not applicable to Milwaukee. The provisions of this chapter respecting the registration of electors shall not apply to cities having one hundred thousand or more inhabitants. [*1915 c. 383 s. 14*]

6.14 Registration of electors, in villages and towns of over five thousand. (1) In every city, every incorporated village, and every town, which according to the last preceding United States census had a population of five thousand or more, a registry of electors shall be made in every election district thereof in each even-numbered year. Such registration shall be applicable to municipal and judicial elections as well as to general elections unless the common council of such city, or board of trustees of such village, or board of supervisors of such town shall, by ordinance or resolution, otherwise declare and provide; but no such ordinance or resolution shall apply to any such election held within thirty days after the adoption of the same by such common council, trustees or supervisors. Until the population of any city, village or town shall have been determined by a United States census no registry shall be held or taken therein, except as otherwise provided in this section.

(2) In any city, village or town having a population of less than five thousand, according to the last United States census, the common council, board of trustees, or board of supervisors, as the case may be, may, by ordinance or resolution, authorize and require registration for general elections in such city, village or town, and may rescind its own action in like manner.

(3) In any city, village or town of less than five thousand population and in every city, village or town whose population has never been determined by a United States census, twenty per cent of the number of voters voting at the last general election, may file with the city, village or town clerk at least ninety days before any general election, a petition addressed to the mayor, president, or chairman of such city, village or town, as the case may be, demanding a registry of electors in such city, village or town, and thereupon registration shall be made in the manner provided by law.

(4) When registration is ordered or directed as provided in subsection (2) or (3) of this section it may be made applicable also to municipal or judicial elections by a majority vote of the electors, and when so adopted and made applicable, such provisions may be abolished and made inapplicable by a similar vote. The vote shall be taken at the municipal, town or general election next held in such city, village or town after a petition in writing has been on file not less than forty days in the office of the clerk thereof signed by electors therein equal in number to ten per cent of the number of votes cast therein for governor at the last general election, praying for the submission to said electors of the question of the adoption or of the abolishing, as the case may be, of the provisions aforesaid. The taking of such vote shall be noticed in any such city in the manner municipal elections are noticed, and in any such town or village by posting notices in at least three public places in the town or village not less than ten days before the election. Registration for general elections, established under the provisions of subsection (2) or (3) of this section, may also be abolished by referendum under the provisions of this subsection.

(5) Not later than ten days prior to any September primary the county clerk shall furnish four registration books for each precinct within his county in which registration is held.

(6) Whenever registration is established or abolished under subsection (2), (3) or (4) of this section the city, village or town clerk shall forthwith certify such action to the county clerk and to the secretary of state. A list of all such cities, towns and villages, of less than five thousand population, shall be printed in the election pamphlet. [*Stats. 1913 s. 11-14, 23, 23a, 24; 1915 c. 383 s. 15, 16; 1921 c. 378 s. 2*]

6.15 [*Repealed by 1921 c. 378 s. 1*]

6.16 Board of registry; registration procedure. (1) The persons authorized by law to act as inspectors of election in any election district, constitute the board of registry therefor. Before doing any business as such board, each member thereof shall take and subscribe the oath of inspectors at general elections.

(2) Every primary election day and the Tuesday next preceding shall be registration days in every election district where both registration and a primary are required to precede an election. In any district where a primary is not required and registration is required for any municipal, or town, or judicial election, Tuesday, two weeks before such

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election, shall be a registration day; and such registration may be continued on the next following day, when necessary, if at the next previous general election there were more than three hundred votes polled in such district. There shall be no other registration day or days for either a primary or any other election except that prescribed by section 6.17.

(3) A meeting of the board shall be held at the place where the next succeeding election is to be held, and shall begin at nine o'clock in the forenoon and continue until eight o'clock in the evening of each registration day, except that on the day of holding a primary it shall continue its session during the hours the polls are required to be held open. The election clerks in each district shall act as clerks of the board, and each member of the board and each clerk shall receive the same compensation as may be provided for inspectors of election and election clerks, respectively; provided, that in cities of the fourth class, by ordinance of the common council, the services of the clerks of election may be dispensed with on such registration days which do not fall on primary day.

(4) The proceedings shall be open, and all electors of the district shall be entitled to be heard in relation to corrections or additions to the registry. The members of the board shall have the same power to preserve order which inspectors of election have on election days; and any vacancy in the board shall be filled in the manner that a vacancy in the office of inspector of election is filled.

(5) At its first meeting the board shall make a registry of all the electors residing in its district, placing thereon the full names, alphabetically arranged according to surnames, in one column, and in another column, the residence by number and name of street, or other location if known. If any elector's residence is at any hotel or public boarding house, the name thereof shall be stated in the registry. In cities the names in each registry shall be arranged in such manner that all electors residing on the same street shall be grouped and in numerical order, commencing with the lowest house number at one boundary line of the district and proceeding to the highest house number on the same street within the same district.

(6) The poll lists kept at the last preceding general and municipal elections shall be delivered by the lawful custodian thereof to the board for use in making such registry which shall contain the names of all persons residing in the district which appear on said lists, together with the name of every person known by the board to be an elector of the district, and also the name of every person who shall on any registration day appear and file an affidavit stating that he is a qualified elector in such district and giving his place of residence.

(7) The registry for any district created subsequent to such preceding election shall be made from the best information obtainable by the board, including, if necessary, certified copies of the last poll lists of the districts formerly embracing the territory of such new district.

(8) The board shall complete said registry, as far as practicable, at its first meeting and make necessary corrections at every subsequent meeting. A certified copy of the registry made one week before a primary in any district located in a city shall be immediately filed with the city clerk. Immediately after its first meeting in any district where no primary is held and immediately after the primary in any other district the board shall make four copies of its registry, certify the original and every copy to be a true list of the electors in the district so far as known to the board, immediately post one of said copies in a conspicuous place in the room in which the meeting was held where it will be accessible to every elector for examination or making copies thereof, and retain the other copies, one for each member, for revision and correction at its final meeting.

(9) Within two days after the first meeting in districts where no primary is held, and within two days after every primary, the board shall file its registry, certified as aforesaid, and said poll lists, in the office of the proper town, city or village clerk, and such clerk shall cause a sufficient number of such registry to be printed, not exceeding one hundred of each, and shall cause to be posted in public places in the district six copies thereof. Such printed lists in cities shall have the names of the various streets displayed in heavy type over each group of electors residing on such street within the district boundaries, and such streets shall be arranged in successive geographical order from east to west and from north to south.

(10) The town, city or village clerk shall obtain from at least three persons within the county sealed proposals for the printing of said lists and shall award the contract thereof to the lowest competent and responsible bidder. [*Stats. 1913 s. 11—14, 25, 26, 26a; 1915 c. 383 s. 17; 1919 c. 44*]

6.17 Final meeting and determination of board of registry. (1) The board shall hold a final meeting on the Tuesday next preceding every general November election, and on no other day. It shall then revise and correct the registry as follows:

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(a) By erasing the name of any person proved to its satisfaction by the oath of two or more electors of the district to be not qualified to vote at said election, unless such person shall appear, and, if challenged, shall answer the questions and take the oath required of persons challenged on the same grounds at elections.

(b) By entering thereon the name of every person qualified, except as to age, to vote at such election if such person, continuing to live, will be twenty-one years of age on or before the day of such election.

(c) By entering thereon the name of every elector entitled to vote at such election, who shall appear personally and request, or make application in writing, that his name be registered, if such personal request or written application be accompanied by a satisfactory statement of the person's name, the period of his continuous residence in the district and his place of residence, naming street and street number or other location. If, however, the person appearing personally be challenged his name shall not be registered unless he shall answer the questions and take the oath required of persons challenged on the same grounds at elections. The name of the person making the written application shall be registered and his application shall be preserved and filed in the office of the proper town, village or city clerk.

(2) No name shall be added to said registry after it shall have been fully completed at said final meeting; and within three days thereafter the board shall post copies thereof in five or more public places in the district. Within said three days the board shall also provide not less than six further copies of said completed registry, and append to each thereof its certificate that the same is a correct registry of the electors of the district. Each member of the board shall retain one of the said certified copies for use at the election and two of them shall be filed forthwith in the office of the proper town, city or village clerk where they shall remain at all times open to public inspection. [*Stats. 1913 s. 27; 1915 c. 383 s. 19*]

6.18 Revision of prior registry lists. At city, village, town or judicial elections, when registration shall be required as provided in section 6.14, or at any special election held for the purpose of filling a vacancy in an office which by law is to be filled by a general election, the registration list used at the last preceding general election may be used; and the inspectors of election at each polling place named, on the day of election, shall revise the same by adding thereto the names of such persons as are known to them, or as shall be satisfactorily shown in the manner provided by law, to be entitled to vote at such election, and by striking therefrom the names of such as are known to them to have died or become disqualified since the last preceding registration. [*Stats. 1913 s. 28; 1915 c. 383 s. 20*]

CERTIFIED LISTS OF CANDIDATES, BALLOTS.

6.19 Certification of nominees and constitutional amendments by secretary of state. (1) Not less than twenty-five days before any April or November election the secretary of state shall transmit to each county clerk a certified list containing the name, description and post-office address of each person nominated for any office for whom any of the electors of such county are entitled to vote at such election, together with a designation of the office for which each is a candidate, and the party or principle each represents, if any, whose nominations are on file in his office. Names of candidates nominated pursuant to section 5.28 shall be certified forthwith upon the filing of nominations with the secretary of state.

(2) In certifying the names of candidates for the office of justice of the supreme court, judge of the circuit court, state superintendent, and delegates to national party conventions, the secretary of state shall designate the order in which the names of candidates shall be printed upon the official ballot in each assembly district.

(3) For the purpose of determining the order in which the names of candidates for justice of the supreme court, state superintendent, and delegates at large to national party conventions shall be placed upon the official ballot, the secretary of state shall number the assembly districts consecutively from one to one hundred in the order of their population, according to the last preceding census, beginning with the district having the largest population, which shall be numbered one.

(4) In determining the order in which the names of candidates for circuit judge and district delegates to national conventions shall be placed upon the ballot, the secretary of state shall number the assembly districts or parts of a district within the judicial circuit or congressional district consecutively from one upwards, in the order of their population, according to the last preceding census, beginning with the district having the largest population, which shall be numbered one.

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(5) The secretary of state shall arrange the surnames of the candidates for each office alphabetically for the first assembly district; thereafter for each succeeding district the name appearing first for each office in the last preceding district shall be placed last.

(6) Whenever a constitutional amendment or other question is required to be submitted to a vote of the people, the secretary of state shall, not less than twenty-five days prior to the election at which such amendment or question is required to be submitted, transmit by mail a certified copy thereof to each county clerk in the state. [*Stats. 1913 s. 11—19, 33; 1915 c. 383 s. 21; Spl. S. 1916 c. 1; 1921 c. 423 s. 3*]

6.20 Judicial and school election; rotation of names. (1) For the purpose of determining the order in which the names of candidates for county judge shall be placed on the official ballot, the county clerk shall prepare a list of the election precincts in his county by arranging the various towns, cities, and villages of the county in alphabetical order and the wards or precincts of each city, village, or town in numerical order under the name of such city, village, or town.

(2) For the purpose of determining the order in which the names of candidates for county superintendent of schools shall be placed on the official ballot, the county clerk shall prepare a list of the precincts in each superintendent district in his county by arranging the various towns, cities, and villages of the district in alphabetical order and the wards or precincts of each city, village, or town in numerical order under the name of such city, village, or town.

(3) The county clerk shall arrange the surnames of all candidates for county judge and superintendent of schools alphabetically for the first precinct in the list, and thereafter, in each succeeding precinct, the name appearing first for each office in the last preceding precinct shall be placed last. [*Stats. 1913 s. 35; 1915 c. 383 s. 22*]

6.21 Publication of official ballot. (1) Before an election to fill any public office, the county or city clerk of each county or city shall cause to be published in at least two and in not more than four newspapers published within the county or city the nominations to office certified to or filed with him, which publication shall be a facsimile of the official ballot.

(2) Said publication shall be preceded with a notice of the time and place of holding the election, together with information to the voter for marking his ballot, which notice and information shall be substantially in the form provided in section 6.22, to be varied and modified according to the nature of the election.

(3) One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding general election in such county or city cast the largest number of votes, and at least one of the other publications shall be made in a newspaper which advocates the principles of the political party that then cast the next largest number of votes.

(4) Such publication shall be made twice in daily or weekly newspapers in counties or cities having such, one of which publications in daily papers shall be on the day preceding the election and the other publication one week previously, and when published in a weekly paper the dates shall be designated by the county clerk; but if there be no daily or weekly newspaper published within the county or city, publication may be made in any daily or weekly newspaper having a general circulation in such county or city.

(5) An additional publication may be translated and published in such newspapers printed in foreign languages as the county or city clerk shall deem necessary or proper.

(6) The publication required in this section shall not be made in more than two newspapers, unless authorized by a resolution adopted by the county board of supervisors of such county or city council of such city.

(7) (a) Such publication, when published in a city using voting machines, shall include a sample ballot in the form of a diagram showing the face of the machine with the official ballot thereon, together with instructions to the voter for the proper operation of the machine.

(b) The election notices of the city clerk and county clerk for officers to be voted for in such city shall be issued and published by them in one notice whenever the elections to be noticed therein are to be held on the same day.

(c) The cost of such joint notice shall be paid by such city and county in proportion to the amount of space occupied. [*Stats. 1913 s. 36; 1915 c. 383 s. 23*]

6.22 Form of notice of general election; information to voters; publication and fee. (1) In making publication of a general election notice, the county clerk shall precede the same with a statement substantially in the following form, the caption of which shall be conspicuously displayed, but in no case shall the space occupied by said caption be more than one and one-fourth inches in depth:

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Notice of General Election.

Office of County Clerk.

To the Electors of .... County: ...., 19..

Notice is hereby given that a general election is to be held in the several towns, wards, villages, and election precincts in the county of ...., on the .... day of ...., 19.., at which the officers named below are to be chosen. The names of the candidates for each office to be voted for, whose nominations have been certified to or filed in this office, are given under the title of the office and under the appropriate party or other designation, each in its proper column, together with the question submitted to a vote, in the sample ballot below.

Information to Voters.

The following instructions are given for the information and guidance of voters:

(a) A voter upon entering the polling place and giving his name and residence, will receive a ballot from the ballot clerk which must have indorsed thereon the names or initials of both ballot clerks, and no other ballot can be used. Upon receiving his ballot, the voter must retire alone to a booth or compartment and prepare the same for voting. A ballot clerk may inform the voter as to the proper manner of marking a ballot, but he must not advise or indicate in any manner whom to vote for.

(b) If a voter wishes to vote for all the candidates nominated by any party he shall make a cross or other mark under the party designation printed at the top of the ballot in the circle made for that purpose. A ballot so marked and having no other mark will be counted for all the candidates of that party in the column underneath, unless the names of some of the candidates of the party have been erased or a name shall be written in or a cross mark be placed in the square at the right of the name or names of candidates in another column. If the voter does not wish to vote for all the candidates nominated by one party, he shall mark his ballot by making a cross or mark in the square at the right of the name of the candidate for whom he intends to vote, or by inserting or writing in the name of the candidate.

(c) A voter may vote for an entire group of candidates for presidential electors by making a cross (X) or mark in the circle (O) under the party designation at the head of the party column, or he may vote for the candidates for presidential electors by making a cross (X) or mark in the square at the right of the name of each candidate for elector for whom he wishes to vote. If a voter does not wish to vote for any one or more candidates for presidential electors in the group, he may erase the name of such candidate or candidates and may write in the space provided therefor, the name or names of the person or persons for whom he desires to vote, and the cross (X) or mark in the circle (O) at the head of the party column shall count as a vote for each of the candidates in such column. If a voter does not wish to vote for any candidates for president or vice president or for any presidential electors, whose names appear upon the ballot, he may insert or write in the names of the candidates for president and vice president, and presidential electors to a number equal to the number of electors to be elected, in the appropriate spaces in the blank column at the right of the ballot.

(d) A voter may vote upon a question submitted to a vote of the people by making a cross (X) or mark in the square at the right of the answer which he intends to give.

(e) The ballot should not be marked in any other manner. If the ballot be spoiled, it must be returned to the ballot clerk, who must issue another in its stead, but not more than three in all shall be issued to any one voter. Five minutes' time is allowed in booth to mark ballot. Unofficial ballots or memorandum to assist the voter in marking his ballot can be taken into the booth, and may be used to copy from. The ballot must not be shown so that any person can see how it has been marked by the voter.

(f) After it is marked it should be folded so that the inside cannot be seen, but so that the printed indorsements and signatures of the ballot clerks on the outside may be seen. Then the voter should pass out of the booth or compartment, give his name to the inspector in charge of the ballot box, hand him his ballot to be placed in the box, and pass out of the voting place.

(g) A voter, who declares to the presiding officer that he is unable to read, or that by reason of physical disability he is unable to mark his ballot, can have assistance of two election officers in marking same, to be chosen by the voter; and if he declares that he is totally blind, he may be assisted by any person chosen by him from among the legal voters of the county. The presiding officer may administer an oath in his discretion, as to such person's disability.

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(h) The following is a facsimile of the official ballot (insert facsimile of official ballot): ...., County Clerk.

(2) The body of said notice shall be set in the type of the regular reading matter of the paper making the publication which shall not be larger than long primer nor smaller than minion, and shall contain at least seven lines of type to the inch. The titles of offices and names of candidates shall be separated in the notice by blank spaces not exceeding one-twelfth of an inch in thickness and the columns containing the titles of offices and the names of candidates shall not exceed two and one-sixth inches in width.

(3) No other or further publication of notice provided for by this and the preceding section shall be required to be made by any county or city clerk, except that in cities, the clerk shall at the foot of such notice, specify the place of voting in such election precinct, and the hours of opening and closing the polls.

(4) The compensation to be paid for all publications pursuant to sections 6.21 and 6.22 shall be sixty cents per square for weekly papers, and one dollar per square for the first publication, and thirty-five cents per square for each subsequent publication in daily papers, but in cities of the third and fourth classes the total shall in no case exceed the sum hereafter specified, to wit: For a general election in weekly newspapers one hundred dollars, and in daily papers two hundred dollars; for a judicial and school superintendent election in weekly newspapers twenty-five dollars, and in daily newspapers fifty dollars; for a municipal election in weekly newspapers fifty dollars; in daily newspapers one hundred dollars, which in each case shall cover all insertions required to be made; provided, that in cities of the first class and in counties containing more than two hundred thousand population the compensation for publishing all said notices shall be at the rate of one dollar per square for the first insertion, and seventy-five cents per square for the subsequent insertions.

(5) The word "square" as used in this section shall be construed to mean a space one inch in length of the column of the newspaper in which any such notice is published; but any fraction of a square shall be paid for as a full square. [*Stats. 1913 s. 37; 1915 c. 383 s. 24; 1921 c. 423 s. 4; 1921 c. 436 s. 1*]

6.23 Separate precinct ballots; form. (1) There shall be printed and provided for use in each precinct at general elections a separate ballot upon which shall be printed the names of all candidates for state, congressional, legislative and county offices.

(2) The several regular party tickets nominated by conventions or by regularly constituted and authorized committees or primaries shall be printed each in a separate column under the appropriate party designation, the columns to be arranged alphabetically, from left to right, according to the first letter of the party name, thus democratic party, labor party, prohibition party, republican party. To the right hand of the party columns shall be one or more columns for independent nominations.

(3) All columns are to be separated by heavy black lines not less than one-eighth of an inch wide.

(4) In each column shall be placed the name of each office to be voted for and directly under the name of each such office shall appear the name of the person nominated as a candidate for such office. The name of the candidate shall in all cases be placed in the column designated by the party name of that party by which such candidate was nominated; and if the person be an independent candidate, his name shall be placed in its proper place in the column or columns designated independent, together with his party designation as given in his nomination papers. The names of all candidates shall be so placed in the various party designated columns so that names of the same office and the candidates for such office shall appear on or between the same horizontal lines of the ballot. After and to the right of the name of each candidate for a state or county office and within each party designated column there shall be a square, in which the voter may designate by a cross or other mark his choice for each office.

(5) In no case shall a county clerk place the name of any person upon such ballot as a candidate for the office of county superintendent of schools unless such person shall have filed in such clerk's office at least twenty days before the day of election at which such superintendent is to be elected, proof of having successfully taught in one or more of the public schools of this state, for a period of eight months, and a copy of a certificate entitling him to teach in any such school, or of a certificate known as a county superintendent's certificate.

(6) All offices to be filled, together with the names of the persons who are candidates for such offices, shall be arranged within the columns in the following order: First, state offices; second, congressional offices; third, legislative offices; fourth, county offices.

(7) At the top of each ballot shall be placed in letters of not less than three-eighths of an inch in length the words: "Official Ballot." Underneath the words "Official Ballot,"

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and in plain, legible type shall appear the following instructions to voters: "If you desire to vote an entire party ticket for state, congressional, legislative and county offices, make a cross (X) or other mark in the circle (O) under the party designation at the head of the ballot. If you desire to vote for particular persons without regard to party, mark in the square at the right of the name of the candidate for whom you desire to vote, if it be there, or write any name that you wish to vote for, in the proper place." There shall be a space at the top of each column in which shall be placed the party designation and under the party designation a circle (O) of three-eighths of an inch in diameter formed by black lines in which the voter by his mark may declare that he votes for all the names printed in that column except such as are erased or written over or otherwise marked as hereinafter specified, and under such party designation shall appear the names of all candidates for state, congressional, legislative and county offices.

(8) Whenever a proposed amendment to the constitution, or any measure or other question shall be submitted to a vote of the people, a concise statement of the nature thereof shall be printed in accordance with the act or resolution directing its submission upon a separate ballot provided for that purpose, and underneath the question as thus stated shall appear the words "yes" and "no," and after and to the right of each of said words there shall be a square. At the top of said ballot shall be printed in letters of not less than three-eighths of an inch in length the words: "Official Referendum Ballot." Underneath said words, and in plain, legible type shall appear the following instructions to voters: "If you desire to vote for any question, make a cross (X) or other mark in the square after the word 'yes,' underneath such question; if you desire to vote against any question make a cross (X) or other mark in the square after the word 'no,' underneath such question." This form of ballot shall be used at all elections at which questions are submitted to the people.

(9) In each year in which there is to be elected a president and vice president of the United States, there shall be printed and provided for use in each precinct at the general election a separate ballot, to be designated "Presidential Ballot," which shall be substantially in the form annexed, marked "C."

(10) (a) At the top of each presidential ballot shall be placed in letters of not less than three-eighths of an inch in length the words "Official Presidential Ballot." Underneath the words "Official Presidential Ballot" and in plain, legible type shall appear the following instructions to voters: "If you desire to vote for all of the presidential electors of one party, make a cross (X) or other mark in the circle (O) under party designation at the head of the party column. If you desire to vote for particular persons without regard to party, make a cross in the square after the name of the elector for whom you desire to vote, or write any name that you wish to vote for, in the proper place."

(b) There shall be a space at the top of each party column, in which shall appear the party designation. Under the party designation shall be placed a circle (O) of three-eighths of an inch in diameter, formed by black lines, in which the voter by his mark may declare that he votes for all of the candidates for presidential electors whose names are printed in such columns, except such names as are erased, written in, or marked in some other column. Beneath the circle shall appear the words "For President" (naming such candidate), and "For Vice President" (naming such candidate), and immediately beneath shall appear the words "Electors of President and Vice President," and underneath said words and separated by lines shall appear the names of the persons who are candidates for presidential electors of such party, and under each such name shall appear a blank line.

(11) No pasting names over a ticket or over any names thereon shall be allowed and no name so pasted shall be counted except as provided in section 5.28.

(12) When any person is nominated for the same office, by more than one party or primary, his name shall be placed upon the ticket under the designation of the party which first nominated him, or if he was nominated by more than one party or primary at the same time, he shall, within the time fixed by law for filing certificates of nomination, filed with the office with whom his certificate of nomination is required to be filed, a written election indicating the party designation under which he desires his name to be printed on the ballot, and it shall be so printed. If he shall refuse or neglect to so file such an election, the officer with whom the certificate of nomination is required to be filed, shall place his name under the designation of either of the parties by which he was nominated, but under no other designation whatsoever.

(13) The names of persons nominated by paper nominations shall be placed in the one or more columns designated independent; provided, that the name of the same individual shall not be placed on the ticket under the head of independent nominations if his name already appears under a party designation.

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"A"

OFFICIAL BALLOT

FOR

.....Precinct, ...Ward,

City (Village or Town) of.....

November....., 19.....

.....

.....

Ballot Clerks.

We certify that the within ballot was marked by us for an elector incapable under the law of marking his own ballot and as directed by him.

.....

.....of Election.

.....

.....of Election.

I certify that the within ballot was marked by me for a blind elector, at his request, and as directed by him.

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"B"

Official City Ballot

To vote for a person whose name is printed on the ballot, make a cross (X) in the square after the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

MAYOR — Vote for one

John Doe.....	
John Doe.....	
.....	

CITY CLERK — Vote for one

John Doe.....	
John Doe.....	
.....	

CITY TREASURER — Vote for one

John Doe.....	
John Doe.....	
.....	

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"B"

Official City Ballot

FOR

.....Precinct, ...Ward,

City (Village or Town) of.....

November (or other month)....., 19....

.....

.....

Ballot Clerks.

We certify that the within ballot was marked by us for an elector incapable under the law of marking his own ballot and as directed by him.

.....

..... of Election.

.....

..... of Election.

I certify that the within ballot was marked by me for a blind elector, at his request, and as directed by him.

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I certify that the within ballot was marked by me for a blind elector, at his request, and as directed by him.

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If you desire to ve
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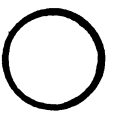

For President—
JOHN DOE

For Vice President—
JOHN DOE

Electors of President and Vice

JOHN DOE

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ALLOT

.....Ward,

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Ballot Clerks.

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(14) On the back and outside of every ballot shall be printed the words, "Official .... Ballot for ....," followed by the designation of the polling place for which the ballot is prepared and the date of the election, the official indorsement and blank certificates in the following forms: I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot, and as directed by him.

....,
Inspector of Election.

I certify that the within ballot was marked by me for a blind elector at his request, and as directed by him. ....

(15) No party designation shall be placed upon the official ballots for any school or judicial officer. The names of candidates for the same office shall be placed in the same column.

(16) Ballots for judicial, school and city elections shall be printed upon the quality of white print paper hereinbefore specified, and shall be of sufficient size to afford space for the names of the several candidates for any office in the column under the proper office designation. The names of candidates for judicial offices and school superintendent shall be printed on the same ballot in substantially the annexed form marked "E." Such ballots shall have similar matter printed on the back and outside as other official ballots are required to have.

(17) (a) The ballot provided for in subsection (1) of this section and the official city ballot shall be upon white print paper, the presidential ballot upon light blue print paper, and the referendum ballot upon pink print paper, and shall be substantially as in the annexed forms marked respectively "A," "B," "C" and "D;" provided that ballots for city elections may be varied in form to conform to the law under which such election is held.

(b) All ballots shall be of sufficient width and length to afford space for all matter required to be printed thereon and shall be printed on paper weighing thirty-five pounds per ream of sheets twenty-four by thirty-six inches; if a different sized sheet is used the weight per ream shall be proportioned as above.

(c) No sample ballot shall be printed upon paper of the color provided for any official ballot.

(18) A separate ballot box shall be provided for each form of ballot.

(19) All provisions of the statutes relating to the preparation, printing, distributing, voting, counting and returning of ballots used at general elections for state and county officers shall, as far as applicable and not inconsistent herewith, apply to all of the ballots herein provided for. [*Stats. 1913 s. 38; 1915 c. 383 s. 25; 1921 c. 138; 1921 c. 422 s. 4; 1921 c. 436 s. 1*]

6.24 Judicial and school elections nonpartisan. No candidate for any judicial, school, member of county board in counties having a population of two hundred fifty thousand or more, or elective city office shall be elected upon any party ticket, nor shall any designation of party or principle represented be printed on the ballot used at the election of any such candidate. The statement "a nonpartisan judiciary" or "a nonpartisan superintendency," or "a nonpartisan administration" shall not be deemed a designation of party or principle within the meaning of this section. The election of members of such county boards, except as provided by subsection (5) of section 17.21 in cases of vacancy, shall be held and conducted in the manner provided for the election of judicial officers, except police justices or justices of the peace in counties having a population of three hundred thousand or more, and containing an entire judicial circuit for which more than one circuit judge is provided by law. [*Stats. 1913 s. 31, 35—20; 1915 c. 5; 1915 c. 383 s. 26; 1917 c. 566 s. 6; 1919 c. 431 s. 2; 1919 c. 703 s. 1*]

PRINTING AND DISTRIBUTION OF BALLOTS.

6.25 Printing of ballots by county clerk. (1) Except as in this chapter otherwise provided, it shall be the duty of each county clerk to provide printed ballots for every election for public officers to be voted for in his county and to cause to be printed in the appropriate ballot the name of every candidate whose name has been duly certified to or filed with him; such county clerk shall let to the lowest bidder within such county the printing of all ballots and shall keep all proposals for such printing in his office; provided, such accepted bidder file with such clerk a bond in a penal sum of at least twice the sum of the accepted bid, signed by two sureties and conditioned for the faithful performance on the part of the accepted bidder of all the conditions duly imposed on him by such clerk at the time of receiving proposals for such printing, and provided such county clerk shall have power to reject all bids if deemed excessive and to contract for such printing outside of such county.

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(2) Ballots not provided by the county clerk shall not be cast or counted in any election, excepting as provided in subsection (6) of section 6.29.

(3) But any voter may write upon his ballot the name of any person for whom he desires to vote for any office, in such place or so designated as to indicate the office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter; and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as hereinafter otherwise provided.

(4) Ballots shall be printed and in possession of the county clerk at least four days before any judicial or general election, and subject to inspection by the candidates and their agents. If any mistake be discovered in printing or arrangement, it shall be the duty of the clerk to correct the same without delay.

(5) In all general elections, including judicial elections, such ballots shall be printed and distributed solely at the expense of the county. [*Stats. 1913 s. 41; 1915 c. 383 s. 29; 1917 c. 36*]

6.26 Number and style of ballots; sample ballots. There shall be printed, in the manner hereinbefore provided, a sufficient number of ballots, not to exceed seventy-five ballots for each fifty votes cast at the second last preceding general election, to be used at each election precinct in the county. At the time the official ballots are printed, unofficial sample ballots shall be printed upon tinted or colored paper, and in the same form as the official ballots, to an amount not exceeding one-tenth of the official ballots for the county and fifty per cent of the sample ballots shall be held by such clerk at his office and shall be distributed to voters upon application therefor. Fifty per cent of the sample ballots shall be sent to the election booths in proportion to the number of votes cast at the preceding election in the district where the booths are located, to be there distributed by the inspectors of election to voters upon application therefor. Such ballots shall be paid for in the same manner that the official ballots shall be paid for, without additional charge for composition. [*Stats. 1913 s. 42; 1915 c. 383 s. 30; 1917 c. 36*]

6.27 Party committees may order sample ballots. Any political committee may at its own expense order a larger supply of sample ballots than is required by section 6.26. [*Stats. 1913 s. 42; 1915 c. 383 s. 30; 1915 c. 604 s. 67*]

6.28 Tally sheets, poll lists and other supplies. Each county clerk shall cause to be printed in the same manner and at the same time that official ballots are printed a sufficient number of tally sheets, poll lists and other supplies required by law for the conduct of elections, for each precinct in the county, also registry books where registration is required. Official oaths of the inspectors, clerks of election and ballot clerks shall be printed in said poll lists. Such tally sheets, poll lists and election supplies shall be delivered by such clerks when the official ballots for each precinct are delivered in the sealed package containing the official ballots. But registration supplies, when required, shall be delivered not less than three days before registration day. To each such tally sheet shall be appended a certificate to be signed by the clerks of election and countersigned by the election inspectors. Such tally sheets shall be sent or delivered by the inspectors with the poll lists to the county, city, village and town clerk as provided in section 6.59 of the statutes. [*Stats. 1913 s. 42a; 1915 c. 383 s. 31; 1921 c. 558*]

6.29 Distribution of official ballots. (1) Each county clerk shall send the ballots printed pursuant to his order as provided by law to the proper town, village and city clerks in his county, so as to be received by them at least twelve hours previous to the opening of the polls on the day of election, in separate sealed packages with marks on the outside of each clearly designating the polling place for which it is intended and the number of ballots of each kind inclosed.

(2) Each town, village and city clerk shall send to the proper boards of inspectors in his town, village or city, before the day of election, the unbroken packages of ballots so received by him from the county clerk.

(3) Each town, village and city clerk, and each presiding or senior election officer, on receiving any package as aforesaid from a county or city clerk shall return to the sender a receipt therefor, and keep a record of the time when, and the manner in which, the several packages were received by him.

(4) The receipts aforesaid shall be preserved by city and county clerks for the period of one year, after which they may be destroyed.

(5) In case the ballots to be furnished to any city, village, town or voting place shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed, lost or stolen, it shall be the duty of the clerk of such city, village or town to cause other ballots to be prepared in printing or writing, substantially in the form of the original ballots; and upon receipt of such other ballots, accompanied by a statement under oath

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by such clerk, that the same have been so prepared and furnished by him to replace the original ballots not delivered or so destroyed, lost or stolen, the election officers shall cause the substituted ballots to be used in lieu of the original ballots.

(6) If from any cause the ballots are not ready for distribution at any polling place as provided by law, or if the supply shall be exhausted before the polls are closed, facsimile unofficial ballots may be used, but the voter using it must, before voting, present it unmarked to the ballot clerks, have their signatures or initials indorsed thereon, and then he shall prepare it for voting. [*Stats. 1913 s. 44; 1915 c. 383 s. 33*]

POLLING BOOTHS AND PARTY REPRESENTATIVES.

6.30 Construction of polling booths. All officers upon whom is imposed by law the duty of designating polling places shall, under the penalties elsewhere prescribed, provide and maintain in each polling place designated by them a sufficient number of places or compartments, at least twenty-four inches wide and deep, with shelves for writing, which shall be furnished with such supplies and conveniences as shall enable voters to conveniently prepare their ballots, and each compartment shall be furnished with a door, screen or curtain of cloth so hung as to completely conceal the voter and any one who may lawfully assist him from observation while marking and preparing his ballot, and said room shall have a guard rail so constructed that only persons within said rail can approach within five feet of the ballot boxes or such places or compartments. The number of such places, shelves or compartments shall not be less than one for every fifty electors who voted at the last preceding general election in the district. No person except the officers of election, other than voters engaged in receiving, preparing or depositing ballots, shall be permitted to be within said rail. The expense of providing and maintaining such places, shelves, compartments, doors, screens or curtains and guard rails shall be provided for in the same manner as other election expenses. [*Stats. 1913 s. 45; 1915 c. 383 s. 35*]

6.31 Party representatives at polling places. Two party agents or representatives, and a substitute or alternate for each, may be appointed for each polling place to act as challenger for each political party and its candidates and to observe the proceedings of election officers. Such appointments may be made by the county or other proper local committee of the party making such nominations. Candidates nominated by nomination papers and candidates for city offices, may themselves make such appointments. Each such appointment shall be in writing under the hand of the person making it, specifying the name and residence of the appointee, election district for which he is appointed, and the name of some substitute to be appointed in case of his failure to serve or absence from the polling place, and be filed with the clerk of the city, town or village at least three days before election. The clerk shall thereupon issue a permit, upon a printed slip or card, to such appointee, which shall be his warrant of authority to be present during the election and to be inside the railed inclosure during the counting of the ballots. If any person so appointed as agent fails to serve or shall be absent for any part of election day, the clerk may issue a permit to the substitute or alternate, who may act instead of such absentee or person failing to serve. [*Stats. 1913 s. 11—15, 46; 1915 c. 383 s. 36*]

ELECTION OFFICERS.

6.32 Election inspectors and clerks. (1) There shall be three inspectors, two clerks of election and two ballot clerks at each poll at every election held under the provisions of this title, each of whom shall be a qualified elector in the election district, able to read and write the English language understandingly and not a candidate to be voted for at such election. Provided, however, that at polls where voting machines are used ballot clerks shall not be employed. Not more than two of such inspectors, nor one of said clerks of election, nor one of said ballot clerks, shall be members of the same political party, but each one of said officers shall be a member of one of the two political parties which cast the largest vote in the district at the last preceding general election, the party which cast the largest vote being entitled to two inspectors, one clerk and one ballot clerk, and the party receiving the next largest vote being entitled to the remainder of said officers. The basis for such division shall be the vote of each party for its presidential elector receiving the largest vote, or for its candidate for governor, at the last preceding general election.

(2) In towns the supervisors shall be inspectors of election when they belong to the political parties described in subsection (1). Whenever they all belong to the same political party, the supervisor last named in the clerk's certificate of election recorded in the

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town clerk's office shall be ineligible and shall not act; but an inspector from the electors present, possessing the qualifications aforesaid, and belonging to the other of the two political parties mentioned, shall be chosen in his place by the viva voce vote of the electors present at the polling place at the opening of the polls. The town clerk, if present, shall be one of the clerks of election, and the inspectors shall, before opening the polls, appoint another and also two ballot clerks. If the town clerk be absent, the inspectors shall appoint two clerks of election.

(3) When a town is divided into two or more election districts as provided in this chapter, the persons named in the order of division shall be election officers at the first election in the district or districts created by such order, and shall hold their offices until their successors are appointed and qualified. The boards of such towns shall, not later than the second Tuesday of August in each year when a general election is to be held, appoint by an order in writing, which shall be filed with the town clerk, officers of election for each election district therein, other than the first; the persons so appointed shall hold their offices until their successors are appointed and qualified.

(4) (a) The mayor of every city, except cities having one hundred thousand or more inhabitants, shall nominate to the common council thereof, and the president of every village shall nominate to the village board of trustees thereof, at the first regular meeting of such council and of such board in February of each year in which a general election is to be held, and if no such meeting is held, then at a special meeting, which he shall call for such purpose on the last Tuesday of said month, three persons for inspectors of election, two for clerks of election, and two for ballot clerks, in each election district therein.

(b) Such inspectors, clerks and ballot clerks shall be chosen from a list submitted to the mayor of the city, or to the president of the village, for that purpose by the regular county committee or city committee of the aforesaid two parties. Such list shall be submitted by the chairman from each ward to the city or county committee, and only such persons so selected by the chairman from each ward shall act as such inspectors, which list shall bear the signature of the chairman and secretary of said county or city committee.

(c) Such common council or board of trustees shall immediately approve or disapprove such nominations. If they disapprove as to any such nominee, the mayor or president shall immediately nominate another person, qualified as aforesaid, from the list of the two committees representing the two parties which cast the largest vote in said district in the last general election, and the mayor or village president shall continue to do so until the requisite number shall have been nominated and confirmed at such meeting.

(d) The persons so appointed inspectors, clerks and ballot clerks shall hold their offices for two years and until their successors are appointed and qualified, and shall act as such officers at every primary, general, municipal and special election following their appointment held within their respective districts during such term.

(e) The chairman of any town, when eligible to act as inspector, shall be chairman of the inspectors of such town. When the town chairman is ineligible, the inspectors shall appoint one of their number as chairman. Also, the inspectors provided by subsections (3) and (4) of this section and by section 6.33 shall appoint one of their number as chairman. No ballot clerks shall be appointed in election districts in which voting machines are used.

(f) If at the time fixed for opening the polls on the day of election at any polling place the inspectors, clerks or ballot clerks, or any of them, fail to appear or refuse to act, or have become incapable of acting, the inspectors, if a majority be present, may fill such vacancies. If otherwise, or if the inspectors present fail or refuse to fill any vacancy, the electors present may fill the same by viva voce vote, by choosing some elector present possessing the qualifications and belonging to opposite parties as aforesaid.

(g) Within five days after the appointment and confirmation of inspectors of election, clerks of election and ballot clerks in cities or villages, the clerk of each city or village shall transmit a notice thereof to each such appointee. Such inspectors of election, clerks of election and ballot clerks shall, within ten days after the mailing of such notice, file with the clerk of such city or village an oath of office substantially in the following form:

I, A. B., ... of election in the .... of .... county of .... do hereby solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin and will perform the duties of .... of election according to law and will studiously endeavor to prevent all fraud and deceit in conducting the same. So help me God.

....

Subscribed and sworn to before me this .... day of ...., A. D. 19...

....

....

And no other or further oath of office shall be required of said officers during the term for which he was elected.

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Any person appointed to fill a vacancy on such board of inspectors, ballot clerks or poll clerks, shall before entering upon the duties of his office take and subscribe an oath of office similar in form to the above and any inspector of election who has taken and filed an oath of office may administer said oath. Any inspector having taken and filed the oath of office as above prescribed may administer any oath required by law in conducting registrations or elections. [*Stats. 1913 s. 11—12, 47; 1915 c. 337; 1915 c. 383 s. 37; 1915 c. 604 s. 69; 1921 c. 478*]

6.33 Organization of election districts in Indian reservations. The election districts newly created under section 6.07 shall be organized and election officers therein shall be appointed and elected as provided by this section:

(1) Twenty-five qualified electors, residents of any such district, may file with the county judge of the county in which such district is situated a petition asking for the appointment of qualified electors of the district, naming therein at least twice the number required for appointment, as election officers of such district. Thereupon such county judge by recorded order shall appoint from the persons so recommended three election inspectors, two election clerks and two ballot clerks who shall, after qualifying, hold their respective offices until their successors are duly elected and have qualified. No more than two inspectors and one each of the election or ballot clerks shall belong to the same political party. Said county judge shall immediately file in the office of the county clerk, a certified copy of such order and deliver to each appointee or mail to him at his usual post-office address a written notice of such appointment.

(2) At the first general election held after such appointments and biennially thereafter the qualified electors of said district shall elect, in the manner town officers are elected in towns, three election inspectors, two election clerks and two ballot clerks who shall be qualified electors of such district. A certificate of their election, signed by the inspectors and clerks of the election, shall be filed in the office of the county clerk within thirty days after such election and a duplicate thereof delivered to, or left at the residence of, the officers so elected within twenty days after such election. Such officers shall hold their respective offices for the term of two years and until their successors shall be elected and qualified, and such term shall begin on the first day of January next following their election.

(3) Every officer so elected shall, before the commencement of his term of office, file in the office of the county clerk of the county in which his district is located, his oath of office as prescribed in section 6.34; and every such officer chosen to fill a vacancy shall take such oath before entering upon the discharge of his duties, and file the same in writing with the county clerk within twenty days thereafter.

(4) Such election officers shall have all the powers, rights and privileges, perform all the duties and be subject to all the penalties, including those of boards of canvassers, of like election officers in towns. The officers appointed by the county judge shall, at least four weeks before the date of the first caucus, primary election or general election at which the electors of such district are entitled to vote, fix the polling place of such district, which shall be as centrally and conveniently located as practicable, publish notice of such place in at least one weekly newspaper published in the county wherein said district is located, and post copies of such notice in at least four of the most public places in such district. They shall also provide suitable election booths.

(5) All laws relating to the right of electors to hold caucuses and primary elections and be represented at conventions, as preliminaries to the elections at which the voters provided for by this section are entitled to vote, and all laws relating to the conduct of elections, the filling of vacancies, the compensation of election officers, the ballots, the manner of voting, the canvass and return of votes, which are applicable to election districts in general, shall be applicable to all election districts authorized by this section, so far as such laws are not in conflict with this section. [*Stats. 1913 s. 47a to 47i; 1915 c. 383 s. 38*]

CONDUCT OF ELECTIONS.

6.34 District board of canvassers. The inspectors of election shall constitute the board of canvassers of their respective cities, villages, wards or election districts. Previous to receiving any ballot the inspectors, clerks of election and ballot clerks shall severally take an oath or affirmation to support the constitution of the United States, the constitution of the state of Wisconsin, and to perform the duties of inspectors (clerks or ballot clerks, as the case may be) of election according to law, and to studiously endeavor to prevent all fraud, deceit or abuse in conducting the same. Said oath or affirmation shall be in writing, be subscribed by the person taking the same, and annexed to, and returned with, the poll list to the county clerk. [*Stats. 1913 s. 48; 1915 c. 383 s. 39*]

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6.35 Opening and closing of polls. (1) In all cities of five thousand inhabitants and over, the polls at the general election shall be opened at six o'clock in the morning and closed at eight o'clock in the evening. In all other cities and in towns and villages the polls at said election shall be opened at nine o'clock in the forenoon and closed at five thirty o'clock in the evening. Any voter awaiting his turn to vote, whether within the polling booth or in the line outside the booth at the time of the closing of the polls, shall be permitted to vote.

(2) Providing that in cities having a population of less than five thousand inhabitants and in towns and villages the electors thereof may, by petition, directed to the city council, town or village board, extend the time during which said polls shall remain open to an hour not earlier than six o'clock in the morning, nor later than eight o'clock in the evening. Such petition shall be signed by at least twenty voters of such city, town or village and filed with the clerk thereof not less than twenty nor more than ninety days prior to the holding of any regular election. The time fixed in said petition for the opening or closing of the polls shall become effective from and after the date of the filing thereof.

(3) The provisions of subsections (1) and (2) as to the time of the opening and closing of polls and to the extension of such time by petition shall apply to the September primary excepting that in towns the polls during such primary shall be opened at nine o'clock in the morning and closed at eight o'clock in the evening, unless a petition as provided for in subsection (2) is filed with the town clerk in fixing such time at not earlier than nine o'clock in the forenoon and not later than five-thirty o'clock in the afternoon. The time fixed in said petition shall become effective from and after the date of the filing thereof. [*Stats. 1913 s. 49; 1915 c. 141; 1915 c. 383 s. 40; 1915 c. 604 s. 70; 1919 c. 381*]

6.36 Ballot clerks. The ballot clerks shall only serve on election day. It shall be their duty to take charge of the official ballots, write their names or initials upon the back of each ballot under the printed indorsement thereon, fold it in proper manner to be deposited, and deliver to each voter as he enters the booth one ballot duly folded and indorsed. They may, if requested by any voter, instruct him as to the proper manner of marking his ballot, but shall give no advice nor suggestions, nor express any preference, nor make any requests as to the person or ticket the voter shall vote for. [*Stats. 1913 s. 50; 1915 c. 383 s. 41*]

6.37 Method of voting. On receiving his ballot the elector shall forthwith, and without leaving the polling place, retire alone to one of the booths or compartments to prepare the same. An elector may use or copy an unofficial sample ballot which may have been marked in advance of his entering the polling place, but he shall not use or bring into such place any such ballot printed upon paper of the color or quality required to be used for printing official ballots. After preparing his ballot, the elector shall fold it so that its face will be concealed and so that the printed indorsement and signatures or initials of the ballot clerks thereon may be seen. He shall then vote forthwith and before leaving the polling place. [*Stats. 1913 s. 51; 1915 c. 383 s. 42*]

6.38 Exclusive individual use of election compartment. No more than one person shall be permitted to occupy any shelf or compartment at one time, except when assistance may be required for marking a ballot, and not longer than five minutes when the other shelves or compartments are occupied. It shall be the duty of the presiding election officer for the time being to enforce the observance of this provision, and to prevent any person from taking any notice how another person marks his ballot, unless required to assist as provided in section 6.40. Any voter who shall, by accident or mistake, spoil or erroneously prepare his ballot may, on returning the same, receive another; but not to exceed three in all. [*Stats. 1913 s. 53; 1915 c. 383 s. 43*]

6.39 Aid in marking ballot. (1) Any voter who declares to the presiding election officer that he is such, that he cannot read or write, or that by physical disability, other than total blindness, he is unable to mark his ballot, shall be informed that he may have assistance, and when such assistance shall be requested, two of the inspectors, clerks or ballot clerks shall be selected by such voter to assist him in marking his ballot, which inspectors, clerks or ballot clerks shall not be of the same political party, and such officers selected to assist shall certify on the outside of the ballot that it was marked with their assistance, and shall thereafter give no information regarding the same. In case the voter is totally blind he may be assisted by any person chosen by him from among the legal voters of the county in which the voting precinct is located. Such person so selected by any such voter shall retire to the booth or compartment with the elector, and shall read to him the names of all the candidates on the ballot for each office, and ask him, "Which one do you vote for?" and the ballot shall be marked according to his expressed preference, and such person so selected to assist shall certify on the outside of

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the ballot that it was marked with his assistance, and shall thereafter give no information regarding the same.

(2) The presiding officer at the election may, in his discretion, require such declaration of disability to be made by the voter under oath, and may administer such oath. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall for that reason be entitled to assistance in marking his ballot. After a ballot has been marked for a voter he shall not show it to any person, except that it may be submitted to another election officer, or if a blind man, to such person as he may select to ascertain if it has been marked as he desired. The clerk shall enter upon the poll list after the name of any elector who had assistance in marking his ballot a memorandum stating that the ballot was marked by two inspectors, clerks or ballot clerks, or by a person selected by a blind man. The provisions of this section shall apply to the marking of ballots upon which any question is submitted to a vote of the people. [*Stats. 1913 s. 54; 1915 c. 383 s. 44; 1919 c. 68*]

6.40 Receipt of ballot at door. If it shall be announced to the inspectors of any precinct that a voter is at the door who is unable to enter the polling place without assistance, they may, in their discretion, appoint one of their number to take an official ballot and go to the entrance of such place and present it to such physically disabled person, and assist him in marking it, if such person desires him to do so. When the ballot shall have been marked it shall be folded and immediately taken into the polling place, whereupon the inspector shall distinctly announce that he holds in his hand "a ballot offered by ..... (naming the person), a person who is physically disabled from entering the room without assistance." He shall then ask, "Does any one object to the reception of this ballot?" If no objections are offered the ballot shall be deposited in the box, and a minute shall be made on the poll book by the clerks of election thus: "Ballot received at the door." In case objection is made to the reception of the ballot by any qualified elector present the inspectors shall decide upon the objection, and if they deem it well founded shall destroy the ballot; otherwise it shall be deposited; if the ballot is destroyed the inspectors shall immediately notify the voter of the fact. [*Stats. 1913 s. 55; 1915 c. 383 s. 45*]

6.41 Signature of ballot clerks on ballots. Any person who shall knowingly deposit a ballot in the ballot box upon which ballot the names or initials of the ballot clerks do not appear shall be punished as provided in section 4635, and in the canvass of the votes any ballot which is not indorsed by the signatures or autograph initials of such clerks shall be void, not counted, and be treated and preserved as a defective ballot. [*Stats. 1913 s. 56; 1915 c. 383 s. 46; 1919 c. 394*]

6.42 Ascertainment of intent of voter. All ballots cast at any election shall be counted for the persons for whom they were intended, so far as such intent can be ascertained therefrom. In determining the intent the following rules shall be observed:

(1) If the elector shall place on his ballot at a general election a cross mark or other equivalent mark or symbol under a party designation, at the head of the column, in or near the space indicated for that purpose, he shall be deemed to have voted for all the candidates whose names appear in the column under such mark, unless some name or names shall be erased, or some name shall be written in, or unless in some other column he shall have placed a mark in the square at the right of the name of some other candidate for the same office.

(2) At all elections, whether general or other, when the voter shall place a mark against two or more names for the same office, when only one candidate is to be chosen for the office, he shall be deemed to have voted for none of them, and the ballot shall not be counted for either candidate therefor.

(3) If an elector shall mark his ballot with a cross mark (X), or any other marks, as

|, A, V, O, /, √, +,

within the square after, at the right of the name of any candidate, or at any place within the space in which the name appears indicating an intent to vote for such person, it shall be deemed a sufficient vote for the candidate whose name it is opposite.

(4) When the elector shall have written the name of a person in the proper place for writing the same he shall be deemed to have voted for that person, although he shall have omitted to erase the name printed in the same column for the same office, or shall have made a mark against the same or against any other name for the same office, or omitted to mark against the name written.

(5) A ballot put in without any marks shall not be counted and a ballot not marked at the top shall be counted only for the persons for whom the marks therein are applicable. [*Stats. 1913 s. 57; 1915 c. 383 s. 47*]

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6.43 Court order to correct errors in ballots and notices. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names, description of candidates, or in the printing of the ballots, the circuit court of the proper county, or the presiding judge thereof, may, upon application by any elector, by order, summarily require the county or city clerk to correct such error, or to show cause why it should not be corrected, and by order cause such correction to be forthwith made after such hearing. [*Stats. 1913 s. 60; 1915 c. 383 s. 48*]

6.44 Checking registry list; swearing in voters. (1) On general election day the inspectors shall designate two of their number, at the opening of the polls, who shall check the name of every elector voting in such district whose name is on the registry. Any person whose name is not on the registry, but who is a qualified voter therein shall, nevertheless, be entitled to vote at such election upon compliance with the following provisions, and not otherwise, namely: He shall at the time he offers his ballot, deliver to the inspectors his affidavit in which he shall state that he is a resident of the election district in which he offers to vote, naming the same, that he is entitled to vote therein, that he has resided in said election district ten days next preceding said election, giving the street and number of his residence, that he is a citizen of the United States, that he is twenty-one years of age, and that he has resided in the state one year next preceding said election.

(2) Said affidavit shall be substantiated by the affidavit of two freeholders, electors in such district, corroborating all the material statements therein. No compensation shall be paid or received for taking or certifying any such affidavit. No one freeholder shall be competent to make at any one election, corroborating affidavits for more than five voters. All such affidavits shall be sworn to before some officer authorized by the laws of this state to administer oaths. The inspectors shall keep a list of the names and residences of the electors voting whose names are not on said completed registry, attach such list to the registry, and return it, together with all such affidavits, to the proper town, city or village clerk. [*Stats. 1913 s. 61; 1915 c. 383 s. 49; 1921 c. 478*]

6.45 Poll lists; keeping and disposition. (1) The clerks of election shall keep two poll lists on which shall be entered the full name and post-office address of each person voting at such election in the order in which their ballots are cast; and on request of the inspectors each elector shall state his full name and post-office address before the ballot shall be received.

(2) When any person shall have taken the oath provided in section 6.44 before voting, the clerk shall write at the end of such person's name on the poll list the word "Sworn."

(3) On the day following the election, one of said poll lists and one copy of the registry so kept and checked shall be attached together and filed in the office of the proper town, city or village clerk, and one of said poll lists and copy of the registry shall, with all convenient dispatch and within two days after the election, be returned to the county clerk with the returns of the election. [*Stats. 1913 s. 62, 62m, 62n, 66; 1915 c. 383 s. 50; 1919 c. 357*]

6.46 Ballot boxes; construction. There shall be provided and kept by the clerk of each town, city or village, at the expense thereof, suitable ballot boxes for each poll therein, with a suitable lock and key to each, and there shall be one opening through the lid of each such box of no larger size than shall be sufficient to admit a single closed ballot. [*Stats. 1913 s. 63; 1915 c. 383 s. 51*]

6.47 Opening and closing of ballot boxes. The inspectors of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that may be in them, and lock them; and they shall not be reopened, except as hereinafter provided in case of adjournments, until the close of the polls for the purpose of counting the ballots therein. [*Stats. 1913 s. 64; 1915 c. 383 s. 52*]

6.48 Method of voting. Each elector, having prepared his ballot as hereinbefore provided, shall, publicly at the poll where he offers to vote, deliver in person to one of the inspectors a single official ballot, and the inspector receiving the same shall, without opening it or permitting it to be opened or examined, deposit it in the box. [*Stats. 1913 s. 65; 1915 c. 383 s. 53*]

6.49 Preparation of poll lists. At every poll where a registry of electors is required, every elector at the time of offering his ballot shall truly state the street and number of the house or tenement, if numbered, or other location, in which he resides, and the clerks of election shall truly enter in the appropriate column of the poll lists, opposite his name, the street and number or other location of such house or tenement, or the name of the hotel or boarding house, and if such house or tenement be not numbered the clerks shall enter "Not Numbered." If any elector offering to vote at any such poll shall refuse to

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make such statement, his ballot shall not be received. The clerks shall also enter upon the poll lists, opposite the name of every elector so voting whose name was not duly registered, the words, "Not Registered." [*Stats. 1913 s. 67; 1915 c. 383 s. 54*]

6.50 Challenges. Each inspector shall, and any elector of the county may, challenge every person offering to vote whom he shall know or suspect not to be duly qualified as an elector. If such a person is challenged as unqualified, one of the inspectors shall tender to him the following oath or affirmation: You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector of this election; and shall thereupon put questions as follows:

First. If a person be challenged as unqualified on the ground that he is not a citizen: Are you a citizen of the United States?

Second. If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election:

(1) How long have you resided in this state immediately preceding this election?

(2) Have you been absent from this state within the year immediately preceding this election? If yes, then—

(3) When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

(4) What state or territory did you regard as your home while absent?

(5) Did you, while absent, vote in any other state or territory?

Third. If the person be challenged as unqualified on the ground that he is not a resident of the election district where he offers his vote:

(1) When did you last come into this election district?

(2) Did you come for a temporary purpose merely, or for the purpose of making it your home?

(3) Did you come into this election district for the purpose of voting therein?

(4) Are you now and have you been for the last ten days an actual resident of this election district and what is the particular description, name and location of your residence?

(5) Have you registered to vote at this election at any other place within this state?

Fourth. If the person be challenged as unqualified on the ground that he is not twenty-one years of age: Are you twenty-one years of age to the best of your knowledge and belief?

Fifth. If the person be challenged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of such election:

(1) Have you made in any manner any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at this election?

(2) Are you in any manner, directly or indirectly, interested in any bet or wager depending in any way whatever upon the result of this election?

Sixth. If the person be challenged as unqualified on the ground that he has been convicted of treason, felony or bribery and not subsequently restored to civil rights:

(1) Have you ever been tried or convicted in this state of any crime? If yes, then—

(2) Of what crime, when and in what court were you so convicted?

(3) Have you in any manner since such conviction been restored to civil rights, and if yes, how?

Seventh. If the person be challenged as unqualified on the ground that he has been engaged, directly or indirectly, in a duel, either as principal or accessory:

(1) Have you ever been engaged in any duel, directly or indirectly, either as principal or as a second, or in counseling or aiding either principal or second in a duel? And if yes, then—

(2) When and where, and had you before that time been an inhabitant of this state?

Eighth. If the person be challenged as unqualified on the ground that he is a person of Indian descent, a member of an Indian tribe or an uncivilized Indian:

(1) Are you a person of Indian descent?

(2) Of what tribe or nation are you a descendant?

(3) Are you now a member of any Indian tribe?

(4) Have you received any annuity from the United States or any agent thereof, or shared in any, and, if so, when did you last so receive or share in any?

The inspectors, or one of them, shall put such other questions to the person challenged as may be necessary to test his qualifications as an elector at such election. [*Stats. 1913 s. 68; 1915 c. 383 s. 55; 1917 c. 511*]

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6.51 Rules for determining qualifications of electors. In determining the question of residence as a qualification to vote, the following rules, so far as applicable, shall govern, and if a person offering to vote be challenged as unqualified on the ground of residence, the inspectors shall admonish him of such rules, and put to him such further questions as shall be proper to elicit the facts in respect thereto, namely:

First. As prescribed in the constitution, no person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or this state; and no soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed within the same.

Second. That place shall be considered and held to be the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Third. A person shall not be considered or held to have lost his residence who shall leave his home and go into another state or county, town or ward of this state for temporary purposes merely, with an intention of returning.

Fourth. A person shall not be considered to have gained a residence in any town, ward or village of this state into which he shall have come for temporary purposes merely.

Fifth. If a person remove to another state with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this state.

Sixth. If a person remove to another state with the intention of remaining there for an indefinite time and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

Seventh. The place where a married man's family resides shall generally be considered and held to be his residence; but if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

Eighth. If a married man has his family fixed in one place and does his business in another, the former shall be considered and held to be his residence.

Ninth. The mere intention to acquire a new residence, without removal, shall avail nothing; neither shall removal without intention.

Tenth. If a person shall go into another state and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state.

Eleventh. No person shall be deemed to have gained a residence in any town, ward or village in this state, so as to entitle him to vote at any election therein, by remaining in such town, ward or village as a pauper, supported by the town, village or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any town, ward or village by remaining in any other town, ward or village as such pauper.

Twelfth. If an unmarried person sleeps in one ward and boards in another, the place where he sleeps shall be considered his residence. Any registered voter who shall remove from one precinct to another in the same ward or town between the last registration day and election day shall, upon presentation of affidavits from the inspectors of the precinct from which he removes, showing registration in such precinct, be considered a resident of the precinct to which he has moved and shall be entitled to vote therein.

Thirteenth. If an unmarried person be employed on a railroad, boat or stage line and boards at different places, if one of those places be with his parents, that place shall be considered his residence unless he has, by registering to vote elsewhere or by the performance of some other kindred act, elected some other place as his residence. If he has no parents and has not registered at any other place, he shall be asked: Do you consider this your place of residence, and have you so considered it for the past ten days in preference to any other place? If he answers in the affirmative he shall be entitled to all the privileges and be subject to all of the duties of other citizens in such place in the matter of voting, jury service, poll taxes and assessments for taxes.

Fourteenth. Each inmate of any national or state home for soldiers in this state shall be deemed to reside in the town, city or village, in which said home shall be located, and in the election district in which he shall sleep, unless such inmate shall elect to treat his fixed place of residence prior to his becoming an inmate of such home, as his place of residence. [*Stats. 1913 s. 69; 1915 c. 383 s. 56; 1921 c. 503*]

6.52 Marking ballot of challenged voter. Whenever the right of any person offering to vote is challenged for any cause recognized by law, if the inspectors shall determine to receive his vote, after the provisions of law are complied with, they shall, before depositing his ballot in the box, write or cause to be written upon the back of such ballot the

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number of such challenged person upon the tally sheet or voting list kept at such election. [*Stats. 1913 s. 70; 1915 c. 383 s. 57*]

6.53 Oath to challenged voter. If the person challenged shall refuse to answer fully any questions so as aforesaid put to him, the inspectors shall reject his vote. If the challenge be not withdrawn after the person offering to vote shall have answered such questions, one of the inspectors shall then tender to him the following oath or affirmation: You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States; that you have resided in this state one year next preceding this election; that you are now a resident of this election district and have been for the last ten days; that you have not voted at this election, and that you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election, and that you are not on any other ground disqualified to vote at this election. If the person challenged shall refuse to take such oath or affirmation his vote shall be rejected; but if he shall then take such oath his vote shall be received; provided, that the requirements of law respecting registration, when applicable, have been complied with by such person. [*Stats. 1913 s. 71; 1915 c. 383 s. 58*]

6.54 Qualifications of voters. The inspectors shall reject the vote of any person under guardianship, non compos mentis or insane. [*Stats. 1913 s. 72; 1915 c. 383 s. 59*]

6.55 Proceedings on adjournment. At each adjournment of the poll the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes, and correct all mistakes that may be discovered, according to the decision of the inspectors, until such lists shall be made in all respects to correspond. The ballot box shall then be opened and the poll lists placed therein; and such box shall then be locked, and a covering with a seal placed on the opening in the lid of such box so as to entirely cover the same, and the key delivered to one inspector and the box to another, to be designated by the inspectors. The inspector having the key shall keep it in his own possession, and deliver it again to the inspectors at the next opening of the poll; and the inspector having the box shall carefully keep it without opening or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it to the inspectors at the next opening of the poll, when the seal shall be broken and the box opened, and the poll lists taken out and the box again locked. [*Stats. 1913 s. 74; 1915 c. 383 s. 61*]

6.56 Preservation of order. The inspectors shall possess full authority to maintain order and to enforce obedience to their lawful commands during an election and during the canvass of votes. If any person shall refuse to obey their lawful commands or by disorderly conduct in their presence or hearing interrupt or disturb their proceedings, they may order any constable or other person to take him into custody during the election. [*Stats. 1913 s. 75; 1915 c. 383 s. 62*]

CANVASS OF VOTES AND DELIVERY OF RETURNS.

6.57 Canvass of votes at elections. As soon as the poll of the election shall be finally closed the inspectors shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such poll, and continue without adjournment until the canvass is completed and the statements hereinafter required are made. They shall commence by a comparison of the poll lists and the correction of any mistakes therein, until they shall be found or made to agree. The box shall then be opened and the ballots therein taken out and counted by the inspectors, unopened, except so far as to ascertain whether each ballot is single; and if two or more ballots be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed; and if, upon a comparison of the count and the appearance of such ballots, a majority of the inspectors shall be of opinion that the ballots thus folded together were voted by one elector they shall be destroyed. If the ballots in the box shall be found to exceed in number, after any such ballots folded together are destroyed, the whole number of votes shown by the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw therefrom by chance, and without examination thereof, and destroy so many ballots unopened as shall be equal to such excess. The number of ballots agreeing, or so as aforesaid being made to agree, with the poll lists, the inspectors shall then proceed to open and count and ascertain the number of votes. [*Stats. 1913 s. 76; 1915 c. 383 s. 63*]

6.58 Announcement of results of canvass; statement. The canvass being completed, the inspectors shall then publicly announce the result thereof, specifying the whole number of votes cast for each office and each person to fill the same respectively, and for and against each proposition voted for, and immediately draw up a statement in writing thereof

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in duplicate, setting forth therein, in words at length and in figures, the whole number of votes given for each office at such election, the names of all persons for whom votes were given as shown upon the ballots, the number of votes so given for each person, and the number of votes given for and against each proposition voted for, if any, at such election, and the number of the last voter as shown by the poll list, which statements they shall certify to be correct, and subscribe with their names. [*Stats. 1913 s. 77; 1915 c. 383 s. 64*]

6.59 Returns of election. The chairman of the inspectors or one of them appointed by him shall immediately after each general election, deliver to the clerk of the town, city or village one of said statements and poll lists, to be filed and preserved in his office, and shall, with all convenient dispatch and within two days after such election, deliver to, or send by registered letter from the nearest post office, the other statement and one poll list to the county clerk, they having been by the inspectors carefully sealed up, with the oaths of the inspectors and clerks affixed, in an envelope properly directed to such clerk. The person delivering or sending such returns shall receive as compensation therefor, fifty cents, together with postage and registration fees paid by him, to be paid out of the town, city or village treasury. [*Stats. 1913 s. 78; 1915 c. 383 s. 65; 1921 c. 423 s. 5*]

6.60 Return of defective ballots. (1) If any of the ballots cast at any election are found to be so defective that the inspectors cannot determine with reasonable certainty for whom they were cast, and if any were cast by any person who shall have been challenged, and if any shall be decided by a majority of the inspectors to be or not to be defective, the inspectors shall make a statement in writing, in duplicate, certified to be correct and signed by them, of the contents of each of such ballots, attach such statement to the statements of the canvass, and carefully seal up in an envelope all such ballots, and deliver the same as hereinafter provided.

(2) No ballot shall be regarded as defective by reason of the misspelling of a candidate's name, or by abbreviation, addition, omission or use of the wrong initial of such name, but every ballot shall be counted for the candidate for whom it was evidently intended, if the intention of the voter can be clearly ascertained from the ballot itself.

(3) Before separating, the inspectors shall fold in two folds and string closely upon a single piece of flexible wire, all ballots which shall have been counted by them, except those marked "Objected To," unite the ends of such wire in a firm knot, seal the knot in such manner that it cannot be untied without breaking the seal, inclose the ballots so strung in a secure canvas covering and securely tie and seal such canvas covering with official wax impression seals, to be provided, by the inspectors in such manner that it cannot be opened without breaking the seals, and return said ballots, together with the package containing the ballots marked "Defective or Objected to" in such sealed canvas covering to the county clerk, and such officer shall carefully preserve said ballots for sixty days, and at the expiration of that time shall destroy them by burning without previously opening the package. Such ballots shall be destroyed in the presence of the official custodian thereof and two electors of approved integrity and good reputation and members respectively of the two leading political parties. The said electors shall be designated by the county judge of the county in which such ballots are kept.

(4) If any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections the parties contesting the same shall have the right to have said ballots opened, and to have all errors of the inspectors in counting or refusing to count any ballot, corrected by the court or body trying such contest, but such ballots shall be opened only in open court or in open session of such body and in the presence of the officer having the custody thereof. [*Stats. 1913 s. 80; 1915 c. 383 s. 67*]

COUNTY CANVASS.

6.61 Board of county canvassers. On the Tuesday next succeeding the election, or at any time sooner if all the returns are sooner received, the county clerk shall take to his assistance from among the following-named officers of the county, to wit, the county judge, register of deeds, members of the county board or justices of the peace, two associate canvassers, one of whom shall not be of the same political party as such clerk, and who shall constitute with such clerk a board of county canvassers; and in case all the above-named officers should belong to the same political party, then said clerk shall select from the opposite political party some reputable citizen and elector to act as the third member of said board. In case of vacancy in the office of county clerk, or when from absence, sickness or other inability such clerk cannot perform the duties enjoined upon him, the clerk of the circuit court, or if there be no such clerk, or he be unable to perform such duties, then the chairman of the county board shall perform the duties required of

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the county clerk by this and the following sections, and be subject to the same punishment for violation thereof. [*Stats. 1913 s. 81; 1915 c. 383 s. 68*]

6.62 Missing and informal returns. If on the day appointed for the county canvass there shall fail to be an attendance of three canvassers, the clerk shall procure a full attendance of such canvassers, and may therefor adjourn the canvass one day, when the canvass shall proceed. On the assembling of the board they shall open and examine the returns, and if from any town, ward, election district or poll of the county no returns shall have been received, they shall forthwith dispatch a messenger therefor, and the person having them in charge shall deliver such returns to said messenger; and if, on examination of any returns received, they shall be found so informal or incomplete that the board cannot intelligently canvass them, they shall dispatch a messenger with such returns to the inspectors who made them with a written specification of the informalities or defects, and command them to forthwith complete the same in the manner required by law and deliver them to said messenger, which such inspectors shall do. Every such messenger shall safely keep all such returns, exhibit them to no person except the inspectors, and deliver them to the county clerk with all convenient dispatch. For such purposes the board may adjourn as may be necessary, not more than four days at one time nor more than eight days in all. [*Stats. 1913 s. 82; 1915 c. 383 s. 69*]

6.63 County canvass; statement. The returns having been obtained as hereinbefore provided, the board shall proceed thereupon to make out a separate statement, written in words at length, containing the whole number of votes given in such county for each state officer voted for; another for United States senator and for representative in congress, to which shall be added the votes for legislators when district is comprised of more than one county, setting forth the names as returned of all the persons to whom such votes were given and the number of votes given to each; another similar statement of the votes given for electors of president and vice president; another of the votes given for county officers, and another of the votes given for senators and members of the assembly, when the county constitutes one or more senate or assembly districts, specifying the number of votes for each person for senator and member of assembly in each such district respectively. They shall append to each such statement as part thereof a succinct tabular exhibit, in figures, of the votes cast at each election poll in the county for each office and person entering into the canvass embraced in such statement, whether canvassed or not, and if any votes were rejected shall specify the reasons therefor. Each statement shall be certified as correct and attested by the signatures of the said canvassers, and filed and recorded in the office of the county clerk. [*Stats. 1913 s. 83; 1915 c. 383 s. 70; 1921 c. 418*]

6.64 County canvass; certification; publication. (1) They shall then determine the persons who have been, by the greatest number of votes, elected to the several county offices and members of the senate and assembly, when the county constitutes one or more senate or assembly districts. Their determination shall be reduced to writing, setting forth the whole number of votes given for each office and the numb of votes received by each candidate; provided, however, that the names of persons not regularly nominated, receiving a comparatively small number of votes, may be omitted, and their votes designated as scattering votes. Each determination shall be certified by them as correct and be annexed to the statement of votes given for such offices respectively, and, for legislators, shall give post-office address and party designation and be filed and recorded with the same; provided, however, that in any case, if any two or more candidates for the same county office shall have received the greatest and an equal number of votes, the board of canvassers shall determine the choice by lot, which lots shall be drawn by the persons receiving the equal number of votes; or in the absence of one or both of such persons or their refusal to draw by lot, the board of canvassers shall appoint a competent person to draw the same for them and declare and certify the same accordingly.

(2) Such determination shall be published in one or more newspapers of the county which the canvassers shall designate. If the canvassers decide to have said publication in more than one newspaper in said county, they shall designate at least one professing the political faith of the party which received the highest number of votes at the last general election in said county, and at least one professing the political faith of the party which received the next highest number of votes at the last general election. The papers so designated shall be paid by the county. [*Stats. 1913 s. 84; 1915 c. 383 s. 71; 1921 c. 418*]

6.65 Certificates of election. The county clerk shall immediately make out, in pursuance of the determination of such board, a certificate of election for each person having the greatest number of votes for any county office, or for member of the senate or assembly when the county constitutes one or more senate or assembly districts, and deliver

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the same personally to such person, which notice shall also state the amount of the official bond, if any, required to be given by such person. Such personal service of such notice shall be deemed for all statutory and legal purposes official notification to such person of his election to such office. [*Stats. 1913 s. 85; 1915 c. 383 s. 72*]

6.66 Recount proceedings. (1) Whenever any candidate, or any elector who voted upon any constitutional amendment or upon any proposition, voted for at any election, shall, on or before the last day of the meeting of the board of county canvassers, or, in case of an annual, special or referendum election in any city, town or village, within ten days after the result of such election is declared, file with the county clerk or with the city, town or village clerk, as the case may be, a verified petition setting forth that he was a candidate for a specified office or that he voted upon any such constitutional amendment or proposition at said election, and that he is informed and believes that a mistake or fraud has been committed in specified precincts in the counting or return of the votes cast for the office for which he was a candidate, or upon the matter voted upon, or specifying any other defect, irregularity or illegality in the conduct of said election, said board of county, city, town or village canvassers, as the case may be, shall forthwith proceed to ascertain and determine the facts alleged in said petition and make correction accordingly and recount the ballots in every precinct so specified in accordance therewith. Such petition shall first be served, as a summons is served in a court of record, upon all opposing candidates and if such petition pertains to a constitutional amendment or proposition voted upon, the petition need be served upon no one other than the said clerk. Such petition and proof of service thereof shall be filed with the said clerk, together with a fee of two dollars for each precinct in which a recount of the ballots is demanded in such petition. The petitioner and all opposing candidates or persons interested therein shall be entitled to be present in person and by counsel and observe the proceedings.

(2) Each member of said board of canvassers, for the purposes mentioned in this section, shall have power to administer oaths, certify to official acts and issue subpœnas, and the provisions of section 1797—13, with regard to compelling the attendance of witnesses, shall apply to the proceedings before such board, except that the fees of witnesses shall be paid by the county.

(3) Within five days after the determination of said board, any candidate, or any elector who voted upon such constitutional amendment or proposition, as the case may be, aggrieved thereby may appeal therefrom to the circuit court of said county, by serving a notice in writing to that effect upon such other candidates or persons who filed written notices of appearance with said board. Such notice shall be filed with the clerk of the circuit court, together with an undertaking by the appellant, with surety and in an amount to be approved by the clerk of said court or the judge thereof, conditioned for the payment of all costs taxed against said appellant. The circuit judge shall forthwith issue an order directing the clerk of said county, or of said city, town or village, to transmit to the clerk of said court forthwith all ballots, papers and records affecting such appeal and fixing a time and place for hearing thereon, in open court or at chambers, or before a referee, not later than five days from the making of such order. Such order shall be served upon the county clerk, or the city, town or village clerk, as the case may be, and all such other candidates or persons who have appeared before said board. A reference may be ordered upon any or all questions. At the time and place so fixed the matter shall be summarily heard and determined and the costs taxed as in other civil actions.

(4) Nothing in this section shall be construed to abrogate any right or remedy that any candidate may now have affecting the trying of title to office. [*Stats. 1913 s. 86; 1915 c. 383 s. 73; 1917 c. 621*]

6.67 Returns to secretary of state. (1) The county clerk shall, within seventeen days after any general election, transmit to the secretary of state a list of the names of persons elected in the county as members of the senate and assembly and county officers at such election, and a certified copy of each statement of the county board of canvassers of the votes given for electors of president and vice president, state officers, senators and representatives in congress, state senator and member of assembly, where the senate and assembly district embraces more than one county. The names of persons not regularly nominated receiving a comparatively small number of votes may be omitted from the returns of the county clerk and their votes returned as scattering votes.

(2) The county clerk shall furnish to the secretary of state on blanks furnished by the secretary of state for that purpose, the names and party designations of all candidates for nomination at the primary, and the votes received by each by voting precincts and the names and party designations of all candidates for office at the general election as well as those candidates for office at the spring election, which appear, upon ballots furnished by the county or state. [*Stats. 1913 s. 87, 87m; 1915 c. 383 s. 74, 75*]

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6.68 Canvass of votes on referendum propositions. Whenever any constitutional amendment shall have been submitted to the people, or any other question or proposition shall be submitted by the legislature to a vote of the people, the votes for and against such amendment, question or proposition shall be taken, canvassed, certified and recorded, and certified copies of the statement thereof shall be made and transmitted by each county clerk to the secretary of state in the manner the votes for state officers are to be taken, canvassed, certified and recorded and statements thereof are to be certified and transmitted. [*Stats. 1913 s. 88; 1915 c. 383 s. 76; 1921 c. 423 s. 6*]

STATE CANVASS.

6.69 State board of canvassers. The secretary of state, treasurer and attorney-general shall constitute the board of state canvassers, two of whom shall be a quorum for the transaction of business, and, if one only of said officers attend on the day appointed for a meeting of such board, the clerk of the supreme court, on being notified by the officer so attending, shall attend without delay with such officer and with him shall form the board. When a member of said board is a candidate for an office as to which the votes are to be canvassed by him, the chief justice, upon the request of any opposing candidate, shall designate some other state officer, or a judge of the circuit court, who shall act in his stead at the session of the board at which the votes given for such member are to be canvassed. [*Stats. 1913 s. 93; 1915 c. 383 s. 77*]

6.70 Recording and preservation of returns by secretary of state. (1) Upon receipt of the certified statements from the county clerks of the votes given in the several counties, the secretary of state shall record the results of such election by counties and file and carefully preserve such statements.

(2) If any county clerk shall fail or neglect to forward any such statement, the secretary of state may require him to do so forthwith, and if not received or obtained within thirty days after an election, the secretary of state may dispatch a special messenger to obtain the same. Whenever it shall appear upon the face of any such statement that an error has been made in reporting or computing the vote of any candidate, the secretary of state may return the same to the county clerk for correction. [*Stats. 1913 s. 94; 1915 c. 383 s. 78*]

6.71 State canvass of election returns; determination; certification of results. (1) The state board of canvassers shall meet at the office of the secretary of state on or before the first day of December succeeding a general election and within twenty-five days after a special election, for the purpose of canvassing the returns and determining the results of such elections.

(2) Such board shall examine such certified statements of the county canvassers, and if it shall appear that any material mistake has been made in the computation of votes given for any person, or that the canvassers in any county have omitted to canvass the votes or any thereof cast at any poll therein, the board may dispatch a messenger to the clerk of such county with their requirement in writing to him to certify the facts concerning such mistake, or the reason why such votes were not canvassed; and the clerk to whom any such requirement is delivered shall forthwith make true and full answer thereto, under his hand and the county seal, and deliver the same to such messenger, who shall deliver it with all convenient dispatch to the secretary of state.

(3) The said board may adjourn as may be necessary, not more than ten days in all.

(4) Upon the certified statements and returns so received the board shall proceed to examine and make a statement of the whole number of votes given at any such election for each elector of president and vice president, in every year in which there is a presidential election; a statement for each of the offices of governor, lieutenant governor, secretary of state, treasurer, attorney-general, or any other state officer, if any there shall be, or United States senator; a statement of the votes given for representative in congress in each congressional district; a statement of the votes given for state senator in each senatorial district embracing more than one county; and a statement of the votes given for member of assembly in each assembly district embracing more than one county.

(5) Such statements shall show the names of the persons to whom such votes shall have been given for either of the said offices, the whole number of votes given to each and distinguishing the several districts and counties in which they were given. Provided, however, that the names of persons not regularly nominated receiving a comparatively small number of votes may be omitted and their votes designated therein as scattering votes.

(6) Said board shall certify such statements to be correct and shall thereupon determine what persons have been, by the greatest number of votes, duly elected to such offices,

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or either of them, and shall attach to each statement a certificate of their determination and deliver the same to the secretary of state.

(7) Whenever a proposed constitutional amendment or other question shall have been submitted to a vote of the people at any such election, the votes cast for or against such amendment or question shall be canvassed, certified and recorded at the time and in the manner hereinbefore provided. Said board shall at the same time prepare and certify a statement of the whole number of votes given for and against such amendment or question, and shall thereupon determine whether or not such amendment or question has been approved, ratified or adopted by a majority of the electors voting thereon.

(8) If it shall appear that such amendment or question has been approved, ratified or adopted, the secretary of state shall make a record thereof and cause such record to be bound in the volume containing the original enrolled laws passed at the next succeeding session of the legislature, and cause such record to be published with the laws thereof. [*Stats. 1913 s. 94a; 1915 c. 383 s. 79*]

6.72 Certificates of election. Said secretary shall record in his office each certified statement and determination so made by said board, and forthwith make and transmit to each of the persons thereby declared to be elected, a certificate of his election under the lesser seal, and cause a copy of such certified statements and determinations to be published in a newspaper printed at the seat of government. He shall also prepare a like certificate or certificates, attested by him as secretary of state, and addressed, respectively, to the United States senate and to the house of representatives in that congress for which any person shall have been chosen, of the due election of such person as a United States senator or as a representative of this state in congress, as the case may be, and transmit the same to the respective house at the first meeting thereof; and if any of the persons so chosen at such election shall have been elected to supply a vacancy in the office of such United States senator or representative it shall be mentioned in such certificate. [*Stats. 1913 s. 94b; 1915 c. 383 s. 80*]

6.73 State canvassers to disregard irregular returns. The board of state canvassers shall canvass only the regular returns made by the county boards of canvassers, as provided in this chapter, and shall in no case canvass or count any additional or supplemental returns or statements made by any such board or by any other board or person whatever; nor shall the board of state canvassers canvass or count any statement or return of the result of any canvass which shall have been made by any county board of canvassers at any other time than that mentioned in this chapter. [*Stats. 1913 s. 94e; 1915 c. 383 s. 81*]

MISCELLANEOUS PROVISIONS.

6.74 Civil process not to be served on election day. During the day on which any general, special, town or charter election shall be held no civil process shall be served on any elector, entitled to vote at such election, in the precinct in which he is entitled to vote or while going to or returning therefrom. [*Stats. 1913 s. 94f; 1915 c. 383 s. 82*]

6.75 Plurality shall elect, regardless of informalities. In every election for the choice of any officer, unless otherwise provided by law, each elector shall have one vote and no more; and the person appearing satisfactorily to have received the highest number of legal votes for any office shall be deemed to have been duly elected to that office, and the canvassers shall give to such person a certificate of such election. The legality of such votes so appearing, failures to fully comply with the law respecting noticing or conducting the election or canvassing or returning the vote, shall be disregarded. [*Stats. 1913 s. 94g; 1915 c. 383 s. 83*]

6.76 Compensation of election officers. A reasonable compensation shall be paid to inspectors and clerks of election, and to ballot clerks, county canvassers and messengers employed and performing duties under the provisions of this chapter, to be fixed by the town, village or county board or common council, and paid from the treasury of the town, village, county or city by which employed. Every messenger sent by the governor, secretary of state or state board of canvassers shall be paid out of the state treasury a reasonable compensation to be fixed by the secretary of state, and charged to the proper appropriation for the state officer or board dispatching such messenger. [*Stats. 1913 s. 94h; 1915 c. 383 s. 84; 1921 c. 423 s. 6*]

6.77 Election blanks prepared by secretary of state. The secretary of state shall make out all necessary blanks, returns and statements to carry out the provisions of law for making the canvass, returns and statements, of all state, congressional, legislative and county elections, general, special and judicial, including applications for registry in writing, and affidavits of nonregistered voters and freeholders corroborating the same. Such blanks shall contain the necessary certificates of the inspectors, and can-

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vassers, with proper notes to the same explanatory of their use and referring to the statutes. Said blanks for use at the September primary shall be forwarded to the county clerks of the several counties on or before the first day of August, and those for use at the general election on or before the first day of October in each year in which any such election shall be held. [*Stats. 1913 s. 94i; 1915 c. 383 s. 85; 1921 c. 558*]

6.78 Distribution of election blanks. Such blanks shall be distributed to the proper town, city or village clerks or inspectors in each county by the county clerks not later than the time when official ballots are distributed and may be sent by mail when practicable. Such clerks shall furnish the inspectors of elections in their respective towns, wards, villages and election districts with such registry blanks at or before the time fixed for the first meeting for registry, and the other blanks before the opening of the polls on the day of election, and such clerks and inspectors shall use such blanks when furnished; but no election or election returns shall be invalidated in consequence of failure to use such blanks. [*Stats. 1913 s. 94j; 1915 c. 383 s. 86; 1921 c. 558*]

6.79 National flag over election places. The town board, village board and common council of the several towns, villages and cities of the state shall place and display the national flag on suitable staff over every voting place during all the hours that the polls are open on the day of the general election, and may so display it on other election days and on registration days. The expense of such flag and the erection, care and maintenance of the same shall be a charge against such town, village or city and be audited and paid as other election expenses. [*Stats. 1913 s. 45a; 1915 c. 383 s. 87*]

6.80 Application of general election laws. As far as practicable and not otherwise provided by law the provisions of this chapter shall be applied to primary elections to town, village and city elections, and to referendum votes respecting the incurring of municipal indebtedness, the issue of municipal bonds, the acquisition of utilities, the recall or removal of public officers, direct legislation in cities and counties, constitutional amendments and all other subjects. And in taking all such referendum votes the ballot used shall conform as far as practicable to the provisions of section 6.23. [*1915 c. 383 s. 88*]

6.81 Election manual. There shall be prepared and published by the secretary of state separate from the election laws an election manual explanatory of the duties of election officials and the qualifications and privileges of electors, together with such notes and references to the statutes as he shall deem advisable to be furnished free to election officials and others in such manner as he shall judge most likely to promote the public welfare. [*1921 c. 564*]

CHAPTER 7.

ELECTIONS TO FILL VACANCIES.

7.01 Elections to fill vacancies.
7.02 Special elections in particular cases.
7.03 Notice of elections to fill vacancies.
7.04 Orders for special elections.
7.05 Notice of special elections.
7.06 Conduct of special elections.

7.01 Elections to fill vacancies. (1) In addition to the provisions of law for the filling of vacancies in public offices by appointment such vacancies may be filled by election as provided by this chapter.

(2) A vacancy in the office of senator or representative in the congress of the United States, occurring not more than four months nor less than twenty days before a general election, may be filled at such election. Any such vacancy occurring more than four months, or less than twenty days, before a general election may be filled at a special election and if not so filled may be filled at any subsequent general election before the end of the term.

(3) Any vacancy in the office of state senator may be filled by election as a vacancy in the office of senator of the United States may be filled, except as otherwise provided by this subsection. Any vacancy in the office of assemblyman occurring before the first day of February of the first year of his term shall be filled as promptly as may be by special election. But any vacancy in the office of state senator or assemblyman occurring after the close of the last regular session of the legislature held during his term shall not be filled unless a special session of the legislature be thereafter called during such term, in which case a special election to fill such vacancy shall be so ordered, if possible, that the new member may participate in such special session.

(4) A vacancy in any other elective state office (except that of governor or lieutenant governor), if it occurs more than six months before the expiration of the current term, may be filled at a special election held not later than sixty days before the next general election. [*Stats. 1913 s. 94k; 1915 c. 384 s. 2*]

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7.02 Special elections in particular cases. Special elections in addition to those authorized by section 7.01 may be held in the following cases:

(1) When there shall have been neglect or failure to choose, (a), at a general election a member of the congress or legislature aforesaid or any county officer, who by law should have been chosen at such election, or, (b), at the proper April election a superintendent of schools in any district in the state, who by law should have been chosen at such election.

(2) When the right of office of a person elected to either of the offices mentioned in paragraph (1) shall cease before the commencement of the term of office for which he shall have been elected.

(3) When the governor, in his discretion, directs such an election to fill any vacancy not provided for by this section and section 7.01. [*Stats. 1913 s. 94m; 1915 c. 384 s. 3; 1917 c. 566 s. 8*]

7.03 Notice of elections to fill vacancies. Whenever a vacancy exists in any office specified in section 7.01 which by law should be filled at the ensuing general election, the secretary of state shall, twenty days at least before such election, give notice in writing to the clerk of each county when the vacancy is to be filled by the voters of the whole state, and when the vacancy is to be filled by the voters of a district less than the whole state, then to the clerk of each county located in whole or in part in such district, specifying the cause of such vacancy, the name of the officer in whose office it occurred, and the time when his term of office will expire. Thereupon the county clerk shall forthwith cause a notice containing the substance of the notice received by him to be transmitted by mail to each town clerk and the clerk of each village, and to one of the inspectors in each election district in his county. Such clerks and inspectors shall cause the same to be posted at least five days before election in the manner prescribed in chapter 6. [*Stats. 1913 s. 94l; 1915 c. 384 s. 4*]

7.04 Orders for special elections. (1) All special elections for county officers shall be ordered by the county clerk, except that a special election for county clerk shall be ordered and noticed by the sheriff in the manner required of such clerk in other cases. The officer who orders such an election shall give notice in the manner hereinafter provided. All other special elections shall be ordered by the governor.

(2) Every such order shall specify the office to be filled, how the vacancy occurred, the name of the officer, the time when his term of office will expire, the county or district in which and the day on which such election shall be held, which day shall not be less than thirty-five nor more than forty days from the date of such order.

(3) When made by the governor, such order shall be filed and recorded in the office of the secretary of state; when made by the county clerk or sheriff, it shall be filed and recorded in the office of the county clerk. [*Stats. 1913 s. 94n; 1915 c. 384 s. 5; Spl. S. 1916 c. 1*]

7.05 Notice of special elections. The secretary of state shall cause a copy of each notice of election issued by him, and of each order made by the governor for a special election, to be published in the official state paper once in each week from the date of such notice or order until the election to which it shall refer; and on receipt of such order shall cause a copy thereof forthwith to be transmitted to the county clerk of the county, or in case of a vacancy in a district embracing more than one county, then to the county clerk of each county any part of which is in such district. The county clerk, on receiving or on countersigning any order for a special election, shall forthwith give notice of such election in the manner provided for giving notices of general elections. Every town, village and ward officer or inspector of election, who shall receive any such notice, shall forthwith give notice thereof in the manner required of him in case of a general election. At the time of making the certificate required by section 6.19, or at the time of the publication of the notice required by this section, the secretary of state shall transmit to each county clerk a form of notice to be used by him under section 6.22, and also a form of the ballot to be used by him. [*Stats. 1913 s. 94o; 1915 c. 384 s. 6*]

7.06 Conduct of special elections. Special elections shall be held at the place, and conducted by the officers, and the result canvassed in the same manner, and within the same time thereafter certified, in all respects as near as practicable as provided for general elections. When a special election as to any officer, whose election is required by law to be at a general election, is held on the same day as an annual town meeting or municipal election, the ballots cast at such special election shall be deposited in a separate box provided for that purpose. No special election shall be held within sixty days next preceding a general election. No special election for any school officer or for any county officer shall be held after the time when his term would have commenced if he had been elected at the proper April or November election. This chapter does not relate to the filling of vacancies in judicial offices. [*Stats. 1913 s. 94p; 1915 c. 384 s. 7*]

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CHAPTER 8.

ELECTION OF JUSTICES OF THE SUPREME COURT, CIRCUIT AND COUNTY JUDGES.

8.01 Definitions
8.02 Elections, justice, judge and superintendent.
8.03 Notice of election.
8.04 Judicial elections in the second circuit.
8.05 Conduct of judicial elections.

8.01 Definitions. In sections 8.02 to 8.05, inclusive, the word "justice" means a justice of the supreme court, "judge" means a judge of a circuit, county, superior, municipal, district or civil court, and "superintendent" means the state superintendent of public instruction and a county or district superintendent of schools. [*1921 c. 436 s. 3*]

8.02 Elections, justice, judge and superintendent. All regular elections for justice, judge or superintendent shall be held on the first Tuesday of April next prior to the expiration of the term. Election to fill a vacancy in the office of justice or judge shall not be held at the time of holding the regular election for the same office. In case of judge, such election shall be held on the first succeeding Tuesday of April, and in case of justice on the first succeeding Tuesday of April when no other justice is elected. In either case, if the vacancy occur within forty days prior to the first Tuesday of April, the said vacancy shall not be filled until the judicial election of the next year. [*1921 c. 436 s. 3*]

8.03 Notice of election. The secretay of state shall give to county clerks at least twenty-five days' notice of the election of justice, judge, or superintendent, and the county clerk shall give not less than twenty days' notice of any such election to be held within his county. [*1921 c. 436 s. 3*]

8.04 Judicial elections in the second circuit. When two or more judges of the same court are to be elected on the same day the notice shall state the names of the judges whose successors are to be elected and the number of the branch presided over by each. One ballot box shall be used and the official ballot shall contain the names of all candidates for such successions, shall state the number of judges to be elected and the number of candidates for whom each elector may vote, and shall designate each candidacy as "For Circuit Judge to succeed ...., Branch No. ....." Each elector may vote for one candidate for each branch or judge of the court required to be filled, and the person receiving the highest number of votes for judge of either of such branches shall be declared elected. [*Stats. 1913 s. 94t—1; 1915 c. 384 s. 11; 1921 c. 436 s. 1*]

8.05 Conduct of judicial elections. Elections for justice, judge and superintendent shall be noticed, held, conducted and the results canvassed and returned in the same manner as general elections. The ballots shall be printed, furnished and distributed by the county clerks, at the expense of the county, as other ballots and so prepared as to indicate the candidates to be voted for and the respective office for which each is intended as a ballot, substantially in the form prescribed in subsection (16) of section 6.23. All votes given for any such officer shall be put in a ballot box, separate from that used for any other election on the same day. The polls of election for such officers shall open and close at the same time that the polls are opened and closed for the election of other officers who are voted for at the same time and place, or if no other officers are then being voted for they shall open and close at the same time at which they would be opened and closed, in the locality in which they are located, at any general election. Within a like time as prescribed for the county canvass after a general election, a board of county canvassers shall be convened, who shall canvass the statements received from the several polls in the county and make a statement thereof, and return the same as at a general election, and they shall determine who are elected to such offices within the county, except for circuit judge, and the county clerk shall give to each such successful candidate a certificate of election. The board of state canvassers shall be convened on or before the fifteenth day of May, to canvass the statements of votes received for justice, circuit judge, or state superintendent in like manner, and shall have the powers and perform the duties in relation thereto, so far as applicable, as prescribed in respect to the canvass for state officers. And all the provisions of law respecting the qualifications of voters, the conduct of elections and the canvass and return of votes at general elections, except as otherwise provided, shall be applicable to elections held under this chapter. [*Stats. 1913 s. 94t; 1915 c. 384 s. 12; 1921 c. 436 s. 1*]

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CHAPTER 9.

ELECTION OF SENATORS AND REPRESENTATIVES IN CONGRESS, AND ELECTORS OF PRESIDENT AND VICE PRESIDENT.

9.01 Election of representative in congress.
9.02 Election of United States senator.
9.04 Presidential electors; election.
9.05 Presidential electors; certificate of election.
9.06 Meeting of presidential electors.

9.01 Election of representative in congress. A representative in the congress of the United States shall be chosen in each of the congressional districts into which the state is or shall be divided, at the general election in the year one thousand eight hundred and ninety-eight and every two years thereafter. [*Stats. 1913 s. 94w; 1915 c. 384 s. 13*]

9.02 Election of United States senator. (1) A senator in the congress of the United States shall be chosen at the general election in the year one thousand nine hundred and fourteen and every six years thereafter and also in the year one thousand nine hundred and sixteen and every six years thereafter.

(2) The names of all persons nominated for the office of United States senator shall be printed on the ballot provided in subsection (1) of section 6.23 in substantially the manner and form indicated in the annexed form "A" provided in subdivision (a) of subsection (17) of section 6.23. All provisions of the statutes relating to the preparation, printing, distribution, voting, counting and returning of ballots used at general elections for state and county offices shall, as far as applicable and not inconsistent herewith, apply to the election of United States senators. [*Stats. 1913 s. 94w—1; 1915 c. 92 s. 6; 1915 c. 174; 1915 c. 384 s. 14*]

9.03 [*Renumbered sections 17.02 and 17.17 by 1919 c. 362 s. 11, 29*]

9.04 Presidential electors; election. At the general election next preceding the time fixed for the choice of president and vice president of the United States, there shall be elected, by general ticket, as many electors of president and vice president as this state may be entitled to elect senators and representatives in congress. [*Stats. 1913 s. 94y; 1915 c. 384 s. 16*]

9.05 Presidential electors; certificate of election. The secretary of state shall prepare three lists of the names of the electors, procure thereto the signature of the governor, affix the great seal of the state to the same, and deliver such certificates thus signed to one of the electors on or before the said second Monday in January. [*Stats. 1913 s. 94aa; 1915 c. 384 s. 17*]

9.06 Meeting of presidential electors. The electors of president and vice president shall convene at the capitol of this state on the second Monday in January next after their election, at the hour of twelve o'clock, noon, of that day, and if there shall be any vacancy in the office of an elector, occasioned by death, refusal to act, neglect to attend or other cause, the electors present shall immediately proceed to fill by ballot, and by plurality of votes, such vacancy in the electoral college; and when all the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the constitution and laws of the United States. [*Stats. 1913 s. 94z; 1915 c. 384 s. 18*]

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CHAPTER 10.

CONDUCT OF LOCAL ELECTIONS.

IN CITIES OF ONE HUNDRED THOUSAND OR MORE INHABITANTS.

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10.03 Registration of electors.
10.04 Appointment of election officers by board.
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10.06 Final publication of appointments; vacancies thereafter.
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IN CITIES OF ONE HUNDRED THOUSAND OR MORE INHABITANTS.

10.01 Board of election commissioners; Milwaukee. There is created a board of election commissioners for each city having more than one hundred thousand inhabitants, however incorporated, composed of three members, who shall be appointed as follows: The mayor of each said city shall appoint three members for terms of one, two and three years, respectively, dating from July first, in the year in which they are appointed, and until their successors are commissioned and qualified. Successors shall be appointed in like manner and their terms of office shall be three years in all cases and until their successors are commissioned and qualified. The board shall be composed of one member from each of the three dominant political parties, as shown by the returns of the last preceding general election, and appointments shall be made in accordance with this rule. The party affiliation in each case shall be attested by the respective chairmen of the city committees

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of the several political parties before such appointment shall be in force. The board shall choose its own chairman. Such commissioners shall be legal voters, and residents of the state for at least five years, and of the city for a like period of time. They shall hold no other public office, the office of notary public excepted, and shall be ineligible to any other elective or appointive public office, while members of such board, and shall, before entering upon the duties of election commissioners, subscribe to an oath binding them to support the constitution of the United States and of the state of Wisconsin, and to conduct themselves faithfully and impartially in office; said oath of office to be filed in the office of the city clerk. [*1911 c. 391 s. 1; Spl. S. 1912 c. 16; 1913 c. 5 s. 1; 1915 c. 385 s. 2; 1919 c. 362 s. 35*]

10.02 Powers and duties of board. (1) Said board of election commissioners shall have power to employ a secretary, who shall prepare and furnish copies of all registrations and all books, maps, instructions and blanks for the use and guidance of inspectors of election and ballot clerks and all rules and regulations pertaining to registration and conduct of elections, and who shall perform such other and further duties pertaining to their department or to the city clerk's office as may be required of him by the board of election commissioners, and he shall receive such salary as the common council may determine. The appointment and removal of such secretary shall be subject to the civil service laws of this state applicable to such cities.

(2) The board may procure a seal with which to authenticate official papers and documents.

(3) The board of election commissioners is authorized to employ such additional clerical assistants as shall be necessary from time to time, who shall receive such compensation as the common council shall determine.

(4) The city shall furnish office room in the city hall for said commissioners and all expenses incurred by the board according to law shall be paid out of the city treasury, and the common council shall provide a sufficient fund for such commission in the budget as they deem necessary for the purposes provided by law. The expenses incurred by said board shall be paid upon the orders of said board, signed by the chairman and secretary, and countersigned by the city comptroller. Such orders shall be made payable to the order of the persons in whose favor they shall have been issued, and shall be the vouchers for the city treasurer for the payment of such orders.

(5) The board shall compile and publish an annual report, containing election statistics and returns of all primaries and elections held within the city and county of Milwaukee. Copies of the same shall be distributed to such persons and in such quantities as the board may deem proper. [*1911 c. 391 s. 2; 1913 c. 5; 1913 c. 5 s. 1; 1915 c. 385 s. 2; 1919 c. 129*]

10.03 Registration of electors. After its first organization, such board of election commissioners shall prepare for a new and general registration of voters for the next following election; and when made, such registration shall be continued and revised in proper time for every succeeding election in the manner hereinafter provided. [*1911 c. 391 s. 3; 1915 c. 385 s. 2*]

10.04 Appointment of election officers by board. (1) Such board of election commissioners shall, during the month of January, 1920, and during the same month biennially thereafter, appoint three qualified voters as inspectors of election for each precinct in said cities. They shall be citizens of the United States; shall be men of good repute and character; able to read and write the English language; be of good understanding and capable. They must have resided in the ward for which they are selected to act not less than one year prior to their appointment, and be entitled to vote therein at the next election, and not hold any other public office or employment, notary public excepted, and shall not be candidates for any public office while acting as such inspectors of election.

(2) The said board shall also appoint at the same time two ballot clerks in each precinct who shall possess the same qualifications and serve under the same restrictions as the inspectors aforesaid.

(3) Before entering upon the duties of their offices, each inspector and ballot clerk so appointed shall subscribe to a like oath to that taken by the election commissioners, which shall be filed with the board of election commissioners and which shall be for the faithful performance of their duties during their entire term of office, and no further oath shall be required of them.

(4) Said inspectors and ballot clerks shall be appointed for terms of two years and until their successors have been appointed and qualified. Said inspectors shall, during said term, serve as inspectors at all elections in such cities, but said ballot clerks only when paper ballots are used.

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(5) Where a vacancy in the office of inspector or ballot clerk shall occur from any cause, said commissioners shall make an appointment to fill such vacancy.

(6) In each precinct not more than one of said inspectors, nor more than one of said ballot clerks, so nominated, shall be of the same political party, and such inspectors shall be chosen from the three dominant political parties as shown by the returns of the last preceding general election in such precincts, and such ballot clerks shall be chosen from the two dominant parties as shown by the returns of the last preceding general election in such precincts; the party affiliation, in contested cases, to be finally determined by the chairman of the city committee of the political party entitled to the appointment.

(7) If any person holding the position of inspector or ballot clerk of election shall in the judgment of the board of election commissioners be found not to possess the qualifications prescribed in this section, or if any inspector or ballot clerk in the judgment of said board of election commissioners shall be guilty of neglecting the duties of his office, or of any official misconduct, then such inspector or ballot clerk shall be summarily removed from office by said board, and the vacancy immediately filled by the appointment of a person having qualifications required by law. [*1911 c. 391 s. 4; Spl. S. 1912 c. 16; 1913 c. 5 s. 1; 1915 c. 385 s. 2; 1919 c. 534*]

10.05 Provisional appointments; hearing thereon. (1) At the time of such appointment of inspectors and ballot clerks, the board of election commissioners shall publish for one day in the official publication or publications of such cities, a full list of the names and addresses of such inspectors and ballot clerks, together with a notice stating that the persons mentioned have been provisionally appointed to act as inspectors and ballot clerks in the various precincts enumerated, for the ensuing two years, and setting forth that to their best knowledge and belief such provisional appointees possess the qualifications required by law; also stating the political party with which each respectively is believed to be affiliated, and requesting all persons to inform the board of election commissioners as to any want of qualification on the part of any provisional appointee named in the list; also that on a day named in said notice, which shall not be more than five days after the day of publication, the board of election commissioners will sit at its office for the purpose of hearing any objections made as to the qualifications of any such provisional appointee. Said notice shall state the hours of said session, which shall be from nine to twelve A. M. and from two to five P. M., and shall further state that if all objections to the qualifications of such provisional appointees, or any of them, are not disposed of on said day, the board will sit from day to day between the same hours until the cases are all determined; and further, that any provisional appointee found disqualified upon such information, will be rejected, and a duly qualified person appointed in his stead.

(2) On the day and at the hour named for the beginning of such session, the election commissioners shall meet at their office and consider the objections made to the appointment of any such provisional appointee. The commissioners may examine under oath any person appearing before them. They shall decide each case as soon as the evidence therein is before them, and announce their decision immediately, announcing also the dissent of any commissioner, if the decision of the board is not unanimous. A minute shall be made of any such decision, setting forth all objections made against any provisional appointee and the findings of the majority thereon, and of the dissenting member thereon, if there be any dissent. If all objections to such provisional appointees are not concluded on said day the commissioners shall sit from day to day, between the same hours and at the same place, until all such objections are disposed of.

(3) All such provisional appointees found to be disqualified upon such hearing shall be immediately rejected, and persons having the necessary qualifications appointed in their places, divided between the different political parties as provided for in section 10.04. [*1911 c. 391 s. 5; 1913 c. 5 s. 1; 1915 c. 385 s. 2*]

10.06 Final publication of appointments; vacancies thereafter. (1) Thirty days prior to the next succeeding primary election, the election commissioners shall cause a final publication in the official publication or publications of said city, of the names of all inspectors and ballot clerks, appropriately designated by wards and precincts in numerical order, giving the place of residence of each appointee, and any existing vacancies shall then be filled by the commissioners, so that a full and complete list may be published at this time.

(2) It shall be the duty of all inspectors and ballot clerks, so appointed, to immediately notify the board of election commissioners, if for any unforeseen cause, occurring after the publication of said final list, he is prevented from serving. For the purpose of receiving any such information and of filling any vacancies so occurring, the board of election commissioners shall be in session during the two days next preceding the primary and election days.

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(3) (a) Not later than ten days succeeding the publication of said list, and after they have been duly notified of their appointment, the appointees shall file their oath of office with the board of election commissioners, and the board of election commissioners shall thereupon cause to be issued to each appointee a suitable certificate of his official character and standing.

(b) Every person appointed as an election officer, failing to take and subscribe the oath of office as hereinbefore prescribed or who shall wilfully neglect or refuse to discharge the duties which he was appointed to perform, shall, in addition to other penalties prescribed by law, forfeit not to exceed one hundred dollars, to be sued for and recovered by the board making the appointment, in a court of record, for the use and benefit of the treasury of such city.

(4) For the purpose of filling vacancies which may exist and of verifying or correcting addresses in the list of election inspectors and ballot clerks, the board of election commissioners shall, ninety days previous to every election succeeding the election first following the appointment of a new list of election officials under this chapter, cause a careful canvass of the list to be made through the agency of the police department, and it shall be the duty of the police department to make careful and correct returns of such canvass to said board. [*1911 c. 391 s. 6; 1913 c. 5 s. 1; 1915 c. 385 s. 2; 1915 c. 604 s. 84*]

10.07 Compulsory service as election officer. Service as inspector of election or ballot clerk under this chapter shall be mandatory upon all qualified voters so appointed, during a full period of two years, after which they shall be exempt from further service under this act until three terms of two years each, shall have elapsed; the election commissioners being charged with discretion and authority in cases of request for exemption from service as such election officers at any time. [*1911 c. 391 s. 7; 1913 c. 5 s. 1; 1915 c. 385 s. 2; 1915 c. 604 s. 84*]

10.08 Control of registration of electors. The board of election commissioners shall have full charge and control of the registration of voters within the city for which such board is appointed, and registration shall be made as hereinafter provided. [*1911 c. 391 s. 8; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

10.09 Distribution of registration cards. The secretary of the board of election commissioners shall, ninety days prior to the first election to be held after the first organization of said board, prepare a supply of registration cards, and have them distributed through the agency of the police department to every known voter, whose name appears on the last printed list of the registry in such cities; also to every presumptive voter or known prospective voter of such cities; and ninety days prior to all subsequent elections to be held, like cards shall be furnished upon request to voters not on the last preceding registry list, and shall be listed, and registry lists shall be printed and posted in the manner hereinafter provided. [*1911 c. 391 s. 9; Spl. S. 1912 c. 16; 1913 c. 5 s. 2; 1915 c. 385 s. 2; 1915 c. 604 s. 84; 1919 c. 561; 1921 c. 15 s. 4, 5; 1921 c. 316; 1921 c. 590 s. 40*]

10.10 Form of registration cards. Registration cards shall be printed in the form of a request to the voter to properly fill in the spaces provided for information for registration purposes, and notice shall be given thereon that, if necessary, the blanks may be filled in by some other person, except that in the space provided for the signature, the voter himself must sign his name or make his mark. The cards shall provide headings for the following entries to be made by applicants for registration:

Date.
Ward.
Precinct.
Name.
Residence.
Exact location, such as "flat No. ....," "upper flat," "room No. ....," "hall room," "room on second floor," "basement," "rear house," or other equally definite designation of location.
Are you a citizen of the United States?
Have you lived in the state for one year or more?
Have you lived for ten days or more in this precinct?
Are you for any reason excluded from the right of suffrage?
Signature.

Such cards shall also be furnished by the secretary of election commissioners to any person applying for them either in person or by mail. [*1911 c. 391 s. 10; Spl. S. 1912 c. 16; 1913 c. 5 s. 2; 1915 c. 385 s. 2*]

10.11 Return of registration cards. Two consecutive weeks shall be allowed for the distribution and collection of registration cards by the police department, and the cards shall be collected in the same general order as distributed, so that each voter will

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have approximately one week in which to fill in the blanks for the purpose of registration under this chapter; such cards to be returned to the secretary of the board of election commissioners. [*1911 c. 391 s. 11; 1915 c. 385 s. 2; 1915 c. 604 s. 84*]

10.12 Compilation of official registers. Under the direction of the board of election commissioners, an official registry for each precinct shall be compiled from all cards so received, which indicate that the signers thereof are legal voters. Such official registry shall contain in book form the names and addresses of all persons shown to be legal voters by the returns made on such cards. The names of voters shall be arranged in numerical order of houses located on each street separately, commencing with the lowest and ending with the highest number within the precinct. The streets shall be arranged in geographical order from east to west and north to south. [*1911 c. 391 s. 12; Spl. S. 1912 c. 16; 1915 c. 385 s. 2*]

10.13 Registry lists; posting. As soon as the cards received have been transcribed into said books, the board of election commissioners shall cause a sufficient number of registry lists to be printed from such official registry, not exceeding one hundred for each precinct, and shall cause to be conspicuously posted in each precinct within such city twenty-five copies thereof through the agency of the police department. [*1911 c. 391 s. 13; 1915 c. 385 s. 2*]

10.14 Printing of registry lists. The board of election commissioners shall cause to be obtained from at least three persons within the county, sealed proposals for the printing of said lists, and shall award the contract therefor to the lowest competent and responsible bidder. The board shall have authority, in its discretion, to call for proposals and to let contracts for printing said registry lists for one or more elections at any one time, if it is deemed to the advantage of the city. [*1911 c. 391 s. 14; 1915 c. 187; 1915 c. 385 s. 2*]

10.15 Revision of first registry; subsequent corrections. The board of election commissioners shall revise and correct the first registry as prepared by them; first, by striking therefrom the name of any person known by them to have died or removed from the district where he is registered, or who shall be proved, by the oath of two electors of the district, to be not entitled to vote therein at the next ensuing election or primary election, unless such person shall appear, and, if challenged, shall make affidavit stating his name and the period of his continuous residence in the election district, and his place of residence therein, giving the number and the street of the affiant; and in case he is of foreign birth stating when he came to the United States and to this state, and the time and place when he became a citizen of the United States, and that he is entitled to vote at the election; second, by entering on the proper list for any district the name of every elector entitled to vote in that district at the next election, who shall file a registration card such as is hereinbefore provided for, properly filled in and sworn to before said secretary. In every case of a name stricken from the registry, the reason therefor shall be stated in writing on the list opposite the name so stricken. Applications for corrections of said registry lists, or for adding thereto the names of voters, may be made at the office of the board of election commissioners during the hours such office shall be open for business from the time of publication of the preliminary lists and until the last Tuesday preceding a primary or an election. Subsequent to said Tuesday, and prior to the last Saturday preceding a primary or an election day, the board shall receive applications for registration, and shall certify to the election inspectors in the proper precincts the names of those entitled to registration received too late to be included in the registration lists, and such persons shall be considered as duly registered, and all applications for registration made to said board shall be submitted by them to the chief of police for verification of the statements contained therein. [*1911 c. 391 s. 15; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

10.16 Age at time of election determines qualification for registry. (1) Any person who is not twenty-one years of age before the date when the registry is required to be corrected, but who will be if he lives until the day of election, shall have his name put on such registry if he be otherwise qualified to be an elector.

(2) All registration cards shall be preserved by the several boards of registry and filed in the office of the board of election commissioners. [*1911 c. 391 s. 16; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

10.17 Electors omitted from list may file cards and affidavits; use of lists at judicial elections, etc. (1) After such registry lists shall have been fully completed as herein provided, no votes shall be received at any election in such cities if the name of the person offering to vote be not on the registry lists as completed, except as provided in sections 10.09 and 10.15, and as hereinafter provided in this section. Any person who has not previously filed a registration card, and whose name is not on the registry list, but who is a qualified voter in the precinct where he offers to vote, shall, nevertheless

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be entitled to vote at such election, provided he shall deliver to the inspectors of election a registry card properly filled out and sworn to by himself, or if he cannot obtain such a card, an affidavit containing the same statements as provided on said cards; and provided that his oath or affidavit is substantiated by the affidavit of two freeholders, electors in such precinct, corroborating all the material statements therein. The board of election commissioners shall provide a sufficient number of registration cards, with the required affidavit forms printed thereon, and shall distribute them to the election inspectors at the booths, and the inspectors shall deliver at least one such card to each voter making application therefor. No compensation shall be paid or received for taking or certifying any affidavit required by this section. No one freeholder shall be competent to make at any one election corroborating affidavits for more than five voters. All such affidavits shall be sworn to before some officer authorized by the law of this state to administer oaths.

(2) The inspectors shall return to the board of election commissioners all registration cards filed with them, and said board shall include in the subsequent registry lists the names of the persons who file such cards, provided such persons are then entitled to be placed on the registry list.

(3) At judicial and school board elections or at any special election held for the purpose of filling a vacancy in an office which by law is to be filled by a city election, the registration list used at the last preceding general or city election may be used; and the inspectors of election at each polling place, on the day of election, shall revise the same by adding thereto the missing names of such persons as are known to them, or as shall be satisfactorily shown in the manner provided by law, to be entitled to vote at such election, and by striking therefrom the names of such as are known to them to have died or become disqualified since the last preceding registration. [*1911 c. 391 s. 17; Spl. S. 1912 c. 16; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2; 1915 c. 604 c. 85*]

10.18 Printing and posting of corrected registry lists. (1) Upon the expiration of the time prescribed for the revision and correction of the preliminary registry lists the board of election commissioners shall forthwith cause to be printed therefrom, for use at the primary election and at the final election, respectively, not to exceed one hundred copies of such complete and corrected registries of each precinct, and through the agency of the police department, shall cause twenty-five copies thereof to be conspicuously posted in separate places in each precinct.

(2) Six copies of such precinct registry lists shall be furnished to each inspector for each primary and final election, of which two shall be used as check lists and in lieu of poll lists, at the primary and at the final election. To this end, two inspectors at each precinct at each election shall write after the name of each voter the serial number of his vote as the same is polled, and shall hand to each voter suitable certification slips, numbered serially, to be furnished by the board of election commissioners for this purpose. A special blank column shall be provided on the final printed registry list for this purpose; also a form of certificate setting forth that each list is a true and complete combined check and poll list of the respective precincts, which form shall be filled in and signed by the three inspectors of election in each precinct; such combined check and poll lists, duly verified, to be returned as provided by law. [*1911 c. 391 s. 18; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

10.19 Registry list not to be added to after its completion. After such registry shall have been fully completed on the days above mentioned, no names shall be added thereto, and no votes shall be received at any election if the name of the person offering to vote be not on the registry as completed, except as provided in section 6.44 of the statutes. [*1911 c. 391 s. 19; 1915 c. 385 s. 2*]

10.20 Objections to registration; hearing. Any voter may make objection before the board of election commissioners to the registration of any person. The election commissioners shall sit for the purpose of hearing such objections on the Wednesday of the first week prior to said election and primary election between the hours of nine A. M. and twelve M., and between two P. M. and five P. M., and if all such objections be not then determined it shall sit during the same hours of the next day. Such objectors shall appear in person before the commissioners on said day or days; they may be further examined by the commissioners under oath and further testimony may be taken in the premises. All cases shall be heard and decided summarily. If the board shall believe any person so objected to is entitled to registration, his name shall remain upon the registry; otherwise his name shall be removed, and the inspectors of the proper precinct notified immediately of such action. Minutes shall be kept of all objections made and action taken at such meetings. [*1911 c. 391 s. 20; Spl. S. 1912 c. 16; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

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10.21 Registries open to public inspection; challenges. All registries shall at all times be open to public inspection, and any voter shall have the right to challenge any applicant who applies to be registered, but such voter shall be examined under oath, touching the cause for such challenge; judgment in each case to rest with the board of registry and to be rendered as soon as heard. In the case of a naturalized applicant the board of registry may require him to show his naturalization certificate. [*1911 c. 391 s. 21; 1915 c. 385 s. 2*]

10.22 Election officers exempt from jury duty. Any person not regularly appointed by the board of election commissioners, but who shall duly serve as inspector or ballot clerk at any election because appointed to fill vacancy at the polling place, shall be exempt from jury service for six months thereafter. [*1911 c. 391 s. 22; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

10.23 Board has charge and control of elections. The board of election commissioners shall have power and authority to provide election booths, to fix and determine the places at which all elections within such city shall be held, and to fix and determine the boundaries of election districts or precincts within the limits prescribed by law, and the location of the voting booths therein, and shall have the custody of and control over all voting booths and voting machines, and the common council and the various departments of the city shall co-operate with the board of election commissioners to furnish available space and men and means for the storage of booths and machines, and for setting up and transporting the same; which said board of election commissioners may arrange with any officer, ward or department having charge of any public buildings, for the use of school buildings and other public buildings for voting purposes, and it is hereby made the duty of such officers, ward and departments to permit the use of school buildings and other public buildings under their jurisdiction for voting purposes without any charges therefor at any primary or election. It shall be the duty of the chief of police to station at least one policeman at each voting booth at every primary or election. Said board of election commissioners shall perform such duties and have such authority as have been heretofore required by law to be performed by, or has been vested in the board of canvassers for city primaries, the common council or the city clerk in relation to the conduct of and control over elections within such city, except as otherwise provided in sections 10.01 to 10.31, inclusive. [*1911 c. 391 s. 23; 1913 c. 5 s. 3, 4; 1915 c. 187; 1915 c. 385 s. 2*]

10.24 Voting machines. The board of election commissioners may provide that the official voting machines may be used for the purpose of voting on all candidates and questions at any election or primary, whether or not the names of such candidates or questions are required by law to be placed upon separate ballots; provided, that where the law requires the names of candidates or questions to be placed upon separate ballots, such names and questions shall be placed in separate columns upon the voting machines, and the machines shall be so arranged that a separate vote can be cast for such candidates and questions. [*1911 c. 391 s. 24; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

10.25 Board to act as canvassing board and destroy ballots. (1) The board of election commissioners shall be the board of canvassers of the primary and election returns for such city, and shall perform all the duties in regard to the canvass of votes for city officers and upon city questions that are required by law to be performed by any city officers or the chairmen of party committees except such as are required by law to be performed by the election inspectors, and shall issue certificates of nomination and election to such persons as the canvass shall show are entitled to the same.

(2) The provisions of section 6.60 relating to the return and destruction of ballots shall apply to local primaries and elections so far as applicable; and said board shall have the custody of such ballots and destroy them within the time and in the manner so provided. [*1911 c. 391 s. 25; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2; 1919 c. 336, 363; 1919 c. 671 s. 1, 2*]

10.26 Compensation of commissioners. The commissioners of election shall receive such salaries as the common council of each city shall determine. [*1911 c. 391 s. 26; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

10.27 Compensation of election officers. The inspectors and ballot clerks shall receive the same compensation provided in section 6.76 of the statutes, and any amendments now or hereafter made thereto. [*1911 c. 391 s. 27; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

10.28 Majority rule. The act of a majority of such board of election commissioners shall be considered as the act of said board of election commissioners. [*1911 c. 391 s. 28; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

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10.29 Board controls and directs election officers. It is hereby made the duty of the commissioners of election to furnish printed instructions to inspectors and ballot clerks, defining their duties and the law governing elections, and said commissioners of election are hereby empowered and required to have general supervision of all elections and to see that such elections are conducted according to law. [*1911 c. 391 s. 29; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

10.30 [*Renumbered section 17.12 by 1919 c. 362 s. 24*]

10.31 City authorities to co-operate with board. It shall be the duty of all officers and departments of cities aforesaid to co-operate with the board of election commissioners so as to carry out the provisions of this section. [*1911 c. 391 s. 31; 1913 c. 5 s. 3, 4; 1915 c. 385 s. 2*]

IN CITIES UNDER THE COMMISSION FORM OF GOVERNMENT.

10.32 City elections under commission form. (1) Candidates for mayor and councilmen shall be nominated at large by a primary election two weeks before the municipal election in the manner provided for the nonpartisan nomination of candidates for elective city offices by chapter 5, so far as such provisions are applicable, and shall be elected by the voters of the city at large.

(2) The ballot used at every such primary and at every such election shall be in substantially the forms prescribed by chapter 5 and chapter 6 for city primaries and city elections and shall plainly indicate for how many candidates each elector may vote, which, in the case of mayor, shall be one candidate; and in the case of councilmen the number shall be the number of candidates to be nominated or elected.

(3) At the first primary after adopting the commission form of government the two candidates for mayor and the four candidates for councilmen receiving the highest number of votes shall be deemed nominated. At subsequent primaries the two candidates for either office receiving the highest number of votes shall be deemed nominated. The names of such nominees and no others shall be placed upon the ballot used at the next succeeding city election. [*Stats. 1913 s. 925m—305, 925m—306; 1915 c. 385 s. 3*]

10.33 Terms of officers in commission cities; recall. (1) The term of office of the mayor and aldermen of any city so adopting the commission form of government shall end on the third Tuesday in April next succeeding the first municipal election held after such adoption. [*Stats. 1913 s. 925m—307; 1915 c. 385 s. 4; 1919 c. 362 s. 24*]

10.34 Direct legislation in commission cities. Direct legislation may be had in any commission-governed city in the manner provided in section 10.43. [*Stats. 1913 s. 925m—316; 1915 c. 385 s. 5*]

IN CITIES IN GENERAL.

10.35 Application of general city election laws. Except as otherwise specially provided the sections under the above subtitle, "In Cities in General," shall be applicable to city elections in all cities, whether operating under special charter or general law or as a commission-governed city. And except as otherwise specially provided and as far as applicable chapters 5 and 6 shall be applicable to all city elections. [*1915 c. 385 s. 6*]

10.36 Regular city elections; time; opening and closing of polls; notice. (1) The annual or biennial municipal election in all cities shall be held on the first Tuesday in April at such place or places as the city council shall designate; provided, that in cities of the fourth class the city council by ordinance duly adopted by a three-fourths vote of all the members-elect, may fix as the time of holding such election the first Tuesday in March.

(2) The polls shall be opened and closed at city elections at the times provided by section 6.35.

(3) Ten days' previous notice of the time and place of such election and of the officers to be elected shall be given by the city clerk by publication in the official city paper and by posting written or printed notices in three public places in the city; but the failure to give such notice shall not invalidate such election.

(4) The city clerk shall rotate on the official ballot the surnames of the candidates who are entitled to have their names placed thereon as provided in subsections (2) and (3) of section 5.11. [*Stats. 1913 s. 925—24; 1915 c. 141; 1915 c. 385 s. 7; 1917 c. 60*]

10.37 Method of election; plurality rule. All elections shall be by ballot and a plurality of votes cast shall constitute an election. When two or more candidates shall receive an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the council at such time and in such manner as such council shall direct. To the person elected to any office the city clerk shall issue a certificate of election. [*Stats. 1913 s. 925—29, 925—29a; 1915 c. 385 s. 8*]

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10.38 Election functions of county clerks to be exercised by city clerks, or election commissioners. The functions and duties prescribed for county clerks by sections 6.25, 6.26, 6.27, 6.28 and 6.29 shall be exercised and performed by the board of election commissioners for city elections in each city having more than one hundred thousand inhabitants, and by the city clerk for city elections in every other city; and the provisions of said sections shall apply to city elections, except that the ballots, official and sample, shall be printed and in the hands of such board or of the city clerk at least two days before the election, and that the expense of printing and distributing them shall be borne by the city. [*1915 c. 385 s. 9*]

10.39 Polling places in fourth class cities. The common council of any city of the fourth class however organized may provide a polling place or polling places for the entire city at its city hall or in some other building centrally located as follows:

(1) A separate room with an outside entrance shall be provided for each ward and be conspicuously marked and designated at the entrance as the polling place for such ward. Each such polling place shall be provided with a full complement of election officers and a separate ballot box.

(2) When any such city contains a population not exceeding five thousand according to the last federal census such central polling place may consist of a single room. One ballot box for each ward shall be provided, but three inspectors of election, two clerks of election and two ballot clerks shall serve for the whole city. The ballot boxes shall be numbered according to wards. The ballots of the voters of each ward shall be deposited in the box provided for such ward and the election officials shall make separate returns for each ward.

(3) Such central polling places shall be so provided and designated not later than ten days before the election at which they are to be used, and when so provided all primaries and elections in such city shall be held in the place or places designated. [*Stats. 1913 s. 926—132, 926—133; 1915 c. 19; 1915 c. 385 s. 10*]

10.40 Special city elections. (1) Special elections authorized by law shall be held and conducted and the returns thereof made in the manner and within the time required in the case of regular municipal elections.

(2) Whenever the common council of any city shall, by ordinance or resolution, submit any question, ordinance, or proposed recall from office to a vote of the electors, the city clerk shall issue a call for the election and prepare and distribute ballots as required by the ordinance or resolution or by the statute relating to or authorizing the submission. When no provision to the contrary is made the ballot shall conform to the provisions of section 6.23, except that it may be printed at the foot of the official ballot used at the same time for other purposes. In all other respects the election shall be conducted as other municipal elections are conducted. [*Stats. 1913 s. 59, 925—32, 926—31, 957; 1915 c. 385 s. 11; 1915 c. 604 s. 73*]

10.41 Separate school ballots. Where the election of school officers in any city is required to be by a separate ballot, separate official ballots for such officers shall be printed and furnished to the inspectors of election in the several wards in sufficient quantities to supply the electors. [*Stats. 1913 s. 43; 1915 c. 385 s. 12; 1921 c. 242 s. 285*]

10.42 City council to canvass returns. Except as provided otherwise by section 10.25 the common council of every city shall canvass the returns and declare the result of every annual, special or referendum election held in and for such city. Such canvass shall proceed with all convenient speed immediately after the returns are received, and in the case of annual elections the result shall be declared on or before the second Tuesday of April in each year. [*Stats. 1913 s. 925—268; 1915 c. 385 s. 13; 1919 c. 64*]

10.43 Direct legislation. (1) A petition signed by electors of any city equal in number to not less than fifteen per cent of the vote cast therein for governor at the last general election may be filed with the city clerk requesting that a proposed ordinance or resolution annexed thereto either be adopted without alteration by the common council of said city or be referred without alteration to a vote of the electors thereof.

(2) Said petition shall not be circulated by any member of the common council nor by any other city officer; and the office of any officer violating this provision shall thereby be made vacant. The preparation of such petition shall be governed as to the use of more than a single piece of paper, the dates of signatures, the places of residence and business of signers, and the verification thereof, by the provisions of section 5.26 so far as applicable.

(3) Within ten days next following such filing the city clerk shall determine by careful examination the sufficiency or insufficiency of such petition and state his finding in a signed certificate dated and attached thereto. If the petition be found insufficient, the particulars of such insufficiency shall be set forth in the certificate, and the petition may

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thereupon be amended within ten days next following the date of said certificate, by the addition of signatures or otherwise. If originally, or after amendment, such petition be found sufficient the city clerk shall so state in his attached certificate and submit the same to the council immediately.

(4) Such proposed ordinance or resolution shall thereupon either be passed without alteration by said common council within the thirty days next following the date of the clerk's final certificate, or it shall be submitted without alteration by said council to the electors of the city at the next regular election, if one be held within ninety days after such date; otherwise at a special election to be called by the council and held within said ninety days. But not more than one such special election shall be called in any period of six months.

(5) Not more than twenty nor less than five days before the election, the city clerk shall cause the ordinance or resolution submitted to the voters to be printed in at least two, but not to exceed four, daily newspapers published in the city, or, if there shall be no daily newspapers published in such city, then in one or more weekly newspapers of general circulation therein.

(6) Such proposed ordinance or resolution shall take effect immediately after such election if a majority of the qualified electors voting thereon shall vote in favor thereof; and it shall be neither repealed nor amended within two years after its adoption, except by vote of the people. But the council may submit at any regular or special election for determination by a majority of the electors voting thereon a proposition to repeal or amend such ordinance or resolution. Every such ordinance or resolution shall be published by the city clerk within ten days after the election in at least two, but not to exceed four, newspapers published in said city. City ordinances or resolutions adopted pursuant to this section shall not be subject to the veto power of the mayor. [*Stats. 1913 s. 39i, 39k, 39l; 1915 c. 385 s. 14; 1917 c. 184*]

10.44 Recall elections. (1) A petition addressed to the common council of any city demanding the election of a successor to the incumbent of any elective office of such city, containing a specific statement of the grounds upon which the removal is sought and signed by electors entitled to vote for such successor equal in number, in cities of the third or fourth class to at least one-third, and in cities of the first or second class to at least one-fourth, of the entire vote cast in such city at the last preceding election for all candidates for the office in question may be filed with the county judge of the county in which such city is located at any time after the incumbent has held the office six months. But if at the last preceding election any group of candidates were voted for in common to fill two or more offices of the same designation the proportion of signers of such petition shall be computed upon the entire vote cast for all such candidates, divided by the number of such offices filled at said election.

(2) The preparation of such petition shall be governed as to the use of more than a single piece of paper, the dates of signatures, the places of residence and business of signers and the verification thereof, by the provisions of section 5.26 relating to nomination papers, so far as applicable. After the petition has been filed, no name shall be erased or removed therefrom; and no signature shall be valid or be counted unless its date is less than one month preceding the date of such filing.

(3) Within ten days next following such filing the county judge shall determine by careful examination the sufficiency or insufficiency of such petition and state his finding in a certificate attached thereto. If the petition be found insufficient, the particulars of such insufficiency shall be set forth in the certificate; and the petition may thereupon be amended within ten days next following the making of such certificate, by the addition of signatures or otherwise. If originally, or after amendment, such petition be found sufficient the county judge shall so state in his attached certificate and submit the same to the council immediately.

(4) Thereupon the council shall order and fix a date for holding an election not less than forty nor more than fifty days from the date of the county judge's final certificate attached to the petition.

(5) Any person qualified for such office other than the incumbent may become a candidate at such election in the manner prescribed by section 5.26, by filing his nomination papers not less than thirty days before the election. If more than two candidates, including the incumbent, be thus provided a primary shall be held two weeks before the election, except as provided otherwise by subsection (4) of section 5.02 and by section 5.26.

(6) A request in writing by the incumbent that his name be not placed on the ballot shall constitute a resignation of his office. Unless he shall so request, the name of the incumbent shall be placed upon the official ballot for such election without nomination, and also the name of such person as may be nominated in the manner provided by section 5.26

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when there is no primary. If a primary be held the name of the person receiving the highest number of votes thereat shall be placed on the ballot with the name of the incumbent when the latter is a candidate; and when the incumbent is not a candidate, the names of the two persons receiving the highest number of votes at the primary shall be placed upon the ballot for such election.

(7) If the incumbent receives the highest number of votes he shall continue in office. If another receives the highest number of votes he shall, upon qualifying, become the successor of the incumbent who shall thereby be removed from the office. Such successor shall qualify within ten days after receiving notification of his election and shall hold office during the unexpired term of the officer removed. [*Stats. 1913 s. 94j—1; 1915 c. 385 s. 15; 1915 c. 583; 1915 c. 604 s. 76*]

IN VILLAGES.

10.45 Village elections; time; notice. The annual charter election of every village shall be held on the first Tuesday of April in each year. Ten days' notice thereof shall be given by the clerk by publication in any newspaper regularly published in such village, and if there be no such newspaper, then by posting three printed or written notices thereof in three public places therein; but the omission of such notice shall not invalidate such election. Special elections may be held when ordered by a majority of the village board specifying the objects thereof, provided ten days' notice, specifying the time and place for holding the same and the objects thereof, be given as above provided. Such notice may, in either case, be given by any five electors if there be no officer to give the same. [*Stats. 1913 s. 871; 1915 c. 385 s. 21*]

10.46 Village elections; place; opening and closing of polls. Every village election shall be held at a place designated by the village board. The opening and closing of the polls shall be governed by the provisions of section 6.35. [*Stats. 1913 s. 872; 1915 c. 141; 1915 c. 385 s. 22*]

10.47 Method of village elections; plurality rule. All elections shall be by ballot, and all votes for elective officers at any election shall be upon one ballot and be deposited in one ballot box. A plurality of votes shall elect; and if two or more persons receive an equal number of votes for the same office the election shall be forthwith determined by lot in the presence of the inspectors in such manner as they shall direct. Every qualified elector then actually resident in such village may vote at any election. [*Stats. 1913 s. 873; 1915 c. 385 s. 23*]

10.48 Ballots for village elections; form and printing. (1) The village clerk shall cause to be printed at the expense of the village a sufficient number of sample and official ballots for every village election. Such sample ballots shall be printed upon tinted paper and the official ballots upon white paper, and both shall be of sufficient length and width to afford space for the names of all candidates. The offices to be filled shall be arranged on the ballot in the order in which they are named in the statutes creating them, and the names of the candidates shall be arranged in alphabetical order under their respective office designations. Sufficient space shall be left under each office to write a name in lieu of any name printed therein. Such official ballots shall be indorsed as provided by subsection (14) of section 6.23 of the statutes, except that the indorsement of one clerk shall be sufficient when only one clerk is required, by law, to be present.

(2) The names of the persons nominated in the manner provided in section 5.27 and none other shall be placed upon the official ballots; provided, that in case no nominations are made, the spaces in which names of candidates may be printed or written shall be left blank. [*Stats. 1913 s. 35—30; 1915 c. 385 s. 24*]

10.49 Conduct and canvass of village elections. All village elections shall be conducted and the result canvassed and certified as in the case of general elections, except as otherwise provided, and shall be governed by the provisions of chapter 6, so far as applicable. Election returns shall be made to and filed with the village clerk. [*Stats. 1913 s. 874; 1915 c. 385 s. 25*]

10.50 Village to constitute election district; application of statutes. Every village shall constitute a separate election district. Except as otherwise provided the sections under the above subtitle "In Villages," shall be applicable to village elections in all villages, whether operating under special charter or general law. [*Stats. 1913 s. 925h; 1915 c. 385 s. 30; 1915 c. 604 s. 74*]

10.51 Special elections in villages. The provisions of section 10.40 respecting special and referendum elections, and the functions and duties of common councils of cities and city clerks, shall apply to the conduct of similar village elections and to the functions and duties of village boards and village clerks. [*1915 c. 385 s. 31*]

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IN TOWNS.

10.52 Town elections. At every annual town meeting there shall be an election by ballot of all town officers except the superintendent or superintendents of highways. [*Stats. 1913 s. 782, 797; 1915 c. 385 s. 32; 1915 c. 604 s. 75*]

10.53 Annual town meeting; place; conduct of elections. (1) The annual town meetings in each town shall be held at the place where the last town meeting was held, or at such other place therein, or in a city or incorporated village in the county and convenient to the town, as shall have been ordered at a previous meeting; or when there has been no such previous meeting, at such place as shall be directed in the act or proceedings by which the town was organized.

(2) Not less than four nor more than six weeks before any annual town meeting the town board by recorded resolution may direct, and any twelve electors of the town may file with the town clerk a petition praying, that the question of changing the place of holding town meetings in such town be submitted to a vote of the electors at any regular town meeting. Every such resolution or petition shall designate and describe with reasonable certainty the place to which the change is desired, which shall be a place within the town or within a city or incorporated village as provided in subsection (1) of this section.

(3) Within one week after the recording of such resolution or the filing of such petition the town clerk shall post notices containing the substance of such resolution or petition and stating that the place of holding the annual town meeting will be decided by ballot at the town meeting then next to be held, in not less than four public places in said town.

(4) The town board shall provide at the expense of the town a suitable number of printed ballots in the form prescribed by section 6.23 for referendum voting and deliver the same to the town clerk before the opening of the election at which they are to be used and the clerk shall keep them in a convenient and conspicuous place in the building where the election is held, for the use of the electors.

(5) If a majority of the votes cast upon the question be in favor of changing the place of holding town meetings, then, and not otherwise, all general and judicial elections and town meetings thereafter held, shall be held at the place designated in said resolution or petition and approved by the electors.

(6) In towns which are divided into election districts the annual meeting shall be held, until the electors otherwise determine, in the districts designated as the first election district; provided, that in counties having a population of two hundred thousand inhabitants or over, according to the last census, votes for town and judicial officers shall be cast at the polling booths in the election district where the voter resides in the manner provided for general elections. [*Stats. 1913 s. 783, 783a, 783b; 1915 c. 385 s. 33; 1917 c. 472*]

10.54 Special town elections. Except as provided otherwise by sections 1548*b* and 1565*a* special town elections may be called for the purpose of choosing town officers to fill vacancies or to enable the electors to vote upon any question lawfully submitted to them for determination, in the same manner that special town meetings are called. The notice of every such election to fill vacancies shall specify in what offices there are vacancies to be filled, how they occurred and who were the last incumbents; and if it be in the office of a justice of the peace, at what time the legal term of office will expire. [*Stats. 1913 s. 788, 789; 1915 c. 385 s. 34; 1919 c. 64 s. 2*]

10.55 Laws applicable to town and special town elections. The qualification of electors, the creation and qualification of inspectors and clerks of election, their oath of office, the opening and closing of the polls, the challenging of voters, the determination of such challenges, the opening of ballot boxes, the counting of the ballots before unfolding them, the keeping of tally sheets, the counting of the votes, the determination of the result and all other election procedure at and for town elections or special town elections shall be governed by the provisions of chapter 6 of the statutes, so far as applicable and not otherwise provided in this chapter. [*Stats. 1913 s. 791, 794, 796, 798, 801, 803; 1915 c. 385 s. 35; 1919 c. 64 s. 3*]

10.56 Town clerks to exercise election functions. (1) The functions and duties prescribed for village clerks in respect to village elections by section 10.48 shall be exercised and performed by town clerks for town elections; and the provisions of said section shall apply to every town election except as otherwise specially provided.

(2) Whenever a justice of the peace is to be elected to fill a vacancy, and also one or more such justices are to be elected for full terms, the ballot shall be made to distinguish the person or persons voted for to fill the vacancy.

(3) In towns containing two or more election districts the ballots provided by the town clerk shall be delivered to the inspectors of election at each polling place prior to the open-

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ing of the polls at the election for which they have been prepared. [*Stats. 1913 s. 799, 800, 807a; 1915 c. 385 s. 36*]

10.57 Canvass of town elections. At the close of every election the votes given by ballot shall be publicly canvassed by the inspectors at the place where the meeting was held, which canvass when commenced shall be continued without adjournment or intermission until the same shall be completed. [*Stats. 1913 s. 802; 1915 c. 385 s. 37*]

10.58 Announcement of results of town elections. The canvass being completed and the result ascertained and determined by the inspectors, the clerk shall publicly read to the meeting the names of the persons for whom votes for each office were given and the number of votes so given for each person, and the names of the persons declared to be duly elected by the inspectors to each office respectively; and such reading shall be deemed sufficient notice to every person elected to any office at such meeting of his election whose name has been entered on the poll list as a voter. [*Stats. 1913 s. 804; 1915 c. 385 s. 38*]

10.59 Certified statement of results of town elections. The inspectors shall also draw up a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of the persons for whom such votes were given and the number of votes given for each person, and certify upon such statement their determination of the persons elected, which statement and certificate of determination shall be left with the town clerk and recorded in his office and carefully preserved by him. [*Stats. 1913 s. 805; 1915 c. 385 s. 39*]

10.60 Plurality rule at town elections. The persons having received the greatest number of votes given for any office at such election shall be deemed and declared duly elected; and if two or more shall have received the greatest and an equal number of votes for the same office the inspectors of election shall determine the choice by lot, which lots shall be drawn by the persons receiving the equal number of votes; or in the absence of one or both of such persons or their refusal to draw by lot, the inspectors shall appoint a competent person to draw the same for them, and shall declare and certify the same accordingly. [*Stats. 1913 s. 806; 1915 c. 385 s. 40*]

10.61 Separate ballot box for proposals voted on at town meetings. If any proposition other than the election of officers be voted upon by ballot at any town meeting the ballots cast upon such proposition shall be provided by the town clerk and be deposited in a separate ballot box in the form and manner provided by section 6.23 and a separate poll list kept of the electors voting upon such proposition. The ballots so cast shall be counted and canvassed and the result ascertained, declared and certified in like manner as in the case of ballots cast for officers. [*Stats. 1913 s. 807; 1915 c. 385 s. 41*]

10.62 Town board of canvassers. The town board of any town divided into two or more election districts or a majority of them, together with the town clerk of such town, shall constitute the canvassing board of such town. Such board shall meet at the town hall within twenty-four hours after the closing of the polls at every town election in such town and then and there publicly canvass all statements theretofore delivered to said clerk by the inspectors of election as provided in section 10.59, and ascertain, determine and declare the result of such election; and it shall be the duty of said town clerk to forthwith read publicly the names of the persons for whom votes for each office were given, the number of votes so given for each person, and the name of the person declared to be duly elected to each office respectively. Such reading shall be deemed sufficient notice to every person elected to any office at such meeting of his election. [*Stats. 1913 s. 807b; 1915 c. 385 s. 42*]

COUNTY BOARD OF ELECTION COMMISSIONERS.

10.63 Organization of board. There is hereby created a "County Board of Election Commissioners" for each county containing a city of the first class, composed of three members, who shall be appointed as follows: The chairman of the county board of such county shall appoint three members for terms of one, two and three years, respectively, dating from July first, 1915, and until their successors are commissioned and qualified. Successors shall be appointed at the expiration of each term in like manner and their terms of office shall be three years in all cases, beginning July first in the year in which they are appointed and until their successors are commissioned and qualified. The board shall be composed of one member from each of the three dominant political parties, as shown by the returns of the last preceding general election, and appointments shall be made in accordance with this rule. The party affiliation in each case shall be attested by the respective chairmen of the county committees of the several political parties before such appointment shall be in force. The board shall choose its own chairman. Such commissioners shall be legal voters, and residents of the state for at least five years, and of the county for a like period of time. They shall hold no other public office, the offices

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of notary public and city election commissioner excepted, and shall be ineligible to any other elective or appointive public office while members of such board, and shall, before entering upon the duties of county election commissioners, make and file in the office of the county clerk the constitutional oath of office. [*1915 c. 348 s. 1; 1915 c. 604 s. 86; 1919 c. 362 s. 34*]

10.64 Powers and duties; salaries. Said county board of election commissioners shall have all such authority, duties and power in regard to the preparation, distribution, custody and canvass of ballots and notices of election and in regard to the conduct of and control over any and all elections which are now vested in the county board, the county board of canvassers for general elections and primaries, the county clerk or any other county officers. The county commissioners of election shall receive such salaries as the county board of such county shall determine, provided that if a commissioner is appointed as a member of both the city election commission and county election commission, he shall receive but one salary, one-half of which shall be paid by the county and one-half by the city. [*1915 c. 348 s. 2; 1915 c. 604 s. 86*]

10.65 Secretary of board. Said board shall have power to employ a secretary who shall perform such duties as may be required of him by the said board of election commissioners, and he shall receive such salary as the board shall determine; and in case the same person is also secretary of the city board of election commissioners, he shall receive but one salary, one-half of which shall be paid by the county and one-half by the city. [*1915 c. 348 s. 3; 1915 c. 604 s. 86*]

10.66 Seal; clerks; quarters and supplies. The said board of election commissioners may procure a seal with which to authenticate official papers and documents and said board is authorized to employ such additional clerical assistants as shall be necessary from time to time, who shall receive such compensation as the county board shall determine. The county board shall arrange for office room for the said board of election commissioners; and all expenses incurred under sections 10.63 to 10.70, inclusive, shall be paid out of the county treasury, and the expenses incurred by said board of election commissioners shall be paid upon the orders of said board, signed by the chairman and secretary and countersigned by the county clerk, and such orders shall be made payable to the order of the persons in whose favor they shall be issued, and shall be the vouchers of the county treasurer for the payment of such orders. The act of a majority of said county board of election commissioners shall be considered the act of said board. [*1915 c. 348 s. 4; 1915 c. 604 s. 86*]

10.67 [*Renumbered section 17.10 by 1919 c. 362 s. 22*]

10.68 Co-operation of officials. It shall be the duty of all officers and departments in counties governed by the provisions of sections 10.63 to 10.70, inclusive, to co-operate with the said board of election commissioners in carrying out the provisions of said sections. [*1915 c. 348 s. 6; 1915 c. 604 s. 86*]

10.69 Liberal construction. Sections 10.63 to 10.70, inclusive, shall be liberally construed so that its purpose may not be defeated by any informality or failure to comply with the several provisions in respect to either the giving of notices or keeping within the exact period of time provided herein. [*1915 c. 348 s. 7; 1915 c. 604 s. 86*]

10.70 Penalty for neglect of duty. Any public officer who shall wilfully fail or neglect to perform any duty imposed upon him by the provisions of sections 10.63 to 10.70, inclusive, or knowingly make false certificate in respect to such duty or to any matter to which he may be required by law to officially certify, shall be punished by imprisonment in the county jail or house of correction in such county for a period not exceeding nine months or by a fine of not more than five hundred dollars and the costs of prosecution. [*1915 c. 348 s. 8; 1915 c. 604 s. 86*]

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CHAPTER 11.

VOTING MACHINES AND ABSENT VOTING.

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VOTING MACHINES AT ELECTIONS.

11.01 Voting machine commission. There is hereby constituted a body to be known as the "Wisconsin Voting Machine Commission." It shall consist of three members, competent and responsible persons, two of whom shall be mechanical experts, not more than two of whom shall be members of the same political party, and none of whom shall have any pecuniary interest in any voting machine. Their term of office shall be five years from the date of appointment. They and their successors shall be appointed by the governor. The commissioners shall qualify by taking an oath in writing to support the constitution of the United States and of the state of Wisconsin and to faithfully and honestly discharge their duties, and filing the same in the office of the secretary of state; and all such examinations shall be public. [*Stats. 1913 s. 44—1; 1915 c. 386 s. 2; 1919 c. 362 s. 19, 32*]

11.02 Investigation and examination of design of machines. Any person or corporation, owning or being interested in any voting machine, may apply to said commission to examine such machine, and report on its accuracy, efficiency and capacity. The commissioners shall examine the machine and make and file a report thereon in the office of the secretary of state. They shall state in the report whether the kind of machine so examined complies with the requirements of this chapter, and can be safely used by voters at elections under the conditions prescribed in this chapter. If the report be in the affirmative upon said questions, the machine shall be deemed approved by the commission, and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity, shall not render necessary a re-examination or re-approval thereof; any form of voting machine not so approved, cannot be used at any election. Each commissioner shall be entitled to one hundred dollars for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination, which may be demanded in advance of making the examination. The commission may, if it consents so to do, go to any point in the state for the purpose of examining a machine, but it shall not be compelled to make an examination at any place other than the capital of the state. [*Stats. 1913 s. 44—2; 1915 c. 386 s. 3*]

11.03 Structural requirements and adaptability to voting system. (1) No machine or machine system shall be approved by the commission unless it be so constructed as to afford every elector a reasonable opportunity to vote for any person for any office or for or against any proposition for whom, or for or against which he is by law entitled to vote and enable him to do this in secrecy; and it must be so constructed as to preclude an elector from voting for any candidate for the same office or upon any question more than once, and from voting for any person for any office for whom he is not by law entitled to vote.

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(2) The machine or machine system may be provided with one lever or device by the use of which an elector may vote for all candidates of one party, if he so desires, but it must admit of his voting a split ticket as he may desire. It must also be so constructed as to register or record each and every vote cast.

(3) For presidential electors one device may be provided for voting for all the candidates of one party at one time by the use of such device, opposite or adjacent to which shall be a ballot on the machine containing the names of the candidates for president and vice president of that party, preceded by the party's name, and a vote registered or recorded by the use of such device shall be counted for each of the candidates for presidential electors of such party.

(4) The machine must be constructed so that it cannot be tampered with or manipulated for any fraudulent purposes; and the machine must be so locked, arranged or constructed that during the progress of the voting, no person can see or know the number of votes registered or recorded for any candidate. [*Stats. 1913 s. 44—3; 1915 c. 386 s. 4*]

11.04 Referendum on use of machines. The common council of any city, the trustees of any village and the town board of any town may adopt and purchase for use in the various precincts, any voting machine approved in the manner set forth in this chapter, by the voting machine commission, and none other; provided, however, that no machine shall be adopted or purchased by any village or town until the question of such adoption and purchase shall have been submitted to a vote of the people of such village or town at some regular village or town election, and a majority of the votes cast on such question shall have been in favor of such adoption and purchase. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following the adoption of such machines in any city, village or town as many may be supplied as it is practicable to procure, and the same shall be used in such precincts of the municipality as the proper officers may order. The proper officers of any city, village or town may, not later than sixty days before any election, unite two or more precincts or wards into one election precinct for the purpose of using therein at such election a voting machine; provided, in case two or more wards shall be so united, such machine shall be so constructed that it will permit the voters of each ward to vote for any and all candidates nominated for offices in such ward, but will prevent such voters from voting for any and all candidates nominated for offices in all other wards; and a notice of such uniting shall be given in the manner prescribed by law for the change of election districts. [*Stats. 1913 s. 44—4; 1915 c. 386 s. 5*]

11.05 [*Repealed by 1921 c. 576 s. 5*]

11.06 Methods of using machines. (1) More than one voting machine may be used in any one polling place.

(2) Where more than one voting machine shall be used in an election precinct, one additional election inspector may be appointed by the proper authorities for the additional machine; such additional inspector to be of the party casting the largest vote at the preceding general election.

(3) At any election or primary, when voting machines are used, the services of ballot clerks shall be dispensed with at such primary and election days in the election districts where voting machines are used.

(4) The room in which the election is held shall have a railing separating that part of the room to be occupied by the election officers from that part of the room occupied by the voting machine or machines. The exterior of the voting machine and every part of the polling place shall be in plain view of the inspectors. The machine shall be so placed that no person on the opposite side of the railing can see or determine how the voter casts his vote, and that no person can so see or determine from the outside of the room. After the opening of the polls the inspectors shall not allow any person to pass within the railing to that part of the room where the machine is situated, except for the purpose of voting and except as provided in section 11.08; and they shall permit only one voter at a time for each machine to be in such part of the room. They shall not themselves remain or permit any person to remain in any position that would permit him or them to see or ascertain how the voter votes or how he has voted.

(5) Each voter shall be allowed a reasonable time in which to vote, such time to be determined by a majority of the inspectors in the booth, having regard to the size of the ballot and the number of voters in line ready to vote, but in no case shall such time be less than one minute. If a voter refuses to leave the voting machine after being notified by one of the inspectors that such time has expired, he shall at once be removed by the inspectors. [*Stats. 1913 s. 44—6; 1915 c. 142; 1915 c. 386 s. 7*]

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11.07 Opening and closing of polls where machines are used. (1) The polls of election in all cities where voting is done exclusively by the use of voting machines shall open at six o'clock in the forenoon and close at eight in the afternoon.

(2) Any voter awaiting his turn to vote, whether within a polling booth or in a line outside the booth, at the time of the closing of the polls shall be permitted to vote. [*Stats. 1913 s. 44—6a; 1915 c. 386 s. 8*]

11.08 General election laws applicable where machines are used. All the provisions of chapter 6 relating to general elections and all statutes declaring misconduct at or in relation to elections to be crimes or the grounds or occasions of forfeiture, shall, as far as consistent with the provisions of this chapter, be applicable to elections at which voting machines are used. [*Stats. 1913 s. 44—7, 44—13; 1915 c. 386 s. 9*]

11.09 Ballots for machine; samples, etc. (1) Ballots shall be provided by the respective city and county clerks, except that in cities having more than one hundred thousand inhabitants ballots shall be provided by the board of election commissioners, for all the candidates to be voted for at an election and of suitable size to fit the space provided for that purpose on or in the machine, and each shall be placed on or in the machine adjacent to or on the registering or recording device therefor.

(2) The ballots shall be placed on or in the machine in the order of arrangement provided by section 6.23 of the statutes, except that they may be vertical or horizontal rows. Ballots for all questions must be provided in the same manner and must be arranged on or in the machine in the places provided for such purpose.

(3) The officers charged with the duty of providing ballots for any polling place, shall provide therefor two sample ballots which shall be exact copies of the official ballots which are caused to be printed by them; said sample ballots shall be arranged in the form of a diagram showing the front of the voting machine as it will appear after the ballots are arranged thereon for voting on election day. Such sample ballots shall be posted by the inspectors of the precinct, near the entrance of the election booth and shall there be open to public inspection during the whole of election day.

(4) In all cities having more than one hundred thousand inhabitants using voting machines, the officer or board charged with the duty of providing ballots shall, and in all other cities using voting machines he may, not less than ten days before each election, provide for each election precinct in which such machine is to be used at least one-half as many sample ballots as the number of votes cast in such precinct at the last preceding general election; said sample ballots to be in the form of a reduced size diagram showing the face of the machine and the names of the candidates, parties and questions thereon, together with such instructions to voters as are required by law. Fifty per cent of such sample ballots shall be on hand at the office of the city clerk or of the board of election commissioners for distribution to such voters as shall call therefor, and fifty per cent shall be delivered to the inspectors of election for distribution to such voters as shall call therefor on the last day of registration and on election.

(5) All ballots shall be published as now provided by law. The ballots for the machines, and also sample ballots, shall be furnished the inspectors at least one day before the election.

(6) The officers charged with the duty of providing ballots shall provide for each election precinct in which a voting machine is to be used, return sheets, certificates, and other printed matter necessary for the proper conduct of the election and making up the returns thereof, according to the type of voting machine to be used therein. [*Stats. 1913 s. 44—8; 1915 c. 386 s. 10*]

11.10 Custodians; preparation of machines; instructions; certificate of proficiency. (1) The board of election commissioners in cities having more than one hundred thousand inhabitants, the common council of every other city, board of trustees of every village, and the town board of every town in which a voting machine is to be used, shall cause the proper ballot to be put on each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set, and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons who shall be known as the voting machine custodians, who shall be paid for the time spent in the discharge of their duties, in the same manner as the inspectors of election are paid.

(2) The said custodians shall, under the direction of such board of election commissioners or common council, village trustees or town board, cause the machine to be so labeled, in order, set and adjusted, and to be delivered at the voting precinct together with all necessary furniture and appliances that go with the same in the rooms where the election is to be held, at least one hour before the time set for opening the polls on election day.

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(3) In preparing a voting machine for an election, the custodian shall, according to the directions furnished, arrange the machine and the ballot therefor so that they will in every particular meet the requirements for voting and counting at such election in the manner provided for by the construction of such machine.

(4) When a voting machine shall have been properly prepared for the election and delivered at the election precinct, it shall be locked and sealed against any movement, and the officers, common council, village trustees or town board shall provide proper protection to prevent its being tampered with; and the custodian or custodians preparing such machine shall deliver the keys thereof to the clerk of the city, village or town in which the machine is to be used, together with a written report of the condition of the machine.

(5) Before an election at which a voting machine is to be used, the said custodian shall instruct each election officer that is to serve in an election district in which the machine is to be used, in the use of the machine and the duties of election officers in connection with it, and shall give to each election officer that has received such instruction and is fully qualified to properly conduct the election with the machine under the conditions that will exist thereat a certificate to that effect. For the purpose of giving such instruction the custodian shall call such meeting or meetings of the election officers as shall be necessary. [*Stats. 1913 s. 44—9; 1915 c. 386 s. 11*]

11.11 School of instruction of election officers. (1) The election board of each election district in which a voting machine is to be used, shall, before each election at which they are to serve, attend such meeting or meetings as shall be called by the custodian of the machine, for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conducting of the election with the machine. Each election officer that shall qualify and serve in the election shall be paid the sum of one dollar for the time spent in receiving such instruction, in the same manner and at the same time as he is paid for his services on election day. In no case, however, shall he receive any payment for receiving such instruction unless he thoroughly understands the machine, and is fully qualified to properly perform his duties in connection with its use and has received a certificate to that effect from the custodian of the machine.

(2) The members of the election board of each election precinct in which a voting machine is to be used shall meet at the polling place therein at least fifteen minutes before the time set for the opening of the polls at the election, and shall arrange the voting machine and furniture therein for the proper conduct of the election.

(3) They shall also, before the opening of the polls, compare the ballot labels on the machine with the sample ballots furnished, and see that the names, numbers and letters thereon agree. They shall also examine the seal upon the voting machine, to see that it has not been broken, and shall examine every counter therein to see that each registers 000. If any counter in the voting machine shall be found not to register 000, a notice of such fact, stating the designating number of such counter, together with the number registered thereon, shall be written out and signed by all the members of the election board and a copy thereof posted in a conspicuous place upon the wall of the polling place, where it shall remain during the election day.

(4) The members of the election board shall then certify on each of the blanks furnished for that purpose as to the condition of the voting machine and the counters therein, which blank shall be signed by each member of the board, and after the election one delivered with each copy of the election returns. [*Stats. 1913 s. 44—10; 1915 c. 386 s. 12*]

11.12 Irregular ballots; canvass of machine results. (1) In case a voting machine may be adopted which provides for the registering or recording of votes for candidates whose names are not on the official ballot, such ballots shall be denominated irregular ballots. A person whose name appears on a ballot or on or in a machine or machine system, shall not be voted for, for the same office or on or in any irregular device for casting an irregular ticket, and any such votes shall not be counted, except for the office of presidential electors, and any elector may vote in or on such irregular device for one or more persons nominated by one party with one or more persons nominated by any or all other parties, or for one or more persons nominated by one or more parties with one or more persons not in nomination, or he may vote in such irregular device a presidential electorial ticket composed entirely of names of persons not in nomination.

(2) As soon as the polls of the election are closed, the inspectors shall immediately lock the machine, or remove the recording device so as to provide against voting, and open the registering or recording compartment in the presence of any person desiring to attend the same, and shall proceed to ascertain the number of votes cast for each person voted for at the election, and to canvass, record, announce and return the same as provided for on the return sheets and certificates furnished. In recording the votes registered on

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any counter that before the opening of the polls did not register 000, the inspectors shall upon the return sheets subtract the number registered on such counter before the opening of the polls from the number registered thereon at the close of the polls, and the difference between such numbers shall be taken as the correct vote for the candidate whose name is opposite such counter on the voting machine; provided, however, that if the number registered on such counter at the close of the polls shall be smaller than the number registered thereon before the opening of the polls, the number one thousand shall be added to the number registered on such counter at the close of the polls, before such subtraction shall be made. [*Stats. 1913 s. 44—11; 1915 c. 386 s. 13*]

11.13 Returns of machine ballots. The inspectors as soon as the count is completed and fully ascertained, shall seal, close, lock the machine, or remove the record so as to provide against voting or being tampered with, and in case of a machine so sealed or locked, it shall so remain for a period of at least thirty days, unless opened by order of a court of competent jurisdiction. When irregular ballots have been voted, the inspectors shall return them in a properly sealed package indorsed "Irregular Ballots," and indicating the precinct and county and file such package with the county clerk. It shall be preserved for six months after such election and may be opened and its contents examined only upon an order of a court of competent jurisdiction; at the end of such six months, unless ordered otherwise by the court, such package and its contents shall be destroyed by the county clerk. All tally sheets taken from such machine, if any, shall be returned in the same manner. [*Stats. 1913 s. 44—12; 1915 c. 386 s. 14*]

11.14 Experimental use of machines. The proper officers authorized by this chapter to adopt voting machines, may provide for the experimental use at an election in one or more precincts, of a machine approved by the Wisconsin voting machine commission without a formal adoption or purchase thereof, and its use at such election shall be as valid for all purposes as if formally adopted. [*Stats. 1913 s. 44—18; 1915 c. 386 s. 19; 1915 c. 604 s. 84*]

VOTING MACHINES AT PRIMARIES.

11.15 Voting machines at primaries. Voting machines may be used at primary elections, subject to the requirements of section 11.03 of the statutes, and to the following provisions: Each machine shall be constructed and arranged so that: (1) The names of all candidates entitled to appear on the ballots at the primary shall appear on the machine; (2) the voter cannot vote for the candidates of more than one party, whenever the law requires this restriction on the voter; (3) the voter can secretly select the party for which he wishes to vote; (4) the voter can vote for as many candidates for each office as he is lawfully entitled to vote for, but no more. [*Stats. 1913 s. 11—12; 1915 c. 381 s. 15; 1915 c. 386 s. 21; 1915 c. 604 s. 59*]

11.16 Irregular ballots on machines at primaries. No vote on the irregular ballot device shall be counted for any person for any party, if such person's name appears on the printed ballot labels of that party. To vote for any person as the candidate of any party when the name of such person does not appear upon the printed ballot labels of that party, the voter shall write the name of such person in the proper place in the irregular ballot device, and designate the party for which he desires such person to be the nominee. [*Stats. 1913 s. 11—12; 1915 c. 381 s. 15; 1915 c. 386 s. 21; 1915 c. 604 s. 59*]

11.17 Voting machine law applicable to its use at primaries. All laws of this state relating to the use of voting machines at elections, and all penalties prescribed for violations of such laws shall apply to the use of voting machines at primary elections insofar as such laws are not in conflict with the provisions of this section. Provided, however, that any voting machine used at a primary election, which has been sealed, closed or locked, as prescribed in section 11.13 of this chapter, may be opened seven days after such sealing, closing or locking. [*Stats. 1913 s. 11—12; 1915 c. 381 s. 15; 1915 c. 386 s. 21; 1915 c. 604 s. 59*]

11.18 to 11.53, inclusive. [*Repealed by 1921 c. 60*]

ABSENT VOTING.

11.54 Grounds for absent voting. (1) Any qualified elector of this state registered, where registration is required or who swears in his vote as herein provided, who through the nature of his business, is absent or expects in the course of said business, to be absent from the precinct in which he is a qualified elector, or from this state, or who because of sickness or physical disability cannot appear at the polling place in such precinct, on the

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day of holding any general, special, primary, county, city, village or town election, may vote at any such election as provided in sections 11.54 to 11.68, inclusive, of the statutes.

(2) Any elector who is not registered may swear in his vote by his affidavit, substantiated by the affidavit of two freeholders, as provided in section 6.44, except that the affidavit may be delivered to the election inspectors by either freeholder whose name appears thereon. [*1915 c. 461; 1915 c. 604 s. 93; Spl. S. 1916 c. 1; 1917 c. 570*]

11.55 Application for ballot. Any elector, as defined in section 11.54 of the statutes may, not more than twenty nor less than three days, or if application is made in person not later than during the regular office hours of the day, prior to such primary or election, make application to the county clerk of such county, or the clerk of the city, village or town, as the case may be, for an official ballot to be voted at such election. [*1915 c. 461; 1915 c. 604 s. 93; Spl. S. 1916 c. 1; 1917 c. 570; 1919 c. 504*]

11.56 Form of application. (1) Application for such ballot shall be made in person or by mail on a blank to be furnished by the county clerk or the clerk of the city, village or town, as the case may be, in which the applicant is an elector, and shall be substantially in the following form:

Application for Ballot to be Voted at the .... Election on ....

STATE OF .... }
County of .... } ss.

I, ..., do solemnly swear that I have been a resident of the state of Wisconsin for one year, and of the .... precinct of .... ward of the city or town (village) of .... ten days next preceding this election, and that I am a duly qualified elector entitled to vote at said election. That I am .... (stating business) and (because of the nature of my business expect to be absent from) (or) (because of sickness or physical disability cannot appear at the polling place in) said precinct on ...., the date of said election, and I hereby make application for an official ballot or ballots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same, on or before the day of said election.

Date .... Signed ....

Residence (street and number), ... (city) .... Post-office address ....

Subscribed and sworn to before me this .... day of ...., A. D. 19..

....

(Penalty clause set out in full.)

(2) In case of sickness or physical disability, a certificate of a duly licensed physician certifying as to such sickness or disability shall be attached to the application. [*1915 c. 461; 1915 c. 604 s. 93; Spl. S. 1916 c. 1; 1917 c. 570*]

11.57 Delivery of ballot blank. Upon receipt of such application duly executed and not more than fifteen nor less than three days prior to such election, the county, city, village or town clerk, as the case may be, shall mail to the applicant, postage prepaid, an official ballot or ballots if more than one are to be voted at said election, or such officer shall deliver said ballot or ballots to the applicant personally, not more than ten nor less than one secular day before said election. [*1915 c. 461; 1915 c. 604 s. 93; Spl. S. 1916 c. 1*]

11.58 Form of envelope for ballot. The county, city, village or town clerk, as the case may be, shall inclose such ballot or ballots in an envelope unsealed to be furnished by him, which envelope shall bear upon the face thereof the name, official title and post-office address of such county, city, village or town clerk, and upon the other side a printed affidavit in substantially the following form:

STATE OF .... }
County of .... } ss.

I, ..., do solemnly swear that I am a resident of the .... precinct of the (town) (village) of .... or of the .... ward in the city of .... residing at .... in said city, and the county of .... and state of Wisconsin, and am entitled to vote in such precinct at the election to be held on .... That I am .... (stating business) and (my duties as such prevent my being in the county of my residence) (or) (because of sickness or physical disability cannot appear at the polling place in said precinct) on the day of said election. I further swear that I marked the inclosed ballot in secret.

Signed ....

Subscribed and sworn to before me this .... day of ...., A. D. ...., and I hereby certify that the affiant exhibited the inclosed ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his

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vote, marked such ballot and inclosed and sealed the same in this envelope; that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

....

....

[*1915 c. 461; 1915 c. 604 s. 93; 1917 c. 570*]

11.59 Voting; execution of affidavit. Such absent or sick or disabled voter shall make and subscribe to the affidavit provided for in section 11.58 of the statutes, before an officer authorized by law to administer oaths and such voter shall thereupon in the presence of such officer and of no other person, mark such ballot or ballots, but in such manner that such officer cannot know how such ballot is marked, and such ballot or ballots shall then in the presence of such officer be folded by such voter so that each ballot will be separate and so as to conceal the marking and in the presence of such officer, deposited in such envelope together with any unused portion of the ballot, and the envelope securely sealed. Said envelope shall be mailed by such voter, postage prepaid, to the officer issuing the ballot, or if more convenient it may be delivered in person. [*1915 c. 461; 1915 c. 604 s. 93; 1917 c. 570*]

11.60 Inclosing ballot. Upon receipt of such absent or sick or disabled voter's ballot, the county, city, village or town clerk, as the case may be, shall forthwith inclose the same, unopened, together with the application made by said absent or sick or disabled voter, in a larger or carrier envelope which shall be securely sealed and indorsed with the name and official title of such clerk, and the words, "this envelope contains an absent or sick or disabled voter's ballot and must be opened only at the polls on election day while said polls are open," and such clerk shall thereafter safely keep the same in his office until delivered by him as provided in section 11.61 of the statutes. [*1915 c. 461; 1915 c. 604 s. 93; 1917 c. 570*]

11.61 Delivery of ballot. In case an absent or sick or disabled voter's ballot is received by the county, city, village or town clerk, as the case may be, prior to the delivery of the official ballots to the inspectors of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be inclosed in such package and therewith delivered to the inspectors of election of such precinct. In case the official ballots for such precinct have been delivered to the inspectors of election at the time of the receipt by the county, city, village or town clerk of such absent or sick or disabled voter's ballot, such official shall immediately inclose said envelope containing such voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and indorsed on the face to the inspectors of election, giving the name or number of precinct, street and number of the polling place, city, village or town in which such voter is a qualified elector and the words "this envelope contains an absent or sick or disabled voter's ballot and must be opened only on election day at the polls while the polls are open," mailing the same, postage prepaid, to such inspectors of election or, if more convenient, such county, city, village or town clerk may deliver such voter's ballot to the inspectors of election in person or by duly deputized agent. Such clerk or agent shall secure his receipt for delivery of such ballot or ballots. Provided that such delivery of ballots by person shall be made without expense to the county, city, village or town, as the case may be. [*1915 c. 461; 1915 c. 604 s. 93; 1917 c. 570*]

11.62 Deposit of ballot in ballot box. At any time between the opening and closing of the polls on such election day the inspectors of election of said precinct shall open the outer or carrier envelope only, announce the absent or sick or disabled voter's name and compare the signature upon the application with the signature upon the affidavit on the ballot envelope. In case the inspectors find the affidavits executed, that the signatures correspond, that the applicant is a duly qualified elector of the precinct and that the applicant has not voted in person at said election, they shall open the envelope containing such voter's ballot in such manner as not to deface or destroy the affidavit thereon and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined and, having indorsed the ballot in like manner as other ballots are required to be indorsed, deposit the same in the proper ballot box or boxes and enter the absent or sick or disabled voter's name in the poll book, the same as if he had been present and voted in person. In case such affidavit is found to be insufficient, or that the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct, or that the ballot is open, or has been opened and resealed, or that the ballot envelope contains more than one ballot of any one kind, or if at a primary the unused portion of the ballot shall not be returned, such vote shall not be accepted or counted. Every ballot not counted shall be indorsed on the back thereof "rejected (giving reason therefor)." All rejected ballots shall be inclosed and securely sealed in an envelope on which

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the inspectors shall indorse "defective ballots" with a statement of the precinct in which and the date of the election at which they were cast, signed by the inspectors and returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election. [*1915 c. 461; 1915 c. 604 s. 93; 1917 c. 570*]

11.63 Challenge of mail vote. The vote of any absent or sick or disabled voter may be challenged for cause and the inspectors of election shall have all the power and authority given by law to hear and determine the legality of such ballot as if the ballot were cast by the voter in person. [*1915 c. 461; 1915 c. 604 s. 93; 1917 c. 570*]

11.64 Death of voter. Whenever it shall be made to appear by due proof to the inspectors of election that any elector, who has marked and forwarded his ballot as provided in sections 11.54 to 11.68, inclusive, of the statutes, has died, then the ballot of such deceased voter shall be returned by the inspectors of election with defective ballots to the official issuing it, but the casting of the ballot of a deceased voter shall not invalidate the election. [*1915 c. 461; 1915 c. 604 s. 93*]

11.65 Election laws applicable. All the provisions of the election laws now in force and not inconsistent with the provisions of sections 11.54 to 11.68, inclusive, of the statutes, shall apply with full force and effect to all counties, cities, villages and towns in which voting machines are used, relative to the furnishing of ballot boxes; the printing and furnishing of official ballots in such number as the county, city, village or town clerk, as the case may be, may deem necessary; and the canvassing of the ballots and making the proper return of the result of the election. The absent or sick or disabled voter's ballot shall be counted and returned separately, with the returns of the ballots cast on the voting machine. [*1915 c. 461; 1915 c. 604 s. 93; 1917 c. 570*]

11.66 In cities of first class. In cities of the first class, application for ballots shall be made to the secretary of the board of election commissioners who shall perform all the duties required of city clerks by the provisions of sections 11.54 to 11.65, inclusive, of the statutes. [*1915 c. 461; 1915 c. 604 s. 93*]

11.67 Penalties for violations. If any person shall wilfully swear falsely to any such affidavit he shall be guilty of perjury and shall upon conviction thereof be punished as in such cases by law provided. If any person who, having procured an official ballot or ballots as heretofore provided, shall wilfully neglect or refuse to cast or return same in the manner heretofore provided, or shall wilfully violate any provision of sections 11.54 to 11.67, inclusive, of the statutes, he shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the county jail not to exceed thirty days. If any county, city, village or town clerk or any election officer shall refuse or neglect to perform any of the duties prescribed by said sections, or shall violate any of the provisions thereof, he shall upon conviction be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not to exceed ninety days. [*1915 c. 461; 1915 c. 604 s. 93*]

11.68 Construction of act. The provisions of sections 11.54 to 11.67, inclusive, of the statutes, shall be deemed to provide a method of voting in addition to the method now provided by statute, and, to such extent, as amendatory of existing statutes relating to the manner and method of voting. [*1915 c. 461; 1915 c. 604 s. 93*]

11.69 to 11.82, inclusive. [*Withdrawn by 1921 c. 590 s. 1*]

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CHAPTER 12.

CORRUPT PRACTICES RELATING TO ELECTIONS.

12.01 Definition of terms.
12.02 Acceptance of unlawful political disbursements.
12.03 Disbursements by candidates, how made.
12.04 Appointment of personal campaign committee; presumption of authority.
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12.26 Privilege of witness limited.
12.28 Supplemental judgment of forfeiture of office on prosecution for violation.
12.29 Candidate may employ counsel.

12.01 Definition of terms. The following words and phrases as used in this chapter shall be construed as follows:

(1) Any act shall be deemed to have been done for "political purposes" when the act is of a nature, is done with the intent, or is done in such a way, as to influence or tend to influence, directly or indirectly, voting at any election or primary, or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

(2) The term "candidate" shall mean and include every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States.

(3) The term "disbursement" shall mean and include every act by or through which any money, property, office or position or other thing of value passes or is directly or indirectly conveyed, given, provided, paid, expended, promised, pledged, contributed or lent, and also any money, property, office or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed or lent.

(4) The term "filing officer," when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate, if he be successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town, city or village in which such candidate resides. [*Stats. 1913 s. 94—1; 1915 c. 499 s. 2*]

12.02 Acceptance of unlawful political disbursements. (1) No person shall receive or accept any money, property or other thing of value, or any promise or pledge thereof, constituting a disbursement made for political purposes contrary to law.

(2) In any prosecution for the violation of this section, it shall be a defense if the accused person shall prove that he had neither knowledge that such disbursement constituted a disbursement made for political purposes contrary to law, nor any reasonable cause to believe that it constituted such disbursement. [*Stats. 1913 s. 94—2; 1915 c. 499 s. 3*]

12.03 Disbursements by candidates, how made. No candidate shall make any disbursement for political purposes except under his personal direction which for every purpose shall be considered his act, through a party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in section 12.04. [*Stats. 1913 s. 94—3; 1915 c. 499 s. 4*]

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12.04 Appointment of personal campaign committee; presumption of authority. Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, express or implied, to make any disbursement in his behalf, it shall file with the filing officer of such candidate, a written statement, signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof, and the name and address of the secretary thereof. If such campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under this chapter, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate, until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same. [*Stats. 1913 s. 94—4; 1915 c. 499 s. 5*]

12.05 [*Repealed by 1917 c. 566 s. 9*]

12.06 Legal disbursements by candidates. (1) No candidate shall make any disbursement for political purposes except:

(a) For his own personal hotel and traveling expenses and for postage, telegraph and telephone expenses.

(b) For payments which he may make to the state pursuant to law.

(c) For contributions to his duly registered personal campaign committee.

(d) For contributions to his party committee.

(e) For the purposes enumerated in section 12.07, when such candidate has no personal campaign committee, but not otherwise.

2. After the primary, no candidate for election to the United States senate shall make any disbursement in behalf of his candidacy, except contributions to his party committees, for his own actual necessary personal traveling expenses, and for postage, telephone and telegraph expenses, and for payments which he may make to the state pursuant to law. [*Stats. 1913 s. 94—6; 1915 c. 499 s. 7*]

12.07 Legal disbursements by committees. No party committee nor personal campaign committee shall make any disbursement except:

(1) For maintenance of headquarters and for hall rentals, incident to the holding of public meetings.

(2) For necessary stationery, postage and clerical assistance to be employed for the candidate at his headquarters or at the headquarters of the personal campaign committee, incident to the writing, addressing and mailing of letters and campaign literature.

(3) For necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of handbills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise.

(4) For campaign advertising in newspapers, periodicals or magazines, as provided in this chapter.

(5) For wages and actual necessary personal expenses of public speakers.

(6) For traveling expenses of members of party committees or personal campaign committees. [*Stats. 1913 s. 94—7; 1915 c. 499 s. 8; 1915 c. 604 s. 84*]

12.08 Time for presentation and payment of bills. Every person who shall have any bill, charge or claim upon or against any personal campaign committee, any party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge or claim within ten days after the day of the election or primary in connection with which such bill, charge or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election. [*Stats. 1913 s. 94—8; 1915 c. 499 s. 9*]

12.09 Accounts of receipts and disbursements by candidates and committees. (1) Every candidate, the secretary of every personal campaign committee and the secretary of every party committee shall within four days ending on the Saturday preceding any primary or election and on the Saturday following any election or primary, file a financial statement verified upon the oath of such candidate or upon the oath of the sec-

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retary of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported under the provisions of each subdivision of subsection (3) of this section. The mailing of such statement within the required time, under registered mail addressed to the proper filing office, shall be sufficient proof of filing such statement.

(2) The statement of every candidate and the statement of his personal campaign committee shall be filed with the filing officer of such candidate. The statement of every state central committee and of every congressional committee shall be filed with the secretary of state. The statement of every party committee for a state senatorial district, or for an assembly district, shall be filed with the filing officer of the candidate for state senator or assemblyman in such district. The statement of every other party committee shall be filed in the office of the county clerk of the county for which or for a subdivision of which it is the party committee.

(3) Each such statement shall give in full detail:

(a) Every sum of money and all property, and every other thing of value, over five dollars in amount or value, received by such candidate or committee during such period from any source whatsoever which he uses or has used, or it is at liberty to use for political purposes, together with the name of every person from which each was received, the specific purpose for which each was received, and the date when each was received, together with the total amount received from all sources in any amounts or manner whatsoever.

(b) Every promise or pledge of money, property or other thing of value, over five dollars in amount or value, received by such candidate or committee during such period the proceeds of which he uses or has used, or it is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the specific purposes for which each was promised or pledged, and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner whatsoever.

(c) Every disbursement over five dollars in amount or value made by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner whatsoever.

(d) Every obligation, express or implied, to make any disbursement, over five dollars in amount or value, incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purpose for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner whatsoever.

(e) In the event there are no receipts, disbursements or obligations, candidates and committees shall file statements at the usual time to that effect.

(4) (a) Blanks for all statements required by this section shall be prepared by the secretary of state and copies thereof, together with either a copy of this chapter, or a copy of the election laws, shall be furnished by the secretary of state and the county clerk in their respective filing districts to the secretary of every personal campaign committee and to the secretary of every party committee and to every candidate upon the filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

(b) The secretary of state, county clerk or other filing officer with whom the expense account of any committee or candidate for public office is required by any law of this state to be filed, shall, at least ten days before any election or primary notify such candidate or committee of the dates fixed by law for filing said statements and shall inclose the necessary blanks. He shall also notify such committee or candidate of failure to comply with such law immediately upon the expiration of the time fixed by any law of this state for the filing of the same, and shall inclose blank forms for the affidavit and order of court required under section 12.10 of the statutes. If the delinquent statement is not received within ten days from the last day allowed for filing under section 12.10, the filing officer shall notify the district attorney of the county where such candidate or secretary of committee resides of the fact of his failure to file, and said district attorney shall thereupon prosecute such candidate or secretary. [*Stats. 1913 s. 94—9, 94—35; 1915 c. 144; 1915 c. 499 s. 10, 28; 1915 c. 604 s. 84; 1917 c. 466; Stats. 1919 s. 12.27; 1921 c. 161*]

12.10 Candidate neglecting to file accounts omitted from ballot. The name of a candidate chosen at a primary or otherwise shall not be certified or printed on the official

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ballot for the ensuing elections, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nominations required by this chapter up to the time for such certification. The foregoing shall not prevent the placing of the name of a candidate upon the official ballot if such statement shall be filed at least sixty days before the primary, or within seven days after the latest time otherwise provided by law, accompanied by an order approving such filing, which is hereby authorized to be made by the presiding judge of any court of record of this state, upon his being satisfied of the truth of an affidavit made by the candidate or by a member of his personal or campaign committee, in his behalf and duly authorized by him, setting forth the facts with regard to the omission to file such statement and showing that such omission was not intentional, which affidavit shall accompany such order and both be filed with such statement. On the petition of any elector entitled to vote for or against such candidate such order may be reviewed and set aside in a proceeding as provided in section 12.22. [*Stats. 1913 s. 94—10; 1915 c. 499 s. 11; 1915 c. 604 s. 94*]

12.11 Accounts of political disbursements by persons other than candidates or committees. (1) Every person other than a candidate or a personal campaign or party committee, who shall within any twelve months, make any disbursements for any political purpose, exceeding in the aggregate fifty dollars in amount and value, shall file within forty-eight hours after making any disbursement, causing the aggregate of such disbursements to reach such amount, a sworn statement thereof with the clerk of the county wherein he resides.

(2) Such statement shall give in full detail, with date, every item of money, property or other thing of value constituting any part of such disbursements, the exact means by which and the manner in which each such disbursement is made, and the name and address of every person to whom each was made, and the specific purpose for which each was made. [*Stats. 1913 s. 94—11; 1915 c. 499 s. 12*]

12.12 Solicitation of contributions from candidates or committees; publication of pledges. (1) No person, firm, corporation, association or committee therefor or member thereof, shall demand, solicit, take, invite or receive from any candidate, from any personal campaign committee or member thereof, or from any party committee or member thereof, any payment or contribution or obligation, express or implied, for payment or contribution of money or thing of value for any religious, charitable or fraternal cause or organization, except for personal campaign committees or regular party committees nor shall any candidate by himself, or through or by his personal campaign or a regular party committee, sign, issue or give any written statement or pledge upon present laws or future legislation that may be proposed or upon legislative or administrative policies pertaining in any way to his acts as a public official in the office for which he is a candidate, except by publication in a newspaper or other periodical, unless a copy of such statement or pledge, verified by the candidate, together with the name of the person or officers of any organization who solicited or requested the same, if solicited or requested, and of the person or organization to whom the same is to be delivered, is first filed as a public record with the county clerk, if such candidate is voted for only by electors wholly within a county, or with the secretary of state, if such candidate is voted for by electors residing in more than one county. The county clerk and secretary of state shall keep all such copies so filed as public records for a period of at least one year and shall charge no fee for receiving or filing the same.

(2) No such candidate, committee or member thereof, shall make or promise or intimate that he will or may make such payment or contribution in the future.

(3) Nothing herein contained shall prohibit the payment of the regular subscription or contribution by any person to an organization of which he is a member, or to which he may have been a regular contributor, prior to his candidacy or membership on such committee, nor the ordinary contributions at a regular church service. [*Stats. 1913 s. 94—12; 1915 c. 471; 1915 c. 499 s. 13*]

12.13 Disbursements on primary or election days. No person nor personal campaign or party committee shall pay or incur any obligation, express or implied, to pay, any sum of money or thing of value whatever, for services to be performed on the day of any primary or election, in behalf of any candidate, party or measure, to be voted upon at said primary or election; or for any political service performed on such day, or for any loss of time or damage suffered by attendance at the polls at the primary or election, or in registering for voting, or for the expense of transportation of any voter to or from the polls on such day. [*Stats. 1913 s. 94—13; 1915 c. 499 s. 14*]

12.14 Campaign matter or political advertisements in newspapers. (1) No publisher of a newspaper or other periodical shall insert, either in the advertising column of

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such newspaper or periodical or elsewhere therein, any matter paid for or to be paid for which is intended or tends to influence, directly or indirectly, any voting at any election or primary, unless at the head of said matter is printed in pica capital letters the words "Paid Advertisement," and unless there is also a statement at the head of said matter of the amount paid or to be paid therefor, the name and address of the candidate in whose behalf the matter is inserted, and of any other person, if any, authorizing the publication, and the name of the author thereof.

(2) Every person occupying any office or position under the constitution or laws of this state, or under any ordinance of any town or municipality therein, or under the constitution or laws of the United States, the annual income of which shall exceed three hundred dollars, and every candidate, every member of any personal campaign or party committee, who shall either in his own name, or in the name of any other person, own any financial interest in, any newspaper or periodical, circulating in part or in whole in Wisconsin, shall, before such newspaper or periodical shall print any matter otherwise than as is provided in subsection (1) hereof, which is intended or tends to influence, directly or indirectly, any voting at any election or primary in this state, file in the office of the county clerk of the county in which he resides a verified declaration, stating definitely the newspaper or periodical in which or over which he has such financial interest or control, and the exact nature and extent of such interest or control. The editor, manager or other person controlling the publication of any such newspaper or article, who shall print or cause to be printed any such matter contrary to the provisions of this chapter, prior to the filing of such verified declaration from every person required by this subsection to file such declaration, shall be deemed guilty of a violation hereof. [*Stats. 1913 s. 94—14; 1915 c. 499 s. 15; 1917 c. 566 s. 10*]

12.15 Compensation to newspapers for political service. No owner, publisher, editor, reporter, agent or employe of any newspaper or other periodical, shall, directly or indirectly, solicit, receive or accept any payment, promise or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent or employe, directly or indirectly, for influencing or attempting to influence through any printed matter in such newspaper any voting at any election or primary through any means whatsoever, except through the matter inserted in such newspaper or periodical as "paid advertisement," and so designated as provided by law. [*Stats. 1913 s. 94—15; 1915 c. 499 s. 16*]

12.16 Campaign literature must disclose author and candidate. No person shall publish, issue or circulate or cause to be published, issued or circulated otherwise than in a newspaper, as provided in subsection (1), of section 12.14, any literature or any publication tending to influence voting at any election or primary, which fails to bear on the face thereof the name and address of the author, the name and address of the candidate in whose behalf the same is published, issued or circulated, and the name and address of any other person causing the same to be published, issued or circulated. [*Stats. 1913 s. 94—16; 1915 c. 499 s. 17*]

12.17 False statements affecting candidates. No person, firm or corporation shall knowingly make or publish, or cause to be made or published, any false statement in relation to any candidate, which statement is intended or tends to affect any voting at any primary or election. [*Stats. 1913 s. 94—17; 1915 c. 499 s. 18*]

12.18 Offers of public or private employment. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination or election of any person to any public or private position or employment, or to any position of honor, trust or emolument. Nothing herein contained, however, shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination. [*Stats. 1913 s. 94—18; 1915 c. 499 s. 19*]

12.19 Threats of loss of employment. No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employes, any printed or written matter containing any threat, notice or information, that in case any particular ticket of a political party or organization or candidate shall be elected, or any measure referred to a vote of the people, shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or

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other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. [*Stats. 1913 s. 94—19; 1915 c. 499 s. 20*]

12.20 Limitation of expenditures by candidates. (1) No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for any office under the constitution or laws of this state, or under the ordinance of any town or municipality of this state in his campaign for nomination or election, which shall be in the aggregate in excess of the amounts herein specified, namely:

(a) For United States senator, seven thousand five hundred dollars.

(b) For representative in congress, two thousand five hundred dollars.

(c) For governor, judge of the supreme court or state superintendent of schools, five thousand dollars.

(d) For other state officers, two thousand dollars.

(e) For state senator, four hundred dollars.

(f) For member of assembly, one hundred fifty dollars.

(g) For presidential elector at large, five hundred dollars, and for presidential elector for any congressional district, one hundred dollars.

(h) For any county, city, village or town officer, for any judge or for any officer not hereinbefore mentioned, who, if nominated and elected, would receive a salary, a sum not exceeding one-third of the salary to which such person would, if elected, be entitled during the first year of his incumbency of such office. If such person when nominated and elected, would not receive a salary, a sum not exceeding one-third of the compensation which his predecessor received during the first year of such predecessor's incumbency. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically provided for, twenty-five dollars and no more.

(2) Any candidate may delegate to his personal campaign committee or to any party committee of his party, in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, by the provisions of this section, but the total of all disbursements by himself, by his personal campaign committee in his behalf, by all party committees in his behalf, or otherwise made in his behalf, shall not exceed in the aggregate the amounts in this section specified, except as provided in section 12.21. [*Stats. 1913 s. 94—28; 1915 c. 499 s. 21; 1915 c. 604 s. 94*]

12.21 Limitation of expenditures by committees. (1) No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any party committee, or by or on behalf of any personal campaign committee, exceeding in the aggregate the total amounts theretofore delegated to such committee in writing, duly subscribed as provided in section 12.20.

(2) The state central committee of any political party entitled by law to have the names of its candidates placed upon the official ballot in a general election may, however, in addition to the disbursements and obligations to make disbursements provided for in subsection (1) hereof, make further disbursements in connection with any general election, not exceeding in the aggregate the sum of ten thousand dollars, and every disbursement in excess of that amount is forbidden. [*Stats. 1913 s. 94—29; 1915 c. 499 s. 22; 1915 c. 604 s. 94*]

12.22 Special proceedings and counsel to prosecute violations. (1) If any elector of the state shall have within his possession information that any provision of this chapter, has been violated by any candidate for which such elector had the right to vote, or by any personal campaign committee of such candidate, or any member thereof, he may, by verified petition apply to the county judge of the county in which such violation has occurred, to the attorney-general of the state, or to the governor of the state, for leave to bring a special proceeding to investigate and determine whether or not there has been such violation by such candidate or by such committee or member thereof, and for appointment of special counsel to conduct such proceeding in behalf of the state.

(2) If it shall appear from such petition or otherwise that such candidate, committee or member thereof has violated any provision of this chapter, and that sufficient evidence is obtainable to show that there is probable cause to believe that such proceeding may be successfully maintained, then such judge or attorney-general or governor, as the case may be, shall grant leave to bring such proceeding and shall appoint special counsel to conduct such proceeding.

(3) If such leave be granted and such counsel appointed such elector may, by a special proceeding brought in the circuit court in the name of the state upon the relation of such

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elector, investigate, and said court shall determine whether or not such candidate, committee or member thereof, has violated any provision of this chapter; but nothing contained in this chapter shall be considered as limiting in any way the effect, or as preventing the operation, of any other existing remedy. [*Stats. 1913 s. 94—30; 1915 c. 499 s. 23*]

12.23 Process; pleadings; trial; evidence; costs. (1) In such proceeding the complaint shall be served with the summons, and shall set forth the name of the person whose election is contested, and the grounds of the contest in detail, and shall not thereafter be amended except by leave of the court. The summons and complaint in the proceeding shall be filed within five days after service thereof.

(2) The answer to the complaint shall be served and filed within ten days after the service of the summons and complaint. Any allegation of new matter in the answer shall be deemed controverted by the adverse party without reply, and thereupon said proceeding shall be at issue and stand ready for trial upon five days' notice of trial.

(3) All such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the same shall be tried and determined the same as civil actions are tried and determined.

(4) If more than one proceeding is pending or the election of more than one person is investigated and contested, the court may, in its discretion, order the proceedings consolidated and heard together and may equitably apportion costs and disbursements.

(5) The parties to such proceedings may invoke the provisions of sections 4068 and 4096 of the statutes, but two days' notice of the taking of the deposition of any witness shall be sufficient notice thereof.

(6) In all such proceedings either party shall have the right of change of venue, as provided by law in civil actions, but application for such change must be made within five days after service of summons and complaint, and the order for such change shall be made within three days after the making of such application and the papers transmitted forthwith, and any neglect of the moving party to procure such transmission within such time shall be a waiver of his right to such change of venue.

(7) If judgment is in favor of the plaintiff the relator may recover his taxable costs and disbursements against the person whose right to the office is contested, but no judgment for costs shall be awarded against the relator, unless it shall appear that such proceeding has been instituted otherwise than in good faith. All costs and disbursements in such cases shall be in the discretion of the court. [*Stats. 1913 s. 94—31; 1915 c. 499 s. 24; 1917 c. 566 s. 11*]

12.24 Judgment or findings; appeal; forfeiture of office. (1) If the court shall find that the candidate whose right to any office is being investigated, or his personal campaign committee or any member thereof has violated any provision of this chapter, in the conduct of the campaign for nomination or election, and if such candidate is not one mentioned in subsection (2) hereof, judgment shall be entered declaring void the election of such candidate to the office for which he was a candidate, and ousting and excluding him from such office and declaring the office vacant. The vacancy thus created shall be filled in the manner provided by law, but no person found to have violated any provision of this chapter shall be eligible to fill any office or to become a candidate for any office, candidates for which have been voted for at the primary or election in connection with which such violation occurred.

(2) If such proceeding has been brought to investigate the right of a candidate for member of the state senate or state assembly or for senator or representative in congress, and the court shall find that such candidate or any member of his personal campaign committee has violated any provision of this chapter, in the conduct of the campaign for nomination or election, the court shall draw its findings to such effect and shall forthwith, without final adjudication, certify his findings to the secretary of state, to be by him transmitted to the presiding officer of the legislative body, as a member of which such person is a candidate.

(3) Appeals may be taken from the determination of the court in such proceeding in the same manner as appeals may be taken as provided by law in civil actions, but the party appealing shall in no case be entitled to or obtain a stay of proceedings. No injunction shall issue in any such proceeding suspending or staying any procedure therein or connected therewith, except upon application to the court or the presiding judge thereof, upon notice to all parties and after hearing.

(4) No judgment entered as provided for herein shall be any bar to or affect in any way any criminal prosecution of any candidate or other person. [*Stats. 1913 s. 94—32; 1915 c. 499 s. 25*]

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12.25 Special counsel in supreme court. (1) If the judgment of the trial court is appealed from in such proceeding, the county judge, the attorney-general or the governor, who made the appointment of special counsel for the trial court, shall authorize such counsel so appointed, or some other person to appear as special counsel in the supreme court in such matter.

(2) The special counsel provided for by this chapter shall receive a reasonable compensation for his services, not to exceed, however, twenty-five dollars per day for the time actually spent in conducting the proceedings in the trial court or upon appeal, and not to exceed ten dollars per day for the time necessarily expended in preparation therefor. Such compensation shall be audited by the secretary of state, and paid out of the state treasury upon a voucher and upon the certificate of the officer appointing such counsel to the effect that such appointment has been duly made, that the person so appointed has faithfully performed the duties imposed upon him, and that the number of days stated in such voucher have been consumed in conducting such litigation and in preparation therefor. Such compensation shall be charged to the legal expense appropriation provided in subsection (2) of section 20.08. [*Stats. 1913 s. 94—33; 1915 c. 499 s. 26; 1919 c. 628 s. 8*]

12.26 Privilege of witness limited. No person shall be excused from testifying in such proceeding, or in any proceeding for violation of or growing out of the provisions of this chapter, on the ground that his testimony may expose him to prosecution for any crime, misdemeanor or forfeiture. But no person shall be prosecuted, or subjected to any penalty or forfeiture, except forfeiture of nomination or of election to office, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in such proceeding or examination, except a prosecution for perjury committed in giving such testimony. [*Stats. 1913 s. 94—34; 1915 c. 499 s. 27*]

12.27 [*Renumbered section 12.09 sub. (4) par. (b) by 1921 c. 161 s. 3*]

12.28 Supplemental judgment of forfeiture of office on prosecution for violation. (1) If the successful candidate for any office under the constitution or laws of this state, or under any ordinance of any town or municipality therein, other than the office of state senator or member of assembly, shall, in a criminal action, be adjudged guilty of any violation of this chapter committed during his candidacy or election, the court shall, after entering such judgment, enter a supplemental judgment declaring a forfeiture of the defendant's right to the office and transmit to the filing officer of such candidate a transcript of such supplemental judgment. Such candidate shall not thereafter succeed to the office if his term shall not yet have begun, and the office shall become vacant if his term shall have begun and it shall be filled in the manner provided by law.

(2) If any person shall, in a criminal action, be adjudged guilty of any violation of this chapter, committed while he was a member of the personal campaign committee of the successful candidate for any such office, the court entering such judgment shall immediately thereafter enter a supplemental judgment declaring a forfeiture of the candidate's right to the office and transmit to the filing officer of such candidate a transcript of such supplemental judgment. Such candidate shall not thereafter succeed to the office if his term shall not yet have begun, and the office shall become vacant if his term shall have begun and it shall be filled in the manner provided by law.

(3) If any person shall, in a criminal action, be adjudicated guilty of any violation of this chapter, committed while he was a candidate for the office of state senator, member of the assembly, United States senator or representative in congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication of guilty, shall forthwith transmit to the presiding officer of the legislative body for membership in which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty. [*Stats. 1913 s. 94—36; 1915 c. 499 s. 29*]

12.29 Candidate may employ counsel. Nothing contained in this chapter shall prevent any candidate from employing counsel to represent him in any action or proceeding, affecting his rights as a candidate, nor from paying all costs and disbursements necessarily incident thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate. [*Stats. 1913 s. 94—37; 1915 c. 499 s. 30*]

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TITLE III.

General Organization of the State, Except the Judicial Department.

CHAPTER 13.

LEGISLATURE.

13.01 Number of legislators.
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13.04 Compensation certificate.
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COMMISSIONERS ON UNIFORMITY OF LEGISLATION.

13.31 Appointment; term.
13.32 Duties.

13.01 Number of legislators. The senate consists of thirty-three and the assembly of one hundred members. [*1917 c. 634 s. 3*]

13.02 Regular sessions. The regular session of the legislature shall commence at twelve o'clock M. on the second Wednesday of January in each odd-numbered year. [*Stats. 1915 s. 99; 1917 c. 634 s. 4*]

13.03 Oaths of members. The speaker of the assembly, president of the senate, the governor, secretary of state, attorney-general or any justice of the supreme court may administer the oath of office to the members and officers of the legislature. [*Stats. 1915 s. 100; 1917 c. 634 s. 5*]

13.04 Compensation certificate. The presiding officer of each house, immediately after the commencement of each regular or extra session of the legislature, shall certify to the secretary of state the names of all qualified members of the house over which he presides; also the number of miles of travel for which each member is entitled to compensation. However, when any seat is contested, and notice of such contest has been filed as provided in section 13.16, no certificate with respect to such seat, or any claimant thereof, shall be issued until the question of the right thereto is finally determined. All such certificates shall be countersigned by the chief clerk. [*Stats. 1915 s. 110; 1917 c. 634 s. 6*]

13.05 Standing committees. (1) A joint standing committee, to be called the committee on finance and to consist of fourteen members, five from the senate and nine from the assembly, shall be appointed at the commencement of each session of the legislature. The method of appointment of members in each house shall be governed by the rules thereof. The committee may employ a clerk.

(2) The governor shall biennially, immediately after the legislature shall have met in regular session and chosen its committees, appoint a visiting committee of six; two from the senate, one of whom shall be a member of the joint committee on finance and one a member of the committee on education and public welfare; and four from the assembly, two of whom shall be members of the joint committee on finance, and two members of the committee on state affairs, who shall immediately after their appointment visit each of the institutions above designated. Such committee shall inspect the interior management of said institutions, have access to all parts of them and to all inmates thereof, make such examination into the condition of both as it shall see fit, and report in writing to the governor and the legislature such suggestions as it may deem proper. The cost of

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such investigations shall be charged to the appropriations for the legislature. [*Stats. 1915 s. 106; 1917 c. 634 s. 7; 1919 c. 328 s. 35; 1919 c. 389 s. 3; 1919 c. 628 s. 7; 1919 c. 679 s. 10*]

13.06 Reference of bills to committee on finance. All bills introduced in either house for the appropriation of money by the legislature; all accounts or claims presented in either house; and all bills providing for revenue or relating to taxation, shall be referred to the committee on finance before being passed or allowed. [*Stats. 1915 s. 106; 1917 c. 634 s. 7*]

13.07 Records of committee on finance. The finance committee shall keep a complete record of all bills, accounts, and claims referred to it, and of its proceedings thereon. Such record shall be deposited with the secretary of state by the chairman of the committee at the close of the session. The secretary of state, upon request therefor, shall deliver any or all such records of previous sessions to the committee on finance. Records so delivered shall be returned to the secretary of state by the chairman of the committee upon or before the close of the session. [*Stats. 1915 s. 106; 1917 c. 634 s. 7*]

13.08 Committees on contingent expenditures. Each house of the legislature, at the commencement of each session, shall designate a committee of its members to act as a committee on its contingent expenditures, and, by a standing rule, prescribe the duties of such committee. [*Stats. 1915 s. 127—1; 1917 c. 634 s. 8*]

13.09 Committeeman may administer oaths. Any senator or member of the assembly, while acting as a member of a committee of the legislature or of either house thereof, may administer oaths to persons to be examined before such committee. [*1917 c. 634 s. 9*]

13.10 Chief clerks. Each house, at the commencement of each regular session, shall elect a chief clerk who shall perform all such duties as by custom appertain to his office and all duties imposed by law. In the absence of the chief clerk his duties shall be performed by one of the clerks acting under him, appointed by him in writing. [*Stats. 1915 s. 111a, 111g; 1917 c. 634 s. 10*]

13.11 Chief clerks' duties. The chief clerk of each house shall be personally responsible for the safe-keeping of every bill, memorial, joint resolution or other document or paper pertaining to legislation, which comes to his hands or to the hands of his deputy or assistant from any member, committee or officer of the legislature or of either branch thereof; and he shall keep a full record thereof, and shall enter in such record the disposition made of the same; and such chief clerks, at the close of each session shall deposit for safe-keeping in the office of the secretary of state all books, bills, documents and papers in the possession of the legislature, correctly labeled, folded and classified. The chief clerk of the house in which a joint resolution originates shall deposit a copy of such resolution in the office of the secretary of state immediately upon its adoption by the legislature. [*Stats. 1915 s. 108; 1917 c. 634 s. 11*]

13.12 Sergeants at arms. Each house, at the commencement of each regular session, shall elect a sergeant at arms who shall perform all such duties as by custom appertain to his office and all duties imposed by law. [*Stats. 1915 s. 111b; 1917 c. 634 s. 12*]

13.13 Arrest of officers. No officer of the senate or assembly, while in actual attendance upon the duties of his office, shall be liable to arrest on civil process. [*Stats. 1915 s. 101; 1917 c. 634 s. 13*]

13.14 Legislative employes. Appointment and employment of legislative employes shall be in accordance with the following:

(1) Male persons only shall be employed.

(2) Appointments shall be made from the civil service eligible lists in the manner prescribed by the rules of the house wherein the appointment is made.

(3) Stenographic and typewriting clerks shall furnish their typewriting machines without cost to the state.

(4) The chief clerk shall have supervision over all clerical work for his house and shall assign and reassign such work and his assistants so as to expedite business.

(5) The sergeant at arms shall have supervision over the postmaster, document room attendants, janitors, messengers and his other assistants, and he shall assign and reassign them so as to expedite business.

(6) The chief clerk of each house may detail clerks after the close of the session for mailing, indexing, proof reading, completing the bulletin and for such other work as he may direct.

(7) Any legislative employe whose employment is not expressly authorized by law, shall be paid only by an act of the legislature. [*Stats. 1915 s. 111a, 111b, 111g; 1917 c. 634 s. 14*]

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13.15 Pay roll legislative employes. The chief clerk and sergeant at arms of each house shall certify to the secretary of state the pay rolls for legislative employes which shall set forth the names of all persons employed in their respective departments, the capacity in which employed, and the amounts respectively due them, and such certificates shall be approved by the presiding officer of the house in which they are employed. [*Stats. 1915 s. 113; 1917 c. 634 s. 15*]

13.16 Election contests; notice. Any person wishing to contest the election of any senator or member of the assembly shall, within thirty days after the decision of the board of canvassers, serve a notice in writing on the person whose election he intends to contest, stating briefly that his election will be contested and the cause of such contest; and shall file a copy thereof in the office of the secretary of state at least ten days before the day fixed by law for the meeting of the legislature. If any contestant fails to so file a copy of such notice, he shall not be entitled to any mileage or salary in case payment has been made therefor to the sitting member. [*Stats. 1915 s. 104; 1917 c. 634 s. 16*]

13.17 Testimony in election contests. (1) After the service of the notice required by section 13.16 either party may proceed to take the depositions of witnesses before any judge, court commissioner or justice of the peace in the district where the contest is pending, upon giving ten days' notice in writing to the opposite party of the time and place at which and the officer before whom such depositions will be taken; but no deposition shall be taken after the last Monday preceding the day fixed by law for the meeting of the legislature, except in case of sickness or unavoidable absence of witnesses.

(2) The officer before whom such depositions are taken shall carefully envelope and seal up the same, indorse on the envelope the names of the contestant and contestee, and direct the depositions so indorsed to the presiding officer of the branch of the legislature by which the contest is to be determined.

(3) The depositions so taken may be used and read in evidence by either party upon the hearing of such contest, and no other depositions than those so taken shall be used or heard, nor shall such branch of the legislature, by its committees or otherwise, hear or seek to procure other testimony, but shall proceed forthwith to determine the contest upon the depositions so furnished. [*Stats. 1915 s. 105; 1917 c. 634 s. 17*]

13.18 Expenses of election contest; limitation. No sum in excess of three hundred dollars shall be allowed by the legislature to any contestant or contestee for any fees or expenses of any kind incurred in a contest over a seat in either branch of the legislature. [*Stats. 1915 s. 104a; 1917 c. 634 s. 18*]

13.19 Contempt. Each house may punish as a contempt, by imprisonment, a breach of its privileges or the privileges of its members; but only for one or more of the following offenses:

(1) Arresting a member or officer of the house, or procuring such member or officer to be arrested in violation of his privilege from arrest.

(2) Disorderly conduct in the immediate view of the house and directly tending to interrupt its proceedings.

(3) Refusing to attend or be examined as a witness, either before the house or a committee, or before any person authorized to take testimony in legislative proceedings, or to produce any books, records, documents, papers or keys according to the exigency of any subpœna.

(4) Giving or offering a bribe to a member, or attempting by menace or other corrupt means or device, directly or indirectly, to control or influence a member in giving his vote or to prevent his giving the same; but the term of imprisonment such house may impose for any contempt specified in this section shall not extend beyond the same session of the legislature. [*Stats. 1915 s. 102; 1917 c. 634 s. 19*]

13.20 Punishment for contempt. Whenever either house of the legislature orders the imprisonment of any person for contempt under the provisions of section 13.19, such person shall be committed to the common jail of the county of Dane, and the jailer shall receive such person and detain him in close confinement for the term specified in the order of imprisonment, unless he shall be sooner discharged by the order of such house of the legislature or by due course of law. [*Stats. 1915 s. 103; 1917 c. 634 s. 20*]

13.21 Claims against the state for past services. The chief clerk of each house shall transmit to the attorney-general, immediately after the filing of the original at his desk, a copy of every petition, memorial or bill for the payment of money by the state to any person for past services. The chairman of the committee to which any such petition, memorial or bill is referred shall immediately notify the attorney-general of the time and place the same will be considered by said committee. The attorney-general shall appear in person or by his assistant before said committee at such time and place, and from time to time thereafter if required by the committee, and give counsel in relation to the liability

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of the state thereon, and act for the state in all things connected therewith. [*Stats. 1915 s. 107; 1917 c. 634 s. 21*]

13.22 Journals. A journal of the senate and assembly shall be kept under the direction of the chief clerks of the respective houses, which, when completed, shall be printed as provided by law. After the index is completed the chief clerk of each house shall cause one copy of the journal of his house to be printed on bond paper and to be bound and lettered properly; shall attach thereto his certificate in writing that the same is the journal of such house, and shall deliver such journal to the secretary of state to be deposited in his office. Such printed journals shall be the official record of each house of the legislature. [*Stats. 1915 s. 109; 1917 c. 634 s. 22*]

13.23 Interpellation of officers. (1) Upon the petition of six members of the senate, not more than four of whom shall belong to the same political party, or of seventeen members of the assembly, not more than nine of whom shall belong to the same political party, any appointive state officer shall appear before that branch of the legislature to which the petitioning members belong, to answer written and oral interrogatories relative to any matter, function, or work of such officer, or relative to any act or omission, or other matter pertaining to the powers or privileges exercised or duties performed by him or by any employe or subordinate of such officer, or in any way relating to the manner, conditions or terms of his appointment, or of any appointment made by him; or in relation to any act, omission or conduct unbecoming the position of any such officer. Such petition shall be in writing, shall be accompanied by written interrogatories, shall be signed by the petitioning members, and shall be filed with the presiding officer of that branch of the legislature to which such petitioning members belong.

(2) Upon the joint petition of six members of the senate, not more than four of whom shall belong to the same political party, and seventeen members of the assembly, not more than nine of whom shall belong to the same political party, filed with the presiding officer of the senate, requesting an examination of any appointive state officer made subject thereto by subsection (1) before a joint session of the two branches of the legislature, such officer shall appear before such joint session and answer written and oral interrogatories as to any matters included in subsection (1). [*Stats. 1915 s. 62.01 sub. (9) and (10); 1917 c. 634 s. 23*]

13.24 Time for interpellation and procedure. (1) Upon the filing of any petition, as prescribed by section 13.23, the presiding officer with whom the same is filed, shall forthwith fix a time not later than twenty days after the filing of the petition, for the meeting of that branch of the legislature, or the joint session of the legislature, as the case may be, before which such interrogation and examination shall be held. A notice of such meeting, together with a copy of the written interrogatories, shall be forthwith delivered to the officer named therein.

(2) The legislature may adopt rules and regulations to govern such examinations. All proceedings, including all questions and answers, shall be fully recorded and a copy thereof shall be transmitted to the governor within thirty days after the close of the examination. [*Stats. 1915 s. 62.01 sub. (11) and (12); 1917 c. 634 s. 24*]

13.25 Witnesses; how subpœnaed. The attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpœnas signed by the presiding officer and chief clerk of the senate or assembly. Such subpœnas shall state when and where, and before whom, the witness is required to appear, and may require such attendance forthwith or on a future day named, and the production of books, records, documents and papers therein to be designated; and may also require any officer of any corporation or other person having the custody of the keys, books, records, documents or papers of any such corporation to produce the same before such committee. Such subpœnas may be served by any person and shall be returned to the chief clerk of the house which issued the same in the manner in which subpœnas from the circuit court are served and returned. [*Stats. 1915 s. 122; 1917 c. 634 s. 25*]

13.26 Summary process; custody of witness. (1) Upon the return of a subpœna issued under section 13.25, duly served, and upon filing with the presiding officer of the house from which the subpœna issued a certificate of the chairman of the committee certifying that any person named therein failed or neglected to appear before the committee in obedience to the mandate of such subpœna, summary process to compel the attendance of such person shall be issued.

(2) Such summary process shall be signed by the presiding officer and chief clerk of the house which issued the subpœna, and shall be directed to the sergeant at arms thereof commanding him "in the name of the state of Wisconsin" to take the body of the person

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so failing to attend, naming him, and bring him forthwith before the house whose subpœna he disobeyed; and when so arrested he shall be taken before the committee desiring to examine him as a witness, or to obtain from him books, records, documents, or papers for their use as evidence, and when before such committee such person shall testify as to the matters concerning which he is interrogated.

(3) When such person is not on examination before such committee he shall remain in the custody of the sergeant at arms or in the custody of some person specially deputed for that purpose; and the officer having charge of him shall from time to time take him before such committee until the chairman of the committee certifies that the committee do not wish to examine such person further. Thereupon such witness shall be taken before the house which issued the summary process and that house shall order his release, or may proceed to punish him for any contempt of such house in not complying with the requirements of this chapter or of any writ issued or served as herein provided. [*Stats. 1915 s. 123; 1917 c. 634 s. 25*]

13.27 Service of process. Either house ordering any summary process may also direct the sergeant at arms to specially depute some competent person to execute the same, and such deputation shall be indorsed on such process in writing over the signature of the sergeant at arms to whom the same is directed, and the person so deputed shall have the same power as said sergeant at arms in respect thereto, and shall execute the same according to the mandate thereof, and for that purpose said sergeant at arms or his deputy may call to his aid the power of the county wherein such writ is to be executed the same as the sheriff of such county could do for the purpose of arresting a person charged with crime under process issued by a court of competent jurisdiction; and any sergeant at arms having any person in custody by virtue of any such summary process may depute any other person to have charge of the person so in his custody, and the person so deputed shall have the same power over such person as is conferred upon the sergeant at arms. [*Stats. 1915 s. 124; 1917 c. 634 s. 27*]

13.28 Refusal to testify. Every refusal to testify or answer any question, or to produce keys, books, records, documents or papers before any committee included within the provisions of section 13.25 shall be forthwith certified to the proper house by the chairman of such committee. Such certificate shall be transmitted, and the person so refusing taken, by the sergeant at arms or one of his assistants, before such house to be dealt with according to law. [*Stats. 1915 s. 125; 1917 c. 634 s. 28*]

13.29 Liability of witnesses. No person who is required to testify before either house of the legislature or a committee thereof, or joint committee of the two houses, and is examined and so testifies, shall be held to answer criminally in any court or be subject to any penalty or forfeiture for any fact or act touching which he is required to testify and as to which he has been examined and has testified, and no testimony so given nor any paper, document or record produced by any such person before either house of the legislature or any such committee shall be competent testimony or be used in any trial or criminal proceeding against such person in any court, except upon a prosecution for perjury committed in giving such testimony; and no witness shall be allowed to refuse to testify to any fact, or to produce any papers, documents or records touching which he is examined before either house or any such committee, for the reason that the testimony touching such fact, or the production of such papers, documents or records may tend to disgrace him or otherwise render him infamous. [*Stats. 1915 s. 126; 1917 c. 634 s. 29*]

13.30 Witness fees. The compensation of all witnesses who are subpœnaed and appear pursuant to section 13.25 shall be two dollars for each day's attendance and ten cents per mile, one way, for travel to attend as such witness. The secretary of state shall audit the accounts of such witnesses upon the certificate of the chairman of the committee before which any such witness has attended, stating the number of days' attendance and the distance he has traveled, and the accounts so audited shall be paid out of the state treasury, and charged to the appropriation for the legislature. [*Stats. 1915 s. 127; 1917 c. 634 s. 30*]

COMMISSIONERS ON UNIFORMITY OF LEGISLATION.

13.31 Appointment; term. The board of commissioners for the promotion of uniformity of legislation in the United States consists of three commissioners. The term of office of each such commissioner appointed for a full term is three years, and one such term expires on the first Monday of June in each year. Prior to the first Monday of June in each year the governor shall appoint a successor to the commissioner whose term is about to expire. [*Stats. 1915 s. 127a; 1917 c. 634 s. 31; 1919 c. 362 s. 32*]

13.32 Duties. The commissioners provided for in section 13.31 shall examine into legal subjects on which uniformity of legislation in the different states is desirable; ascer-

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tain the best means to effect uniformity; represent Wisconsin in conventions of like commissioners of other states; consider and draft bills for submission to the legislatures of the several states; devise and recommend such other courses of action as shall best accomplish the purposes for which they are appointed; and shall report to the governor biennially, before the meeting of the legislature, an account of its transactions and its recommendations to the legislature, which report shall be communicated to the legislature by the governor. [*Stats. 1915 s. 127a; 1917 c. 634 s. 31*]

CHAPTER 14.

CONSTITUTIONAL STATE OFFICERS.

GENERAL PROVISIONS.

14.01 Time of choosing.
14.02 Terms.
14.03 Oaths.
14.04 Official bonds.
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GENERAL PROVISIONS.

14.01 Time of choosing. A governor, lieutenant governor, secretary of state, treasurer and an attorney-general shall be elected at the general election in each even-numbered year. A state superintendent shall be elected on the first Tuesday in April in the year 1917 and quadrennially thereafter. [*Stats. 1915 s. 128; 1917 c. 622 s. 2*]

14.02 Terms. The regular full term of office of the state superintendent commences on the first Monday of July, and the regular full term of each other officer enumerated in section 14.01 commences on the first Monday of January, next succeeding his election. [*Stats. 1915 s. 128; 1917 c. 622 s. 2*]

14.03 Oaths. Each of the officers enumerated in section 14.01 shall take and subscribe the oath of office prescribed by the constitution, as follows: The governor and lieutenant governor, before entering upon the duties of his office; the secretary of state, treasurer, attorney-general and state superintendent, within twenty days after receiving no-

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tice of his election and before entering upon the duties of his office. [*Stats. 1915 s. 138, 153, 161, 164; 1917 c. 622 s. 3*]

14.04 Official bonds. (1) The secretary of state, treasurer and attorney-general shall each furnish a bond to the state, at the time he takes and subscribes his oath of office, conditioned for the faithful discharge of the duties of his office, and his duties as a member of the board of commissioners of the public lands, and in the investment of the funds arising therefrom, and, in the case of the secretary of state, conditioned also for the faithful discharge of his duties as auditor. The bond of each of said officers shall be further conditioned for the faithful performance by all persons appointed or employed by him in his office of their duties and trusts therein, and for the delivery over to his successor in office, or to any person authorized by law to receive the same, of all moneys, books, records, deeds, bonds, securities and other property and effects of whatsoever nature belonging to his said offices.

(2) Each of said bonds shall be subject to the approval of the governor and shall be guaranteed by resident freeholders of this state, or by a surety company as provided in section 1966—33. The amount of each such bond, and the number of sureties thereon if guaranteed by resident freeholders, shall be as follows: Secretary of state, twenty-five thousand dollars, with sufficient sureties; treasurer, one hundred thousand dollars, with not less than six sureties; and the attorney-general, ten thousand dollars, with not less than three sureties. [*Stats. 1915 s. 138, 153, 154, 161; 1917 c. 622 s. 4*]

14.05 Treasurer's bond; extends to; cost of. The bond of the treasurer shall extend to the faithful execution of the duties of the office of treasurer until his successor is elected and fully qualified; and, if he elects to give bond guaranteed by a surety company, the cost thereof and of any additional bond required of and furnished by him and so guaranteed shall be borne by the state and shall be paid out of the appropriation to the treasury department, if the cost thereof does not exceed one-fourth of one per cent, per annum, of the amount of said bond. [*Stats. 1915 s. 138, 153, 154, 161; 1917 c. 622 s. 4*]

14.06 Additional bonds. The attorney-general shall renew his bond in a larger amount and with additional security, and the treasurer shall give an additional bond, when required by the governor. [*Stats. 1915 s. 154, 161; 1917 c. 622 s. 5*]

14.07 Official oaths and bonds; where filed. The official oaths of the governor, lieutenant governor and the state superintendent shall be filed in the office of the secretary of state. The official oaths and bonds of the secretary of state, treasurer and attorney-general shall be filed in the executive office. [*Stats. 1915 s. 138, 153, 161, 164; 1917 c. 622 s. 6*]

14.08 Offices in capitol. The governor, secretary of state, treasurer, attorney-general and the state superintendent shall each keep his office in the state capitol. [*Stats. 1915 s. 129, 141 sub. 8, 152, 167; 1917 c. 622 s. 7*]

GOVERNOR.

14.09 Secretary, clerk and counsel; removal. The governor may appoint a private secretary and an executive clerk. He may appoint also an executive counsel to assist him during any session of the legislature and for thirty days after sine die adjournment thereof. He may at pleasure remove any of said appointees. [*Stats. 1915 s. 129; 1917 c. 14 s. 4; 1917 c. 622 s. 8*]

14.10 Records and documents; custodian of. The private secretary to the governor, for purposes of authentication, is custodian of the public records and documents in the executive office. [*Stats. 1915 s. 129; 1917 c. 622 s. 8; 1917 c. 677 s. 59*]

14.11 Executive privy seal. The executive privy seal, a written description of which is deposited in the office of the secretary of state, is the seal of the private secretary to the governor, with which all his official certificates shall be authenticated. [*Stats. 1915 s. 129m; 1917 c. 622 s. 9*]

14.12 State property; legal protection of. The governor, whenever in his opinion the rights, interests or property of the state have been or are liable to be injuriously affected, may require the attorney-general to institute and prosecute any proper action or proceeding for the redress or prevention thereof; and whenever he receives notice of any action or proceeding between other parties by which the rights, interests or property of the state are liable to be injuriously affected, he shall inform the attorney-general thereof and require him to take such steps as may be necessary to protect such rights, interests, or property. [*Stats. 1915 s. 131 sub. 1; 1917 c. 622 s. 10*]

14.13 Employment of special counsel. (1) The governor, if in his opinion the public interest requires such action, may employ special counsel in the following cases:

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(a) To assist the attorney-general in any action or proceeding;

(b) To act instead of the attorney-general in any action or proceeding, if the attorney-general is in any way interested adversely to the state;

(c) To defend any action instituted by the attorney-general against any officer of the state;

(d) To institute and prosecute an action or proceeding which the attorney-general, by reason of his opinion as to the validity of any law, or for any other reason, deems it his duty to defend rather than prosecute.

(2) When special counsel is employed, a contract in writing shall be entered into between the state and such counsel, in which shall be fixed the compensation to be paid such counsel by the state. The contract shall be executed in behalf of the state by the governor, and shall be filed in the office of the secretary of state. Such compensation shall be charged to the legal expense appropriation provided in subsection (2) of section 20.08. [*Stats. 1915 s. 131 sub. 2, 3; 1917 c. 622 s. 11; 1919 c. 628 s. 9*]

14.14 [*Repealed by 1919 c. 62*]

14.15 Inspection and investigation of institutions. The governor may visit and inspect at any time any public institution of this state which is supported in whole or in part by appropriations by the state; and, in the case of state institutions, he may also cause an investigation to be made of any thereof, or of any matter connected with or of any employe in any such institution, and may appoint a suitable person therefor, and shall require a written report thereof. Such investigator shall be paid not to exceed six dollars and fifty cents a day for each day actually and necessarily required in performing the duties imposed, and shall be reimbursed all actual expenses thereby incurred. The cost of any such investigation shall be charged to the appropriation for the state institution under investigation. [*Stats. 1915 s. 136, 562a; 1917 c. 622 s. 13*]

14.16 Require additional bond of treasurer. The governor shall require the treasurer to give additional bond, within such time, in such reasonable amount not exceeding the funds in the treasury, and with such security as he shall direct and approve, whenever the funds in the treasury exceed the amount of the treasurer's bond; or whenever the governor deems the treasurer's bond insufficient by reason of the insolvency, death or removal from the state of any of the sureties, or from any other cause. [*Stats. 1915 s. 154; 1917 c. 622 s. 14*]

14.17 Reports to legislature. The governor shall communicate to the legislature at the commencement of each regular session the reports of all state officers, commissions, boards, and departments required by law to report to him, including the reports of state officers whose terms of office have expired covering the transactions in their respective offices from the thirtieth day of June in the last year of their terms, and, at the time of communicating said reports, shall render to the legislature a statement of all expenditures made by him out of any contingent fund appropriated for the contingent expenses of the executive office. He shall report biennially to the legislature the condition of each of the public institutions of this state which are supported in whole or in part by appropriations by the state with such recommendations as he deems proper. [*Stats. 1915 s. 136, 137; 1917 c. 14 s. 3; 1917 c. 622 s. 15*]

14.18 Deposit of acts; notice. The governor shall cause all legislative acts which have become laws by his approval or otherwise to be deposited in the office of the secretary of state without delay, and shall inform thereof the house in which the respective acts originated. [*Stats. 1915 s. 130; 1917 c. 622 s. 16*]

14.19 Rewards. Whenever any person convicted of or charged with any felony escapes, or whenever any heinous crime has been committed, the governor may offer a reward of not to exceed five hundred dollars for the apprehension and delivery of such person or the conviction of the perpetrator of such crime. If such reward is claimed, whether by one or more persons, the governor shall finally determine to whom the same shall be paid, and, if to more than one person what portion to each, and shall certify his determination to the secretary of state. No such offer of a reward by the governor shall impose any actionable liability on the state. [*Stats. 1915 s. 132; 1917 c. 14 s. 5; 1917 c. 622 s. 17*]

14.20 Land claims against United States; receipt of payment. The governor is authorized to receive from the United States treasury department, from time to time, as he sees fit to draw for the same, the five per centum of the net proceeds of sales of the public lands to which this state is or shall be entitled, pursuant to the act of congress approved August sixth, eighteen hundred and forty-six, and to execute the proper vouchers therefor. When received he shall pay the same into the state treasury to the credit of the school fund. [*Stats. 1915 s. 133; 1917 c. 622 s. 18*]

14.21 Patents to railroad lands. Whenever the governor shall have executed and delivered to any railway or other corporation a patent from this state of any land inuring

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to such corporation under or through any grant from the United States and the laws of this state, and subsequent to the delivery of any such patent the United States shall patent or certify said land or any part thereof to this state as inuring under such grant, he may in his discretion execute and deliver to such corporation a new patent of said land by way of further assurance of title to the same, reciting the fact of the execution and delivery of said prior patent and the subsequent issue by the United States of a patent or certified list of the said land, and that the said new patent is made by virtue of the provisions of this section and for the purposes aforesaid; and the additional patent shall be entitled to the same force and effect as a conveyance and as evidence as other state patents have by law. [*Stats. 1915 s. 135a; 1917 c. 622 s. 20*]

14.22 Appointments subject to confirmation. Whenever the governor is authorized to make any appointment to office by and with the advice and consent of the senate, and the legislature is not in session at the time such office should be filled, he may make appointment thereto, subject to the approval of the senate at the next succeeding session of the legislature, and all such appointments shall be as valid and effectual from the time when so made until twenty days after such meeting of the legislature as if he possessed the absolute power of appointment. [*Stats. 1915 s. 137a; 1917 c. 622 s. 21*]

14.23 Arbor day; labor day. The governor, by proclamation, may set apart one day each year to be designated as arbor and bird day, and may request its observance by all schools, colleges and other institutions by the planting of trees, the adornment of school and public grounds, and by suitable exercises having for their object the advancement of the study of arboriculture, the promotion of a spirit of protection to birds and trees, and the cultivation of an appreciative sentiment concerning them. He may also set apart, in said manner, one day in each year to be observed as labor day. [*Stats. 1915 s. 137b; 1917 c. 622 s. 22*]

14.24 Conferences of governors. The governor is authorized to attend and represent the state at all conferences of governors, and to make such arrangements as he may deem necessary for this state to bear its share of the expenses of such conferences. All expenses incurred under this section shall be charged to the proper appropriation for the executive department. [*Stats. 1915 s. 137m; 1917 c. 14 s. 3; 1917 c. 622 s. 23*]

SECRETARY OF STATE.

14.25 Assistant secretary; oath; bond; powers. The secretary of state may appoint, in writing, an assistant secretary of state who may perform and execute any of the duties of the secretary of state, except as commissioner of the public lands and as auditor. The assistant secretary shall take and subscribe the oath of office prescribed by the constitution and shall give bond to the secretary of state, in such sum and with such conditions as the said secretary prescribes, conditioned for the faithful discharge of his duties. Such oath shall be filed and preserved in the executive office. [*Stats. 1915 s. 139; 1917 c. 622 s. 24*]

14.26 Great and lesser seals. (1) The state shall have a great seal and a lesser seal both of which shall be kept in the office of the secretary of state.

(2) The great seal of the state consists of a metallic disc, two and three-eighths inches in diameter, containing, within an ornamental border, the following devices and legend: The coat of arms of the state, as in section 1.07 described; above the arms, in a line parallel with the border, the words, "Great Seal of the State of Wisconsin;" in the exergue, in a curved line, thirteen stars.

(3) A lesser seal, one and three-fourths inches in diameter, engraved with the device of the great seal, with the words, "Seal of the Secretary of State," in a curved line above, and the words, "State of Wisconsin," in a curved line below such device, is the seal of the secretary of state, and may be used to authenticate all papers and documents issued by him, except the official acts of the governor, and such copies of the laws and records in the office of said secretary as may be required for use as evidence in any other state, territory or country. [*Stats. 1915 s. 138m; 1917 c. 622 s. 25*]

14.27 Custodian of deeds, securities, oaths and bonds. All deeds, conveyances, abstracts of title, options and leases of land; and, unless otherwise directed by law, all bonds, mortgages and other securities, for money, belonging to this state, and all official oaths and bonds shall be deposited and preserved in the office of the secretary of state and be open to public inspection. [*Stats. 1915 s. 142; 1917 c. 622 s. 26*]

14.28 Destruction of useless documents. Whenever it shall be found necessary to destroy useless documents in order to secure vault space for state records, the secretary of state may, from time to time in his discretion, so dispose of any of the following named records: Bonds of notaries public filed over ten years prior thereto; monthly and

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quarterly reports by state depositories filed over two years prior thereto; itemized lists of premiums paid by agricultural societies when over two years old; tax on suits when over five years old; peddler's license application when over two years old; lists of creameries and cheese factories when over five years old; exempt property returns when over ten years old; lists of officers of agricultural societies when over two years old; records of actions on senate and assembly bills when over ten years old; journal minute books when over five years old; committee receipt books for bills referred when over five years old. [*Stats. 1915 s. 141 sub. (12); 1917 c. 622 s. 27; 1917 c. 664; 1917 c. 677 s. 63*]

14.29 Duties of secretary. The secretary of state shall:

(1) RECORD EXECUTIVE ACTS. Keep a record of the official acts of the executive department and, when required, lay the same and all matters relative thereto before either branch of the legislature.

(2) AFFIX GREAT SEAL; REGISTER COMMISSIONS. Affix the great seal to and countersign all commissions issued and other official acts done by the governor, his approbation of the laws excepted; and make a register of such commissions in a book provided by him therefor, specifying the person to whom issued, the office conferred, and the date and term of the commission.

(3) HAVE CUSTODY OF BOOKS, RECORDS, ETC. Have the custody of all books, records, deeds, bonds, parchments, maps, papers and other articles and effects belonging to the state, deposited or kept in his office, and, from time to time, make such provision for the arrangement and preservation thereof as is necessary, and keep the same, together with all accounts and transactions of his office open at all times to the inspection and examination of the governor or any committee of either or both houses of the legislature.

(4) REPORT TO GOVERNOR. Report biennially to the governor, within sixty days after the thirtieth day of June in each even-numbered year, in connection with his report as auditor, any matters pertaining to his office as secretary not embraced in such report as auditor; and, when required, furnish the governor or either branch of the legislature, in writing, any information relative to the performance of the duties of his office.

(5) KEEP ENROLLED LAWS, ETC. Safely keep all enrolled laws and resolutions, and not permit any of them to be taken out of his office or inspected except in his presence, unless by order of the governor or by resolution of one or both houses of the legislature. For any violation of this subsection he shall forfeit the sum of one hundred dollars.

(6) CAUSE ENROLLED LAWS TO BE BOUND. Cause the original enrolled laws and joint resolution passed at each session of the legislature, together with the index containing the titles of the same, to be bound in suitable volumes in a substantial manner, and in the order in which they are received from the governor, and the title thereof, with the session at which the same were passed, to be written or printed on the back of such volumes; and no other or further record of the official acts of the legislature, so far as relates to acts and joint resolutions, shall be required of said secretary.

(7) FURNISH TREASURER COPIES OF APPROPRIATION ACTS. Deposit in the office of the treasurer exemplified copies of all laws authorizing the payment of money out of the state treasury, immediately after the passage of the same.

(8) KEEP AND REPORT STATEMENT OF FEES. Keep a detailed statement of all fees, received by him and include a summary of such statement, in his biennial report.

(9) FURNISH CERTIFIED COPIES. Make a copy of any law, resolution, deed, bond, record, document or paper deposited or kept in his office, upon request therefor, attach thereto his certificate, with the great or lesser seal affixed, and collect therefor twelve cents per folio and twenty-five cents for such certificate.

(10) PUBLISH PROPOSED CONSTITUTIONAL AMENDMENTS AND LAWS. To publish the laws as provided by section 35.64 and to publish in the official state paper once a week for three months immediately preceding any general election, such proposed constitutional amendments as were approved for the first time by the legislature preceding such election.

(11) OTHER DUTIES. To perform such other duties as are imposed upon him by the constitution or by law. [*Stats. 1915 s. 141 sub. (1) to (7), (9), (10), 143; 1917 c. 622 s. 28; 1921 c. 94; 1921 c. 422 s. 5*]

14.30 Secretary of state as auditor; duties. The secretary of state as auditor shall:

(1) SUPERINTEND FISCAL CONCERNS. Superintend and manage the fiscal concerns of the state as required by law.

(2) SUGGEST IMPROVEMENTS. Suggest plans for the improvement and management of the public revenues.

(3) SETTLE ACCOUNTS. Examine and settle the accounts of all persons indebted to the state and certify the amount due to the treasurer.

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(4) REQUIRE RETURN OF PROPERTY. Require every person who has received any money, property or goods belonging to the state, and has not accounted therefor, to settle his accounts and to return such property, money or goods to the state.

(5) DIRECT COLLECTION OF MONEYS. Except as otherwise provided by law, direct and superintend the collection of all moneys due the state.

(6) KEEP SEPARATE ACCOUNTS. Keep fair, clear, distinct and separate accounts of the revenues and funds of the state, and of all moneys and funds received or held by the state, and also of all expenditures, disbursements and investments thereof, showing the particulars of every expenditure, disbursement and investment.

(7) KEEP ACCOUNT BETWEEN STATE AND TREASURER. Keep an account between the state and treasurer and therein charge the treasurer with the balance in the treasury when he came into office, and with all moneys received by him, and all bonds and securities belonging to all public funds on deposit in the treasury, and credit him with all moneys paid by him pursuant to law.

(8) KEEP AND STATE ACCOUNTS. Keep and state all accounts in which the state is interested.

(9) COUNTERSIGN RECEIPTS. Countersign all receipts for any money paid to the treasurer and enter them in his book to the credit of the county, officer or person making the payment, and charge the treasurer with the same.

(10) AUDIT CLAIMS. Examine, determine and audit, according to law, the claims of all persons against the state.

(11) RECORD AUDITS. Enter in a book kept for that purpose a record of all accounts audited by him, showing the name of the claimant, the amount claimed, the amount allowed thereon, the number, date and amount of the warrant therefor drawn on the treasurer, and specifying the fund from which the same is to be paid.

(12) KEEP APPROPRIATION ACCOUNTS. Keep clear, distinct and separate accounts of all appropriations authorizing expenditures from the state treasury, which accounts shall show the amounts appropriated, the amounts expended and the unexpended balance of each appropriation.

(13) EXAMINE TREASURER'S BOOKS. Carefully examine quarter-yearly the books and accounts of the treasurer and the moneys on hand in the treasury, and all bonds and securities belonging to all public funds on deposit in the treasury, and immediately thereupon report the result of such examination in writing to the governor, specifying therein particularly the amount and kind of funds and of all such bonds and securities.

(14) BIENNIAL REPORT. Set forth in his biennial report to the governor a statement of all money received into and paid out of the treasury during the preceding fiscal term, showing in summarized form from what sources received and for what purposes paid out; the precise state of the treasury; and such other matter of a fiscal nature as he deems useful and proper. [*Stats. 1915 s. 144; 1917 c. 622 s. 29*]

14.31 Claims against state. (1) AUDIT. All claims against the state, when payment thereof out of the state treasury is authorized by law, shall be audited by the secretary of state.

(2) PAY ROLLS. Pay rolls, to be entitled to audit, shall be certified by the proper officers who shall set forth the nature of the services rendered by each person named therein.

(3) OTHER CLAIMS. Unless otherwise provided by law, all other claims to be entitled to audit shall:

(a) Specify the nature and particulars thereof.

(b) Be verified by the claimant, or by his agent appointed in writing.

(c) Include receipts for all items of expenditure of one dollar or more, unless other satisfactory evidence is accepted by the auditing officer.

(d) Include the claimant's affidavit setting forth that all items of traveling expenses were incurred in the performance of duties required by the public service, and that the amount charged for transportation or for other expenses incident to travel was actually paid out and that no part of such transportation was had upon a free pass or otherwise free of charge. The blank form of such affidavit shall be prescribed by the secretary of state.

(e) Be approved by the proper officer, if any.

(4) SALARIES, ETC., WHEN PAYABLE. (a) The salaries, wages, compensation of and reimbursements to all state officers and employes, except as otherwise expressly provided, shall be paid at the end of each month for the services rendered or disbursements made during such month, or at the termination of such service, and shall be charged against the proper appropriation for the respective office, commission, board or body with which the person receiving the same is connected.

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(b) All such salaries, wages or compensation not exceeding the rate of one hundred dollars per month shall be payable semimonthly. [*Stats. 1915 s. 145, 148; 1917 c. 238; Stats 1917 s. 148a; 1917 c. 448; 1917 c. 622 s. 30*]

14.32 Items not allowed. The secretary of state shall not audit items of expenditure for tips, porterage, parlor car seats other than sleeping car berths, or for expenses not necessarily incurred in the performance of duties required by the public service; nor shall he audit items of expenditure for expenses of any officer or employe of the state or of any department or institution thereof incurred while attending any convention or other meeting held outside the state or other traveling expenses incurred outside the state unless such expense is authorized by the governor, or specific statutory authority exists therefor; nor shall he audit items of expenditure for expenses of more than one officer or employe of the state or of any department or institution thereof in attending any convention or meeting held outside the state unless otherwise provided by law. [*Stats. 1915 s. 145, 148; 1917 c. 622 s. 30; 1917 c. 628 s. 8*]

14.33 Examination of claimants. The secretary of state may examine under oath the claimant or any other person relative to any claim presented against the state, and may require oral or written answers as to any facts relating to the justness of the claim, or as to the liability of the state. [*Stats. 1915 s. 145, 148; 1917 c. 622 s. 30*]

14.34 Audit order indorsed on claim; record. The order of the secretary of state auditing any claim shall be indorsed on or annexed to such claim, shall specify the amount allowed, the fund from which the same is payable, and the law that authorizes payment of such claim out of the treasury; and said order with the claim and all evidence relative thereto shall be filed and preserved in his office. [*Stats. 1915 s. 145, 148; 1917 c. 622 s. 30*]

14.35 Warrants; what to specify. The secretary of state shall draw his warrant on the state treasurer payable to the claimant for the amount allowed by him upon every claim audited under section 14.31, specifying from what fund to be paid, the particular law which authorizes the same to be paid out of the state treasury, and the post-office address of the payee; and he shall not credit the treasurer for any sum of money paid out by him otherwise than upon such warrants. [*Stats. 1915 s. 146; 1917 c. 622 s. 31*]

14.36 Warrants; signatures. Whenever it is impracticable for the secretary of state to personally sign warrants issued on the state treasury, his name may be signed thereto by one or more persons in his department designated by him; and the state treasurer, when written authority and reasons therefor are filed in his office, shall honor warrants so signed, the same as if signed in person by the secretary of state, until such authority is revoked in writing. [*Stats. 1915 s. 146; 1917 c. 622 s. 32*]

14.37 Certification of boards, evidence of correctness of account. The certificate of the proper officers of the board of regents of the normal schools, the regents of the University of Wisconsin, the state board of control, or the proper officers of any other board or commission organized or established by the state, shall in all cases be evidence of the correctness of any account which may be certified by them. [*Stats. 1915 s. 169j; 1917 c. 622 s. 33*]

14.38 Claims requiring legislative action. All claims of every kind against the state requiring legislative action shall be made in duplicate, in the manner provided in section 14.31 and shall be filed in the office of the secretary of state. The secretary of state shall examine the same, see if ordered by competent authority, and if properly made and justly due, and as soon as practicable report the same to the legislature with such recommendation, if any, as he may deem proper, and designate the fund to which they are chargeable. Whenever a bill appropriating money for a claim becomes a law the secretary of state, before drawing his warrant therefor on the treasurer, shall see that the proper account on which such appropriation is based is filed in his office. [*Stats. 1915 s. 147; 1917 c. 622 s. 34*]

14.39 Transfer of funds appropriated. Whenever an appropriation has been made from the general fund in the state treasury to any other fund therein, the secretary of state in his discretion may withhold the transfer of such appropriation or any part thereof from the general fund until the same is required to pay claims duly audited. [*Stats. 1915 s. 146m; 1917 c. 622 s. 35*]

14.40 Secretary to require accounts of state money, etc. The secretary of state shall from time to time require all persons receiving money or securities or having the disposition or management of any property of the state, of which an account is kept in his office, to render statements thereof to him; and all such persons shall render such statements at such time and in such form as he shall require. [*Stats. 1915 s. 149; 1917 c. 622 s. 36*]

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14.405 State suit tax; notice of default. If the secretary of state does not receive from the clerk of the circuit court the statement relative to suit tax required by subsection (11) of section 59.39 together with a receipt for the sum required by law to be paid on the actions so entered during the preceding quarter, on or before the first day of the next succeeding month, he shall forthwith notify the judge of the circuit court of the county of the failure to transmit such statement or receipt or both; and such judge shall thereupon notify the clerk to show cause why he should not be removed from office in the manner provided by law. [*Stats. 1917 s. 744; 1919 c. 695 s. 93*]

TREASURER.

14.41 Assistant treasurer; oath; bond; powers. The treasurer may appoint, in writing, an assistant state treasurer who may perform and execute any of the duties of the treasurer, except as commissioner of the public lands. The assistant treasurer shall take and subscribe the oath of office prescribed by the constitution and shall give bond to the treasurer, in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of his duties. The oath of the assistant treasurer and the certificate of his appointment shall be filed and preserved in the office of the secretary of state. The chief accountant shall give bond to the state of Wisconsin in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of his duty; the cost thereof to be charged to the appropriation made by section 20.05. [*Stats. 1915 s. 155; 1917 c. 622 s. 38; 1921 c. 517 s. 2*]

14.42 Duties of treasurer. The treasurer shall:

(1) HAVE CUSTODY OF MONEYS. Receive and have charge of all money paid into the treasury, and pay out the same as directed by law.

(2) ISSUE COUNTERSIGNED RECEIPTS. Issue receipts for all money paid to him, which, before their delivery, shall be countersigned by the secretary of state; and no receipt, unless so countersigned, shall be evidence of the payment of any money into the treasury.

(3) PAY CLAIMS AS PRESENTED. Pay all claims authorized to be paid out of the treasury in the order in which they are presented, giving a preference to no one.

(4) PAY ON WARRANTS SUMS AUTHORIZED BY LAW. Pay out of the treasury, on demand, upon the warrants of the secretary of state and not otherwise such sums only as are authorized by law to be so paid, if there be appropriate funds therein to pay the same, and, when any sum is required to be paid out of a particular fund, pay it out of such fund only; and upon each such warrant, when payment is made in currency, take the receipt, indorsed on or annexed thereto, of the payee therein named or his authorized agent or assignee.

(5) ACCOUNT FOR INTEREST. Pay into the treasury and account for all sums directly or indirectly received by him by virtue of his office, or as interest or compensation for the use, deposit or forbearance of any state moneys in his hands or under his control.

(6) KEEP CASH AND FUND ACCOUNTS. Keep, in books provided for that purpose, fair, full and separate accounts of all money received by him, clearly distinguishing the separate funds required to be kept; keep also a cash book, and enter therein a detailed account of all money received and disbursed, and at the end of each week, verify such accounts with the secretary of state.

(7) PERMIT EXAMINATION OF BOOKS. Permit at all times inspection and examination of the books, papers and transactions of his office by the governor, secretary of state, attorney-general, board of public affairs, or by the legislature, or any committee thereof, or of either branch thereof.

(8) REPORT TO GOVERNOR QUARTERLY. Report to the governor quarterly, or oftener if required, the total amount of funds in the treasury, specifying in what kind of currency they consist, the amount of each kind, and the amount belonging to each separate fund, and also what amounts are in each of the state depositories, together with the interest earned thereon, and also all defalcations and neglect of duty of any disbursing or collecting officer or agent of the state, and any information pertaining to the duties of his office he may think proper or the governor may require.

(9) REPORT TO GOVERNOR BIENNIALLY. Report to the governor, within ten days after the thirtieth day of June in each even-numbered year, a statement of all money received into and paid out of the treasury during the preceding fiscal term, showing under separate heads from what sources received and for what particular object or service paid out; and also the precise state of the treasury, together with such information and suggestions of a fiscal nature as he shall deem useful and proper.

(10) REPORT MONEYS PAID COUNTIES. Furnish the county clerk of each county, annually, between the tenth day of July and the first day of August succeeding, a full and

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complete statement of all money paid by said treasurer to the county treasurer during the preceding year ending on the thirtieth day of June and said statement shall be filed and recorded in said clerk's office.

(11) MAKE CERTIFIED COPIES. Make a certified copy of any deed, bond, document or paper filed in his office, and transcripts from the books and records kept therein, when required by any person so to do; and collect therefor twelve cents per folio, and twenty-five cents for such certificate.

(12) STAMP CHECKS AND DRAFTS. Cause to be plainly printed or stamped upon all checks and drafts issued by him, the words "Void if not presented for payment within two years."

(13) SERVICES IN CONNECTION WITH SECURITIES HELD IN TRUST. Upon request therefor from any company, corporation, society, order or association which has securities on deposit with him, in trust, mail to its address from time to time not to exceed sixty days before the same become due, any or all interest coupons; return to it any or all bonds, notes or other deposits as they become due and are replaced by other securities; make any indorsement of interest or otherwise on any such securities; and collect therefor from the company, corporation, society, order or association making the request, a fee of twenty-five cents for a single coupon cut, or for each entry of interest indorsed on a note or return of a bond, note or other security, and a fee of ten cents for each additional coupon cut, or entry of interest indorsed on a note, bond or other security. Such fees shall be paid into the state treasury as a part of the general fund, and no extra charge shall be required for postage or registered mail.

(14) OTHER DUTIES. Perform all other duties imposed upon him by law. [*Stats. 1915 s. 152, 157 sub. (1) to (5), (7) to (9m), (11) to (13), 160k; 1917 c. 14 s. 11; 1917 c. 178 s. 2; 1917 c. 622 s. 39; 1919 c. 629 s. 1*]

14.43 Board of deposits. Any national or state banking corporation which is approved by the "Board of Deposits," consisting of the commissioners of public lands and the governor, may, upon filing a bond as hereinafter provided, and upon the compliance with all other requirements of law, become a state depository. The members of said board shall receive no additional compensation for the performance of their duties. The record of the proceedings of said board shall be kept by the secretary of state, and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceeding in any court of this state. [*Stats. 1915 s. 160a; 1917 c. 622 s. 40*]

14.44 State depositories; bond; renewal; cancellation; examination. (1) Every state depository, before it shall be entitled to receive any state moneys, shall file with the state treasurer a good and sufficient bond to the state of Wisconsin, conditioned for the payment upon demand, to him or his order, free of exchange, at any place in this state designated by him, of all such moneys deposited with it, and of interest thereon at the rate fixed by said board, with not less than five sureties, residents and freeholders of this state, who shall together be worth in property within this state not exempt from execution, over and above their debts and liabilities, double the amount of the penalty of said bond, and each of whom shall be worth not less than five thousand dollars; and who shall justify such responsibility by their several affidavits; which said bond and sureties shall, before such filing, be approved by said board; or in lieu thereof a bond of a surety company authorized to do business in this state, conditioned as above stated.

(2) The board of deposits may require the bank examiner to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depository, and may also, as often as it deems it necessary, require such investigation and report concerning the condition of any bank which may have been designated as such depository.

(3) Every bank designated as a state depository shall renew its bond to the state treasurer every four years unless otherwise ordered by the state board of deposits. The board of deposits may also require new bonds at any time when they deem it necessary. When a depository furnishes new bonds as security for state deposits to replace former bonds, or when it desires to cancel any bond previously furnished for the purpose of reducing the total amount of its security; the state treasurer shall bring such matter before a meeting of the board of deposits. If the board, by resolution legally passed and duly recorded in its minutes, releases or cancels any bond, the state treasurer shall furnish such depository a statement under the seal of his office, releasing the makers and sureties of such bonds from any new liability under the same, which statement when countersigned by the secretary of state shall be sufficient notice to all concerned that the makers and sureties are relieved from any new liability under said bond from and after such date. The bond shall then be marked "Canceled" and kept in the files of the state treasurer. [*Stats. 1915 s. 160b; 1917 c. 622 s. 41*]

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14.45 Interest. The board of deposits shall from time to time fix the rate of interest to be paid by said depositories upon state moneys deposited with them and cause notice thereof to be published in the official state paper. The rate of interest, until changed by said board, shall be two and one-half per centum per annum. [*Stats. 1915 s. 160c; 1917 c. 622 s. 42*]

14.46 Treasurer's liability. The state treasurer may deposit with any depository which has fully complied with all requirements of law any state moneys in his hands or under his official control, and any sums so on deposit shall be deemed to be in the state treasury, and said treasurer shall not be liable for any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or on the part of his assistant or clerks. However, the amount at any time on deposit with any depository shall not exceed its actual paid-up capital, nor one-half of the penalty of the bond filed by it, nor the amount prescribed by the board of deposits, if any be prescribed. [*Stats. 1915 s. 160d; 1917 c. 622 s. 43*]

14.47 Approval of surety company; additional bonds. The board of deposits shall not approve the bond of a surety company until fully satisfied that said bond is good and sufficient, and that the corporation is prosperous and financially sound and has, unimpaired, the paid-up capital claimed by it. Said board may at any time require any state depository to furnish a new or additional bond or bonds and revoke their designation and approval thereof, and immediately upon such revocation such corporation shall cease to be a state depository, and the treasurer shall forthwith withdraw all state moneys therefrom. [*Stats. 1915 s. 160e; 1917 c. 622 s. 44*]

14.48 Reports of depositories. Every state depository shall, on the first day of each month, and oftener when required, file with the secretary of state a sworn statement of the amount of public moneys deposited with it, and, within ten days after the first day of each January, April, July and October, shall make a full statement of all deposits and payments of state moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, which interest shall thereupon be added to and become part of the deposit balance, such statement shall be accompanied by an affidavit of the president and cashier of such depository to the effect that it is in all respects true and correct, and that, except for the interest therein credited, neither said depository nor any officer, agent or employe thereof, nor any person in its behalf, has in any way whatsoever given, paid or rendered, or promised to give, pay or render to the state treasurer or to any other person any money, credit, service or benefit whatsoever by reason or in consideration of the deposit with it of any portion of the state moneys. Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury. [*Stats. 1915 s. 160f; 1917 c. 622 s. 45*]

14.49 Apportionment of interest. The total interest earned on state moneys in all depositories shall be apportioned by the state treasurer among, added to and become a part of the several funds as follows: That received from the general fund deposit, to the general fund; that received from the school fund, and school income deposits, to the school income fund; that received from the university fund and the university income fund deposits, to the university income fund; that received from the normal school fund and the normal school income fund deposits, to the normal school income fund; that received from the agricultural college fund and the agricultural college income fund, to the agricultural college income fund; that received from the forest reserve fund, to the forest reserve fund; that received from the teachers' insurance and retirement fund, to the teachers' insurance and retirement fund; according to the average amount of each such fund on hand on the first day of each month. [*Stats. 1915 s. 160f; 1917 c. 622 s. 45; 1917 c. 662 s. 2*]

14.50 Checks, drafts or warrants may be canceled; reissue. (1) If any check or draft drawn and issued by the state treasurer upon the funds of the state in any state depositories is not delivered or called for in two years after issue and remains in or is returned to the hands of the state treasurer without being paid, the state treasurer is hereby authorized to cancel the same, credit the amount of such check or draft to the fund upon which it is drawn, and charge the amount thereof to the state depository upon which it was drawn.

(2) If any warrant drawn upon the state treasurer by the secretary of state against any fund belonging to the state remains in the possession of the state treasurer or any other person without demand of payment for two years after the same was issued, or if a check is canceled by the state treasurer, as provided in subsection (1), the warrant upon which such canceled check was issued shall be returned to the secretary of state and shall be by him canceled and credited to the fund upon which it was drawn.

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(3) When the payee or person entitled to any check or draft so canceled by the state treasurer, or the payee or person entitled to any warrant so canceled by the secretary of state, demands such check, draft or warrant or payment thereof, the secretary of state shall, and he is hereby authorized to, issue a new warrant therefor, to be paid out of the proper fund by the state treasurer. [*Stats. 1915 s. 160g, 160h, 160i; 1917 c. 622 s. 46*]

14.51 Examination of depositories. The state treasurer, on or before the first day of July of each year, shall make an examination of the accounts of the state with each bank or institution which is or has been a state depository, and shall cover back into the general fund of the state treasury all money remaining in such banks which is held for payment of checks or drafts which have been issued by any state treasurer more than two years prior to such examination and which have not been presented for payment. [*Stats. 1915 s. 160j; 1917 c. 622 s. 47*]

ATTORNEY-GENERAL.

14.52 Deputy and assistant attorneys-general. The attorney-general may appoint a deputy attorney-general and assistants each of whom shall be an attorney at law admitted to practice in this state. The deputy attorney-general shall give a bond to the state in the sum of five thousand dollars, with good and sufficient sureties, to be approved by the governor, conditioned for the faithful performance of his duties, and in the absence or disability of the attorney-general, he may do and perform all the acts provided by statute to be performed by the attorney-general, and the attorney-general shall be responsible for all acts of his deputy. The said appointees shall perform such duties as the attorney-general prescribes. Such appointments shall be made by writing filed in the office of the secretary of state, and such appointees shall take and subscribe the constitutional oath of office, which shall also be so filed. [*Stats. 1915 s. 162; 1917 c. 622 s. 48*]

14.53 Duties of attorney-general. The attorney-general shall:

(1) REPRESENT STATE. Appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded by the supreme court to any circuit court in which the state is a party; and, when requested by the governor or either branch of the legislature, appear for the state and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people thereof may be in any wise interested.

(2) PROSECUTE BREACHES OF BONDS AND CONTRACTS. Prosecute, at the request of the governor, secretary of state or treasurer, any official bond or any contract in which the state is interested, deposited with either of them, upon a breach thereof, and prosecute or defend for the state all actions, civil or criminal, relating to any matter connected with either of their departments.

(3) ADVISE DISTRICT ATTORNEYS. Consult and advise with the district attorneys when requested by them in all matters pertaining to the duties of their office.

(4) GIVE OPINION TO OFFICERS. Give his opinion in writing, when required, without fee, upon all questions of law submitted to him by the legislature or either branch thereof, or by the head of any department of the state government.

(5) PROTECT TRUST FUNDS. Examine all applications for loans from any of the trust funds, and furnish to the commissioners of public lands his opinion in writing as to the regularity of each such application, and also of the validity of any bonds or other securities purchased for the benefit of such funds.

(5a) EXAMINATION OF BONDS, CERTIFICATE OF ATTORNEY-GENERAL. Examine a certified copy of all proceedings preliminary to any issue of state bonds, and, if found regular and valid, indorse on each bond his certificate of such examination and validity, and that said bond is incontestable, except for constitutional reasons, unless an action making such contest shall be brought in a court having jurisdiction of the action within thirty days from the date of said certificate, and make similar examinations and certificates respecting municipal bonds in the cases specified in subsection (3) of section 67.02, except that the thirty days' limitation shall commence to run upon the recording of the attorney-general's certificate in the office of the clerk of the municipality issuing the bonds, and the certificate shall so state.

(6) PREPARE FORMS. Prepare, whenever requested by the head of any department of the state government, proper drafts of forms for contracts and other writings which may be wanted for the use of the state.

(7) TURN STATE MONEYS INTO TREASURY. Pay into the state treasury all money received by him belonging to the state, immediately upon receipt thereof.

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(8) KEEP REGISTRY OF ACTIONS. Keep in proper books, to be provided for that purpose at the expense of the state, a register of all actions and demands prosecuted or defended by him on behalf of the state and of all proceedings had in relation thereto.

(9) KEEP STATEMENT OF FEES. Keep a detailed statement of all fees, including his fees as commissioner of public lands, received by him during the preceding year, and file such statement with the secretary of state on or before the thirtieth day of June in each year.

(10) REPORT TO LEGISLATURE. Report to the legislature or either branch thereof, when requested, upon any matters pertaining to the duties of his office.

(11) GENERAL. Perform all other duties imposed upon him by law. [*Stats. 1915 s. 163 sub. (1) to (7), (9), (10); 1917 c. 178 s. 2; 1917 c. 264; 1917 c. 622 s. 49; Stats. 1919 s. 4225a; 1921 c. 576 s. 16*]

STATE SUPERINTENDENT.

14.54 Qualifications. No person is eligible to the office of state superintendent of public instruction, unless at the time of his election thereto he has taught or supervised teaching in this state for a period not less than five years and, at such time, holds the highest grade of certificate which the state superintendent is by law empowered to issue. [*Stats. 1915 s. 164; 1917 c. 622 s. 50*]

14.55 Assistant superintendent; his oath. The state superintendent may appoint under his hand an assistant, who shall take and subscribe the constitutional oath of office, which, with his appointment, shall be filed in the office of the secretary of state. Such assistant shall perform such duties as the superintendent prescribes, not inconsistent with law; and the superintendent shall be responsible for all acts of such assistant. [*Stats. 1915 s. 165; 1917 c. 622 s. 51*]

14.56 Special employes. (1) The state superintendent may appoint from time to time persons to assist him in revising the courses of study for the public schools, in conducting the annual conventions of county and city superintendents, and in making investigations into the needs and conditions of the public schools of the state. The persons so appointed for this purpose shall receive no compensation for their services but shall be paid all necessary and actual expenses incurred in the performance of their duties.

(2) The state superintendent is authorized to employ at his discretion from the eligible list prepared by the civil service commission, clerks and statisticians to assist him in tabulating the educational statistics of the state, in summarizing the data obtained by investigators appointed according to the provisions of subdivision (1) of this section, and in assisting in the clerical work of the administration of the department of public instruction. The persons so appointed shall receive compensation as may be determined by the state superintendent of public instruction.

(3) The state superintendent shall certify to the secretary of state the amount due any persons appointed or employed under the provisions of this section for expenses or for salary as provided in this section. Upon receipt of such certificate duly certified by the state superintendent, the secretary of state shall draw his warrant upon the state treasurer for the amount due the persons named, but in no case shall the total sum so certified in any one year exceed two thousand dollars. Expenses arising under this section shall be charged to the appropriation for the state superintendent of public instruction. [*Stats. 1915 s. 165c; 1917 c. 622 s. 53*]

14.57 Supervisory duties generally. He shall have general supervision over the common schools of the state, and it shall be his duty:

(1) GENERAL SUPERVISION. To ascertain, so far as practicable, the conditions of the public schools of the state; to stimulate interest in education; to spread as widely as possible, through public addresses, bulletins, and by conferences with school officers, teachers and parents, a knowledge of methods which may be employed to introduce desirable improvements in the organization, government and instruction of the schools.

(2) SCHOOLBOOKS. To prohibit the use of sectarian books and sectarian instruction in the public schools.

(3) EDUCATIONAL MEETINGS. To attend such educational meetings and make such investigations as he may deem important, and such as may enable him to obtain information relating to the different systems of common schools in the United States, said information to be embodied in his biennial report to the state legislature.

(4) PUBLIC SENTIMENT. To endeavor to arouse an intelligent interest among the people of the state in the general subject of industrial and commercial education, including manual training, agriculture and domestic science, and to awaken and educate public sentiment for the suitable introduction of these subjects into the public schools, and to make

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such inspection and investigation as may be necessary for the intelligent supervision of the work therein.

(5) SUPERVISION OF SPECIAL SCHOOLS. To exercise general supervision over the establishment and management of county schools of agriculture and domestic science, manual training schools, county training schools for teachers, and the day schools for the deaf; to advise with the principals and local authorities thereof and to formulate courses of study for such schools; to embody in his biennial report or in special bulletins or circulars such statements, suggestions and statistics as he may deem useful and for the information of the public.

(6) SCHOOL LAWS; LIBRARIES; PUBLIC INFORMATION; ARBOR DAY. To revise, codify and edit the school laws from time to time, as circumstances may make necessary, and by lectures, circulars, correspondence and public addresses give the public information bearing upon the different methods of school organization and management provided by law in this state; to prepare for the use of school officers suitable forms for making reports and suitable outlines as aids in conducting annual and special meetings; to prepare and publish from time to time, as occasion may require, courses of study for ungraded, state graded and free high schools and day schools for the deaf, and to compile, edit and distribute annually to the schools in pamphlet form matter adapted to and suitable for the intelligent observance of Memorial day.

(7) APPEALS. To examine and determine all appeals, which by law may be made to him according to the rules regulating such matters, and to prescribe rules of practice in respect thereto, not inconsistent with law.

(8) EDUCATION LITERATURE. To collect in his office such schoolbooks, apparatus, maps and charts, as may be obtained without expense to the state; to purchase at an expense not exceeding two hundred and fifty dollars in any one year, books and periodicals bearing upon the different phases of education. The cost of such periodicals and books shall be charged to the appropriation for the state superintendent of public instruction.

(9) SCHOOL FUND INCOME. To apportion and distribute the school fund income as provided by law.

(10) COPIES OF RECORD. To make copies when required by any person so to do, of any papers deposited or filed in his office, and of any act or decision made by him, and to certify the same, provided he may demand therefor twelve cents per folio, which fee shall be paid into the state treasury.

(11) REPORT. To prepare in each even-numbered year a report to be delivered by him to the governor on or before the thirty-first day of December containing:

(a) An abstract of all the common school reports received by him from the several county and city superintendents.

(b) A statement of the condition of the common schools, the state graded schools, the city graded schools, the free high schools and independent high schools, the manual training schools, the schools established for the purpose of giving instruction in agriculture and domestic science, the county training schools for teachers, the day schools for the deaf, the state normal schools and the state university, and such other schools as may be hereafter established by law.

(c) Statements of the receipts and disbursements of all school moneys.

(d) Plans for the improvement and better management and organization of all common and other schools.

(e) A statement of his official visits to educational institutions of any kind, and of the work done by the different inspectors and officers provided for by law, and employed by him in the performance of the duties of the office, for the biennial period.

(f) All such other matters relating to his office and the school system of the state, as he shall deem expedient to publish.

(12) TEACHERS' INSTITUTES. To exercise supervision over the teachers' institutes held in the different counties of the state, and with the advice and consent of the institute committee of the board of regents of normal schools, publish from time to time a syllabus and outline of work suitable to be done therein.

(13) ANNUAL CONVENTION. To hold at least one convention annually at a convenient and accessible point in the state, for the purpose of consulting and advising with the county superintendents in regard to the supervision and management of the public schools.

(15) INSPECTOR OF RURAL SCHOOLS. To visit and inspect, or cause to be visited and inspected as far as practicable, the rural schools of each county in the state and procure information concerning the rural school districts; prepare such special reports to the governor and legislature, bearing upon the conditions and needs of rural schools as may be advisable; confer with each county or district superintendent concerning the condition of the schools in his county or district; consult with school officers, patrons and teachers in

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regard to school management, discipline, branches of study, school law and school sanitation, and by public lectures, conferences and meetings endeavor to arouse an intelligent interest in industrial and agricultural education, as well as in the usual routine work of the elementary rural school.

(16) BLANKS AND NEW LEGISLATION. The state superintendent shall, on or before the first day of June in each year, furnish to each clerk, superintendent or other officer by whom a report should be made, blank forms upon which such officers shall make their annual reports; and whenever any amendments shall be made to the statutes relating to common schools he shall furnish a copy of such amendments to every school district in the state.

(17) OTHER DUTIES. To perform all other duties imposed upon him by law. [*Stats. 1915 s. 166, 165b, 167a; 1917 c. 578 s. 5; 1917 c. 612 s. 2; 1917 c. 622 s. 54; 1917 c. 677 s. 61; 1921 c. 452 s. 3, 4*]

MISCELLANEOUS.

14.58 Fiscal year. The fiscal year of the state commences on the first day of July in each year and closes on the thirtieth day of June next succeeding. All books and accounts of the secretary of state and of the state treasurer shall be kept, and all their duties shall be performed with reference to the beginning and ending of the fiscal year. All officers and persons required to render annual accounts to the secretary of state and treasurer shall close such accounts on the thirtieth day of June in each year, and shall render such accounts as soon thereafter as may be practicable, and the fiscal year of all departments, boards and bodies connected with the state government in any manner shall commence and close on the same dates as the fiscal year of the state. A fiscal year ending in an even-numbered calendar year may be designated as an even-numbered fiscal year, and a fiscal year ending in an odd-numbered calendar year may be designated as an odd-numbered fiscal year. [*Stats. 1915 s. 158; 1917 c. 622 s. 56; 1919 c. 679 s. 1; 1919 c. 703 s. 9*]

14.59 State office hours; leaves of absence. The offices of the departments of state government shall be kept open on all days, except Sundays and holidays, and office hours shall begin at eight-thirty o'clock A. M. and close at five o'clock P. M. with intermissions from twelve o'clock M. to one-thirty o'clock P. M. except Saturday afternoons when such hours may be observed as the heads of departments may think proper. Heads of departments may, in their discretion, grant to each clerk or other person who has been in the employ of the state continuously for twelve months, eighteen working days leave of absence in each year without loss of pay. [*Stats. 1915 s. 141 sub. (8), 169c; 1917 c. 622 s. 57; 1919 c. 567*]

14.60 Official reports. The several officers, boards and commissions from whom annual or biennial reports are required to be made to the governor, and whose reports cover a period ending on the thirtieth day of June, shall make out and deposit with the governor, on or before the first day of January of each odd-numbered year, a report of the transactions in their respective offices from the thirtieth day of June last preceding. Such reports shall be published with the next annual or biennial reports of the same officers, boards or commissions, respectively, or of their successors. [*Stats. 1915 s. 168; 1917 c. 622 s. 58*]

14.61 Reports of receipts and disbursements to governor. The respective state officers, heads or chiefs of bureaus and departments of the state service and the several boards having control of the charitable and penal and educational institutions of the state, including the normal schools and state university shall, on or before the tenth day of January in each odd-numbered year, make and deliver to the governor a brief succinct, detailed report of all receipts and expenditures in their respective offices, boards, bureaus or departments for the biennial term ending the first Monday of January. [*Stats. 1915 s. 169d; 1917 c. 622 s. 59*]

14.62 Report of expenses of departments. The respective state officers and chiefs or heads of all bureaus and departments and regents of state university and normal schools shall in each odd-numbered year, on or before the tenth day of January make and deliver to the governor in tabular form a complete, concise and detailed report of the expenses of conducting such office, bureau or department, normal schools and state university for each year of the biennial term ending on the first Monday in January preceding the date of such report, and shall accompany such report with a like detailed statement or report of the receipts and expenses of conducting such office, bureau or department for the corresponding years of the two preceding biennial terms. [*Stats. 1915 s. 169e; 1917 c. 622 s. 60*]

14.63 State aid recipients' accounting. Every association, society, institute or other organization, that receives aid in any form through appropriations from the state

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shall make report to the secretary of state on or before the first day of September in each year. Such annual report shall contain a detailed statement of all receipts and expenditures of such association, society, institute or organization for each year ending June thirtieth and such portions as are of special importance may be published in the biennial report of the secretary of state. [*Stats. 1915 s. 169e—1; 1917 c. 622 s. 61*]

14.64 Mail service. In case a regular mail service is established and maintained among the various offices in and about the capitol, by the postal authorities or by the superintendent of public property, none of the state officers receiving such service shall thereafter rent post-office boxes in the city of Madison at the expense of the state. The secretary of state shall not draw his warrant and the treasurer of state shall not allow payment for such claims. [*Stats. 1915 s. 168a; 1917 c. 622 s. 62*]

14.65 Co-operation of functions. (1) The several state officers, commissions and boards shall co-operate in the performance and execution of state work and shall interchange such data, reports and other information, and, by proper arrangements between the officers, commissions and boards directly interested, shall interchange such services of employes, or shall so jointly employ or make such assignments of employes as the best interests of the public service require. All interchanges of services and joint employments and assignments of employes for particular work shall be consistent with the qualifications and principal duties of such employes.

(2) Whenever the employe of any state officer, commission or board is assigned or required hereunder to perform services for any other such officer, commission or board, such employe is vested with all powers and may enjoy all privileges necessary to perform the duties and execute the functions imposed upon and delegated to him and may perform such services and exercise such powers in the same manner, to the same extent and with like effect as though regularly appointed therefor.

(3) The state chief engineer shall aid and advise in the correlation and co-ordination of state work as provided in this section, and he and the state civil service commission, after consultation with the state officers, commissions and boards, shall formulate and may from time to time alter rules and regulations governing such interchange and joint employments and assignments of employes as provided in this section. All such rules and regulations and alterations shall be subject to the approval of the governor, and when so approved shall be published.

(4) Each officer, commission and board shall keep a record of all work done for or in co-operation with other officers, commissions and boards under this section, and shall make a report thereof to the state chief engineer in such form and at such times as is prescribed in the rules and regulations formulated under subsection (3). The state chief engineer shall transmit such reports, or a summary thereof, together with such recommendations as he deems appropriate to the governor on or before the first day of December in each year, and shall make such other reports hereunder as the governor may direct. [*Stats. 1915 s. 169s; 1917 c. 315; 1917 c. 622 s. 64*]

14.66 Examination of state treasury. The governor and attorney-general shall, at least once in each quarter year, and at such other times as the governor may elect, examine and see that all the money appearing by the books of the secretary of state and state treasurer as belonging to the several funds is in the vaults of the treasury or in the several state depositories, and in case of a deficiency shall require the treasurer to make up such deficiency immediately; and if such treasurer shall refuse or neglect for ten days thereafter to have the full sum belonging to said funds in the treasury the attorney-general shall institute proceedings to recover the same. [*Stats. 1915 s. 159; 1917 c. 622 s. 65*]

14.67 Investment of state funds other than trust funds. The commissioners of the public lands, by and with the approval of the governor, may from time to time direct the investment of so much of the money of any fund or of the income of any fund in the state treasury, not otherwise provided for, as they may deem advantageous to the state to so invest, in the interest-bearing bonds of the United States, or of this state, specifying the amount and kind of bonds to be bought, and also direct the disposal of any such bonds at any time by their written order, signed by them, approved by the governor, and recorded in the office of the secretary of state; and every such investment shall be held as a part of the fund out of which made, and the loss or gain shall inure thereto, and a particular account thereof be separately kept with each fund. [*Stats. 1915 s. 160; 1917 c. 622 s. 66*]

14.68 Receipts and deposits of money; procedure; penalties. (1) Unless otherwise provided by law, all moneys collected or received by each and every officer, board, commission, society, or association for or in behalf of the state, or which is required by law to be turned into the state treasury, shall be deposited in or transmitted to the state treasury at least once a week and also whenever required by the governor, and shall be accompanied by a statement in such form as the treasurer may prescribe showing the amount

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of such collection, and from whom and for what purpose or on what account the same was received.

(2) The secretary of state shall prescribe a form of official blank receipts to be issued by or for each officer, board, commission, society or association who or which collects or receives any money for or on behalf of the state, or who or which collects any money that is required by law to be turned into the state treasury, and such officer, board, commission, society or association shall issue such official receipts or cause the same to be issued to each person from whom money is received. All such official receipts shall be numbered consecutively, and the state treasurer shall require a true accounting for the same.

(3) Any person who shall issue or deliver such official receipt or pass or utter the same except in the manner required by law shall be deemed guilty of a misdemeanor.

(4) In case any officer, board, commission, society, or association included within the provisions of this section neglects or refuses to make such deposits of money, or to make such reports as are required by this section, the secretary of state, with the approval of the governor, shall withhold all moneys due such officer, board, commission, society or association until the provisions of this section are complied with; and provided further that upon such failure to make such deposits of money, the officer or official so failing shall be liable to the state treasurer for an amount equal to the interest upon the moneys so withheld from deposit at the same rate as that received by the state upon state deposits, for the period for which such deposit is withheld; and such interest shall be a charge against said officer or official and shall be deducted from his compensation. [*Stats. 1915 s. 169i, 169k, 169l; 1917 c. 622 s. 69, 70, 71; 1919 c. 389 s. 3*]

14.69 Record of appointed officers of boards and commissions. All boards, commissions and societies, supported in whole or in part from state funds, and which are authorized to elect or appoint their own officers, or to appoint officers, or members of other state organizations, departments or commissions, whether judicial, military or civil, shall report such elections or appointments to the secretary of state who shall either record or file such appointments for information of the public. [*1921 s. 104*]

CHAPTER 15.

BOARD OF PUBLIC AFFAIRS; PUBLIC ACCOUNTING.

15.01 Definitions.
15.02 Board of public affairs.
15.03 Appointment of members.
15.04 Office; organization.
15.05 Secretary; qualifications.
15.06 Testimonial powers.
15.07 Witness fees.
15.08 Proceedings; records.
15.09 Visitorial and inquisitorial powers.
15.10 Administrative economy; reports.
15.11 Accounting and efficiency control.
15.12 Budget forms, reports and procedure.
15.13 Efficiency and co-ordination of work.
15.14 Fiscal records and state accounting.
15.15 Examination of accounts.
15.16 Penalty.

15.01 Definitions. In this chapter, unless such construction would be inconsistent with the manifest intent of the legislature, the terms,

(1) "Public body" means and includes every incumbent of any office or position under the constitution or laws of this state; every department, commission or board in which any such incumbent is employed as such; and every officer, office, department, commission, board, institution, body or organization, the conduct or operation of which involves the receipt, expenditure or handling of any state funds or property.

(2) "Accounts" means all accounts, books, records and reports relating to the jurisdiction of any public body.

(3) "Jurisdiction" means and includes all duties, liabilities, authority, powers or privileges imposed or conferred by law upon any public body. [*Stats. 1915 s. 990—40; 1917 c. 300 s. 2*]

15.02 Board of public affairs. The governor, secretary of state, president pro tem of the senate, speaker of the assembly, chairman of the senate finance committee, chairman of the assembly finance committee, and three other persons, none of whom shall be a member of the faculty of the university of Wisconsin, appointed by the governor and approved by the senate, constitute the board of public affairs. [*Stats. 1915 s. 990—41; 1917 c. 300 s. 3*]

15.03 Appointment of members. (1) On or before the first day of February in each odd-numbered year the governor, by and with the advice and consent of the senate, shall appoint the three appointive members of such board, each for a term of two years

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from the said first day of February. [*Stats. 1915 s. 990—42; 1917 c. 2; 1917 c. 300 s. 4; 1919 c. 362 s. 19, 28, 32*]

15.04 Office; organization. The board shall keep its offices in the state capitol. The governor shall be chairman and executive officer of the board and as such shall be responsible for executing the duties imposed upon the board and the program authorized by it and the board shall elect a vice chairman to act in the absence of the governor. [*Stats. 1915 s. 990—45; 1917 c. 300 s. 5*]

15.05 Secretary; qualifications. (1) Such board may appoint a secretary, who shall be a man of experience and character that qualify him to direct investigations into the operation of public bodies and into the business and financial methods employed by them, to prepare blanks for budget estimates, and to perform all other duties required by such office.

(2) The secretary, experts and accountants employed by the board shall not be subject to the operation of chapter 16 relating to the civil service. [*Stats. 1915 s. 990—46; 1917 c. 300 s. 6*]

15.06 Testimonial powers. (1) Each member of the board, for the purposes mentioned in this chapter may administer oaths, certify to official acts, issue subpœnas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony. In case of disobedience on the part of any person to comply with any order, of the board or any member thereof or any subpœna issued in behalf of such board, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any county, or the judge thereof, on application of a member of the board to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpœna issued from such court, or a refusal to testify therein.

(2) The board or any party, in any investigation conducted under this chapter, may cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in circuit court. [*Stats. 1915 s. 990—49, 990—51; 1917 c. 300 s. 8*]

15.07 Witness fees. Each witness who appears before the board by its order shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the board. But no witness subpœnaed at the instance of parties other than the board shall be entitled to compensation from the state for attendance or travel, unless the board certifies that his testimony was relevant and material to the matter investigated. [*Stats. 1915 s. 990—50; 1917 c. 300 s. 9*]

15.08 Proceedings; records. (1) The board may adopt and publish rules to govern the proceedings, and to regulate the mode and manner of all investigations made by it and under its direction, and of all hearings held before it. The records of the board, including records of time and money spent upon the board's investigation and other work, shall be open to public inspection subject only to reasonable regulations.

(2) A full and complete record shall be kept of all proceedings had before the board of any investigation had under the provisions of this chapter and all testimony shall be taken down by the stenographer appointed by the board. [*Stats. 1915 s. 990—48, 990—52; 1917 c. 300 s. 10*]

15.09 Visitorial and inquisitorial powers. Every public body shall give free access to its accounts to the board, and to its employes when acting under the authority of the board, and shall without compensation, upon written request from such board or any member thereof, furnish such facts and information as shall be within the knowledge of such public body or any employe therein, or contained in any accounts or investigations in the office or under the control of such public body. [*Stats. 1915 s. 990—53; 1917 c. 300 s. 11*]

15.10 Administrative economy; reports. Every public body shall employ economical, efficient and accurate methods in the conduct of its affairs and accounts, and such as shall result in a reasonable harmony with all other such public bodies; shall keep such accounts as adequately disclose its affairs; and shall make such reports at such times as are reasonably necessary, and in such form as adequately discloses the facts relating to the exercise of its jurisdiction. [*Stats. 1915 s. 990—54; 1917 c. 300 s. 12*]

15.11 Accounting and efficiency control. (1) The board shall have such supervision of every public body as is necessary to secure uniformity and accuracy of accounts and an economic and efficient conduct of its fiscal affairs. It may inquire into the methods of conducting the affairs of any public body; it may prescribe and direct the use of such forms of accounts as may be necessary to carry out the purposes of this chapter; it may

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prescribe and direct the use of standards and records of efficiency of employes; it shall inaugurate, supervise and conduct adequate systems of examination and inspection of accounts of every such public body; it may cause to be prepared suitable blanks, books and records for carrying out the purposes of this chapter; and shall, when necessary, furnish such blanks and records to any such public body; provided, that when the expense of such blanks, books or records has been charged against the appropriation for the board of public affairs the secretary of state shall charge the cost of supplies so furnished against the general appropriation account of the public body receiving the same and shall credit the appropriation of the board of public affairs with a like amount.

(2) The board shall devise for all public bodies uniform systems of accounts and uniform accounting procedures adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of values, including cash receipts and disbursements, and every such public body shall keep its accounts and maintain its accounting procedure accurately and faithfully as prescribed and directed by the board. [*Stats. 1915 c. 990—55 sub. 1, 2; 1917 c. 300 s. 13; 1919 c. 389 s. 3*]

15.12 Budget forms, reports and procedure. (1) As soon after July 1, as possible, in each even-numbered year the board shall distribute to each public body the proper forms necessary to preparation of budget estimates which shall show the actual revenues and expenses including accruals of all public bodies for at least the two prior fiscal years and shall show in corresponding detail the estimated revenues and expenses including accruals for all public bodies for the succeeding biennial period.

(2) As soon after September 1, as possible, in each even-numbered year, each public body shall return to the board its estimates for the succeeding biennium with full explanation of reasons for changes above or below the corresponding items for the previous biennium. The estimates from all public bodies shall be immediately compiled under direction of the board and reviewed by means of such field examinations and interviews or correspondence as may be necessary to secure full information.

(3) The results of these examinations together with the estimates and departmental explanations shall, between the tenth day of November and the first day of December, in each even-numbered year, be laid before the whole board which shall not divide into committee for such review. The governor-elect shall be invited and shall have the right to be present at such meetings or to have a representative attend and shall be given such information as the board possesses. All reports and information sent to members of the board shall be sent to the governor-elect.

(4) Not later than December 15, in each even-numbered year, the board shall recommend to the legislature a budget, which, in addition to giving comparison of estimates for the succeeding biennium with each of the years, included in the budget report, shall also give the amount which the board recommends, with explanatory note which will show the board's reasons for recommending allowances and disallowances. With the printed recommendations and reasons for recommendations shall be included a record of the vote upon each recommendation, where such vote is not unanimous. The report shall include any recommendations which a minority or the governor-elect may wish to have included in the report.

(5) Not later than January 1, in each odd-numbered year, copies of the estimates with the board's recommendations shall be distributed to members of the legislature next to convene.

(6) On or before the tenth day of November in each even-numbered year, the state board of education shall file its recommendations upon the budgets of the educational institutions with the state board of public affairs, so that said board may review and include such recommendations in the budget to be presented to the legislature. [*Stats. 1915 s. 990—55 sub. 3; 1917 c. 300 s. 14; 1917 c. 628 s. 3; 1919 c. 389 s. 4*]

15.13 Efficiency and co-ordination of work. The board shall also investigate duplication of work of public bodies and the efficiency of the organization and administration of such public bodies and shall formulate plans for the greater co-ordination of such public bodies and the improvement of state administration in general. The board shall report the results of such investigations to the legislature with specific printed recommendations giving in detail the reasons therefor. In all reports published or otherwise submitted by the board the conclusions or recommendations shall be accompanied by a summary of the facts upon which the conclusion or findings are based, the names of the members of the board who approved the report and a summary of the investigation pursued to secure the facts. Where the board is not unanimous in its recommendations or findings, a summary of the minority position shall be included with the majority report. [*Stats. 1915 s. 990—56 sub. 8; 1917 c. 300 s. 16*]

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15.14 Fiscal records and state accounting. The jurisdiction of the governor and attorney-general imposed and conferred by section 14.66 of the statutes are imposed and conferred upon the board of public affairs. [*Stats. 1915 s. 990—58; 1917 c. 300 s. 17; 1919 c. 679 s. 2*]

15.15 Examination of accounts. The jurisdiction of any public body relating to the employment of accountants in the examination of accounts is hereby imposed and conferred upon the board of public affairs, and the cost of such examination shall be charged against the proper appropriation for the public body whose accounts are examined. [*Stats. 1915 s. 990—59; 1917 c. 300 s. 18*]

15.16 Penalty. Any person violating any of the provisions of sections 15.01 to 15.15, inclusive, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than three months. [*Stats. 1915 s. 990—60; 1917 c. 300 s. 19*]

15.17 [*Renumbered section 46.18 by 1919 c. 328 s. 25*]

15.18 [*Renumbered section 46.18 by 1919 c. 328 s. 25*]

15.19 [*Renumbered section 46.18 by 1919 c. 328 s. 25*]

15.20 [*Renumbered section 46.18 by 1919 c. 328 s. 25*]

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CHAPTER 16.

CIVIL SERVICE.

STATE.

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STATE.

16.01 Definitions. In sections 16.01 to 16.30, inclusive, unless the context otherwise requires:

(1) "Commission" means the state civil service commission.

(2) "Civil service" means all offices and positions of trust or employment, including mechanics, artisans and laborers, in the service of the state, except offices and positions in the militia.

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(3) "Appointing officers" means the officer, commission, board or body, having the power of appointment, or election to, or removal from, subordinate positions in any office, department, commission, board or institution.

(4) "Subordinate" or "employe" means any person holding a subordinate position subject to appointment, removal, promotion or reduction by an appointing officer. [*Stats. 1915 s. 990—1; 1917 c. 306 s. 2; 1919 c. 365 s. 2*]

16.02 Commission; appointment; term; office; organization. (1) The state civil service commission consists of three commissioners, appointed by the governor, by and with the advice and consent of the senate. The regular full term of a commissioner is six years, but each shall hold office until his successor is appointed and qualifies. One regular full term expires on the twenty-first day of June in each odd-numbered year. Prior to said day in each odd-numbered year, the governor, by and with the advice and consent of the senate, shall appoint a successor to the commissioner whose term is about to expire. Such appointee shall hold office for a term of six years from the said twenty-first day of June and until his successor is appointed and qualified.

(2) Each commissioner shall take and file the official oath.

(3) At no time shall more than two commissioners be adherents of the same political party; and no commissioner shall hold any other lucrative administrative office under the United States or this state.

(4) The commission shall keep its office in the state capitol.

(5) The commission may elect one of its members president, and may employ a chief examiner, who shall be ex officio secretary.

(6) The commission may designate persons in or out of the official service of the state or of any city or county who shall, if in the service, with the consent of the head of department or office in which such person serves, act as local examiner. Such persons in the official service, in the performance of such duties as the commission directs, shall be under the direct and sole control of the commission, and their duties shall be considered part of the duties of the offices in which they are serving, and time shall be allowed therefor during office hours and no extra compensation shall be paid such persons for such service. [*Stats. 1915 s. 990—3, 990—4, 990—5; 1917 c. 306 s. 3; 1919 c. 93 s. 8; 1919 c. 362 s. 19, 32*]

16.03 Use of municipal and county buildings. The officials in control of municipal and county buildings, upon requisition by the commission, shall furnish convenient offices and rooms for examinations, and necessary furniture, heat and light for the accommodation of local examiners. [*Stats. 1915 s. 990—5; 1917 c. 306 s. 4*]

16.04 Duties of commission. The commission shall:

(1) Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of sections 16.01 to 16.30 inclusive. All rules so prescribed shall be subject to the approval of the governor, and they may, from time to time, subject to like approval, be added to, amended or rescinded. However, if the governor takes no action on a rule or amendment submitted to him within a period of ten days from the date of its submission, then the rule or amendment shall become effective as though approved by the governor. Notice of the contents of such rules and regulations and of any modifications thereof shall be given by mail in due season to appointing officers affected thereby, and such rules and regulations and modifications shall also be printed for public distribution.

(2) Keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office received by the said commission, or by any appointing officer, shall be kept and preserved by the commission, and all such records, recommendations of former employers excepted, and all written causes of removal and answers thereto filed with it, shall, subject to reasonable regulations, be open to public inspection.

(3) Make investigations, either sitting as a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of sections 16.01 to 16.30, inclusive, and the rules and regulations prescribed thereunder concerning the action of any examiner or subordinate of the commission and any person in the public service, in respect to the execution of said sections.

(4) Make a biennial report to the governor on June thirtieth in each even-numbered year, showing its own actions, the rules and regulations and all the exceptions thereto in force, and the practical effects thereof, and include therein any suggestions it may approve for the more effectual accomplishment of the purposes of sections 16.01 to 16.30, inclusive. It shall also give the names and separate compensation of all persons employed by the commission during the preceding year and the purposes of such employment. [*Stats. 1915 s. 990—7; 1917 c. 306 s. 5; 1919 c. 365 s. 3*]

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16.05 Testimonial powers; witnesses. (1) Each of the commissioners and the secretary may issue subpœnas to compel the attendance in this state of witnesses and the production of books and papers pertinent to any inquiry or investigation authorized by law to be made by the commission; and each of the commissioners and the secretary may administer oaths and take testimony. The commission may examine such public records as it requires in relation to any matter which it has authority to investigate. All officers and other persons in the civil service shall attend and testify when requested to do so by the commission.

(2) In case of the refusal of any person to comply with any subpœna issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the circuit court of any county or the judge thereof, on application of any one of the commissioners, shall issue an order requiring such person to comply with such subpœna and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof. [*Stats. 1915 s. 990—7; 1917 c. 306 s. 6*]

16.06 Witness fees. Each person not in the civil service who appears before the commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil actions in courts of record, which shall be audited and paid upon presentation of proper vouchers sworn to by such witness and certified by the president of the commission. But no witness subpœnaed at the instance of parties other than the commission shall be entitled to compensation from the state for attendance or travel, unless the commission certifies that his testimony was relevant and material, to the matter investigated. [*Stats. 1915 s. 990—7; 1917 c. 306 s. 6*]

16.07 Classification of civil service. (1) THE CLASSES. The civil service is divided into the unclassified service and the classified service.

(2) UNCLASSIFIED SERVICE. The unclassified service comprises:

(a) All officers elected by the people.

(b) All officers and employes appointed by the governor whether subject to confirmation or not.

(c) All officers and employes in any department for the creation of which a vote of two-thirds of all the members elected to each house is required.

(d) All presidents, deans, principals, professors, instructors, a scientific staff and other teachers in the university, normal or public schools, the professional staff, including apprentices and research workers, in any library maintained wholly or in part at state expense, the superintendent, warden or other head of the state reformatory, charitable and penal institutions.

(e) All persons appointed by name in any statute.

(f) All legislative officers.

(3) CLASSIFIED SERVICE. The classified service comprises all positions not included in the unclassified service. [*Stats. 1915 s. 990—8; 1917 c. 306 s. 7; 1921 c. 243*]

16.08 Classification of classified service. (1) THE CLASSES. The offices, positions and employments in the classified service shall be arranged by the commission in five classes designated respectively the exempt class, the competitive class, the noncompetitive class, the labor class and legislative employes.

(2) EXEMPT CLASS. The following positions shall be included in the exempt class:

(a) One deputy or assistant of each principal executive officer, and the chief clerk or secretary of any board or commission.

(b) One stenographer for each appointing officer, board or commission.

(ba) The cashier appointed in the office of the secretary of state, who shall give bond to the secretary of state in such sum and with such conditions as the secretary of state prescribes, conditional for the faithful discharge of his duties.

(c) The clerks and other assistants and employes of the supreme court.

(d) In addition to the above there may be included in the exempt class all other offices or positions, except laborers, for the filling of which competitive or noncompetitive examinations shall be found by the commission to be impracticable on account of the temporary character of the employment or for special reasons satisfactory to the commission.

(3) COMPETITIVE CLASS. The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations, and shall include all positions and employments of whatever functions, designations or compensation, in each and every branch of the classified service, except such positions as are in the exempt class, the noncompetitive class, or the labor class.

(4) NONCOMPETITIVE CLASS. The noncompetitive class shall include such positions as are not in the exempt class or the labor class, and which it is impracticable to include in the competitive class.

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(5) LABOR CLASS. The labor class shall include ordinary unskilled laborers. [*Stats. 1915 s. 990—12, 990—14, 990—15, 990—20, 990—21; 1917 c. 306 s. 8; 1921 c. 240*]

16.09 Classifications and appointments for charitable and penal institutions; removals. The classifications prepared pursuant to law by the superintendents or heads of the several state reformatory, charitable and penal institutions, approved by the state board of control, and adopted by the commission are the classifications in such respective institutions, and adequate eligible lists shall be made up, and so far as possible shall be at all times kept by the commission from which appointments shall be made in such institutions. But the provisions of sections 16.01 to 16.30, inclusive, with reference to removals, suspensions, discharges, reductions in pay or position, transfers and reinstatements shall not be applicable in such cases, except that they shall be made for just cause, which shall be neither religious nor political. In such institutions emergency appointments and appointments when no suitable person is on an eligible list may be made otherwise than from such list. And such persons, when so appointed, shall have the same rights as though taken from an eligible list, except that they may be subjected to such test as to merit and fitness as is prescribed by the commission. [*Stats. 1915 s. 990—13; 1917 c. 306 s. 9; 1919 c. 365 s. 3*]

16.10 Appointments; promotions and removals in classified service. (1) Appointments to, and promotions in the classified service, shall be made only according to merit and fitness, which, except as otherwise provided by law shall be ascertained so far as practicable by examinations, which so far as practicable, shall be competitive.

(2) No person shall be appointed, transferred, removed, reinstated, promoted or reduced as an officer, clerk, employe or laborer in the classified service in any manner, or by any means, other than those prescribed in sections 16.01 to 16.30, inclusive. [*Stats. 1915 s. 990—2; 1917 c. 306 s. 10; 1919 c. 365 s. 3*]

16.11 Examinations; rules concerning; where held. (1) All examinations for positions in the classified service shall be practical in character, and shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge the duties of the office or employment sought by them, giving due allowance for experience in the same or similar positions.

(2) The competitive examinations shall be free and open to all applicants who are citizens of the United States and of this state and who have fulfilled the preliminary requirements stated in section 16.12, and shall be held at such times and places as in the judgment of the commission, most nearly meet the convenience of applicants and the needs of the service. The civil service commission may, through special action, open competitive examinations to residents of other states who are citizens of the United States and who have fulfilled the preliminary requirements stated in section 16.12.

(3) Examinations of a technical or special character, or where requirements are peculiarly within the knowledge of the office, institution or department in which appointment is to be made, shall be proposed by the incumbent of such office or head of such institution or department, or by persons having knowledge and experience in the same or similar employments.

(4) It is the declared policy of the state that under the operation of sections 16.01 to 16.30, inclusive, there shall be a fair distribution throughout the state of persons accepted for the classified service, and to that end examinations shall be held simultaneously at at least one convenient point in each county of the state.

(5) The commission may require candidates who have satisfied the preliminary requirements, to undergo an examination, in cases where oral tests or tests for manual skill or use of instruments in constructive work may be necessary, at convenient designated places in the state. [*Stats. 1915 s. 990—10; 1917 c. 306 s. 11; 1919 c. 175; 1919 c. 365 s. 3*]

16.12 Application for admission to examinations; forms. (1) The commission shall require persons applying for admission to any examination provided for under sections 16.01 to 16.30, inclusive, or under the rules and regulations of the said commission, to file in its office, a reasonable time prior to the proposed examination, a formal application, in which the applicant shall state under oath or affirmation:

(a) His full name, residence and post-office address.

(b) His nationality, age, and the place and date of his birth.

(c) His health and his physical capacity for public service.

(d) His business and employments and residences for at least the five previous years.

(e) Such other information as may reasonably be required touching the applicant's merit and fitness for the public service.

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(2) Blank forms for such applications shall be furnished by the commission without charge to all persons requesting the same.

(3) The commission may require in connection with such application such certificates of citizens, physicians or others having knowledge of the applicant, as the good of the service may require. [*Stats. 1915 s. 990—11; 1917 c. 306 s. 12; 1919 c. 365 s. 3*]

16.13 Applicants and eligibles may be barred; qualifications. (1) The commission may refuse to examine the applicant, or after examination to certify an eligible, who is found to lack any of the preliminary requirements established by the commission for the examination for the position or employment for which he applies, or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment, or who is addicted to the habitual use of intoxicating liquors to excess, or has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact, or practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment, or refuses to furnish testimony as required in section 16.05.

(2) Whenever the said commission refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, then said commission, if requested by the person so rejected, shall give to him a full and explicit statement of the exact cause of such refusal to examine or to certify, as the case may be.

(3) Applicants for positions in the recognized mechanical trades must have had practical experience for such periods as the commission may prescribe.

(4) When any position to be filled involves fiduciary responsibility, the appointing officer, where otherwise permitted by law, may require the appointee to furnish bond or other security, and shall notify the commission of the amount and other details thereof. Any surety company authorized to do business in this state, shall be a sufficient security on any such bond. [*Stats. 1915 s. 990—11; 1917 c. 306 s. 12*]

16.14 Political or religious affiliations rejected; no discrimination. No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced. No discriminations shall be exercised, threatened, or promised, by any person in the civil service against or in favor of any applicant, eligible, or employe in the classified service because of his political or religious opinions or affiliations. [*Stats. 1915 s. 990—26; 1917 c. 306 s. 13*]

16.15 Recommendations. No recommendation for any person who applies for office or place, or for examination or registration under the provisions of sections 16.01 to 16.30, inclusive, or of the rules established pursuant thereto, except as to character, and, in the case of former employers, as to ability, shall be given to, or considered by any person concerned in making any examination, registration, appointment, promotion or reinstatement under sections 16.01 to 16.30, inclusive, and the rules made pursuant thereto. No recommendation whatsoever shall relate to the political or religious opinions of any applicant. No recommendation for the promotion of any person in the classified service shall be considered by any officer concerned in making promotions, except it be made by the officer or officers under whose supervision or control such employe is serving. Any recommendation made contrary to the provisions of this section, with the knowledge and consent of the applicant or employe, shall be sufficient cause for refusing his application or appointment, or for debarring him from the promotion proposed, and a repetition of the offense shall be sufficient cause for removing him from the service. [*State. 1915 s. 990—25; 1917 c. 306 s. 14; 1919 c. 365 s. 3*]

16.16 Exempt class; appointments to; limitations; public hearing. (1) Appointments in the exempt class may be made without examination, but no office or position shall be deemed to be in the exempt class unless it is specifically exempted by law or is named in such class in the rules, and if so named, the reasons for such exemptions shall be stated separately in the reports of the said commission. Not more than one appointment shall be made to or under the title of any such office or position unless a different number is specifically authorized by law or mentioned in the rules.

(2) No office or position shall be classified by the commission in the exempt class except after public hearing by the commission or any member or the chief examiner thereof. Suitable public notice of such hearings shall be given by the said commission. At any such hearing any taxpayer of this state shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption. [*Stats. 1915 s. 990—14; 1917 c. 306 s. 15*]

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16.17 Competitive class; appointments to; term of eligibility. (1) Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction under the provisions of sections 16.01 to 16.30, inclusive, and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer in accordance with the provisions of section 16.18.

(2) The term of eligibility of an applicant shall be fixed for each list by the commission at not less than one nor more than three years.

(3) Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which appointment may be made. No person shall be appointed or employed under any title not appropriate to the duties performed, and no person shall be transferred to, or assigned to perform the duties of, any position subject to a competitive examination, unless he has previously passed an open competitive examination equivalent to that required for such position. [*Stats. 1915 s. 990—15; 1917 c. 306 s. 16; 1919 c. 365 s. 3*]

16.18 Competitive class; notice of vacancy in; preference to veterans; probation. (1) Appointing officers shall give written notice to the commission of the existence of any vacancy in any office or employment in the competitive class, under the provisions of sections 16.01 to 16.30, inclusive, and within ten days after the receipt of such notice the commission shall certify from the register of eligibles appropriate for the group in which the position to be filled is classified, the three names at the head thereof, which have not been certified three times to the department or office in which the vacancy exists. Whenever eligibles are certified, they must always be those candidates who have been graded highest in an examination held in pursuance of sections 16.01 to 16.30, inclusive, and the rules made in accordance therewith, except that where practicable, other conditions being equal, the rules shall provide for a preference in favor of veterans of any of the wars of the United States. Preference is hereby defined to mean that whenever a question arises as to the certification of two persons of equal qualification as determined by civil service examination and one of these persons is a war veteran, he shall be certified. In every case after a name has been certified three times, it may be dropped from the list by the commission, but certificates for temporary appointment shall not be counted as one of such certificates.

(2) The appointing officer shall appoint on probation, with sole reference to merit and fitness, one of the said candidates whose name is certified in the manner above set forth, to fill such vacancy unless objection is made, and sustained by the commission, to one or more of the persons certified for any of the reasons stated in section 16.13; however, the provisions of this section may be altered by the commission when the office or employment comes within those where by section 16.20 competitive examinations are not required. The commission shall make rules for the procedure in such cases. [*Stats. 1915 s. 990—16; 1917 c. 90; 1917 c. 306 s. 17; 1919 c. 18; 1919 c. 365 s. 3*]

16.19 Competitive class; vacancies; promotions. (1) Vacancies in positions in the competitive class shall be filled, so far as practicable, by promotion from among persons holding positions in the lower grade in the department, office or institution in which the vacancy exists, under rules and regulations made and enforced by the commission. Promotions shall be based upon merit and fitness to be ascertained by examinations, to be provided by the commission, and upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority and experience. The commission may prescribe forms and rules for reports to be made by the proper officers on the efficiency of their subordinates and employes.

(2) For the purposes of this section an increase in the salary or other compensation of any person holding an office or position within the scope of the rules in force hereunder, beyond the limit fixed for the grade in which such office or position is classified, shall be deemed a promotion.

(3) No promotion shall be made to a position in the competitive class from a position in another class, except that persons holding positions in the labor class may be promoted to positions in the lowest grade of the competitive class, upon examination as provided above, when such examination is specifically authorized by the commission. No person shall be promoted to a position for original entrance to which there is required by this chapter, or the rules adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original entrance to the positions held by such persons, except as provided above. [*Stats. 1915 s. 990—18; 1917 c. 306 s. 18*]

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16.20 Competitive class; when positions may be filled without competition. Positions in the competitive class may be filled without competition only as follows:

(1) Whenever there are urgent reasons for filling a vacancy in any position in the competitive class and the commission is unable to certify to the appointing officer upon requisition by the latter a list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the commission for noncompetitive examination, and if such nominee is certified by the said commission as qualified after such noncompetitive examination, he may be appointed provisionally to fill such vacancy only until a selection and appointment can be made after competitive examination. In case of an emergency an appointment may be made without regard to the rules of this section, but in no case to continue longer than ten days, and in no case shall successive emergency appointments be made.

(2) In case of vacancy in a position in the competitive class where peculiar and exceptional qualifications of a scientific, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in such qualities, the commission may suspend the provisions of the statute requiring competition in such case, but no suspension shall be general in its application to such place, and all such cases of suspension shall be reported in the annual report of the commission with the reasons for the same.

(3) Where the services to be rendered by an appointee are for a temporary period not to exceed one month, and the need of such service is important and urgent, the appointing officer may select for such temporary service any person on the proper list of those eligible for the permanent appointment without regard to his standing on such list. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position. [*Stats. 1915 s. 990—17; 1917 c. 306 s. 19*]

16.21 Noncompetitive class; appointments to. Appointments to positions in the noncompetitive class shall be made after such noncompetitive examination as is prescribed by the rules of the commission. The commission shall state in its annual report the number of persons who come within this class, and the character of their services. [*Stats. 1915 s. 990—20; 1917 c. 306 s. 20*]

16.22 Labor class; appointments to; examinations. Vacancies in the labor class shall be filled by appointment from lists of applicants registered in their respective localities by the commission according to rules and regulations determined by said commission except in cases of temporary employment. There may be separate lists of applicants for different kinds of labor or employments and the commission may establish separate labor lists for various localities, institutions and departments. Where the labor service of any institution or department extends to different localities the commission may provide separate registration lists for each district or locality. The commission shall require an applicant for registration for the labor service before he can be registered to furnish such evidence or to pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, sobriety, industry, capacity and experience in the employment for which he applies. [*Stats. 1915 s. 990—21; 1917 c. 306 s. 21*]

16.23 Competitive, noncompetitive and labor classes; original appointments for probationary period. All original appointments to the competitive and noncompetitive classes and the labor class of the classified service shall be for a probationary period of one, two or three months in the discretion of the appointing officer, but dismissal for cause may be made during such period. If at the close of this probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified in writing that he will not receive absolute appointment; otherwise his retention in the service shall be equivalent to his final and absolute appointment. [*Stats. 1915 s. 990—9; 1917 c. 306 s. 22*]

16.24 Transfers and reinstatements. (1) No transfer or reinstatement shall be made from a position in one class to a position in another class unless the same be specifically authorized by the commission. Section 16.19 and the rules adopted thereunder shall be read with this section and the rules adopted hereunder, and where the transfer involves a promotion the requirements of the promotion rule and regulation shall be observed.

(2) No transfer shall be authorized by the commission of any person holding a position in the exempt class or in the noncompetitive class or the labor class, to a position in the competitive class unless the person seeking to be transferred has served at least

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three years in the position from which he desires transfer, and unless the position to which he desires transfer is similar in the duties to be performed to the position from which he desires transfer. No such transfer shall be authorized unless the person wishing to be transferred has attained a place upon the appropriate eligible list in force at the time the request for the transfer is made.

(3) Any person who has held a position by appointment under the civil service rules and who has been separated from the service without any delinquency or misconduct on his part but owing to reasons of economy or otherwise, may be reinstated within one year, and in the case of legislative employes within two years, from the date of such separation to the same or similar position in the same department; provided, that for the original entrance to the position proposed to be filled by such reinstatement there is not required in the opinion of the commission examination involving essential tests or qualifications different from or higher than those involved in the examination for the original entrance to the position formerly held by the person proposed to be reinstated. [*Stats. 1915 s. 990—19; 1917 c. 306 s. 23*]

16.25 Removals. No subordinate or employe in the competitive class, noncompetitive class, or the labor class, who shall have been appointed under the provisions of sections 16.01 to 16.30, inclusive, or the rules made pursuant thereto, shall be removed, suspended for more than fifteen days, discharged, or reduced in pay or position, except for just cause, which shall not be religious or political. In all cases of removal the appointing officer shall, at the time of such action, furnish to the subordinate his reasons for the same and allow him a reasonable time in which to make an explanation. The reasons for removal and the answer thereto shall be filed in writing with the commission. [*Stats. 1915 s. 990—22; 1917 c. 306 s. 24; 1919 c. 365 s. 3*]

16.26 Appointing officers to report appointments; promotions; reductions, etc. Each appointing officer shall report to the commission forthwith in writing upon any appointment or employment in the classified service, the name of the appointee, or employe, the title and character of his office or employment, whether on probation or absolute appointment, the date of commencement of service by virtue thereof, and the salary or compensation thereof, and shall report from time to time, and, upon the date of the official action, in, or knowledge of each case, any separation of a person from the service or any promotion, reduction, transfer, reinstatement, or other change therein, and such other information as the commission may require in order to keep the roster provided for in section 16.27. [*Stats. 1915 s. 990—23; 1917 c. 306 s. 25*]

16.27 Roster of classified service. The commission shall keep in its office an official roster of the classified service and shall enter thereon the name of each and every person who has been appointed to, employed, promoted, reduced or reinstated in any position in such service, upon such evidence as it may require or deem satisfactory that such person was appointed to, employed, promoted, reduced or reinstated in the service in conformity with the provisions of this chapter, and the rules adopted pursuant thereto. This roster shall show in connection with each name the date of appointment, employment, promotion, reduction or reinstatement, the compensation and title of the position, and the nature of the duties thereof, and the date and cause of any termination of such office or employment and shall be open to public inspection at all reasonable hours. The commission shall have access to all public records and papers, the examination of which will aid in the discharge of its duty in connection with said roster. [*Stats. 1915 s. 990—23; 1917 c. 306 s. 25*]

16.28 Pay rolls certified by commission; mandamus; liability of appointing officers; taxpayers' suits. (1) Neither the secretary of state, nor other fiscal officer of this state, shall draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the state; nor shall the treasurer or other disbursing officer of the state pay any salary or compensation to any officer, clerk, employe, or other person in the classified service of the state, unless an estimate, pay roll or account for such salary or compensation containing the names of every person to be paid, shall bear the certificate of the commission that the persons named in such estimate, pay roll, or account have been appointed, employed, reinstated or promoted in pursuance of sections 16.01 to 16.30, inclusive.

(2) Any officer, clerk, employe, or other person entitled to be certified by said commission to the secretary of state or other fiscal or disbursing officer of the state, as having been appointed or employed in pursuance of law and of the rules made in pursuance of law, and refused such certificate, may maintain an action of mandamus to compel such commission to issue such certificate.

(3) Any sums paid contrary to the provisions of this section may be recovered from any officer or officers making such appointments in contravention of the provisions of

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law or of the rules made in pursuance of law, or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same, or from the sureties on the official bond of any of said officers, in an action in the circuit court of any county within the state, maintained by the civil service commission or by any member thereof, or by a citizen resident therein, who is assessed for, and liable to pay, or within one year before the commencement of the action has paid, a state, city or county tax within this state. All moneys recovered in any action brought under this section when collected, shall be paid into the state treasury except that if a citizen taxpayer is plaintiff in any such action he shall be entitled to receive for his own use the taxable costs of such action and five per cent of the amount recovered as attorney's fees. [*Stats. 1915 s. 990—24; 1917 c. 306 s. 26; 1917 c. 671 s. 2; 1919 c. 365 s. 3*]

16.29 Taxpayers' suits. The right of any taxpayer to bring any action to restrain the payment of compensation to any person appointed to or holding any office or place of employment in violation of the provisions of sections 16.01 to 16.30, inclusive, shall not be limited or denied by reason of the fact that said office or place of employment has been classified, as, or determined to be, not subject to competitive examination; however, any judgment or injunction in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the civil service rules in force at the times of such payments. [*Stats. 1915 s. 990—32; 1917 c. 306 s. 27; 1919 c. 365 s. 3*]

16.30 Duty and liability of appointing officer. (1) All officers of this state shall conform to, comply with and aid in all proper ways in carrying into effect the provisions of sections 16.01 to 16.30, inclusive, and the rules and regulations prescribed thereunder.

(2) No appointing officer shall, select or appoint any person for appointment, employment, promotion or reinstatement, except in accordance with the provisions of sections 16.01 to 16.30, inclusive, and the rules and regulations prescribed thereunder.

(3) Any person employed or appointed contrary to the provisions of sections 16.01 to 16.30, inclusive, or of the rules and regulations established thereunder, shall be paid by the officer or officers so employing or appointing, or attempting to employ or appoint him, the compensation agreed upon for any service performed under such appointment or employment, or attempted appointment or employment, or in case no compensation is agreed upon, the actual value of such services and any expenses incurred in connection therewith, and shall have a cause of action against such officer or officers or any of them, for such sum and for the costs of the action. No public officer shall be reimbursed by the state for any sums so paid or recovered in any such action. [*Stats. 1915 s. 990—6; 1917 c. 306 s. 28; 1919 c. 365 s. 3*]

COUNTY.

16.31 Commission; appointment; qualification; oath; confirmation; term. (1) There shall be a civil service commission in every county containing two hundred thousand inhabitants or more according to the last state or United States census, called "Commission" in sections 16.31 to 16.44, inclusive. Such commission shall consist of five members, no more than two of whom shall belong to the same political party and all of whom shall be legal residents of the county. No person holding any elective or appointive public position or office of any sort in said county government shall be appointed thereon.

(2) The chairman of the board of supervisors of any such county, within thirty days after sections 16.31 to 16.44, inclusive, become applicable thereto, shall appoint the members of said commission, designating the term of office of each. Such appointment and designation shall be subject to confirmation by the board of supervisors. Of the persons first appointed one shall hold for one year, one for two years, one for three years, one for four years and one for five years from the first day of January next following such appointment, and until his successor is appointed and qualifies. In the month of December of each year, immediately preceding the expiration of the term of office of any such commissioner, the chairman of the board of supervisors shall appoint, subject to confirmation by the board, one member of such commission to hold office for the term of five years, from the first day of January next succeeding his appointment and until his successor is appointed and qualifies.

(3) Every person appointed a member of said commission shall take and file the official oath.

(4) Each member of the commission shall receive such salary as the county board shall determine, which shall not be less than two hundred dollars for service performed in any one year. Such compensation shall be paid by the county treasurer on the certificate of the chief examiner, countersigned by the county auditor, if any. [*Stats. 1917 s. 772—1, 772—2; 1919 c. 121; 1919 c. 365 s. 6, 7; 1919 c. 671 s. 16*]

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16.32 Rules; secretary; employes; offices. (1) Such commissioners, as soon as possible after their appointment and qualification, shall prepare and adopt such rules and regulations to carry out the provisions of sections 16.31 to 16.44, inclusive, as in their judgment shall be adapted to secure the best service for the county in each department affected by said sections, and as shall tend to promote expedition and speed the elimination of all unnecessary formalities in making appointments. Such rules shall be printed and distributed in such manner as reasonably to inform the public of the county as to their purpose, and shall take effect ten days after they are published.

(2) Every such commission may appoint a chief examiner, whose annual salary, unless a greater amount therefor is determined by the board of supervisors, shall not exceed fifteen hundred dollars, and may also appoint such clerical or other assistants as it may deem necessary and fix their salaries. All such appointments shall be made subject to the provisions of sections 16.31 to 16.44, inclusive.

(3) The board of supervisors in every county in which a commission is appointed shall provide suitable offices, furniture, stationery, light, heat, telephone and all other necessary supplies and conveniences to enable the commission to perform its duties. [*Stats. 1917 s. 772—3; 1919 c. 365 s. 8*]

16.33 Classification. (1) In every county in which a commission is appointed, pursuant to sections 16.31 to 16.44, inclusive, all offices and positions in the public service in said county shall be divided into two classes, namely, the classified and the unclassified service. The unclassified service shall include:

(a) All officials elected by the people.
(b) All members of boards and commissions.
(c) Professors and instructors in any county agricultural school.
(d) Court reporters of all courts.
(e) Clerk of the civil court.
(f) Undersheriff.
(g) Deputy register of deeds.
(h) Deputy clerk of the circuit court.
(i) Deputy county clerk.
(j) Deputy county treasurer.
(k) Deputy coroner.

(2) All other offices and positions, however created or filled, shall be included in the classified service. [*Stats. 1917 s. 772—4; 1919 c. 365 s. 9*]

16.34 Appointments; promotions and removals in classified service. On and after January first next succeeding the date when sections 16.31 to 16.44, inclusive, become applicable in any county no person shall be appointed or promoted to, reduced in, transferred to or in, or removed from the classified service in any such county, except in accordance with the provisions of said sections. [*Stats. 1917 s. 772—5; 1919 c. 365 s. 10*]

16.35 Certifications; examinations; preference to veterans; temporary appointments. (1) When any appointing power in any such county learns that a vacancy has occurred, or is about to occur in any office or position in the classified service in his department, he shall forthwith notify the chief examiner of such fact. When an eligible list (containing the names of persons who have, within a period of time to be specified in the rules of the commission, passed an examination appropriate to the office or position in question) is in existence, the chief examiner shall certify to the appointing power the names of the three persons standing highest on that list. If more than one vacancy in the same class or position is to be filled, one additional name shall be certified for each additional vacancy.

(2) Whenever practicable, the commission in the certification of eligibles, other conditions being equal, shall give preference to veterans of any of the wars of the United States. Preference is hereby defined to mean that whenever a question arises as to the certification of two persons of equal qualification as determined by civil service examination and one of those persons is a war veteran, he shall be certified, and the rules of the commission shall so provide.

(3) The appointing power shall make selection to fill such vacancy or vacancies with reference solely to merit and fitness from the names certified, unless objection is made to one or more of the persons named and such objection is sustained by the commission, in which case the commission shall certify in addition the name next following upon the eligible list.

(4) If there is no such eligible list, the procedure shall be as follows: An examination shall be arranged for the earliest possible date to examine candidates relative to their fitness for said office or position. The time and place of such examination, together with

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the requirements of the position, and all other necessary information shall be sufficiently advertised by said commission in such manner as the commission shall by its rules determine as best suited to give notice of such examination.

(5) Pending the holding of such examination and the creation of an eligible list, the office or position in question may be filled temporarily by the appointing power, by an emergency appointment, subject to such rules and restrictions as the commission may adopt. [*Stats. 1917 s. 772—6; 1919 c. 365 s. 11*]

16.36 Applications for and nature of examinations; eligible list. (1) All applicants for such examination may be required by the commission to prepare and file written application blanks giving such information, bearing upon their fitness for the office or position in question, as the commission may deem necessary. Such application blanks need not be uniform for the different grades or classes of offices or positions, but the forms to be used shall be definitely specified in the rules of the commission. No questions pertaining to political affiliation or religious faith shall be asked of any applicant. The examination shall be such as to test fairly and practically the ability of each applicant to fulfill the requirements of the office or position in question. Wherever the commission believes it advisable it may substitute an actual demonstration by the applicant of his skill in performing the duties of the office or position for which he is applying in place and stead of a written test.

(2) Whenever the office or position is one in which the person to be appointed will hold a personal or confidential relation to the appointing power, the person having the power of appointment may be present at the examination for the purpose of advising the commission with relation to the relative personal fitness of the various candidates and this advice shall be given due weight in the markings of the applicant.

(3) The weights, if any, to be given to previous experience, training, age, sex, written or demonstration test, oral test, and the various other phases or elements of the examination to which the applicant may be subjected, shall be provided for in advance by the rules of the commission. The names of the persons passing the examination shall be placed on an eligible list in the order of their final grades in the examination. Certification shall then be made as provided in section 16.35. [*Stats. 1917 s. 772—7; 1919 c. 365 s. 12*]

16.37 Efficiency records; promotions. The chief examiner, under the direction of the commission and with the advice of the heads of the departments involved, shall devise and introduce as rapidly and extensively as practicable a system of efficiency records to be based, among other things, upon the quantity and quality of the work performed and the regularity and punctuality of attendance. After such system is introduced, the various departments thereby affected shall maintain it. The chief examiner shall also, under the direction of the commission, prepare a classification of subordinate positions in accordance with their natural tendency to fit their incumbents to fill higher offices or positions in the service of the county. The commission shall provide in its rules that the efficiency records of an employe in one of the aforesaid lower positions shall be given due weight in the examination of such employe for higher offices or positions to which they naturally lead, to the end that such higher offices or positions in the service shall be filled as far as possible by promotion. [*Stats. 1917 s. 772—8; 1919 c. 365 s. 13*]

16.38 Demotion; dismissal; procedure. (1) Whenever a person possessing appointing power in the county believes that an officer or employe in the classified service in his department has acted in such a manner as to show him to be incompetent or to have merited suspension, demotion or dismissal, he shall report in writing to the civil service commission setting forth specifically his complaint, and may suspend the officer or employe at the time such complaint is filed. The commission shall forthwith notify the accused officer or employe of the filing of such charges and on request provide him with a copy of the same.

(2) The commission shall appoint a time and place for the hearing of said charges, the time to be within three weeks after the filing of the same, and notify the person possessing the appointing power and the accused of the time and place of such hearing. At the termination of the hearing the commission shall determine whether or not the charge is well founded and shall take such action by way of suspension, demotion, discharge or reinstatement, as it may deem requisite and proper under the circumstances and as its rules may provide. The decision of the commission shall be final. Neither the person possessing the appointing power nor the accused shall have the right to be represented by counsel at said hearing, but the commission may in its discretion permit the accused to be represented by counsel and may request the presence of an assistant district attorney to act with the commission in an advisory capacity. [*Stats. 1917 s. 772—9; 1919 c. 365 s. 14*]

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16.39 Standard scale of compensation. The chief examiner, under the direction of the commission and in co-operation with the county clerk (or county auditor, if any) and with the heads of the various departments, shall devise and recommend to the board of supervisors a standardized scale of wages and salaries for all county offices and positions in the classified service, said scale to be graduated according to the duties performed, the length of service and efficiency records of the officers or employes. The supervisors shall consider and act in some way upon this scale at the last meeting of said board in the month of October next following its recommendation, and if adopted it shall go into effect on the first day of January following its adoption, or at such other date as may be provided by law. [*Stats. 1917 s. 772—10; 1919 c. 365 s. 15*]

16.40 Investigations; testimonial powers; witnesses. (1) Each member of the commission may subpœna witnesses, administer oaths, examine witnesses and compel the production of documents, records, and papers of all sorts in conducting such investigations as the commission may deem necessary or proper in order to ascertain whether or not the provisions of sections 16.31 to 16.44, inclusive, are being carried into effect. The commission may examine such public records as it requires in relation to any such investigation. All officers and other persons in the civil service of the county shall attend and testify when required to do so by the commission.

(2) In case of the refusal of any person to comply with any subpœna issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the circuit court of the county or the judge thereof, on application of any one of the commissioners, shall issue an order requiring such person to comply with such subpœna and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(3) Each person, not in the civil service of the county, who appears before the commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil actions in courts of record which shall be paid out of the appropriation to the commission. But no witness subpœnaed at the instance of parties other than the commission shall be entitled to witness fees or mileage unless the commission certifies that his testimony was relevant and material to the matter investigated. [*Stats. 1917 s. 772—11; 1919 c. 365 s. 16*]

16.41 Certification of pay rolls. No payment for personal services of any officer or employe in the classified service of any county wherein sections 16.31 to 16.44, inclusive, are applicable shall be made by any county officer unless the commission has certified that the officer or employe claiming such payment is holding his position legally under the provisions of said sections 16.31 to 16.44, inclusive, and the rules of the commission. Such certification shall be required on each and every pay roll for each and every office and position in the county service, which is subject to the provisions of said sections 16.31 to 16.44, inclusive. County officers making payments in violation of this section shall be liable for the full amount thus paid and shall be deemed guilty of a violation of the provisions of said sections 16.31 to 16.44, inclusive, and subject to the penalties provided in section 4548*r*. [*Stats. 1917 s. 772—12; 1919 c. 365 s. 17*]

16.42 Prohibited influences and practices. (1) Except as provided otherwise by subsection (2) of section 16.35, no factor or influence other than the fitness of a person to perform the duties of the office or position in which he is acting or employed, or to which he is seeking appointment, shall affect the determination of appointments, promotions, transfers, suspensions or discharges with respect to any office or employment within the scope of sections 16.31 to 16.44, inclusive.

(2) The following practices are especially forbidden in any county wherein sections 16.31 to 16.44, inclusive, are applicable: Pernicious political activity by any county officer or employe in the classified service; the giving of any consideration, whether financial or otherwise, in return for appointment to an office or position in the service of said county; the obstruction or deceiving of any person desiring to take an examination under the provisions of said sections, or desiring to secure information concerning any such examination; the deliberate mismarking or miscalculation of grades of any applicant taking an examination under said sections; the impersonation by any person of any other person in connection with the holding of any examination under said sections; and the giving to or receiving by candidates for examination information or assistance enabling such candidates to obtain an unfair or improper advantage over other candidates for the same examination. [*Stats. 1917 s. 772—13; 1919 c. 365 s. 18*]

16.43 Existing officers and employes, how affected. All persons included within the classified service of any county, at the time sections 16.31 to 16.44, inclusive, go into effect therein, appointed for a definite term, shall be required to take examinations under

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said sections as soon as practicable after the expiration of such definite term, except persons who have been on the pay rolls of such county continuously for the four years immediately preceding the date upon which said sections go into effect in said county; and except that all such persons being in service and on the pay roll of said county less than four years preceding such date shall, in order to retain their offices or positions, be required to take a noncompetitive examination, and shall retain their offices or positions, unless upon such examination they be found and determined by said board to be insufficiently qualified. The foregoing provisions do not, however, prevent suspension, demotion or discharge of any officer or employe subject to the provisions of sections 16.31 to 16.44, inclusive, in the manner provided in section 16.38. [*Stats. 1917 s. 772—15; 1919 c. 365 s. 20*]

16.44 Appropriation for commission. A sufficient sum shall be provided each year by the county board of supervisors of each county in which sections 16.31 to 16.44, inclusive, become operative to enable the commission created thereunder, to exercise the powers and perform the duties therein specified. [*Stats. 1917 s. 772—16; 1919 c. 121; 1919 c. 365 s. 21; 1919 c. 671 s. 17*]

CITIES.

16.45 Commission; appointment; terms; oath; qualifications. The mayor of each city of the first class, in this state, whether such city be incorporated by special act of the legislature or under the general laws of the state, shall, before the fifteenth day of June following the passage of this act, or the fifteenth day of June in the year next following the first state or national census, showing such city to belong to said first class, appoint five persons, citizens and residents of said city, who shall constitute and be known as the board of city service commissioners of such city, and shall designate one of the persons so appointed to serve for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year, from the first Monday of July in the year of their appointment and until their respective successors are appointed and qualified; provided, however, that in cities having a board of city service commissioners the members of such board shall hold office and continue to be a member of such commission until the expiration of the term or terms of such member or members, and in each and every year after such first appointment, the mayor shall, in like manner, in the month of June, appoint one person as the successor of the commissioner whose term shall expire in that year, to serve as such commissioner for five years from the first Monday of July then next ensuing, and until his successor is appointed and qualified. The commission shall, at a meeting in July of each year, elect one member to act as president and one member to act as vice president, each for a term of one year, and until a successor is duly elected. Three commissioners shall constitute a quorum necessary for the transaction of business. Any vacancy in the office of commissioner occurring during the term shall be filled for the unexpired term by appointment by the mayor and all appointments, both original and to fill vacancies, shall be so made that not more than two commissioners shall at the time of the appointment be members of the same political party. Said commissioners shall hold no other lucrative office or employment under the United States, the state of Wisconsin, or any municipal corporation or political division thereof, and each commissioner shall before entering upon the discharge of the duties of his office and within ten days after receiving notice of his appointment, take and subscribe the oath of office prescribed by the constitution of this state, and file the same, duly certified by the officer administering it with the clerk of his city. [*1919 c. 572 s. 2*]

16.46 Duties and powers of board. It shall be the duty of every board of city service commissioners appointed under and in pursuance of the provisions of this act to investigate the enforcement of said act and of its rules, adopted in accordance with its provisions to carry out the purposes of said act and the action of the examiners in said act provided for, and the conduct and action of the appointees in the official service in its city, and may inquire as to the nature, tenure and compensation of all offices and places in the public service thereof. In the course of such investigation each commissioner shall have power to administer oaths, and said board shall have power to secure by its subpœna both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation. Said commission shall have power to investigate the character and standing in the community of all applicants for examination and appointment in the city service under the provisions of this act. [*1919 c. 572 s. 2*]

16.47 Compulsory attendance and fees of witnesses. Any person who shall be served with a subpœna to appear and testify or to produce books and papers, issued by the board of city service commissioners in the course of any investigation conducted under

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the provisions of this act, and who shall refuse or neglect to appear and testify or to produce books and papers relevant to such investigation, as commanded in such subpœna, shall be guilty of a misdemeanor, and shall on conviction be punished by a fine or imprisonment or both in the discretion of the court, as provided in and by this act. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this state, and shall be paid from the appropriation for the expenses of the board. Any circuit court of this state or any judge thereof, whether in term time or vacation, upon application of the board, may compel the attendance of witnesses, the production of books and papers and giving of testimony before the board by attachment for contempt or otherwise, in the same manner as the production of evidence may be compelled before said court. Every person, who having taken an oath or made affirmation before a commissioner in the course of such an investigation, shall swear or affirm wilfully, corruptly and falsely, shall be guilty of perjury, and upon conviction shall be punished accordingly. [*1919 c. 572 s. 2*]

16.48 Annual report. Said board of commissioners shall, on or before the fifteenth day of March in each year, make to the mayor for transmission to the common council of such city, a report showing its own action, the rules in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. The mayor may require a report from said board at any other time. [*1919 c. 572 s. 2*]

16.49 City and its officers to co-operate in carrying out the law. All officers of any such city shall aid said board in all proper ways in carrying out the provisions of this act, and at any place where examinations are to be held, shall allow the reasonable use of the public buildings for holding such examinations. The mayor of each city shall cause suitable rooms to be provided for said board at the expense of such city, and a sufficient sum of money shall be appropriated each year by each city to carry out the provisions of this act in such city. [*1919 c. 572 s. 2*]

16.50 Classification of offices. The commission shall classify all offices and places of employment and all officers and employes, except those mentioned in section 16.54. Such classification shall be made with reference to the duties of such offices and places for the purpose of establishing grades and of fixing and maintaining standards of examination. Grades having duties of the same general nature and in the same line of promotion shall be placed in the same class. The commission shall ascertain and record the duties of each position in the service and whenever it appears that two or more positions have duties which are substantially similar in respect to authority, responsibility and character of work required in the performance thereof, they shall be placed in the same grade, and shall be designated by a title indicative of such duties. All change of title to any office or position in the city service subject to this act shall be certified to and approved by the common council within four months prior to December first of each year. [*1919 c. 572 s. 2*]

16.51 Commission to make rules. The said commissioners shall make rules adapted to carry out the purposes of the act and not inconsistent with its provisions, for the examination and selection of persons to fill offices and positions in the service of their respective cities, which are required to be filled by appointment and for the selection of persons to be employed in the service of such city. All rules so made shall be subject to the approval of the mayor of the city, and they may with like approval be from time to time altered or rescinded by said commissioners; however, if the mayor takes no action on a rule or an amendment to the rules, submitted to him, within a period of ten days from the date of its submission, then the rule or amendment to the rules shall become effective as though approved by the mayor. The said commissioners shall supervise the administration of rules so established. [*1919 c. 572 s. 2*]

16.52 Rules, what to require. The rules mentioned in this act shall provide among other things for the following:

First. For open, competitive examinations and for other examinations by which to test applicants for office or for employment as to their practical fitness to discharge the duties of the positions which they desire to fill, which examinations shall be public and free to all persons with proper limitations as to citizenship, residence, age, health, sex, habits, and moral character.

Second. For the filling of vacancies in offices and places of employment in accordance with the results of such examinations, and for the selection of persons for public employment in accordance with such results, or otherwise, as may seem most desirable to carry out the provisions of this act.

Third. For the promotions in offices or positions on the basis of ascertained merit and seniority in service, or by examination, or by both, as may seem desirable.

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Fourth. For a period of probation before an appointment or employment is made permanent.

All rules made as provided in this act and all changes therein shall forthwith be printed for distribution by said board. [*1919 c. 572 s. 2*]

16.53 Appointments to conform to rules. From and after the adoption of such rules, all appointments to subordinate offices, positions and employments in the several departments of the service of such city, which are subject to such rules, shall be made by the respective heads of such departments under and in conformity with the provisions of such rules. [*1919 c. 572 s. 2*]

16.54 Rules not applicable to certain officers. Officers who are elected by the people, or who by the statutes are required to be elected by the city council, inspectors and clerks of election, one deputy in each department whose office was created and exists by reason of statute, members of any board of education, the superintendent and teachers of schools, heads of any principal departments of the city, all members of the law, fire and police departments, officers, clerks and employes in the office of the city treasurer, persons employed temporarily in the office of the city treasurer or other officer to assist in making out the tax roll, one private secretary of the mayor and any other officers, clerks or employes in the service of the city whose positions, in the judgment of the said city service commissioners, cannot, for the time being, be subjected, with advantage to the public service, to the general rules prepared under this act, shall not be affected as to their election, selection, or appointment by such rules made by said commissioners. When any position to be filled involves fiduciary responsibility or the handling of money, the appointing officer may require the appointee to furnish him a bond or other security for the faithful performance of his duty, the amount to be fixed by the appointing officer, with the approval of the mayor. Each bond shall be approved by the city attorney as to the form and execution thereof, and by the common council as to the sufficiency of the sureties therein; provided, however, that any surety company, the bonds of which are accepted by the judge of any court of record in this state, shall be sufficient security on any such bond, and that the premium on such bond, within the limits fixed by law, shall be paid out of the city treasury. The appointing officer shall immediately after the execution of such bond, file a certified copy of the same with the city clerk. [*1919 c. 572 s. 2*]

16.55 Chief examiner, appointment, duties, salary, removal. The said board shall appoint a chief examiner, subject to the provisions of this act, whose duty it shall be, under its direction, to superintend any examinations held in such city under this act, and who shall perform such other duties as the board shall prescribe. Such chief examiner shall be ex officio secretary of the board, and under the direction of such board he, as such secretary, shall keep and record minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the board may from time to time prescribe. The salary of such chief examiner shall be fixed by the board of city service commissioners, to be approved by the common council, and shall be paid by the city treasurer on the certificate of the president or vice president of said board, countersigned by the city comptroller, in the same manner as the salary of other city employes is paid. He shall be subject to removal at any time by said board. The said board may also incur such other expenses for personal services, printing, stationery, and other incidental matters as it shall deem necessary; provided, however, that the total amount of all expenditures by it incurred during any year, including the compensation of the commissioners, chief examiner, clerks and other employes, shall not exceed the amount of the special fund herein provided and known as the "City Civil Service Fund." All employes of the city service commission shall be subject to this act. [*1919 c. 572 s. 2*]

16.56 Tax for city civil service fund, disbursements. From and after the passage and publication of this act, the common council shall levy and collect annually upon all taxable property of the said city, at the same time and in the same manner as other city taxes are collected by law, a tax not exceeding seventeen one-thousandths of a mill upon each dollar of the assessed value of said taxable property, the amount of which shall be determined by said board of city service commissioners, and certified by it to the common council and to the city comptroller before the first day of October, in each year, and the entire amount of such tax shall constitute a separate and distinct fund to be known as the "City Civil Service Fund," and shall not be used or appropriated, directly or indirectly, for any other purpose than paying the salaries of the commissioners, chief examiner, clerks and employes of said board, and the other necessary expenses of carrying out the purposes of this act. In addition to the aforesaid tax, the common council of any such city may annually, on request of the city service commission, levy a tax not to exceed an additional thirteen one-thousandths of a mill for the purposes aforesaid. For the year 1919 the common council may appropriate from its contingent fund such sum as may meet the

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needs of the city service commission for said year. All disbursements on account of such city civil service fund, except for the salary of the chief examiner, shall be paid by the city treasurer on the orders of the president or vice president and secretary of the board, countersigned by the city comptroller. [*1919 c. 572 s. 2*]

16.57 Applicants to be examined; character of examinations. All applicants for offices, places or employments in the civil service of such city, except those mentioned in section 16.54, shall be subject to examination under and in accordance with the rules so made by said commissioners. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the particular service to which they seek to be appointed, and may include tests of physical qualifications, and, when appropriate, of manual skill. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment or selection to an office or for employment within the scope of the rules established as aforesaid shall be in any manner affected or influenced by such opinions or affiliations. All such applicants may be examined by a competent physician as to the soundness of their health for the work to be performed. [*1919 c. 572 s. 2*]

16.58 Examinations reasonable. The examinations held under this act shall consist of any reasonable and impartial method of ascertaining the fitness or relative merit of candidates. [*1919 c. 572 s. 2*]

16.59 Notice of examinations. Notice of the time, place and general scope of every examination shall be given by the board by publication at least four times on alternate days, beginning at least ten days before the date of such examination, in one or more daily newspapers of general circulation published in such city, and such notice shall also be posted by said board in a conspicuous place in its office at least ten days before such examination. Such further notice of examinations may be given as the board shall prescribe. [*1919 c. 572 s. 2*]

16.60 Application, what to state. Every application, in order to entitle the applicant to appear for examination, or to be examined, must state the facts under oath on the following subjects: (1) Full name, residence and post-office address; (2) citizenship; (3) age; (4) place of birth; (5) health and physical capacity for the public service; (6) previous employment in the public service; (7) business or employment and residence for the previous five years; (8) education. Such other information shall be furnished by the applicant as may reasonably be required by the board concerning the applicant's fitness for the public service. [*1919 c. 572 s. 2*]

16.61 Board to control examinations and appoint examiners. The board shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the service of the city, it shall be a part of their official duty without extra compensation, to conduct examinations as the board may direct, and make return or report thereof to such board; and the board may, at any time, substitute any other person, whether or not in such service, in the place of any one so selected; and the board may themselves, at any time, act as such examiners, and without appointing examiners. The examiners, at any examination, shall not all be members of the same political party, and no person shall serve in an examination of candidates for office under the provisions of this act in case of a relative or connection by marriage within the degree of first cousin. [*1919 c. 572 s. 2*]

16.62 Board to keep a register of eligibles. From the returns or reports of the examiners, or from the examinations made by the board, the board shall prepare and keep a register for each grade or class of position in the service of such city, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such board, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination without reference to priority of time of examination. [*1919 c. 572 s. 2*]

16.63 Persons examined not to be obstructed or aided; penalty. No person or officer shall wilfully and corruptly, by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing or wilfully or corruptly make any false representations concerning the same or concerning the person examined, or wilfully or corruptly furnish to any person any special or secret information for the purpose either of improving or injuring the prospects or chances of any person

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so examined, or to be examined, of being appointed, employed or promoted. [*1919 c. 572 s. 2*]

16.64 Vacancies, how filled. Whenever a position classified and graded under the provisions of this act becomes vacant, the appointing officer, if he desires to fill it, shall make requisition upon the commission for persons eligible for appointment thereto. The commission shall thereupon certify to the appointing officer from the list of eligibles, provided the vacancy cannot be filled by reinstatement, promotion or reduction, the names and addresses of the three persons standing highest thereon; provided, when there are less than three names upon an eligible list, certification shall be made and unless objection is made, by the appointing officer, to the person or persons so certified and said objection sustained by the commission, appointment shall be made under the rules. In case of more than one vacancy, an additional name shall be certified for each such vacancy. The appointing officer shall select solely with reference to merit and fitness, the number of persons for which he has made requisition. In case the commission cannot certify eligibles for appointment, it may grant to the appointing officer authority to make appointment for a period not to exceed two months or until regular appointment can be made. [*1919 c. 572 s. 2*]

16.65 Special expert class. (1) There is hereby created a new division of the classified service to be known as the special expert class. The board of city service commissioners shall place in this class all positions of a technical, scientific, or professional character, together with all positions where the qualifications are peculiar to the service in any department of the city government, and may in addition thereto temporarily classify as of the special expert class positions where the service is new and experimental in character.

(2) The provisions of the city civil service act now governing selections, appointments, promotions, reinstatements, removals, transfers or other changes, shall apply to the special expert class, except as may be otherwise provided in this section.

(3) For the filling of positions in the special expert class the appointing officer shall be free to suggest names of persons for consideration in examination together with all other applicants and all other persons whose names have been suggested to the board of city service commissioners, and the board shall inquire into the fitness of persons so nominated and may notify such persons and any other suitable person to participate in the examination.

(4) Previous to an examination to fill a position in the special expert class, the board of city service commissioners may provide in its published announcement that the resulting eligible list shall expire as soon as an appointment has been made therefrom, providing the appointing officer so desires. When an appointing officer makes objection in writing to names of persons in the special expert class, certified from an eligible list not especially appropriate for the position or group of positions in question, such certification shall be invalid.

(5) The appointing officer shall in all cases be consulted as to qualifications and requirements, examination standards, and procedure for filling positions in the special expert class.

(6) In filling positions in the special expert class the board of city service commissioners shall select a board of one or more experts to conduct the examination when requested in writing to do so by an appointing officer.

(7) Whenever the board of city service commissioners or the officer having the power of appointment shall deem it advisable in the interests of the service, no qualifications as to residence or citizenship shall be imposed in the examination for a position in the special expert class. Any restrictions contained in any law, or in any charter of any city of the first class inconsistent with this provision shall not be applicable in such case. [*1919 c. 572 s. 2*]

16.66 Vacancies in special cases, how filled. In case of a vacancy in a position, requiring peculiar and exceptional qualifications of a scientific, technical or professional character, upon satisfactory evidence that competition is impracticable and that the position can be best filled by the selection of some designated person of recognized attainments, the commission may, after public hearing, by the affirmative vote of at least four commissioners, suspend competition, but no such suspension shall be general in its application to such position and all such cases of suspension shall be reported, together with the reason therefor, in the annual reports of the commission. [*1919 c. 572 s. 2*]

16.67 Notice to commissioners of all appointments, and of all offices abandoned. Immediate notice in writing shall be given by the appointing power to said board of city service commissioners of all appointments, permanent or temporary, made pursuant to this act and the rules made and established under the same, in those branches or depart-

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ments of the civil service of such city which are subject to this act and the rules of said board, and of all transfers, promotions, resignations, other changes or vacancies from any cause in such branches or departments of the city service, and of the date thereof, and a record of the same shall be kept by said board. When any office or place of employment, subject to such rules, is created or abolished, or the compensation attached thereto is altered, the officer or board making such change shall immediately report the same in writing to said board of commissioners. [*1919 c. 572 s. 2*]

16.68 Removals for just cause only; reasons to be furnished in writing; hearings; decisions. (1) No person or employe holding an office or position classified and graded under the provisions of this act shall be removed, discharged or reduced, except for just cause which shall not be political or religious. A person removed, discharged or reduced shall be furnished, by the officer making the removal, with the reasons in writing, for such action when demanded by said removed, discharged or reduced person. When reasons are given by the officer making the removal, a copy of the same shall be immediately forwarded to the commission. Within three days after such removal, discharge or reduction an appeal may be made to the commission in writing, by the employe so removed, discharged or reduced. The commission, on receiving such notice of appeal, shall set a date for a hearing on or investigation of the reasons for the removal, discharge or reduction, which date shall not be more than thirty days after the date of removal, discharge or reduction. Notice of the time and place of such hearing or investigation shall be served upon the employe appealing, in the same manner that a summons is served in this state. Notice shall also be given the officer making the removal. The city service commission, or board or committee of such board or boards appointed by said commission, shall conduct the hearing or investigation. The employe appealing shall have full opportunity to be heard and may, at the discretion of the commission, be represented by counsel. When the employe is represented by counsel, the officer making the removal, discharge or reduction may be represented by the city attorney. If, however, such officer chooses to be represented by counsel other than the city attorney, he may so do, but any expense so incurred shall not be paid by the city. In the course of a hearing or investigation as herein provided for, any member of the commission and of any board or committee appointed by it, shall have the power to administer oaths and shall have power to secure by its subpœna both the attendance and testimony of witnesses and the production of books and papers relevant to such hearing or investigation. All evidence may, on the order of the board, be taken by a competent reporter.

(2) The decision and findings of the commission, or of the investigating board or committee, when approved by the commission, shall be final and shall be filed, in writing, with the secretary of the board and shall be forthwith certified to and enforced by the head of the department or appointing officer. Nothing in this act shall limit the power of an officer to suspend a subordinate for a reasonable period not exceeding fifteen days. In case an employe is again suspended within six months for any period whatever, the employe so suspended shall have the right of hearing or investigation by the commission on the second suspension or any subsequent suspension within said period, the same as herein provided. [*1919 c. 572 s. 2*]

16.69 Provisions for removals not to apply to certain departments. The provisions of the above section shall not apply to removals of persons in any department of the city where such department is under the supervision and control of a board or commission of three or more members, but every such board or commission shall establish rules relating to the removal, discharge or reduction of employes in its department; provided, however, that no such employe shall be removed, discharged or reduced for religious or political reasons and any removed, discharged or reduced employe shall have the right to a trial and determination by such board or commission, or by a committee duly appointed by said board or commission as to whether there existed sufficient grounds for his removal, discharge or reduction and the determination of such board or commission, or of the committee when approved by the board or commission, shall be final in the matter. The right of suspension is granted boards and commissions included under this section the same as is elsewhere provided for in this act. [*1919 c. 572 s. 2*]

16.70 No payments approved or made of salary in the classified service except as provided. No treasurer, auditor, comptroller, or other officer or employe of the city in which this act is effective shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage or other compensation for services, to any person in the classified service unless a pay roll, estimate, or account for such salary, wage or other compensation, containing the names of persons to be paid, a statement of the amount to be paid each such person, the services on account of which the same is paid,

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bears the certificate of the commission that the persons named in such pay roll, estimate, or account have been appointed or employed in pursuance of and have complied with the terms of this act and with the rules of the commission, and that the rate of salary or wage is in accordance with the rate established by the proper authorities. The commission shall refuse to certify the pay of any public officer or employe who shall wilfully or through culpable negligence violate or fail to comply with this act or the rules of the commission. The city service commission shall certify to the city comptroller all appointments to offices and places in the office of the city service commission and all changes or vacancies that may occur therein. [*1919 c. 572 s. 2*]

16.71 Violations of this law a misdemeanor. Any person who shall wilfully, or through culpable negligence, violate any provision of this act or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the court. [*1919 c. 572 s. 2*]

16.72 Conviction causes vacancy and ineligibility. If any person shall be convicted under the next preceding section, any public office which such person may hold shall, by force of such conviction, be rendered vacant, and such person shall be incapable of holding office for a period of five years from the date of such conviction. [*1919 c. 572 s. 2*]

16.73 Prosecutions for violations. Prosecutions for violations of this act may be instituted either by the attorney-general, the state's attorney for the county in which the offense is alleged to have been committed, or by the board acting through special counsel. Such prosecution shall be conducted and controlled by the prosecuting officers who institute them, unless they request the aid of other prosecuting officers. [*1919 c. 572 s. 2*]

16.74 No promotion or demotion for making or refusing political contributions. No officer or employe of such city shall discharge, or degrade, or promote, or in any manner change the official rank or compensation of any other officer or employe, or promise or threaten to do so for giving or withholding any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service. [*1919 c. 572 s. 2*]

16.75 Use of money prohibited. No applicant for appointment in such official service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whomsoever, for or on account of his appointment or proposed appointment, and no officer or employe shall pay or promise to pay, either directly or indirectly, to any person any money or other valuable thing whatsoever for or on account of his promotion. [*1919 c. 572 s. 2*]

16.76 The improper use or promise of political influence forbidden. No person while holding any office in the government of such city, or any nomination for, or while seeking a nomination for appointment to any such office, shall corruptly use, or promise to use, either directly or indirectly, any official authority or influence in the way of conferring upon any person, or in order to secure or aid any person in securing, any office or public employment or any nomination, confirmation, promotion or increase in salary, upon the consideration or condition that the vote or political influence or action of the last named person or any other shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration. [*1919 c. 572 s. 2*]

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CHAPTER 17.

RESIGNATIONS, VACANCIES, AND REMOVALS FROM OFFICE.

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17.27 Vacancies other offices; how filled.
17.28 When officers may take office.
17.29 Effect of chapter.

17.01 Resignations to whom made; when effective. Resignations of public officers shall be made as follows:

(1) By the governor, lieutenant governor or any officer appointed by the legislature, to the legislature, if in session; otherwise by the governor or lieutenant governor, to the secretary of state, and by an officer appointed by the legislature, to the governor.

(2) By the secretary of state, treasurer, attorney-general, state superintendent, and all officers appointed by the governor alone or by him by and with the advice and consent of the senate, to the governor.

(3) By senators and members of the assembly, to the presiding officers of their respective houses, who shall immediately transmit the same to the governor, and to the governor during the recess of the legislature.

(4) By the justices of the supreme court, circuit and county judges, to the governor.

(5) By a sheriff, to the county clerk, who shall immediately transmit notice thereof to the governor.

(6) By a clerk of the circuit court, to the circuit judge.

(7) By county clerk, county treasurer, coroner, district attorney, register of deeds, county surveyor or county superintendent of schools, to the sheriff, who shall immediately transmit a notice thereof, in case of a coroner, district attorney or register of deeds, to the governor; in case of a county superintendent of schools, to the state superintendent; and in case of a county clerk, county treasurer or surveyor, to the chairman of the county board. And after such notices the sheriff shall file such resignations with the county clerk.

(8) By the mayor or alderman or councilman of a city, however organized, to the council; by other elective officers thereof, to the mayor; and by other city officers, to the officer or body having power to appoint in their stead.

(9) By a town officer, to the town board.

(10) By officers of a village, however organized, to the village board.

(11) By a school district officer, to the district board.

(12) By all other officers, to the officer or body having power to appoint in their stead.

(13) Resignations shall be made in writing, shall be addressed and delivered to the officer or body prescribed in this section and shall take effect, in the case of an officer whose term of office continues by law until his successor is chosen and qualifies, upon the qualification of his successor; and in the case of other officers, at the time indicated in the written resignation, or if no time is therein indicated, then upon delivery of the written resignation. Delivery shall be made by leaving a copy of the written resignation with the officer to whom it is required to be addressed and delivered at his public office or his usual place of business, or if required to be addressed and delivered to a body, by leaving a copy with the following officer at his public office or his usual place of business:

(a) If required to be addressed and delivered to the legislature, with the presiding officer of each house, or if required to be addressed and delivered to but one house, to the presiding officer of that house.

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(b) If required to be addressed and delivered to the county board, city council or to the village, town or school district board, to the clerk thereof, except the resignation of the county, city, village, town or school district clerk which shall be delivered to the chairman of the county board, mayor, village president, town chairman, or director, as the case may be.

(c) If required to be addressed and delivered to any other body, to the secretary or clerk thereof, if any, and if none, to any member of such body. [*Stats. 1917 s. 17.01, 817, 878; 1919 c. 362 s. 1–10*]

17.02 Notice of resignations. Notice of resignations, in addition to those provided for in section 17.01, shall be given forthwith as follows:

(1) SENATORS AND MEMBERS OF CONGRESS. Of the resignation of a United States senator or member of congress from this state, by him to the secretary of state.

(2) NOTARIES PUBLIC. Of the resignation of a notary public, by the secretary of state to the clerk of the circuit court of the county wherein such officer resided when appointed.

(3) JUSTICES OF THE PEACE. Of the resignation of justices of the peace in any city or village, however organized, or in any town, by the city, village or town clerk, as the case may be, to the clerk of the circuit court for his county. [*Stats. 1917 s. 9.03, 177, 832 sub. (4); 1919 c. 362 s. 11*]

17.03 Vacancies, how caused. Any public office, including offices of cities, villages and school districts, however organized, shall become vacant upon the happening of either of the following events:

(1) The death of the incumbent.

(2) His resignation.

(3) His removal.

(4) His ceasing to be an inhabitant of this state; or if the office is local, his ceasing to be an inhabitant of the district, county, city, village, town, ward or school district for which he was elected or within which the duties of his office are required to be discharged; and in the case of a school district officer, and in addition to the foregoing, his being and remaining absent from the district for a period exceeding sixty days.

(5) His conviction by a state or United States court of and sentence for treason, felony or other crime of whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or his conviction by any such court of and sentence for any offense involving a violation of his official oath, in either case whether or not sentenced to imprisonment. A vacancy so created shall in no case be affected by a stay of execution of judgment. Reversal of the judgment against such officer shall forthwith restore him to office, if the term for which he was elected or appointed has not expired, but, in any event, shall entitle him to the emoluments of the office for all the time he would have served therein had he not been so convicted and sentenced; but pardon shall not restore him to office or entitle him to any of the emoluments thereof.

(6) The decision of a competent tribunal declaring void his election or appointment or adjudging him insane.

(7) The neglect or refusal of any person elected or appointed or re-elected or reappointed to any office to take and file his official oath or to execute or renew his official bond, if required, or to file the same or either thereof in the manner and within the time prescribed by law.

(8) The neglect or refusal of any officer in office to execute and file an additional bond, when lawfully required, in the manner and within the time so required or prescribed by law.

(9) The death or declination in writing of any person elected or appointed to fill a vacancy or for a full term before he qualifies, or his death or such declination before the time when, by law, he should enter upon the duties of his office to which he was elected or appointed.

(10) On the happening of any other event which is declared by any special provision of law to create a vacancy. [*Stats. 1917 s. 17.02, 40.19 sub. (1), 40.24 sub. (3), 40.46 sub. (3), 701, 809, 876, 925—31, 925—34, 4507, 4935; 1919 c. 362 s. 12 to 15*]

17.04 Notaries public; office how vacated. If a notary public removes out of the county in which he resided at the time of appointment he shall be deemed to have resigned his office; and his power to act as such notary public shall cease immediately upon such removal. [*Stats. 1917 s. 178; 1919 c. 362 s. 16*]

17.05 Governor may declare vacancies. The governor may declare vacant the office of any state officer required by law to execute an official bond whenever a judgment is obtained against such officer for a breach of the conditions of such bond. [*Stats. 1917 s. 17.03; 1919 c. 362 s. 17*]

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17.06 Removal state officers; impeachment; address. Any civil officer of this state may be removed from office by impeachment for corrupt conduct in office, or for crimes and misdemeanors as provided in section 1, article VII of the constitution; and any supreme court justice or circuit court judge may also be removed from office by address of both houses of the legislature as provided in section 13, article VII of the constitution. [*1919 c. 362 s. 18*]

17.07 Removals; legislative and appointive state officers. Removals from office of legislative and appointive state officers may be made as follows:

(1) Officers elected by either house of the legislature, by the house that elected them. at pleasure.

(2) State officers appointed by the legislature, by that body, at pleasure; or by the governor during the recess of the legislature, for cause.

(3) State officers appointed by the governor by and with the advice and consent of the senate, or appointed by any other officer or body subject to the concurrence of the governor, by the governor at any time, for cause; but the commissioner of banking may be so removed only by and with the consent of a majority of the members of the senate.

(4) State officers appointed by the governor alone for a fixed or indefinite term or to supply a vacancy in any office, elective or appointive, except justices of the supreme court and judges, by the governor at pleasure; and all officers appointed by the governor during the recess of the legislature whose appointments are required to be later confirmed by the senate shall be deemed to be appointed by the governor alone until so confirmed.

(5) Other state officers appointed by any officer or body without the concurrence of the governor, by the officer or body that appointed them, at pleasure, except officers appointed according to merit and fitness under and subject to or whose removal is governed by chapter 16 of the statutes who may be removed only in conformity with the provisions of said chapter.

(6) A member of the board of normal regents, in addition to being subject to removal as provided in subsection (4), may be removed from office by the normal regents, for cause, by a vote of two-thirds of all the regents. [*Stats. 1917 s. 11.01, 15.03 sub. (3), 16.02 sub. (7), 17.10, 17.11, 17.12, 17.13, 23.09 sub. (2), 33.02 sub. (1), 34.01, 36.02, 37.06, 43.02, 43.09, 1087m—8 sub. 2, 3, 1421a, 1421d sub. 4, 1435c—1, 1458 sub. 1, 1636—19, 1636—202 sub. 4, 1747—3, 1797—1 par. (b), 2016 sub. 1; 1919 c. 362 s. 19*]

17.08 Suspension of receiver of moneys. (1) The governor may summarily suspend from office any appointive state officer who collects, receives or handles public moneys, if it appears to him by reason of action, proceedings, charges or credible information that the officer has in any particular wilfully neglected his duty in connection with such moneys. The suspension shall continue until the final determination of the action or proceedings or of the investigation of such charges or information, or pending any proceedings to remove such officer from office as provided by law for any such neglect of duty, and a competent person shall be appointed, in the manner and by the appointing power prescribed for filling vacancies in such office, to discharge the duties of such officer during his suspension. If it is determined in the action or proceedings or is found upon investigation that the officer has not in any particular wilfully neglected his duty in connection with such moneys, and such fact is certified to the secretary of state by the judge, governor or other officer who conducted such action, proceedings or investigation, the suspended officer, unless he has been removed from office for any cause provided by law, shall thereby be restored to office, if the term for which he was elected or appointed has not expired, and shall thereby become entitled to the emoluments of the office for all of the time he would have served therein had he not been suspended as herein provided.

(2) This section in no manner impairs or restricts the power of the governor or other officer or body to remove any officer from office as provided by law. [*1919 c. 362 s. 20*]

17.09 Removal of elective county officers. Elective county officers may be removed from office as follows:

(1) COUNTY CLERK; TREASURER; SURVEYOR. The county clerk, county treasurer or surveyor, by the county board, for cause, by a vote of two-thirds of all the supervisors entitled to seats on such board.

(2) CLERK OF CIRCUIT COURT. The clerk of the circuit court, by the judge or a majority of judges of the circuit court for his county, in term time or vacation, for cause.

(3) COUNTY SUPERINTENDENT. The county or district superintendent of schools, by the judge or any judge of the circuit court for the county in which such superintendent was elected, in term time or vacation, for cause as defined in section 17.16 or for acting as agent for or receiving any fee or reward from any author, publisher, bookseller, or dealer in schoolbooks, maps or charts or school library books or school furniture or apparatus.

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(4) JUDGES. The county judge, by address of both houses of the legislature in the manner provided in the constitution for the removal of justices of the supreme court or judges of the circuit courts. The judge of any municipal, superior, district, civil or other special court, created by special act or under the general law, with jurisdiction throughout the county, by the governor, for cause.

(5) OTHER ELECTIVE COUNTY OFFICERS. The sheriff, coroner, register of deeds or district attorney, by the governor, for cause. [*Stats. 1917 s. 17.08, 17.14 sub. (4), 17.15, 39.04 sub. (11), 2441 sub. 3, 2523—3; 1919 c. 362 s. 21*]

17.10 Removal of appointive county officers. Appointive county officers may be removed as follows:

(1) APPOINTED BY GOVERNOR. County officers of any county appointed by the governor, by him, for cause.

(2) APPOINTED BY COUNTY BOARD. County officers appointed by the county board, by that body, for cause, except the county superintendent of the poor who may be removed by the board at pleasure. All such removals may be made by an affirmative vote of two-thirds of the supervisors entitled to seats on such board. The county highway commissioner may also be removed by the state highway commission, for cause.

(3) APPOINTED BY CHAIRMAN OF COUNTY BOARD. County officers appointed by the chairman of the county board and confirmed by the said board, or appointed by him alone, by such chairman, for cause, except members of the county civil service commission who may be removed by the county board, for cause, as provided in subsection (2). A county commissioner of elections so removed may appeal to the county board within ten days after such removal, and the county board shall conduct a hearing in such manner as shall be determined by it and determine the question of removal on such appeal.

(4) APPOINTED BY THE CIRCUIT JUDGE. County officers appointed by a judge or judges of the circuit court, by the judge or a majority of the judges authorized to appoint their successors, at pleasure.

(5) APPOINTED BY THE COUNTY JUDGE. County officers appointed by the county judge, by him, at pleasure, except side path commissioners who may be removed for cause only.

(6) OTHERS. All other appointive county officers, by the officer, or body that appointed them, at pleasure, except probation officers and their substitutes appointed pursuant to chapter 48 of these statutes who may be removed for cause only. Removals by a body, other than the county board, consisting of three or more members may be made by an affirmative vote of two-thirds of all the members thereof.

(7) GENERAL EXCEPTION. But no county officer appointed according to merit and fitness under and subject to a civil service law, or whose removal is governed by such a law, shall be removed otherwise than as therein provided. [*Stats. 1917 s. 10.67, 573—2 sub. 6, 697b, 697y—3 sub. 1, 697—3, 697—45, 697—60 sub. 6, 1271a, 1317m—6 sub. 1, 2, 1520, 2360h, 113.14, 2464a; 1919 c. 362 s. 22*]

17.11 Suspension of district attorney. (1) If any district attorney is arrested for or charged with any offense against the laws of this state, or if the governor is credibly informed that any district attorney is guilty of any such offense, or that proceedings are pending before any court or officer involving any criminal charge against him, or that any district attorney wilfully neglects or refuses to perform his duties, the governor shall suspend him from office until such charge shall be investigated and finally determined, and shall appoint the attorney-general or one of his assistants or some competent attorney of the state to discharge the duties of such office during such suspension.

(2) The county in which an attorney is so temporarily appointed district attorney shall pay such appointee for his services and expense, such amount as is determined and fixed by the governor and certified by him to the county clerk of such county.

(3) Any attorney so temporarily appointed shall have all the power and discharge all the duties of the district attorney and he shall speedily bring to a hearing and determination any charges made against the district attorney so suspended.

(4) If it is determined in such action or proceedings or is found upon such investigation that the district attorney so suspended is not guilty of any offense, or has not wilfully neglected or refused to perform his duties, as charged, and such fact is certified to the county clerk by the governor, he shall thereby become entitled to the emoluments of his office for all of the time he would have served therein had he not been suspended as herein provided, and shall be restored to office if the term for which he was elected or appointed has not expired.

(5) This section in no manner affects provisions of law relating to the removal from office of the district attorney. [*Stats. 1917 s. 750a [1907]; 1919 c. 362 s. 23*]

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17.12 Removal and suspension of city officers. (1) GENERAL AND SPECIAL CHARTER. Officers of cities operating under the general law or under special charter including school officers, may be removed as follows:

(a) *Elective.* Elective officers, except judges of municipal courts created by special act and with jurisdiction throughout the city only, by recall as provided in section 10.44, or by the common council, for cause.

(b) *Judges special courts.* Judges of municipal courts, included within the exception of paragraph (a), by the governor, for cause.

(c) *Appointive.* Appointive officers, by whomsoever appointed, by the common council, for cause, except officers appointed by the council who may be removed by that body, at pleasure. Officers appointed by any other officer or body without confirmation or concurrence by the council, by the officer or body that appointed them, at pleasure, except commissioners of election in cities of the first class who may be removed by the mayor for cause only, and any such commissioner may appeal to the common council within ten days after removal. The council may conduct a hearing thereon by a committee which committee shall proceed in such manner as may be determined by it and make full report to the council, which shall determine the question upon such appeal.

(d) *Votes required.* Removals by the common council may be made only by an affirmative vote of three-fourths of all the members thereof, and by any other body consisting of three or more members, by an affirmative vote of two-thirds of all the members thereof.

(2) COMMISSION FORM. Officers of cities operating under the commission form of government may be removed as follows:

(a) *Elective.* Elective officers, except judges of municipal courts created by special act and with jurisdiction throughout the city only, by recall as provided in section 10.44.

(b) *Judges special courts.* Judges of municipal courts included within the exception of paragraph (a), by the governor, for cause.

(c) *Appointive.* Appointive officers, by whomsoever appointed, by the council, at pleasure, by a majority vote; and officers appointed by any officer or body other than the council may also be removed from office by the officer or body that appointed them, at pleasure, by vote as provided in paragraph (c) of subsection (1).

(3) SUSPENSION. The mayor of any city may summarily suspend from office any officer thereof whose removal is sought and against whom charges have been preferred therefor, and may appoint an officer to discharge the duties of such office until such charges have been disposed of. If such charges are dismissed, the officer so suspended shall thereby be restored to office and be entitled to the emoluments of the office for all of the time he would have served therein had he not been suspended.

(4) GENERAL EXCEPTION. But no officer of any city, appointed according to merit and fitness under and subject to a civil service or to a police and fire commission law, or whose removal is governed by such a law, shall be removed otherwise than as therein provided. [*Stats. 1917 s. 10.30, 10.33 sub. (2), 925—36, 925—115, 925m—308 sub. 7, 925m—309 sub. 3, 959—57, 1480a; 1919 c. 362 s. 24*]

17.13 Removal of village, town and school district officers. Officers of towns, and of villages and school districts, however organized, may be removed as follows:

(1) APPOINTIVE OFFICERS. Any appointive village, town or school district officer, by the officer or body that appointed him, at pleasure. Removal of any such officer by a body shall be by a majority vote of all the members thereof.

(2) VILLAGE JUSTICES. The village police justice or justice of the peace, by the trustees, for cause, by a vote of the president and four trustees.

(3) ALL OFFICERS. Any village, town or school district officer, elective or appointive, including those embraced within the provisions of subsections (1) and (2), by the judge of the circuit court of the circuit wherein the village, town or school district is situated, in term time or vacation, for cause. [*Stats. 1917 s. 17.17, 40.23 sub. (5), 875, 887* [*886*], *1229, 1231, 1238f; 1919 c. 362 s. 25*]

17.14 Removal; assessors; boards of review; procedure. Any assessor and any member of a board of review or of a county board of supervisors, in addition to being removable as otherwise provided, may be removed by the presiding judge of the circuit court for his county, in term time or vacation, as follows:

(1) ASSESSORS. Any assessor for one or more of the following causes:

(a) Wilful or intentional assessment of property at other than its true cash value with the intent to subject such property to more or less than its lawful share of taxes.

(b) Wilful or intentional omission of taxable property from the assessment roll with intent to permit the same to escape taxation.

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(c) Wilful or intentional assessment of the property of one person at a lower value than the property of another or others whereby favoritism or discrimination between taxpayers in the district is shown.

(d) Solicitation or receipt of any favor, reward, money or other thing of value of or from the owner of any taxable property in his assessment district for the assessment or valuation of property at other than its true cash value.

(e) Solicitation or demand by any assessor of any owner of property liable to assessment in his assessment district to aid, assist or promote the business or interests of such assessor by means of which and by virtue of his office he shall gain or receive pecuniary profit or advantage that he could not otherwise have gained or received.

(f) Any violation of law in the valuation or assessment of property in his assessment district.

(2) MEMBERS OF BOARDS OF REVIEW AND COUNTY BOARD. Any supervisor, alderman, trustee or other officer who acts as a member of a board of review or of the county board of supervisors, for one or more of the following causes:

(a) Wilful or intentional valuation or equalization of property of persons or towns, cities or villages at other than the true cash value thereof, with the intent to subject the property of persons or of towns, cities or villages to more or less than their lawful share of taxes.

(b) Aiding, abetting or assisting in any understanding, combination or conspiracy to value or equalize the property in towns, cities or villages in a county at other than the true cash value, with intent to subject the property in one or more towns, cities or villages to more or less than its lawful share of taxes for state or county purposes or both.

(c) Any violation of law in the valuation or equalization of property in towns, cities or villages or in the discharge of official duties.

(3) PROCEDURE. Removals under this section may be made by the circuit judge in term time or vacation, by order specifying the cause thereof, a copy of which order shall be certified by the circuit judge to the proper town, village or city clerk. Such removal shall be made only upon a duly verified petition signed by a freeholder and taxpayer of the county setting forth fully the charges preferred against such officer. The district attorney of the county upon complaint showing cause therefor shall prepare the petition and have the same duly verified by the complainant. The judge, upon the presentation of the petition, shall by an order to show cause, which shall be served upon such officer personally at least ten days prior to the hearing, fix a time and place for hearing the matters alleged in the petition. The testimony shall be taken and the proceedings conducted under such reasonable regulations as the judge shall prescribe. The district attorney shall attend the hearing and conduct the proceedings on behalf of the petitioner. The removal of such officer shall disqualify him from holding such office for three years from the date of the order of removal.

(4) COSTS. If the presiding judge, after a hearing on the merits, dismisses the petition and further finds the complaint was wilful and malicious and without probable cause, such judge shall order judgment in favor of the officer and against the petitioner for ten dollars attorney's fees and for the costs and fees of witnesses and officers incurred on behalf of such officer. The judgment shall be signed by the clerk of the circuit court and entered and docketed in his office as the judgment of the circuit court in term. An execution may be issued thereon against the property of the petitioner in the same mode as upon a judgment entered in the circuit court in civil actions founded in tort. Upon the return of such execution unsatisfied in whole or in part, an execution against the person of the petitioner may be issued in the manner and with the force and effect of an execution against the person as provided in sections 2965 to 2975, inclusive, of the statutes. In all other cases the judge may, in his discretion, order that the expenses incurred in procuring witnesses and other needed actual expenses, be paid out of the treasury of the county in which such officer resides upon certificates of the clerk of said court. [*Stats. 1917 s. 1059a, 1059b, 1059c, 1059d; 1919 c. 362 s. 26*]

17.15 Removals other officers. (1) JOINT COUNTY INSTITUTIONS. Any member of the governing body of any joint county school, hospital, sanatorium, asylum or other joint county institution, appointed by the county board of any county, may be removed by said county board, for cause; and any other officer of any such institution may be removed by the officer or body that appointed him, for cause.

(2) JURY COMMISSIONERS. Jury commissioners may be removed from office by the judge or a majority of the judges authorized to appoint them, at pleasure.

(3) JUDGES SPECIAL COURTS. The judge of any special municipal court or other special court created by special act and with jurisdiction over an area less than a county but more

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than a city, village or town, may be removed by the governor, for cause. [*Stats. 1917 s. 1421—19, 2533a; 1919 c. 362 s. 27*]

17.16 Removals; definition; procedure; disqualification. (1) Removals from office at pleasure shall be made by order, a copy of which shall be filed as provided by subsection (8) of this section, except that a copy of the order of removal of a court commissioner, a jury commissioner or divorce counsel shall be filed in the office of the clerk of the circuit court.

(2) The word "cause," as used in this chapter, unless qualified, means inefficiency, neglect of duty, official misconduct or malfeasance in office.

(3) Removals from office for cause under this chapter, except as provided in section 17.14, shall be made as provided in this section, and may be made only upon written verified charges preferred by a taxpayer and resident of the governmental unit of which the person against whom the charges are filed is an officer, and after a speedy public hearing whereat said officer shall have full opportunity to be heard in his defense, personally and by counsel. A copy of the charges and written notice of the time and place for the hearing thereon shall be given such officer by the removing power by delivery to such officer in person or by mailing the same to him at his last and usual post-office address not less than ten days prior to such hearing. The officer may within ten days from service of such charges file with the removing power his verified answer thereto. The hearing shall be conducted and investigation made by the removing power with due dispatch, but the governor, in case of charges preferred to him, may appoint a commissioner to conduct the hearing, make the investigation and report the testimony and proceedings to him, and the council of any city having a membership of more than twenty, in case of charges preferred to it, may appoint a committee of not less than five of its members, to conduct the hearing, make investigation and report the testimony and proceedings to it. Such commissioner or committee shall have the same power and authority as the governor or the council, as the case may be, in the conduct of the hearing on and investigation of such charges.

(4) The removing power may, before acting upon any charges preferred against any officer, require the person preferring the same to execute and deliver to such power a bond in the sum of one thousand dollars with one or more sureties to be approved by such power, conditioned for the payment of all costs and expenses actually incurred by the state, county or other unit of which the person charged is an officer and by the removing power in the hearing and investigation of such charges.

(5) The removing power, and in case such power consists of more than one person, each such person is authorized to administer oaths and to issue subpœnas for the attendance of witnesses and the production of evidence, and may make and enforce such orders and rules as are necessary to properly conduct such hearing and may appoint and fix the compensation of a stenographer to take testimony thereat.

(6) If any witness fails or refuses to obey a subpœna issued by the removing power or refuses to testify to any matter concerning which he may lawfully be interrogated, the circuit court of the county in which such witness is summoned to appear or the judge thereof, upon application by the removing power, shall issue an order requiring such person to comply with such subpœna and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(7) No person shall be excused from testifying or from producing evidence on such hearing for the reason that the testimony, documentary or otherwise, required of him may tend to incriminate him, but no person so testifying shall be prosecuted for or on account of any transaction, matter or thing concerning which he may have so testified or produced any documentary evidence, except for perjury committed in giving such testimony.

(8) Removals from office for cause shall be by order, a certified copy of which, together with a complete transcript of the testimony and proceedings at the hearing and a statement of the cause or causes for which removal is made, shall be filed by the removing power as follows:

(a) In the case of a state officer, in the office of the secretary of state.

(b) In the case of other officers, in the office of the clerk of the unit of which the person removed was an officer.

(c) In the case of officers of joint county institutions, in the office of the county clerk of the county wherein the buildings of such institution are located.

(d) In the case of judges of special municipal or other special courts with jurisdiction over an area less than a county but more than a city, village or town, in the office of the county clerk of the county wherein such court is located.

(9) In the case of procedure for removals by the governor, all expenses incurred shall be paid upon vouchers duly certified by him and shall be charged to the appropriation

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provided in subsection (7) of section 20.02. In the case of procedure for removals by any other state officer or body, such expenses shall be paid out of the appropriation to the officer or body invested with power to remove. In case of procedure for removals by other officers or bodies, the expenses thereof shall be paid by the unit of government of which the person against whom charges are preferred was an officer. But if the removing power finds that the complaint was wilful and malicious and without probable cause all such expenses shall be paid by the person who preferred the charges and may be collected in an action against him or on the bond furnished by him.

(10) A person lawfully removed from office shall be ineligible to appointment or election to fill the vacancy caused by such removal. [*Stats. 1917 s. 15.03 sub. (3), 17.08, 17.09, 17.14, 17.15, 17.17, 23.09 sub. (2), 39.04 sub. (11), 40.23 sub. (5), 697y—3 sub. 1, 697—3, 697—45, 697—60 sub. 6, 925—36, 1317m—6 sub. 1, 1458 sub. 1, 1747—3, 1797—1 par. (b); 1919 c. 362 s. 28*]

17.17 Notice of vacancies. Notice of vacancies occurring otherwise than by resignation shall be given forthwith as follows:

(1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States senator or member of congress from this state, by the county clerk of the county wherein such officer resided at the time of election, to the secretary of state.

(2) NOTARIES PUBLIC. In the office of a notary public, by the secretary of state to the clerk of the circuit court of the county wherein such officer resided when appointed.

(3) VACANCIES BY JUDGMENTS. In any office occurring by virtue of a judgment of a court of this state convicting the incumbent of and sentencing him for treason, felony or other crime of whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or convicting him of and sentencing him for any offense involving a violation of his official oath; or declaring the election or appointment of any officer to be void or that the office of any officer has been forfeited, or become vacant; or adjudging any officer to be insane, by the clerk of such court to the officer or body authorized to fill such vacancies, or if such vacancies are required to be filled only by election, then to the officer authorized to give notice thereof.

(4) SIDE PATH COMMISSIONER. In the office of a side path commissioner, by the secretary of the board to the county judge, and such notice shall specify the name of the commissioner, the place of his residence and the term for which his successor shall be appointed.

(5) OTHER VACANCIES. In city, village, town or school district offices, other than those of which notice is required by subsections (3) and (4), by the clerk or in his absence by the treasurer thereof, and in state, county and other offices other than those of which notice is required by subsection (3), by the county clerk of the county wherein the officer resided at the time of election or appointment, or in his absence by the sheriff, to the officer or body authorized to fill such vacancies, or if such vacancies are required to be filled only by election, then to the officer authorized to give notice thereof. [*Stats. 1917 s. 9.03, 1271a; 1919 c. 362 s. 29*]

17.18 Vacancies, United States senator and member of congress; how filled. Vacancies in the office of United States senator or member of congress from this state shall be filled by election, as provided in section 7.01, for the residue of the unexpired term. [*1919 c. 362 s. 30*]

17.19 Vacancies, elective state offices; how filled. Vacancies in elective state offices shall be filled as follows:

(1) MEMBERS OF LEGISLATURE. In the office of state senator or assemblymen, by election, as provided in section 7.01, for the residue of the unexpired term.

(2) JUDICIAL. In the office of justice of the supreme court or judge of the circuit court, by temporary appointment by the governor, which shall continue until a successor is elected, as provided in section 8.03, and qualifies. When so elected such successor shall hold his office for the residue of the unexpired term and shall take office as follows:

(a) A supreme court justice, on the first day of the first regular term of the supreme court next succeeding such election.

(b) A circuit court judge, on the first Monday of June next succeeding such election.

(3) PRESIDENTIAL ELECTORS. In the office of presidential elector, by the remaining electors present in the manner prescribed by section 9.06.

(4) OTHER ELECTIVE STATE OFFICERS. In the office of secretary of state, treasurer, attorney-general or state superintendent, by appointment by the governor, and a person so appointed shall hold office until his successor is elected, as provided in section 7.01, and qualifies, but if no such election is held, the person so appointed shall hold office for the residue of the unexpired term. [*Stats. 1917 s. 17.05, 2397, 113.01; 1919 c. 362 s. 31*]

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17.20 Vacancies in appointive state offices; how filled; terms. (1) GENERAL. Vacancies in appointive state offices shall be filled by appointment by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, and appointees to fill vacancies therein shall hold office for the residue of the unexpired term or, if no definite term of office is fixed by law, until their successors are appointed and qualify.

(2) INTERIM VACANCIES; TERMS. (a) Vacancies occurring during the recess of the legislature in the office of any officer appointed by the legislature shall be filled by appointment by the governor. Persons so appointed shall hold office until their successors are appointed by the legislature at the next regular session thereof and qualify.

(b) Vacancies occurring during the recess of the legislature in the office of any officer appointed by the governor by and with the advice and consent of the senate shall be filled by appointment by the governor for the residue of the unexpired term, subject to confirmation by the senate at the next regular session thereof if the term for which the person was so appointed has not expired. Any such appointment subject to confirmation by the senate shall be in full force until acted upon by the senate, and when confirmed by the senate shall continue for the residue of the unexpired term.

(c) Vacancies in the board of trustees of the teachers' insurance and retirement fund occurring between the annual meetings of the members of said fund, shall be filled by appointment by the said board of trustees. Persons so appointed shall hold office until their successors are elected for the residue of the unexpired term by the next succeeding annual meeting of the members of said fund. [*Stats. 1917 s. 11.01, 13.31, 15.03 sub. (2), 16.02 sub. (7), 17.06, 17.11, 23.09 sub. (1), 33.02 sub. (1), 34.01, 36.02, 37.01, 38.01 sub. (1), (2), 41.13 sub. (2), 41.27, 42.01 sub. (4), 43.09, 561a sub. 1, 1087—33, 1317m—1 sub. 1, 1404, 1409b sub. 1, 1410, 1410e sub. 1, 1421a, 1435c—1, 1435f—35 sub. 3, 1457, 1458—2, 1492ab sub. 1, 1636—202 sub. 2, 1636—241 sub. 1, 1731, 1747—3, 1797—1 par. 1, 1966y sub. 1, 2016, 2394—42, 2586 sub. (6), 4893; 1919 c. 362 s. 32*]

17.21 Vacancies in elective county offices; how filled; term. Vacancies in elective county offices shall be filled in the manner and for terms as follows:

(1) SHERIFF, CORONER, ETC. In the office of sheriff, coroner, register of deeds or district attorney, by appointment by the governor for the residue of the unexpired term.

(2) JUDGES. In the office of county judge, or judge of a municipal, superior, district, civil or other special court created under the general law or by special act and with jurisdiction throughout the county, by appointment by the governor. Persons so appointed shall hold office until the first Monday of June next succeeding an election held as provided in section 8.02 to fill such vacancy for the residue of the unexpired term. In case an election cannot be held to fill such vacancy, because of the limitations of section 8.02, the appointee shall hold office for the residue of the unexpired term.

(3) COUNTY CLERK, TREASURER AND SURVEYOR. In the office of county clerk, treasurer or surveyor, by appointment by the county board for the residue of the unexpired term.

(4) COUNTY SUPERINTENDENT. In the office of county or district superintendent of schools, by appointment by the state superintendent of public instruction for the residue of the unexpired term.

(5) SUPERVISORS SPECIAL COUNTIES. In the office of county supervisor of counties having a population of at least two hundred fifty thousand, according to the last state or United States census, by appointment by the chairman of the county board from among the electors of the assembly district for which such vacancy occurs, subject to approval by a majority of the members of the county board at the next session thereof. Persons so appointed and approved shall hold office until their successors are elected at the next succeeding general election at which supervisors are elected in such county and qualify.

(6) APPOINTMENTS, HOW REPORTED. For the information of all concerned appointments by the governor under subsections (1) and (2) and by the state superintendent under subsection (4) of this section shall be reported by the appointing officer to the county clerk. Appointments of the county board under subsection (3) of this section shall be reported by the county clerk to the secretary of state. [*Stats. 1917 s. 17.07, 39.04 sub. (10), 663a sub. 1, 699, 707, 712, 767, 2441 sub. 2, 2523—3; 1919 c. 362 s. 33; 1921 c. 115; 1921 c. 436 s. 1*]

17.22 Vacancies in appointive county offices; how filled. (1) Vacancies in any appointive county office shall be filled by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto; but the term of any person appointed by the county board to fill a vacancy in the office of county highway commissioner shall terminate the first Monday of January of the second year next succeeding the appointment. All appointments,

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subject to confirmation by the county board, made while the board is not in session, shall be acted upon by said board at its meeting next following such appointment.

(2) Vacancies in the offices of officers appointed by the county board, occurring when the board is not in session, shall be filled in manner and for terms as follows:

(a) In the office of superintendent of the county workhouse, by appointment by the committee on workhouse for the residue of the unexpired term, subject to the approval of the county board at its next regular meeting.

(b) In the office of the county highway commissioner, by appointment by the county state road and bridge committee. A person so appointed shall hold office until the first Monday of January next succeeding his appointment, and his successor shall be appointed by the county board at its first regular meeting next succeeding such appointment and shall take office on the Tuesday following the first Monday of January next succeeding and shall hold office for term as prescribed in subsection (1).

(c) In the office of a member of the county state road and bridge committee, by the chairman of the county board for the residue of the unexpired term.

(d) In the office of any other officer appointed by the county board, by temporary appointment by the chairman of the county board. A person so appointed shall hold office until his successor is appointed and qualifies, and such successor shall be appointed by the county board for the residue of the unexpired term at its meeting next after such vacancy occurred.

(3) Vacancies in the office of any member of the county board of education occurring between the annual meetings of the county school board convention shall be temporarily filled by appointment by the remaining members of said board. A person so appointed shall hold office until the vacancy is filled for the residue of the unexpired term by the county school board convention at its annual meeting held next after such vacancy occurs. [*Stats. 1917 s. 10.63, 27.02 sub. (2), 39.13 sub. (3), 40.31 sub. (4), 41.37, 41.48, 43.17, 45.12 par. 2, 604a, 697b, 697m, 697y—2 sub. 1, 697—2, 697—21, 697—22, 697—45, 697—60 sub. 5, 772—1, 1271a, 1317m—5 sub. 8, 1317m—6 sub. 2, 1421—11 sub. 1, 1520, 2464a; 1919 c. 362 s. 34*]

17.23 Vacancies in city offices; how filled. (1) GENERAL AND SPECIAL CHARTER CITIES. Vacancies in offices of cities operating under the general law or special charter shall be filled as follows:

(a) In the office of mayor or alderman, except as provided in section 10.44, by appointment by the common council. A person so appointed shall hold office until his successor is elected and qualified. His successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens thirty days or more before such day, but if such vacancy happens within thirty days before such first Tuesday of April, then such successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in such office shall be held at the time of holding the regular election for such office.

(b) In the office of any other elective officer, except the judge of a municipal court created by special act with jurisdiction throughout the city only, and except as provided in section 10.44, by appointment by the mayor subject to confirmation by the council, except that in case of vacancies in the office of any such officer of a city of the first class who is authorized by law to have a deputy, such deputy shall perform the duties and be entitled to the emoluments of such office during the remainder of the term. A person so appointed and confirmed shall hold office until his successor is elected and qualifies. His successor shall be elected as provided in paragraph (a).

(c) In the office of the judge of a municipal court created by special act, with jurisdiction throughout the city only, by appointment by the governor. A person so appointed shall hold office for the term provided in subsection (2) of section 17.21 and his successor shall be elected for the residue of the unexpired term as provided in said subsection.

(d) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, except that vacancies in the office of any member of the board of trustees of the public school teachers' annuity and retirement fund shall be filled in the following manner: In case the vacancy be that of a member of the managing body of the schools, such managing body, at its next regular meeting after the occurrence of such vacancy, shall elect a member to serve as such trustee during the residue of the unexpired term; in case the vacancy be that of a teacher member, the remaining teacher members of said board shall elect a teacher to serve as trustee until a teacher shall have been elected to serve as trustee for the residue of the unexpired term, at the next annual election, provided for in subsection (5) of section 42.55, after the occurrence of such vacancy.

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(2) COMMISSION FORM. Vacancies in offices of cities operating under the commission form of government shall be filled as follows:

(a) In the office of mayor or other member of the council, except as provided in section 10.44, in the manner prescribed in paragraph (a) of subsection (1).

(b) In the office of the judge of a municipal court created by special act, with jurisdiction throughout the city only, by appointment by the governor for the term prescribed by paragraph (c) of subsection (1) and the successor to such appointee shall be elected for the residue of the term as provided in said paragraph.

(c) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto. [*Stats. 1917 s. 10.01, 17.18, 27.09 sub. (4), 27.10 sub. (3), 27.11 sub. (2), 41.08, 43.27 sub. (1), 925m—304 sub. (3), 925—31, 925—31b, 925—33, 925—40m, 925—61, 925—113n sub. 5, 925—xx sub. 6, 926—101j, 926—117p sub. 5, 959—40, 959—41l sub. 2, 959—17d; 1919 c. 362 s. 35; 1919 c. 703 s. 2; 1921 c. 591 s. 3*]

17.24 Vacancies in village offices; how filled. Vacancies in offices of villages operating under the general law or special charter shall be filled as follows:

(1) In elective offices, by appointment by the village board, except vacancies caused by removals from office by the circuit judge as provided by law, which latter vacancies shall be filled by appointment by the said judge. Persons appointed by the village board or the circuit judge to fill vacancies shall hold office for the residue of the unexpired term, except persons appointed to fill vacancies in the office of police justice, justice of the peace or member of the water or light commission, which latter appointee shall hold office only until their successors are elected and qualify, and their successors shall be elected for the residue of the unexpired term as provided in paragraph (a) of subsection (1) of section 17.23.

(2) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, except vacancies caused by removal by the judge of the circuit court which shall be filled for the residue of the unexpired term by the said judge. [*Stats. 1917 s. 17.17, 17.18, 43.28, 852c, 875, 878, 882, 886 [885], 887 [886] sub. 1; 1919 c. 362 s. 36*]

17.25 Vacancies in town offices; how filled. Vacancies in town offices shall be filled as follows:

(1) In the town board, by the remaining supervisors and the town clerk, except when the vacancy is caused by removal by the circuit judge as provided by law, which latter vacancy shall be filled by appointment by the said judge. Vacancies in other elective town offices shall be filled by appointment by the town board, except vacancies caused by removal by the judge of the circuit court which latter vacancy shall be filled by the said judge. Persons appointed under the provisions of this subsection to fill vacancies shall hold office for the residue of the unexpired term, except persons appointed to fill vacancies in the office of town supervisor in towns wherein the term of such office is three years, justice of the peace and member of the water or light commission, which persons shall hold office only until their successors are elected and qualify and such successors shall be elected at the annual town meeting next after the vacancy occurs if such vacancy occurs twelve days or more prior to such meeting; otherwise at the annual town meeting held in the year next succeeding; but no election to fill a vacancy in such office shall be held at the time of holding the regular election for such office.

(2) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, except vacancies caused by removals by the judge of the circuit court which shall be filled for the residue of the unexpired term by the said judge. [*Stats. 1917 s. 17.17, 17.18, 41.15 sub. (3), 811, 818, 845, 927—5 sub. 3, 1229; 1919 c. 362 s. 37; 1919 c. 671 s. 4*]

17.26 Vacancies in school district boards and boards of education; how filled. Vacancies in school district boards and boards of education operating under the general law or under special charters shall be filled as follows:

(1) In boards the members of which are elected at the annual school district meeting, by appointment by the remaining members of the boards within ten days after the vacancy occurs. If the vacancy is not so filled, the town, village or city clerk, and in case of joint districts, the clerk of the town, village or city in which the schoolhouse is situated, shall fill such vacancy by appointment. Any person upon being notified of his appointment shall be deemed to have accepted the same unless within five days thereafter he files with the clerk or director a written refusal to serve; and any person so appointed shall

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hold office until the next annual meeting at which meeting the electors shall fill such vacancy for the residue of the unexpired term.

(2) In boards the members of which are elected otherwise than as provided in subsection (1) or are appointed, by appointment by the mayor for the residue of the unexpired term, subject to confirmation by the council, except in cities of the first class however organized, wherein such vacancies shall be filled by the board, a majority of the remaining members being necessary to a choice, and members so chosen shall serve until the first Monday of July following the next school election at which election the vacancy shall be filled for the residue of the unexpired term. [*Stats. 1917 s. 40.24 sub. (2), 40.46 sub. (5), 40.48 sub. (5), 925—113m sub. 5, 926—117p sub. 5; 1919 c. 362 s. 38*]

17.27 Vacancies other offices; how filled. (1) JOINT COUNTY INSTITUTIONS. Vacancies in the office of any member of the governing body of any joint county school hospital, sanatorium, asylum or other joint county institution, or in the office of any other officer of any such institution, shall be filled by appointment by the appointing power and in the manner prescribed by law for making regular full term appointments thereto. A vacancy in the office of any such officer appointed by the county board, occurring while the board is not in session, shall be filled by appointment by the chairman of the county board. A person so appointed shall hold office until his successor is appointed for the residue of the unexpired term by the county board at its first regular meeting held next after the vacancy occurs and qualifies.

(2) JURY COMMISSIONERS. Vacancies in the office of any jury commissioner shall be filled for the remainder of the unexpired term by the judge or a majority of the judges authorized to make regular full term appointments thereto.

(3) JUDGES OF SPECIAL COURTS. Vacancies in the office of the judge of any special municipal or other special court created by special act with jurisdiction throughout an area comprising less than a county, but more than a city, village or town shall be filled by appointment by the governor. A person so appointed shall hold office for the term provided in subsection (2) of section 17.21 and his successor shall be elected for the unexpired term, as provided in said subsection.

(4) ANY OTHER VACANCY. In case of a vacancy in any office in the state where no other provision is made for filling the same, it shall be filled by appointment by the governor. [*Stats. 1917 s. 604j, 697—29, 1421—19; 1919 c. 362 s. 39; 1921 c. 422 s. 6*]

17.28 When officers may take office. When no different provision is made in respect thereto, any officer elected or appointed to fill a vacancy shall qualify in the manner required by law of the officer in whose stead he was elected or appointed and shall enter upon the duties of his office immediately thereafter and shall hold office for the residue of the unexpired term and until his successor is elected or appointed and qualifies, or, if no definite term of office is prescribed by law, until his successor is elected and qualifies. [*Stats. 1917 s. 17.04, 699; 1919 c. 362 s. 40*]

17.29 Effect of chapter. The provisions of this chapter supersede all contrary provisions in either the general law or in special acts, except the provisions of chapters 6 and 10 of the statutes relating to election officers appointed for the election precincts or polling places in the state; the provisions of chapter 21 of the statutes relating to the military staff of the governor and to officers of the Wisconsin national guard; and the provisions of chapter 22 of the statutes relating to officers of the Wisconsin naval militia; and shall govern in the case of all offices hereafter created, either by general law or special act, unless otherwise specially provided. [*1919 c. 362 s. 41*]

CHAPTER 18.

CUSTODY OF OFFICIAL PROPERTY AND PROCEEDINGS TO COMPEL THE DELIVERY THEREOF BY PUBLIC OFFICERS TO THEIR SUCCESSORS.

18.01 Custody and delivery of official property and records.
18.02 Proceedings to compel the delivery of official property.
18.03 Transfer of records to state historical society.

18.01 Custody and delivery of official property and records. (1) Each and every officer of the state, or of any county, town, city, village, school district, or other municipality or district, is the legal custodian of and shall safely keep and preserve all property and things received from his predecessor or other persons and required by law to be filed,

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deposited, or kept in his office, or which are in the lawful possession or control of himself or his deputies, or to the possession or control of which he or they may be lawfully entitled, as such officers.

(2) Except as expressly provided otherwise, any person may with proper care, during office hours and subject to such orders or regulations as the custodian thereof may prescribe, examine or copy any of the property or things mentioned in subsection (1).

(3) Upon the expiration of his term of office, or whenever his office becomes vacant, each such officer, or on his death his legal representative, shall on demand deliver to his successor all such property and things then in his custody, and his successor shall receipt therefor to said officer, who shall file said receipt, as the case may be, in the office of the secretary of state, county clerk, town clerk, city clerk, village clerk, school district clerk, or clerk or other secretarial officer of the municipality or district, respectively; but if a vacancy occurs before such successor is qualified, such property and things shall be delivered to and be receipted for by such secretary or clerk, respectively, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(4) Any person who violates any of the provisions of this section shall, in addition to any other liability or penalty, civil or criminal, forfeit not less than twenty-five nor more than two thousand dollars; such forfeiture to be enforced by a civil action on behalf of, and the proceeds to be paid into the treasury of the state, municipality, or district, as the case may be. [*Stats. 1915 s. 138, 153, 157 sub. (6), 163 sub. (8), 186, 20.86, 444, 486m, 705, 709 sub. (15), 710 sub. 1, 715 sub. (9), 716, 720, 725 sub. (5), 740, 749, 755 sub. 1, 758 sub. (1), 762m sub. 1, 2, 768 sub. (3), 832, 836 sub. (6), 849, 880 sub. (5), 881, 889 [888], 977; 1917 c. 178 s. 2*]

18.02 Proceedings to compel the delivery of official property. (1) If any public officer refuses or neglects to deliver to his successor any official property or things as required in section 18.01, or if such property or things shall come to the hands of any other person who refuses or neglects, on demand, to deliver the same to the successor in such office, such successor may make complaint thereof to any judge of a court of record for the circuit or county where the person so refusing or neglecting resides. If such judge be satisfied by the oath of the complainant and such other testimony as may be offered that any such property or things are withheld he shall grant an order directing the person so refusing to show cause before him, within some short and reasonable time, why he should not be compelled to deliver the same.

(2) At the time appointed, or at any other time to which the matter may be adjourned, upon due proof of service of such order, if the person complained against makes affidavit before such judge that he has delivered to such successor all the official property and things in his custody or possession pertaining to such office, within his knowledge, the person complained against shall be discharged and all further proceedings in the matter before such judge shall cease.

(3) If the person complained against does not make such affidavit the matter shall proceed as follows:

(a) The judge shall inquire further into the matters set forth in the complaint, and if it appears that any such property or things are withheld by the person complained against the judge shall by warrant commit him to the county jail, there to remain until the delivery of such property and things to the complainant or until he be otherwise discharged according to law.

(b) If required by the complainant the judge shall also issue his warrant, directed to the sheriff or any constable of the county, commanding him in the daytime to search such places as shall be designated in such warrant for such official property and things as were in the custody of the officer whose term of office expired or whose office became vacant, or of which he was the legal custodian, and seize and bring them before the judge issuing such warrant.

(c) When any such property or things are brought before the judge by virtue of such warrant, he shall inquire whether the same pertain to such office, and if it thereupon appears that they pertain thereto he shall order their delivery to the complainant. [*Stats. 1915 s. 978 to 983; 1917 c. 178 s. 3*]

18.03 Transfer of records to state historical society. Any public records, in any state office, that are not required for current use may, in the discretion of the custodian thereof, be transferred into the custody of the state historical society, as provided in section 44.08 of the statutes. [*1917 c. 178 s. 4; 1917 c. 671 s. 4*]

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CHAPTER 19.

OFFICIAL OATHS AND BONDS.

FORM, OBLIGATION, FILING.
19.01 Oaths and bonds.

ACTIONS ON OFFICIAL BONDS.
19.015 Actions by the state or a municipality.
19.02 Actions by individuals.
19.03 Security for costs; notice of action.
19.04 Other actions on same bond.
19.05 Execution; lien of judgment.
19.06 Sureties, how relieved.

FORM, OBLIGATION, FILING.

19.01 Oaths and bonds. (1) FORM OF OATH. Every official oath required by section 28 of article IV of the constitution or by any statute shall be in writing, subscribed, sworn to, and except as provided otherwise by sections 2564*m*, and 2586*a*, shall be in substantially the following form:

STATE OF WISCONSIN, } ss.
County of .... }

The undersigned, who has been elected (or appointed) to the office of ...., but has not yet entered upon the duties thereof, swears (or affirms) that he will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of his ability.

Subscribed and sworn to before me this .... day of ...., 19..

....
(Signature)

(2) FORM OF BOND. Every official bond required of any public officer shall be in substantially the following form:

We, the undersigned, jointly and severally, undertake and agree that ...., who has been elected (or appointed) to the office of ...., will faithfully discharge the duties of his said office according to law, and will pay to the parties entitled to receive the same, such damages, not exceeding in the aggregate .... dollars, as may be suffered by them in consequence of his failure so to discharge such duties.

Dated ...., 19..

....,
(Principal)
....,
(Surety)

Any further or additional official bond lawfully required of any public officer shall be in the same form and it shall not affect or impair any official bond previously given by him for the same or any other official term.

(3) OFFICIAL DUTIES DEFINED. The official duties referred to in subsections (1) and (2) include performance to the best of his ability by the officer taking the oath or giving the bond of every official act required, and the nonperformance of every act forbidden, by law to be performed by him; also, similar performance and nonperformance of every act required of or forbidden to him in any other office which he may lawfully hold or exercise by virtue of his incumbency of the office named in his official oath or bond. Except as provided otherwise by subsection (3) of section 59.22 the duties mentioned in any such oath or bond include, further, the faithful performance by all persons appointed or employed by such officer either in his principal or his said subsidiary office, of their respective duties and trusts therein.

(4) WHERE FILED. Official oaths and bonds shall be filed,

(a) In the office of the secretary of state: Of all members and officers of the legislature; of the governor, lieutenant governor and state superintendent; of the justices, reporter and clerk of the supreme court; of the judges and reporters of the circuit courts; of all notaries public; of every officer, except the secretary of state, state treasurer, attorney-general and superintendent of public property, whose compensation is paid in whole or in part out of the state treasury, including every member or appointee of a board or commission whose compensation is so paid; and of every deputy or assistant of an officer who files with the secretary of state;

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(b) In the executive office: Of the secretary of state, state treasurer, attorney-general and superintendent of public property;

(c) In the office of the clerk of the circuit court of any county: Of the county judge, of all court commissioners, of all justices of the peace, and of all other judges or judicial officers elected or appointed in and for such county, or whose jurisdition is limited thereto;

(d) In the office of the county clerk of any county: Of all county officers elected or appointed in and for such county, other than those enumerated in paragraph (c), and of all officers whose compensation is paid out of the treasury of such county. But the official bond required of any county officer mentioned in chapter 59 shall, before filing, be recorded at his own cost in the office of the register of deeds of his county. The members of the governing board, and the superintendent and other officers of any joint county school, county hospital, county sanatorium, county asylum or other joint county institution shall file in the county in which the buildings of such institution are located;

(e) In the office of any town clerk: Of all officers elected or appointed in and for such town except the town clerk who shall file in the office of the town treasurer;

(f) In the office of any city clerk: Of all officers elected or appointed in and for such city except the city clerk who shall file in the office of the city treasurer;

(g) In the office of any village clerk: Of all officers elected or appointed in and for such village, except the village clerk who shall file in the office of the village treasurer;

(h) The official oath and bond of any officer of a school district or of an incorporated school board shall be filed with the clerk of such school district or the clerk of such incorporated school board.

(5) TIME OF FILING. Every public officer required to file an official oath or an official bond shall file the same before entering upon the duties of his office; and when both are required, both shall be filed at the same time.

(6) CONTINUANCE OF OBLIGATION. Every such bond continues in force and is applicable to official conduct during the incumbency of the officer filing the same and until his successor is duly qualified and installed.

(7) INTERPRETATION. This section shall not be construed as requiring any particular officer to furnish or file either an official oath or an official bond. It is applicable to such officers only as are elsewhere in these statutes required to furnish such an oath or bond.

(8) WHO MAY ADMINISTER AND CERTIFY; WHEN WITHOUT FEE. Except as provided otherwise by section 13.03 any official oath may be administered and certified by any officer authorized by section 4080 to administer and certify oaths. But no fee shall be charged for administering and certifying the official oath of any town, village or school officer. [*1919 c. 93 s. 3; 1919 c. 679 s. 3, 4*]

ACTIONS ON OFFICIAL BONDS.

19.015 Actions by the state or a municipality. Whenever the state or any county, town, city, village, or school district is entitled to recover any damages, money, penalty or forfeiture on any official bond, it shall be the duty of the attorney-general, county chairman, town chairman, mayor, village president or school director, respectively, to prosecute or cause to be prosecuted all necessary actions in the name of the state, or such municipality, against the officer giving such bond and his sureties for the recovery of such damages, money, penalty, or forfeiture. [*Stats. 1915 s. 984; 1917 c. 152 s. 2; Stats. 1917 s. 19.01; 1919 c. 93 s. 2*]

19.02 Actions by individuals. Any person injured by the act, neglect or default of any officer, except the state officers, his deputies or other persons which constitutes a breach of the condition of the official bond of such officer, may maintain an action in his own name against such officer and his sureties upon such bond for the recovery of any damages he may have sustained by reason thereof, without leave and without any assignment of any such bond. [*Stats. 1915 s. 985; 1917 c. 152 s. 4*]

19.03 Security for costs; notice of action. (1) Every person commencing an action against any officer and his sureties upon his official bond, except the obligee named therein, shall give security for costs by an undertaking as prescribed in sections 2946 or 3783, respectively, and a copy thereof shall be served upon the defendants at the time of the service of the summons. In all such actions if final judgment be rendered against the plaintiff the same may be entered against the plaintiff and the sureties to such undertaking for all the lawful costs and disbursements of the defendants in such action, by whatever court awarded.

(2) The plaintiff in any such action shall, within ten days after the service of the summons therein, deliver a notice of the commencement of such action to the officer who

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has the legal custody of such official bond, who shall file the same in his office in connection with such bond. [*Stats. 1915 s. 986, 987; 1917 c. 152 s. 6*]

19.04 Other actions on same bond. No action brought upon an official bond shall be barred or dismissed by reason merely that any former action shall have been prosecuted on such bond, but any payment of damages made or collected from the sureties or any of them on any judgment in an action previously begun by any party on such bond shall be applied as a total or partial discharge of the penal sum of such bond, and such defense or partial defense may be pleaded by answer or supplemental answer as may be proper. The verdict and judgment in every such action shall be for no more than the actual damages sustained or damages, penalty or forfeiture awarded, besides costs. The court may, when it shall be necessary for the protection of such sureties, stay execution on any judgment rendered in such actions until the final determination of any actions so previously commenced and until the final determination of any other action commenced before judgment entered in any such action. [*Stats. 1915 s. 988; 1917 c. 152 s. 7*]

19.05 Execution; lien of judgment. Whenever a judgment shall be rendered against any officer and his sureties on his official bond in any court other than the circuit court of the county in which such official bond is filed, no execution for the collection thereof shall issue from such other court unless the plaintiff therein, his agent or attorney shall make and file with such court an affidavit showing that no other judgment has been rendered in any court in an action upon such bond against the sureties therein which remains in whole or in part unpaid and that no other action upon such bond against said sureties was pending and undetermined in any other court at the time of the entry of such judgment; but every such judgment may be docketed in other courts and in other counties, shall constitute a lien, and may be enforced, in all respects the same as if it were an ordinary judgment, for the recovery of money, except as provided otherwise in this section. [*Stats. 1915 s. 989; 1917 c. 152 s. 8*]

19.06 Sureties, how relieved. Whenever several judgments shall be recovered against the sureties on any official bond in actions which shall have been commenced before the date of the entry of the last of such judgments the aggregate of which, exclusive of costs, shall exceed the sum for which such sureties remain liable at the time of the commencement of such actions, they may discharge themselves from all further liability upon such judgments by paying into court the sum for which they are then liable, together with the costs recovered on such judgments; or the court may, upon motion supported by affidavit, order that no execution for more than a pro rata share of such judgments shall be issued thereon against the property of such sureties or either of them and that upon payment or collection of such pro rata share they shall be discharged from the judgment or judgments upon which such pro rata share shall be paid or collected. When the money is paid into court by the sureties as above specified the same, exclusive of the costs so paid in, shall be distributed by an order of the court to the several plaintiffs in such judgments in proportion to the amount of their respective judgments. But every judgment shall have precedence of payment over all judgments in other actions commenced after the date of the recovery of such judgment. [*Stats. 1915 s. 990; 1917 c. 152 s. 9*]

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CHAPTER 20.

APPROPRIATIONS AND SALARIES.

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LEGISLATIVE.

20.01 Legislative. There is appropriated from the general fund to the legislature, annually, beginning July 1, 1913, such sum as may be necessary to carry out its functions. Of this there is allotted:

(1) MEMBERS. Compensation and mileage to each member of the legislature, as prescribed in section 21 of article IV of the constitution, payable at the beginning of the regular session.

(2) SPEAKER. To the speaker of the assembly, for his services as speaker, for the regular session only, five hundred dollars in addition to his compensation and mileage as a member.

(3) CHIEF CLERKS. To the chief clerk of the senate, and of the assembly, each, one thousand five hundred dollars for the regular session, payable one-half at the beginning and one-half at the end of the regular session; twelve dollars per day for any special session, and fifty dollars for service at the opening of the succeeding regular session.

(4) SERGEANTS AT ARMS. To the sergeant at arms of the senate, and of the assembly, each, one thousand two hundred dollars for the regular session, payable one-half at the beginning and one-half at the end of the regular session and ten dollars per day for any special session.

(5) SENATE SUBORDINATE CLERKS. To subordinate clerks of the senate, as follows:

(a) One general clerk, five dollars per day.

(b) One journal clerk, five dollars per day.

(c) One assistant journal clerk, five dollars per day.

(d) One bookkeeper, five dollars per day.

(e) One assistant bookkeeper, five dollars per day.

(f) One index clerk, who shall be an expert in card indexing, and who shall prepare the indices, five dollars per day.

(g) One engrossing clerk, who shall be an expert stenographer and typewriter, to have charge of the engrossing room, five dollars per day.

(h) Eight clerks, who shall be expert in stenography and typewriting, to perform general duties for members and committees, each five dollars per day.

(i) Two clerks, who shall be expert proof readers, to serve as revision and enrolling clerks, each five dollars per day.

(j) Three clerks, who shall be expert in the use of the typewriter, to engross bills, each four dollars per day.

(k) One mailing clerk, four dollars per day.

(6) ASSEMBLY SUBORDINATE CLERKS. To subordinate clerks of the assembly, the same as provided for the senate, and in addition thereto:

(a) One clerk for the joint committee on claims, who shall be a stenographer and who shall have a general knowledge of accounts, five dollars per day.

(b) One general clerk, five dollars per day.

(c) Three clerks, who shall be expert in stenography and typewriting, to engross bills and perform general clerical work for members, each five dollars per day.

(d) One clerk, who shall be expert in the use of the typewriter, to engross bills, four dollars per day.

(e) One clerk, to be known as a photostat operator, who shall be expert in the operation of a photostat and shall have some knowledge of the electrical voting machine, five dollars per day.

(7) SENATE SUBORDINATES OF SERGEANT AT ARMS. To subordinates of the sergeant at arms of the senate, as follows:

(a) One assistant sergeant at arms, five dollars per day.

(b) One postmaster, four dollars per day.

(c) One custodian of the document room, who shall perform such duties as may be required by the rules of the body, four dollars per day.

(d) One policeman, three dollars per day.

(e) One night watchman, three dollars per day.

(f) Two night laborers, each three dollars per day.

(g) Twelve messengers, each two dollars and fifty cents per day.

(h) One gallery attendant, three dollars per day.

(8) ASSEMBLY SUBORDINATES OF SERGEANT AT ARMS. To subordinates of the sergeant at arms of the assembly, the same as provided for the senate, and in addition thereto:

(a) One assistant document-room clerk, three dollars per day.

(b) One post-office messenger, who shall carry and deliver mail for both houses, three dollars per day.

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(c) Five messengers, each two dollars and fifty cents per day.

(d) One cloak-room attendant, three dollars per day.

(e) One gallery attendant, three dollars per day.

(9) CLERKS AFTER ADJOURNMENT. To clerks detailed for service after the close of the session, as provided in subsection (6) of section 13.14, not exceeding five dollars per day each, and not exceeding an aggregate of two hundred and twenty-five dollars for the assembly and seventy-five dollars for the senate.

(10) CONTINGENT EXPENSES. For contingent expenses of the senate and assembly, each five hundred dollars, subject to the following conditions:

(a) Any such proposed expenditure for either house shall be reported to the house by its committee on contingent expenditures, together with a statement of the name of the person who is to receive the money and the purpose for which it is to be expended.

(b) Such expenditure shall not be made unless it is authorized by a yea and nay vote of such house, to be entered on its journal; nor for any other purpose than to enable the house authorizing such expense to discharge its lawful functions.

(c) Whenever such expenditure is authorized, the chairman of the committee on contingent expenditures shall certify to the secretary of state a copy of the statement prescribed in paragraph (a) and of so much of the journal as may be necessary to show affirmative action under paragraph (b).

(11) CHAPLAINS. To the officiating chaplains of the senate and assembly the sum of three dollars for each such day of service, to be paid on the certificates of the chief clerks of the senate and assembly, respectively, showing the amounts to which each such chaplain is entitled. [*Stats. 1915 s. 127—1, 170 sub. 51 to 58, 172—1; 1917 c. 14 s. 2; 1917 c. 125; 1917 c. 677 s. 89; 1919 c. 21, 108, 550*]

EXECUTIVE.

20.02 Executive. There is appropriated from the general fund:

(1) EXECUTIVE OFFICE. To the executive department, annually, beginning July 1, 1919, eighteen thousand one hundred ten dollars. Of this there is allotted:

(a) Compensation of the governor as prescribed in section 5 of article V of the constitution.

(b) Compensation of the lieutenant governor as prescribed in section 9 of article V of the constitution.

(c) To the lieutenant governor when acting temporarily as governor, additional compensation at the rate of five dollars per day.

(d) To the executive counsel appointed during each session of the legislature and for a period of thirty days thereafter, pursuant to section 14.09, not to exceed three hundred dollars per month.

(e) So much as may be necessary for expenses of the governor and other expenses in connection with any and all conferences of governors, as prescribed in section 14.24.

(2) CONTINGENT EXPENSES; REWARDS. To the executive department, annually, beginning July 1, 1913, two thousand dollars for contingent expenses, to be expended on the order of the governor and at his discretion; but he shall render to the legislature at the commencement of each regular session a statement of all such expenditures. Of this there is allotted so much as may be necessary for the payment of rewards as provided in section 14.19.

(4) PARDON PROCEEDINGS. To the executive department, sufficient sums to pay such fees and expenses in proceedings for the pardoning of convicts as may be approved by the governor.

(5) SWAMP LAND CLAIMS. To the executive department, on July 1, 1921, nine thousand nine hundred dollars for the settlement of any and all claims which the state may have against the United States. Of this there is allotted:

(a) To the committee established by chapter 624, laws of 1915, so much as may be necessary.

(6) UNIFORMITY OF LEGISLATION. To the commissioners on uniform state laws, annually, beginning July 1, 1913, five hundred dollars, for the execution of its functions. Of this there is allotted:

(a) To each commissioner his actual and necessary traveling expenses incurred in the discharge of his official duties; but no compensation.

(b) On the order of the commissioners, one hundred dollars, annually, to the national conference of commissioners on uniform state laws.

(7) REMOVAL OF COUNTY OFFICERS. To the executive department, such sums as may be necessary, to defray the expenses of investigations made under the provisions of section 17.08 of the statutes.

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(8) WELCOME AND AID, RETURNING SOLDIERS. To the executive department, not to exceed five thousand dollars, and in addition thereto, not to exceed ten thousand dollars, for carrying out the purposes of chapter 22, laws of 1919, said sum to be available for the renting of suitable quarters and other expenses incidental and necessary to welcome and aid the Wisconsin soldiers returning from overseas service; these moneys to be expended only upon the approval of the governor. [*Stats. 1915 s. 129, 131—1, 132, 137, 137m, 170 sub. 1, 37, 172—2, 172—50, 4863; 1917 c. 14 s. 3; 1917 c. 671 s. 38; 1917 c. 630 s. 2; 1919 c. 7, 22, 62, 387; 1919 c. 703 s. 3; 1921 c. 75*]

20.03 Wisconsin national guard. There is appropriated from the general fund:

(1) GENERAL APPROPRIATION. To the Wisconsin national guard, annually, beginning July 1, 1919, three hundred thousand dollars, and such additional sums, not exceeding three hundred thousand dollars, in each year, as may be necessary, upon the approval of the governor, to maintain and train the full number of national guard troops required by United States statutes to be maintained and trained by the state of Wisconsin. Of this there is allotted:

(a) To the adjutant general, an annual salary of five thousand dollars.

(b) To the quartermaster-general, on his personal receipt, and filing proper vouchers therefor within sixty days thereafter, not to exceed one thousand dollars at any one time, for the payment of labor at the Wisconsin military reservation.

(c) A per diem to each officer attending the school for officers as provided in section 21.46, not exceeding the rate of pay of officers of equal rank in the United States army, nor for a period of more than two days in each year.

(e) To each regimental commander, not less than one hundred dollars annually, for the incidental expenses of the regimental headquarters and staff; and all such expenditures shall be reported, annually, to the adjutant general.

(f) To each company commander, each regimental adjutant, each battalion commander, and the adjutant of each separate battalion, fifty dollars annually, for his personal expenses incidental to his duties.

(g) To each company, troop, battery, and sanitary detachment of the Wisconsin national guard, for such expenses of the organization as the governor may authorize, the sum of five dollars for each member in attendance and fully uniformed at the annual inspection. The governor may order such payment to be withheld from any company, troop, battery, or sanitary detachment which shall be delinquent in return of reports, neglectful of its duties, parades, drills or instruction, or guilty of any insubordination, or misapplication of its funds drawn from the state. He may require, by orders, any company, troop, battery, or sanitary detachment to leave all or any part of such funds in the treasury on deposit, and direct the same to be expended for uniforms or repairs thereon, or for insurance, when and in such amounts as he may think proper, and make such orders and regulations or require such security from officers, from time to time, as he may deem necessary for the proper care or expenditure of such funds, or the property procured therewith.

(h) To promote interest and efficiency in rifle practice, not to exceed fifteen hundred dollars expended annually, on approval of the governor, to defray the expenses of the state participating in the annual national rifle competition between the several states and the army and navy of the United States.

(i) To each infantry, engineer, signal, ambulance, and field hospital company, stationed in a city of less than fifty thousand population, according to the last United States census, not less than five hundred dollars annually; each infantry, engineer, signal, ambulance, and field hospital company stationed in any other city, not less than seven hundred dollars annually; to each troop of cavalry, battery of field artillery, and mounted organization of any branch of the military service, not less than eight hundred dollars annually; and each regimental sanitary detachment, not less than two hundred fifty dollars annually; the said allotments to be full compensation for armory rent and all other expenses not otherwise expressly provided for by statutes. But such allotment shall not be paid to any organization for which an armory has been erected by any county as provided in chapter 365 laws of 1895; nor unless each company, troop, battery or sanitary detachment shall provide at its own expense a suitable room or building for an armory; and proper racks, frames, and other needed provisions for safe-keeping of the quartermaster's and ordnance stores and supplies, issued by the state, and shall keep therein the same when not in lawful use, except when an armory has been provided for the entire regiment to which the company, troop, battery or sanitary detachment may be attached. Any such allotment shall be paid only upon an inspection report, certified by the adjutant general and approved by the governor, showing that such organization has been found,

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by means of the annual inspection provided for by law, to be properly organized; to have at least the minimum number of members; to be well uniformed; to be well equipped with the necessary arms, accoutrements; and to have its quartermaster's ordnance stores in good condition; to have assembled for inspection and drill as provided by law; and that the commanding officer has made all the muster rolls and returns required by law or orders.

(j) To the light horse squadron armory association of Milwaukee, Wisconsin, two thousand dollars annually, for maintenance of the buildings and grounds of said association so long as the same are used by the state for military purposes; but subject to the condition that the state of Wisconsin shall have the right at all times to use the said buildings and grounds for the quartering of its troops in case of riot, insurrection, or concentration of troops, and in such case said property shall be under the control of the governor.

(k) For the maintenance, care, enlargement, and improvement of the Wisconsin state military reservation, subject to the approval of the governor, annually such sums as may be needed.

(l) To the naval militia, four thousand dollars annually, subject to the approval of the governor, for travel, subsistence, pay, and maintenance of armory or armories; but the state shall not be liable for any expense incurred on account of the naval militia in addition to this allotment, except when the officers and men are called into active service by the governor as provided in section 22.07.

(m) For the purchase and construction of armories, subject to the approval of the armory board, as provided by law, not to exceed fifteen per centum of the total sum annually appropriated for the uses and purposes of the Wisconsin national guard.

(n) All moneys received by the armory board from the sale of armories shall within ten days after the receipt thereof, be paid into the general fund of the state treasury and all moneys so received and paid in are appropriated for the Wisconsin national guard and shall be credited in addition to the current annual appropriation for that body for all military purposes.

[Laws of 1917 c. 122 s. 2: There is appropriated out of any money in the treasury not otherwise appropriated the sum of fifteen hundred dollars or so much thereof as may be necessary for the purposes of this act (badges for officers and enlisted men of Spanish-American war). Such money shall be paid by the state treasurer, on the warrant of the secretary of state, issued upon a requisition signed by the adjutant general.]

(2) PUBLIC EMERGENCIES. To the Wisconsin national guard, such sums as may be necessary to meet emergencies in case of war, riot, or great public calamity.

[Laws of 1917 c. 82 s. 18: There are hereby appropriated such sums as may be necessary to carry out the purposes of this act, payable from moneys appropriated under subsection (2) of section 20.03. This fund shall be available in sums not greater than ten thousand dollars upon written approval by the governor. These funds shall be paid out and audited as all other moneys are paid out and audited. Private contributions shall be paid into the state treasury and shall be available for the council subject to voucher and audit as are state moneys.]

(4) PENSIONS. So much as may be necessary for the payment of pensions as provided in section 21.08.

(5) RELIEF FOR RETURNED SOLDIERS, SAILORS AND MARINES. Not to exceed five hundred thousand dollars, to carry out the provisions of section 21.085 of the statutes. Of this amount one hundred thousand dollars is appropriated to the commission for the Wisconsin memorial hospital for no other purpose than the construction, erection, including the necessary heating apparatus, of a modern fireproof hospital building for the treatment of any mental diseases, as provided in section 45.25 of the statutes. Any unexpended balance remaining in the allotment of one hundred thousand dollars after the completion of the hospital building shall be available to the commission for the purpose set forth in section 20.155 and is added to that appropriation.

(6) MONEY FOR WISCONSIN NATIONAL GUARD. All moneys hereafter received on account of lost military property as provided in section 21.56 of the statutes, and all moneys hereafter received by the state of Wisconsin from the United States on account of military property and supplies purchased with funds raised by private subscriptions furnished by the state of Wisconsin for the use of the Wisconsin national guard in the service of the United States during the war against Germany, shall within one week after receipt thereof be paid into the general fund of the state treasury. The balances so transferred and all moneys so deposited are appropriated for the Wisconsin national guard to be used for the purchase of new military property, for land and improvements at the Wisconsin state military reservation at Camp Douglas and in aid of armory construction under the con-

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ditions prescribed in section 21.615. [*Stats. 1915 s. 170 sub. 19, 172—3, 623, 639a, 641m, 648, 649—18, 649—19, 649—19a, 649—19aa, 649—19ab, 649—19m, 649—19n, 649—20, 649—25, 649—34, 649u; 1917 c. 14 s. 6; 1917 c. 171, 210; 1917 c. 537 s. 3-7; 1917 c. 671 s. 38; 1919 c. 273, 452; 1919 c. 324; 1919 c. 702 s. 6; 1919 c. 703 s. 13; 1921 c. 305 s. 2; 1921 c. 519; 1921 c. 590 s. 92*]

ADMINISTRATIVE.

20.04 Secretary of state. There is appropriated from the general fund to the secretary of state:

(1) GENERAL ADMINISTRATION. On July 1, 1921, fifty-one thousand seven hundred and fifty dollars and on July 1, 1922, fifty-three thousand seven hundred and fifty dollars, for the execution of his functions other than the administration of sections 1636—47 to 1636—56, inclusive. Of this there is allotted:

(a) To the secretary of state an annual salary of five thousand dollars.

(b) To the assistant secretary of state an annual salary of three thousand dollars.

(2) AUTOMOBILE REGISTRATION. Annually, such sums as may be necessary for the administration of sections 1636—47 to 1636—56, inclusive.

(3) SURPLUS AUTOMOBILE REGISTRATION FEES. An amount equal to the surplus of the registration fees received and paid into the general fund under the provisions of sections 1636—47 to 1636—56, inclusive, after deducting the actual cost of administering said sections. All such sums accruing shall as soon as may be after the close of the fiscal year be apportioned and distributed as follows:

(a) One-fourth to the county treasurers of the several counties, annually, in the proportion in which such registration fees shall have been received from residents of said several counties, to be used for repairing and maintaining state highways and roads on the prospective state highways system in said counties under the direct supervision of the county highway commissioner. Provided that in counties having a population of two hundred and fifty thousand or more the county boards after the maintenance of said system in accordance with the provisions of this paragraph is provided for, may, with the consent of the state highway commission, use funds received under this paragraph for construction on said system.

(b) There shall be set aside from the remaining three-fourths, annually, beginning July 1, 1919, for the use of the state highway commission, not to exceed one hundred sixty-eight thousand dollars, to defray the cost of administration of its functions as prescribed by law.

(c) There shall be set aside from the remainder of the three-fourths, annually, beginning July 1, 1918, and there is appropriated an amount sufficient to pay the state's one-third share of the cost of construction under the federal aid law in accordance with the provisions of sections 1312 to 1317, inclusive.

(d) After the above amounts have been set aside, the remainder of the three-fourths shall be allotted by the state highway commission to the several counties of Wisconsin for the maintenance of the state trunk highway system lying within said counties. Each county shall be entitled to receive one hundred and thirty-five dollars for each mile of the state trunk highway system lying within its limits, and in addition the proportion of the fund remaining after the above amounts have been set aside that the registration fees paid in by such county is of all registration fees paid in. Provided, that no county shall receive more than two hundred and seventy-five dollars per mile in any one year. Whenever any county would receive more than the said amount per mile in any one year the excess shall be prorated to the remaining counties in the ratio of fees paid in. However, for maintenance in the calendar year 1919, each county shall be entitled to receive the proportion of the funds available for state trunk highway maintenance that the mileage lying in said county bears to the total trunk highway mileage.

(e) Payments from the appropriations made by paragraphs (b), (c) and (d) of subsection (3) of section 20.04 shall be made only upon the order of the state highway commission upon which order the secretary of state shall draw his warrant upon the general fund of the state in favor of the payee and charge the same to the proper appropriation. Provided that payments from the appropriation made by paragraph (c) of this subsection shall not exceed the amount which the state highway commission shall have estimated to be necessary to meet the provisions of said paragraph; which estimate shall be in writing, and shall be filed with the secretary of state before the first day of July of each year. Such estimate shall be accepted by the secretary of state as if the same had been appropriated by the legislature. Any balance remaining on the first day of July of any year in the allotment made by the respective paragraphs of this subsection, except paragraph (b) thereof, shall go forward and be available for the same purposes in succeeding years.

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Any balance remaining on the first day of July in any year in the allotment made by paragraph (b) of this subsection, shall go forward and be available for the purposes of the allotments made by paragraphs (c) and (d) of this subsection.

(4) On July 1, 1921, such a sum as may be necessary not exceeding one thousand five hundred dollars, for carrying out the provisions of section 6.81. [*Stats. 1915 s. 170 sub. 2, 172—10; 1917 c. 14 s. 8; 1917 c. 175 s. 3; 1917 c. 384, 617; 1919 c. 8; 1919 c. 270 s. 1; 1919 c. 313 s. 3; 1919 c. 388; 1919 c. 389 s. 2; 1919 c. 611 s. 2; 1921 c. 53; 1921 c. 422 s. 7; 1921 c. 564*]

20.05 State treasurer. There is appropriated from the general fund to the state treasurer:

(1) General administration. Annually, beginning July 1, 1921, thirty-two thousand five hundred dollars for the execution of his functions. Of this there is allotted:

(a) To the state treasurer an annual salary of five thousand dollars.

(b) To the assistant state treasurer an annual salary of three thousand dollars.

(2) Certificates of indebtedness. Annually, beginning June 1, 1918, one hundred thousand dollars, and in addition thereto, from time to time, such portion of the surplus in the treasury as may be determined by the governor, secretary of state and state treasurer, for the retirement of the certificates of indebtedness to the trust funds. Also such further sums as may be necessary for the payment of interest charges on unretired certificates of indebtedness to the trust funds, to be computed and disbursed as follows:

(a) Annually, on or before the tenth day of May the secretary of state shall compute the interest accruing on all the certificates of indebtedness belonging to each fund separately, up to and including the following thirty-first day of May, and place the amount of such interest to the credit of the income of such fund and enter a credit upon the several certificates for the amount found due on each, and thereupon certify the amount so found due to the officer authorized by law to apportion the income of each such fund, and also certify to the treasurer such amount, who shall thereupon enter a like credit upon the several duplicates deposited in his office. Thereafter upon receiving the apportionments of the incomes of the several funds the amounts so apportioned shall be audited and paid out of the state treasury to the person authorized by law to receive the same.

(b) There is hereby levied a state tax sufficient to pay the interest on all the certificates of indebtedness of the state belonging to the said funds. [*Stats. 1915 s. 170 sub. 3, 172—4, 172—11 sub. 1, 260; 1917 c. 14 s. 9; 1917 c. 628 s. 2; 1917 c. 632; 1919 c. 388; 1921 c. 54*]

20.06 Refunds. There are appropriated from the proper respective funds, from time to time, such sums as may be necessary, for refunding or paying over moneys paid into the state treasury as follows:

(1) Moneys paid into any fund of the treasury as a deposit or advance payment; and if such moneys have been credited to an appropriation, such appropriation shall, at the time of making such refunds, be charged therewith.

(2) Moneys paid into the state treasury in error; but no such refund shall be made except upon the written approval of the governor, secretary of state, state treasurer, and attorney-general.

(3) Taxes collected and paid into the state treasury in excess of lawful taxation, when claims therefor have been established as provided in sections 37.259, 71.23, 72.08 and 74.73 of the statutes.

(4) The proportionate parts of taxes paid into the state treasury and due to municipalities as provided in sections 76.28 and 76.29.

(5) Any balances remaining at the end of any calendar year, of any deposits in the state treasury made by insurers in anticipation of fees, as provided in section 1973*m* of the statutes.

(6) Any moneys escheated to the state as provided in subsection (7) of section 3935, whenever claims therefor have been established as provided in sections 3820 and 3937 of the statutes.

(7) Such sums as may be necessary for repayment of moneys paid to the state on purchases of public or escheated lands, as provided in sections 24.11, 24.33, 24.34, 24.35 and 26.04. [*Stats. 1915 s. 157 sub. 14, 172—11 sub. 2, 172—38, 1087m—30, 1087—8, 1164, 51.30 sub. (1), 1973m, 3820, 3937; 1917 c. 14 s. 11; 1917 c. 671 s. 38; 1919 c. 628 s. 16; 1921 c. 521*]

20.07 State treasury agent. There is appropriated from the general fund to the state treasury agent:

(1) Annually, beginning July 1, 1921, six thousand dollars, for the execution of his functions. Of this there is allotted to the state treasury agent an annual salary of two thousand dollars.

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(2) Annually, compensation to each deputy treasury agent, equal to ten per cent of the license moneys actually collected by him and paid into the state treasury. [*Stats. 1915 s. 170 sub. 60, 172—12; 1917 c. 14 s. 12; 1917 c. 670 s. 3; 1921 c. 51*]

20.08 Attorney-general. There is appropriated from the general fund to the attorney-general:

(1) GENERAL APPROPRIATION. Annually, beginning July 1, 1921, forty-one thousand five hundred dollars, for the execution of his functions. Of this there is allotted:

(a) To the attorney-general an annual salary of five thousand dollars.

(b) To the deputy attorney-general an annual salary of four thousand five hundred dollars.

(2) SPECIAL COUNSEL. Annually, beginning July 1, 1917, such sums as may be necessary to cover the compensation and expense of special counsel appointed as provided in section 14.13; and for the payment of expenses incurred by the attorney-general, his deputy or assistants, in the prosecution or defense of any action or proceeding in which the state may be a party or may have an interest, for any abstract of title, clerk of court's fees, sheriff's fees, or any other expense actually necessary to the prosecution or defense of such cases; unless such cost or expenses are charged to some other appropriation.

(3) PROSECUTE CONSPIRACIES AND MONOPOLIES. There is hereby appropriated to the attorney-general a sum sufficient to carry out the provisions of section 1747*e*, not exceeding the sum of ten thousand dollars annually. [*Stats. 1915 s. 163e, 170 sub. 4, 172—7; 1917 c. 14 s. 13; 1917 c. 205; 1917 c. 671 s. 38; 1919 c. 27 s. 1, 2, 3; 1919 c. 663; 1921 c. 447; 1921 c. 458 s. 2; 1921 c. 590 s. 102*]

20.09 Tax commission. There is appropriated from the general fund to the tax commission:

(1) GENERAL ADMINISTRATION. Annually, beginning July 1, 1921, two hundred twenty-five thousand dollars, for the execution of the functions of said commission other than reassessments and review of assessment proceedings. Of this there is allotted:

(a) To each tax commissioner an annual salary of five thousand dollars.

(b) To assessors of incomes and their deputies and assistants, in the aggregate, salaries and compensation not to exceed in any year a sum equal to five cents for every thousand dollars of the valuation of all property fixed by the tax commission in the state assessment of the preceding year.

(c) To each member of each county board of review appointed as provided in section 71.13 subsection (1) a per diem of not exceeding ten dollars per day.

(2) REASSESSMENT AND REVIEW. Annually such sums as may be necessary to defray the expense of executing the functions of reassessments, and review of assessment proceedings, as provided in sections 70.64 subsection (12), 73.11 and 73.12 of the statutes.

(3) MUNICIPAL ACCOUNTING. From time to time, sums equal to the charges accruing to the state under the provisions of section 73.03 subsection (12), relating to municipal accounting, to execute the functions prescribed by said subsection.

(4) VERIFICATION OF INCOME RETURNS. On July 1, 1921, not to exceed twenty-five thousand dollars, and on July 1, 1922, not to exceed twenty-five thousand dollars, for the salaries and necessary traveling expenses of field accountants, their assistants, and others, in checking up and verifying state income tax returns. [*Stats. 1915 s. 170 sub. 30, 172—16; 1917 c. 14 s. 14; 1919 c. 29; 1921 c. 89*]

20.10 Superintendent of public property. There is appropriated from the general fund to the superintendent of public property:

(1) ADMINISTRATION AND OPERATION. Annually, beginning July 1, 1921, one hundred fifty-seven thousand dollars, for the general administration expenses of his office, and the cost of furnishing all supplies, services, janitor services, all other materials, supplies and expense except light, heat, power and water, to the executive residence, the capitol, the capitol annex, and the public grounds surrounding the capitol, the executive residence and the light, heat and power plant, and to offices in and outside of the capitol, and for renting and furnishing offices outside of the capitol. Of this appropriation there is allotted to the superintendent of public property an annual salary of four thousand dollars.

(2) MATERIALS, SUPPLIES, SERVICE AND EXPENSE. On July 1, 1917, twenty thousand dollars, to be used as a revolving appropriation for the purchase of a general stock of all necessary office supplies, telegraph and telephone service, postage and postal service, express, freight and drayage service, paper, except paper required by law to be furnished by the printing board, and all other materials, supplies, services and expense of a consumable nature which in the judgment of the requisitioning officers are required by the various offices in performing the powers, duties, functions and obligations imposed upon them by law. Whenever such materials, supplies, services, or expense, charged to this

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appropriation, are furnished to the various offices the cost thereof shall be charged over to the proper appropriations for such offices and credited back to this appropriation; and whenever any such materials or supplies, charged to this appropriation are sold as provided in subsection (8) of section 33.03, the proceeds thereof shall be paid into the general fund and credited back to this appropriation.

(3) REPAIRS AND MAINTENANCE. Annually, beginning July 1, 1921, two thousand dollars, for the repair and maintenance of all permanent personal property of the state at the executive residence, the capitol, the public grounds surrounding the capitol, executive residence and the light, heat and power plant, and all offices outside of the capitol provided by said superintendent, except the machinery and equipment in the capitol connected with the light, heat and power plant.

(4) PERMANENT PROPERTY. Annually, beginning July 1, 1921, six thousand dollars, for the purchase of permanent property for the executive residence, the capitol, the public grounds surrounding the capitol, executive residence and the light, heat and power plant, and all offices outside of the capitol provided by said superintendent; but no part of this appropriation shall be used for the purchase of any permanent property for which a separate appropriation is made; and whenever a state office or officer shall requisition permanent property and direct the same to be charged to the appropriation for such office or officer, the superintendent of public property shall purchase and furnish such property, and the same shall be charged as so directed. On July 1, 1921, not to exceed two thousand five hundred dollars for the purchase of an automobile, for use at the executive residence.

(5) EQUIPMENT, OFFICE SECRETARY OF STATE. On July 1, 1921, not to exceed three thousand six hundred dollars for the purchase, alteration and installation of filing equipment in the vaults and offices of the secretary of state, in accordance with plans drawn by the state engineer.

(6) REPORTS FOR JUDGES. There is hereby appropriated from any money in the general fund not otherwise appropriated a sufficient sum to carry out the provisions of subsection (16a) of section 35.84 of the statutes. [*Stats. 1915 s. 170 sub. 10, 172—18, 288, 292, 293 sub. 1, 294, 295, 296; 1917 c. 14 s. 15; 1917 c. 204 s. 2; 1917 c. 587; 1917 c. 671 s. 38; 1917 c. 677 s. 78; 1917 c. 630 s. 1; 1919 c. 77, 395; 1921 c. 379; 1921 c. 422 s. 15; 1921 c. 497; 1921 c. 9 s. 2*]

20.11 Printing board. There is appropriated from the general fund to the printing board:

(1) Annually, beginning July 1, 1921, twelve thousand dollars, for the administration expenses of said board. Of this there is allotted to the editor of publications an annual salary of two thousand five hundred dollars.

(2) On July 1, 1921, forty thousand dollars, to be used as a revolving appropriation for printing, binding and for the purchase of all paper, cuts, illustrations and other items required in the public printing and for the purchase of such stationery as the printing board is required to order; and whenever so furnished to the several state offices or officers or other body, as prescribed by law, the cost thereof shall be charged monthly to the proper appropriation for said offices or officers, or other body, respectively, and the sums so charged shall be credited to this appropriation. If there be no appropriation properly chargeable therewith, then the cost thereof shall be charged to the appropriation made by subsection (3) of this section.

(3) Annually, beginning July 1, 1913, such sums as may be necessary for all public printing, which includes paper, plates and electrotypes, stationery, binding, and all other printing expenses, prescribed by law to be furnished to any state office or officer, or other body, and for which there is no other appropriation properly chargeable therewith.

(4) Annually, beginning July 1, 1919, a sum not exceeding one hundred and fifty dollars to carry out the provisions of section 35.305.

(5) Annually, beginning July 1, 1921, such sums as may be necessary for editing, compiling and printing and distributing the Wisconsin blue book, of which not to exceed one thousand dollars annually may be disbursed for editing and compiling. [*Stats. 1915 s. 170 sub. 61, 172—35; 1917 c. 14 s. 16; 1917 c. 46 s. 1, 3; Stats. 1917 s. 20.57 sub. (3); 1919 c. 372 s. 2; 1919 c. 599 s. 2; 1921 c. 113, 114; 1921 c. 517 s. 8*]

20.12 Department of engineering. There is appropriated from the general fund to the state department of engineering:

(1) Annually, beginning July 1, 1921, twenty thousand five hundred forty dollars, for the salary of the state chief engineer, and such other overhead salaries and expenses, or portions thereof, in connection with administering the work of the department, as cannot be apportioned and charged to other appropriations, as provided in section 34.02.

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(2) On July 1, 1921, six thousand dollars, to be used as a revolving appropriation, to cover the cost of salaries and other expenses incurred by the department, and which are by law chargeable to other appropriations; and whenever a statement of such salaries and other expenses, charged to this appropriation, are furnished to the various offices, the cost thereof shall be charged over to the proper appropriations for such offices, and credited back to this appropriation.

(3) Annually, beginning July 1, 1921, forty-six thousand seven hundred ninety dollars, for the operation of the light, heat and power plant for the capitol, and the heating plants for the executive residence and capitol annex.

(4) On July 1, 1921, thirteen thousand one hundred twenty-five dollars, and on July 1, 1922, fourteen thousand four hundred sixty dollars, for the repairs and maintenance of the state light, heat and power plant building, and for the repair and maintenance of all property of the state at the light, heat and power plant, the heating plant at the executive residence, and for the repair and maintenance of the machinery and equipment in the state capitol building connected with the light, heat and power plant.

(5) On July 1, 1921, two thousand seven hundred dollars, and on July 1, 1922, two thousand seven hundred dollars for the purchase of permanent property for the light, heat and power plant and the heating plant for the executive residence, and for the purchase of permanent property for the state capitol building and the machinery and equipment therein connected with the light, heat and power plant.

(6) On July 1, 1921, twenty-one thousand one hundred dollars, and on July 1, 1922, twenty-one thousand one hundred dollars, for the execution of the functions prescribed by subsection (5) of section 34.02 of the statutes, and for permanent property and improvements of the state capitol building.

(7) On July 1, 1919, eleven thousand five hundred dollars, and on July 1, 1920, eleven thousand five hundred dollars, and on July 1, 1921, thirty thousand dollars, and on July 1, 1922, thirty thousand dollars, for property repairs and maintenance of the state capitol.

(8) On July 1, 1919, not to exceed ten thousand dollars, for rebuilding and repairing the memorial arch at Camp Randall.

(9) On July 1, 1921, twelve thousand dollars for repairing the executive mansion, such repairs to be made at the discretion and under the direction of the governor.

(10) On July 1, 1919, thirty thousand dollars, to carry out the provisions of subsection (12) of section 34.02 of the statutes. This appropriation may be used for the construction of a suitable building on state property at the state light, heat and power plant and for the installation of the necessary machinery and equipment therefor.

(11) Annually, beginning July 1, 1921, not to exceed eight thousand five hundred dollars for carrying into effect the provisions of subsection (14) of section 34.02. Of the sum appropriated for the fiscal year beginning July 1, 1921, not to exceed four hundred dollars shall be available for paying bills incurred prior to July 1, 1921, for testing and securing and taking bids on coal for the fiscal year ending June 30, 1922.

(12) On July 1, 1921, six thousand dollars to be used as a revolving appropriation for the repair of machinery at the capitol power plant shop.

(13) Annually, beginning July 1, 1921, a sum sufficient for coal for the capitol power plant, the executive mansion, and the capitol annex, including the freight, switching and hauling charges thereon, purchased pursuant to subsection (14) of section 34.02, and for coal to be consumed during the fiscal year commencing July 1, 1921, purchased and delivered prior to that date, and the freight charges thereon.

(14) Annually, beginning July 1, 1921, one thousand dollars for carrying out the provisions of subsection (13) of section 34.02.

(15) On July 1, 1921, a sum not to exceed two hundred dollars, to construct appropriate base for, and repair and remount the carriage of a cannon, captured by Wisconsin troops at Battle of Shiloh, now located at Camp Randall. [*Stats. 1915 s. 172—129; 1917 c. 14 s. 17; 1917 c. 195 s. 2; 1919 c. 11, 390; 1919 c. 454 s. 6; 1919 c. 594; 1919 c. 630 s. 10; 1921 c. 151, 302, 343; 1921 c. 517 s. 6; 1921 c. 545 s. 4, 5, 6; 1921 c. 590 s. 2*]

20.125 Cement purchasing commission. There is appropriated from the general fund to the cement purchasing commission, annually, beginning July 1, 1917, not to exceed two thousand five hundred dollars, to defray the cost of the necessary clerical work, postage and traveling expenses of the commission and its employes; provided that this appropriation shall not be available in any year until bids for cement have been received and a contract or contracts awarded under the provisions of subsection (3) of section 34.10, and provided that in case no such contract is let in any year, the appropriation for that year shall lapse and revert to the general fund. [*1917 c. 598; 1919 c. 679 s. 75*]

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20.126 Prohibition commissioner. There is hereby appropriated a sufficient sum to provide for the payment of salaries of the prohibition commissioner, his deputies and employes, and all other necessary expense, to carry into effect the provisions of chapter 76*hh* of the statutes, not exceeding sixty thousand dollars in any one year. [*1921 c. 441 s. 4*]

STATE INSTITUTIONS.

20.14 Free library commission; legislative reference library. There is appropriated from the general fund to the free library commission:

(1) GENERAL APPROPRIATION. Annually, beginning July 1, 1919, thirty-three thousand five hundred dollars for the execution of the functions of said commission, other than the work of the legislative reference library and other than the purposes of subsection (2) of this section. Further, all moneys received by each and every person for or on account of said commission shall be paid, within one week after receipt thereof, into the general fund, and are appropriated and added to this appropriation. The members of the commission shall receive no compensation, but shall be paid their actual and necessary traveling expenses incurred in the discharge of their official duties.

(2) PURCHASE OF BOOKS. Annually, beginning July 1, 1917, eight thousand dollars for the purchase of books and traveling cases and for other necessary apparatus and furnishings not supplied at the expense of the superintendent of public property.

(3) LEGISLATIVE REFERENCE LIBRARY. Annually, beginning July 1, 1921, thirty-one thousand dollars, for the execution of the functions of the legislative library.

(5) LIBRARY SCHOOL. Annually, beginning July 1, 1920, ten thousand dollars, for the operation of the library school as provided in subsection (4) of section 43.09. [*Stats. 1915 s. 170 sub. 25, 172—23; 1917 c. 14 s. 20; 1917 c. 114 s. 1, 2; 1917 c. 425; 1919 c. 3; Spl. S. 1920 c. 7; 1921 c. 158*]

20.145 Public library certification board. All fees received by the public library certification board under the provisions of section 43.165 shall be paid, within one month after receipt, into the general fund, and are appropriated therefrom to said board for the purpose of carrying out the provisions of said section. [*1921 c. 336*]

20.15 Memorial institutions. There is appropriated from the general fund:

(1) MEMORIAL HALL. To the custodian of memorial hall, annually, beginning July 1, 1921, twenty-three hundred dollars, for the execution of the functions prescribed by sections 45.01 to 45.04. Of this there is allotted to the custodian an annual salary of fifteen hundred dollars.

(2) PORTRAIT OF EX-GOVERNOR. To the governor, one thousand and fifty dollars, for the purchase of an oil painting of former Governor Edward Schofield.

(a) To the governor, not to exceed one thousand five hundred dollars for the purchase of an oil painting of former Governor Emanuel L. Philipp. No part of this appropriation shall be available until ex-Governor Emanuel L. Philipp shall have notified the governor that the picture selected meets his approval.

(3) WISCONSIN VETERANS HOME. To the treasurer of the board of managers of the Wisconsin veterans home, upon monthly bills, itemized and stating such reasonable information as may be required by the secretary of state, and verified by the oath of the president and secretary of said board, sums sufficient for the payment of the following allotments:

(a) For maintenance of each inmate and employe in such home, as defined in section 45.07, an allowance of six dollars per week, to commence July 1, 1921, and to continue through June 30, 1923.

(b) For the burial of each such deceased inmate who shall be buried in the cemetery of said home forty dollars.

(4) PROPERTY REPAIRS AT VETERANS HOME. To the treasurer of the board of trustees of the Wisconsin veterans home:

(a) Annually, beginning July 1, 1917, five thousand dollars, for insurance, property repairs and maintenance.

(b) On July 1, 1921, thirteen thousand dollars, and on July 1, 1922, nineteen thousand five hundred dollars, for property repairs and maintenance.

(c) On July 1, 1921, seven thousand dollars, and on July 1, 1922, five thousand five hundred dollars, for a new piggery, new hand elevator, cement storehouse, storage tank for heating returns, and a new street lighting system, and other capital improvements, except the purchase of land.

(5) ANNUAL ENCAMPMENT, G. A. R. To the Wisconsin Department of the Grand Army of the Republic, on May 1, 1919, not to exceed five hundred dollars, and annually, beginning July 1, 1919, not to exceed one thousand dollars, for necessary expenses of the

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annual encampment thereof, to be expended only upon the certification by the commander thereof to the secretary of state.

(5m) SPANISH WAR VETERANS. To the Wisconsin department of the Spanish War Veterans Association, annually, beginning July 1, 1921, five hundred dollars, for necessary expenses of the annual encampment thereof, to be expended only upon the certification by the commander thereof to the secretary of state. [*Stats. 1915 s. 170 sub. 27, 172—76, 172—77, 1529a sub. 1 to 4; 1911 c. 345; 1913 c. 17; 1915 c. 491, 574, 593; 1917 c. 14 s. 21; 1917 c. 32, 68, 228, 426; 1917 c. 671 s. 38; 1919 c. 6, 19, 24, 36; 1919 c. 517 s. 7; 1919 c. 628 s. 2; 1921 c. 67, 100, 186, 253*]

20.155 Wisconsin memorial hospital. There is appropriated to the commission for the Wisconsin memorial hospital one hundred fifty thousand dollars from the general fund for no other purpose than the equipment of the hospital building provided for in section 45.25 and the construction, erection and equipment of such additional hospital buildings and facilities as the commission may deem necessary. [*1921 c. 305 s. 1*]

20.16 Historical and cultural societies. There is appropriated from the general fund:

(1) STATE HISTORICAL SOCIETY. To the state historical society:

(a) On July 1, 1921, sixty thousand dollars, and on July 1, 1922, fifty-five thousand dollars, to carry into effect the powers, duties and functions of said society.

(b) On July 1, 1921, eighteen thousand four hundred twenty-five dollars, and on July 1, 1922, eighteen thousand four hundred twenty-five dollars, for property repairs and maintenance.

(c) On July 1, 1921, ten thousand two hundred dollars, and on July 1, 1922, ten thousand two hundred dollars, for the purchase of library books, furniture and furnishings and for other permanent property and improvements.

(2) WISCONSIN ACADEMY OF SCIENCES, ARTS AND LETTERS. To the Wisconsin academy of sciences, arts and letters:

(a) Annually, beginning July 1, 1915, one thousand five hundred dollars, for printing and otherwise to carry on the work of said society; but no part of this appropriation shall be paid out of the state treasury until necessary to pay actual claims duly audited by the secretary of state.

(b) On July 1, 1919, not to exceed two thousand dollars, for printing and distributing the proceedings of the semicentennial celebration of said academy.

(3) ARCHÆOLOGICAL SOCIETY. To the Wisconsin archæological society, annually, beginning July 1, 1917, five hundred dollars, for printing and to otherwise carry on the work of said society; but no part of this appropriation shall be paid out of the state treasury until necessary to pay actual claims duly audited by the secretary of state.

(4) TEACHERS ASSOCIATION. Annually, beginning July 1, 1913, one thousand dollars, to the Wisconsin teachers association, for printing the annual proceedings of said association, as provided in section 35.30 of the statutes. [*Stats. 1915 s. 172—28, 172—46, 172—47; 1917 c. 14 s. 23; 1917 c. 31; 1917 c. 677 s. 51; 1919 c. 9, 28; 1921 c. 78*]

20.17 Board of control. There is appropriated from the general fund to the state board of control:

(1) GENERAL ADMINISTRATION. On July 1, 1921, seventy-four thousand eight hundred eighty-five dollars, two thousand dollars of which may be used for the payment of bills incurred prior to that date, and annually, beginning July 1, 1922, seventy-two thousand eight hundred eighty-five dollars, for general expenditures incurred in the execution of the functions of said board. Of this there is allotted:

(a) To each member of the board, an annual salary of five thousand dollars.

(1a) JUVENILE DEPARTMENT. On July 1, 1921, seven thousand five hundred dollars, and on July 1, 1922, seven thousand five hundred dollars for carrying out the provisions of subsection (4) of section 46.04.

(2) STATE HOSPITAL. For the state hospital for the insane:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, one hundred ninety-one thousand two hundred seventy-two dollars, for operation.

(b) On July 1, 1917, thirteen thousand seven hundred dollars, for property repairs and maintenance; of which seven thousand seven hundred dollars shall be available only for the power plant, and pumping equipment, boiler settings, engineering, and contingencies; on July 1, 1920, seven thousand dollars, on July 1, 1921, ten thousand one hundred dollars, and on July 1, 1922, nine thousand six hundred dollars for property repairs and maintenance.

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(bf) On July 1, 1919, one thousand seventy-five dollars, on July 1, 1920, one thousand seventy-five dollars, on July 1, 1921, seventeen hundred dollars, and on July 1, 1922, one thousand dollars for permanent property and improvements.

(c) On July 1, 1915, seventeen thousand nine hundred dollars, and on July 1, 1916, two thousand one hundred dollars, for furnishing and equipping the contagious hospital, nurses' home, and main building; and other permanent improvements.

(d) On July 1, 1917, six thousand two hundred fifty dollars, for permanent property and improvements, of which four thousand five hundred dollars shall be available for no other purpose than the installation of a sewerage disposal system; and one thousand dollars of which shall be available for no other purpose than the installation of a telephone system; and on July 1, 1918, one thousand two hundred fifty dollars, for permanent property and improvements.

(e) On July 1, 1917, five thousand dollars, for the erection of a greenhouse.

(f) On July 1, 1918, thirteen thousand dollars, for the construction and equipment of a laboratory for the psychiatric institute.

(g) On July 1, 1919, three thousand dollars, for the construction of a root cellar, on July 1, 1920, three thousand dollars, for the construction of a portico, and five thousand dollars, for the construction of a sun porch, and on July 1, 1922, five thousand dollars for the completion of the sun porch.

(h) On July 1, 1921, seven thousand two hundred dollars for the construction and equipment of a vegetable preparation room and fifteen thousand one hundred twenty-five dollars for the purchase and installation of a boiler in the heating and power plant; and on July 1, 1922, twenty thousand dollars for the construction and equipment of additions to the continuous bath rooms.

(3) NORTHERN HOSPITAL. For the northern hospital for the insane:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, one hundred sixty-seven thousand eight hundred forty-four dollars, for operation.

(b) On July 1, 1920, twelve thousand dollars, on July 1, 1921, fifteen thousand five hundred dollars, and on July 1, 1922, fourteen thousand dollars for property repairs and maintenance.

(bf) On July 1, 1920, one thousand four hundred seventy-five dollars, on July 1, 1921, sixteen hundred twenty-five dollars, and on July 1, 1922, eleven hundred twenty-five dollars for permanent property and improvements.

(c) On July 1, 1915, one thousand nine hundred twenty-five dollars, and on July 1, 1916, one thousand nine hundred fifty dollars, for superintendent's residence; and other permanent property and improvements.

(e) On July 1, 1919, four thousand dollars, for the construction of a barn, and one thousand eight hundred dollars, for the construction and equipment of a creamery, and on July 1, 1920, six thousand dollars, for the superintendent's residence, and four thousand three hundred dollars, for alterations at the power plant, and for the fiscal year ending June 30, 1922, not to exceed six thousand dollars for completing the superintendent's residence.

(f) On July 1, 1917, three thousand dollars, of which one thousand dollars shall be available only for the construction of a paint storehouse, one thousand five hundred dollars for the construction of a hoghouse, and five hundred dollars for the construction of a dry room.

(g) On July 1, 1921, two thousand dollars and on July 1, 1922, two thousand four hundred twenty dollars, for tiling. On July 1, 1922, for the west farm, eight hundred dollars for water supply; eight thousand dollars for the construction of a barn; fifteen thousand dollars for the construction of a house; and nine hundred dollars for the construction of a silo. On July 1, 1921, five thousand dollars for the construction of a house to be occupied by the engineer; fifteen thousand dollars for the construction and equipment of a cold storage plant; two thousand dollars for additional bath rooms; sixteen hundred thirteen dollars for radiator coverings; eighteen hundred dollars for the construction and equipment of a greenhouse workroom; one thousand dollars for ranges; six hundred dollars for an orchard sprayer; sixteen hundred dollars for an automobile. On July 1, 1922, fifteen hundred dollars for the construction and equipment of an operating room; eighteen hundred dollars for a farm tractor; six thousand five hundred dollars for an engine and generator; and two thousand dollars for furnishings for the superintendent's residence.

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(4) CENTRAL STATE HOSPITAL FOR INSANE. For the central state hospital for insane:

(a) Annually, an amount sufficient to cover the cost of insurance, and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, forty-five thousand dollars, for operation.

(b) On July 1, 1919, one thousand two hundred dollars, on July 1, 1920, one thousand two hundred dollars, on July 1, 1921, four thousand one hundred dollars, and on July 1, 1922, twelve hundred dollars for property repairs and maintenance.

(c) On July 1, 1918, three thousand six hundred dollars, on July 1, 1921, eleven hundred seventy-five dollars, and on July 1, 1922, eleven hundred seventy-five dollars for permanent property and improvements.

(d) On July 1, 1921, one thousand dollars for completing the barn; two thousand dollars for furniture and furnishings; and on July 1, 1922, fifty-five thousand dollars for completing the ward building. Any balance remaining in the appropriation for completing the ward building, after said building is completed, may be used for completing the dining room and kitchen building.

(e) On July 1, 1919, twenty-two thousand five hundred dollars, for the construction of a dining room and kitchen building; and twenty-seven thousand five hundred dollars, for the construction of ward buildings; and on July 1, 1920, twenty-two thousand five hundred dollars, for the construction of the dining room and kitchen building; twenty-seven thousand five hundred dollars, for the construction of ward buildings; and three thousand five hundred dollars, for furniture and furnishings.

(f) On July 1, 1920, one thousand dollars for an addition to the barn, and five hundred dollars for the construction of a telephone system.

(5) SCHOOL FOR THE DEAF. For the school for deaf:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, ninety thousand dollars, for operation.

(b) On July 1, 1921, nine thousand eight hundred dollars, and on July 1, 1922, nine thousand eight hundred dollars for property repairs and maintenance.

(c) On July 1, 1919, seven hundred fifty dollars, on July 1, 1920, six hundred fifty dollars, on July 1, 1921, two thousand one hundred dollars, and on July 1, 1922, two thousand one hundred dollars for permanent property and improvements.

(d) On July 1, 1918, one thousand one hundred fifty dollars, for permanent property and improvements.

(e) Not to exceed two thousand six hundred dollars, for the purchase of live stock, farm implements, machines and equipment.

(f) On July 1, 1919, two thousand one hundred dollars, for the construction of coal shed; and on July 1, 1920, twenty-one thousand six hundred dollars, for the construction of a new hospital; eight thousand dollars, for the construction of a laundry; three thousand dollars for laundry equipment; and two thousand dollars, for sidewalks.

(g) On July 1, 1919, nineteen thousand dollars, and on July 1, 1920, seventeen thousand three hundred dollars, for property repairs and maintenance.

(h) On July 1, 1921, eight thousand one hundred forty-six dollars for the alteration and remodeling of the old school building, and in addition thereto for that purpose, the balance remaining in the appropriation made in this subsection for a new hospital; seven thousand dollars for remodeling buildings other than the old school building; six thousand dollars for wiring and for replacing heating connections; eight thousand five hundred dollars for boilers and equipment; seven thousand five hundred dollars for constructing and equipping a cold storage plant; and on July 1, 1922, twenty-five thousand dollars for the construction and equipment of a boys' cottage.

(6) SCHOOL FOR THE BLIND. For the school for the blind:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, eighty-two thousand dollars, for operation.

(b) On July 1, 1920, seven thousand dollars, on July 1, 1921, ten thousand dollars, and on July 1, 1922, seven thousand dollars for property repairs and maintenance.

(bf) On July 1, 1920, one thousand three hundred dollars, on July 1, 1921, four thousand one hundred dollars, and on July 1, 1922, four thousand one hundred dollars for permanent property and improvements, and on July 1, 1921, two hundred twenty-five dollars for shower baths, four hundred dollars for bathtubs, and five hundred dollars for engine room floor.

(c) On July 1, 1915, sixteen thousand one hundred dollars, for construction of a laundry, and a refrigerator room, and on July 1, 1916, seven thousand one hundred dollars, for construction of a kindergarten addition to the school building. Any balances of

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this appropriation may be used for new dormitories; purchase of apparatus; and other permanent property and improvements.

(e) On July 1, 1921, three thousand dollars, and on July 1, 1922, three thousand dollars for maintaining the summer school in connection with the school for the blind.

(f) On July 1, 1918, two thousand dollars, and on July 1, 1921, twenty-five hundred dollars, for the construction of a root cellar and remodeling greenhouse.

(g) Annually, beginning July 1, 1919, two thousand dollars, or so much thereof as may be necessary, to carry out the provisions of section 47.07.

(7) INSTITUTE FOR BLIND ARTISANS. For the institute for blind artisans:

(a) On July 1, 1921, fourteen thousand eight hundred five dollars, and on July 1, 1922, fourteen thousand four hundred five dollars, for operation.

(b) On July 1, 1917, five hundred dollars, and on July 1, 1918, five hundred dollars, for the purchase of machinery and equipment, furniture, and furnishings; and other permanent property and improvements.

(c) On July 1, 1919, five thousand dollars, and on July 1, 1921, five thousand dollars, together with any materials then in stock, pursuant to the provisions of this subsection, to be invested in materials, payment of artisans, and for expenses incident to manufacture and sale of basketry and willow ware; and whenever any such materials, or the articles manufactured therefrom, are sold, the proceeds thereof shall be paid into the general fund within one week of receipt, and credited back to this appropriation.

(g) Annually, beginning July 1, 1921, twenty-five thousand dollars to carry out the provisions of section 47.135 of the statutes.

(7a) BLIND AND DEAF AID. For state aid to the blind and to the blind and deaf, annually, beginning January 1, 1922, not to exceed fifty thousand dollars, according to the provisions of section 47.105 of the statutes.

(8) TUBERCULOSIS SANATORIUM. For the state tuberculosis sanatorium:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, one hundred forty-six thousand three hundred sixty-five dollars, for operation.

(b) On July 1, 1921, ten thousand dollars, and on July 1, 1922, ten thousand dollars, for property repairs and maintenance.

(c) On July 1, 1920, three thousand one hundred seventy-five dollars, on July 1, 1921, two thousand seven hundred dollars, and on July 1, 1922, two thousand seven hundred dollars, for permanent property and improvements.

(d) On July 1, 1917, ten thousand one hundred dollars, and on July 1, 1918, fourteen thousand nine hundred dollars, for permanent property and improvements; of the appropriations made on July 1, 1917, and on July 1, 1918, nine thousand one hundred dollars, and twelve thousand seven hundred dollars, respectively, shall be available only for machinery, equipment and permanent improvements for the power plant.

(e) On July 1, 1917, eight thousand dollars, for the construction of a laundry.

(f) On July 1, 1917, fifty thousand dollars, and on July 1, 1918, fifty thousand dollars, and on July 1, 1922, one hundred thousand dollars, for the construction and equipment of an infirmary; of the first amount not to exceed fifteen hundred dollars shall be available for purchase of land.

(g) On July 1, 1919, sixteen thousand eight hundred dollars, for alterations at the power plant, two thousand seven hundred fifty dollars, for the construction of a sterilizer, two thousand dollars, for the purchase of laundry equipment, one thousand dollars, for the purchase of an automobile; and on July 1, 1920, twenty thousand dollars, for infirmary equipment, furniture and furnishings.

(h) On July 1, 1921, ten thousand eight hundred dollars for the purchase and installation of a water softening plant; two thousand five hundred dollars for an air compressor; one thousand five hundred dollars for remodeling the employes' dining room; two thousand dollars for an X-ray machine; and twenty thousand dollars for power plant equipment.

(9) STATE TUBERCULOSIS CAMP. For the state tuberculosis camp:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and on July 1, 1921, seventeen thousand three hundred thirty-nine dollars, and on July 1, 1922, thirty-two thousand four hundred five dollars, for operation. Of the appropriation on July 1, 1922, fifteen thousand dollars shall be available only in case of an increase in the population of the camp during the fiscal year ending June 30, 1923.

(b) On July 1, 1920, nine hundred sixty-five dollars, on July 1, 1921, twelve hundred dollars, and on July 1, 1922, twelve hundred dollars, for property repairs and maintenance.

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(c) On July 1, 1919, seven thousand four hundred fifty dollars, of which seven thousand dollars shall be used for no other purpose than the purchase of furniture and furnishings for the new buildings, on July 1, 1920, five hundred fifty dollars, on July 1, 1921, thirteen hundred dollars, and on July 1, 1922, twenty-three hundred dollars, for permanent property and improvements.

(d) On July 1, 1917, fifteen thousand seven hundred dollars, in sums allotted as follows:

For a double deck cottage, twelve thousand dollars.

For a workshop and storehouse, two thousand five hundred dollars.

For an addition to the electric plant, twelve hundred dollars; and on July 1, 1918, fifteen thousand dollars, for a refectory and employes' building.

(e) On July 1, 1919, six thousand dollars, for land improvements and sewage disposal, and two thousand dollars, for construction of a lake ice cold storage plant; and on July 1, 1920, one thousand dollars, for land improvements.

(f) On July 1, 1921, fifteen thousand dollars for the completion of the refectory; twelve thousand dollars for the completion of the double deck cottage; fifteen thousand dollars for the construction and equipment of a female dormitory; five hundred dollars for laundry equipment; two hundred dollars for a motion picture machine; and on July 1, 1922, thirty-five hundred dollars for an addition to the power house; thirty-five hundred for the completion of the workshop and storehouse; three thousand dollars for the completion of the cold storage plant; two thousand dollars for farm buildings; one thousand dollars for the construction of a silo; one thousand dollars for workshop machinery; one thousand dollars for laundry equipment; and five thousand dollars for furniture and furnishings for new buildings.

(9a) NORTHERN STATE TUBERCULOSIS SANATORIUM. For the northern state tuberculosis sanatorium, on July 1, 1917, seventy-five thousand dollars, for the purchase of a site and the erection and equipment of buildings.

(9b) COUNTY TUBERCULOSIS SANATORIUM. For state aid and maintenance of inmates in county tuberculosis sanatorium, for the fiscal year ending June 30, 1922, not to exceed two hundred five thousand dollars, and for the fiscal year ending June 30, 1923, not to exceed two hundred twenty-five thousand dollars. Such aid shall be apportioned among the various county institutions in proportion to the number of patients cared for at public expense in each institution during the year ending on the thirtieth day of June; but no more shall be allowed than seven dollars per week per patient for the number of weeks such patient was a resident of such institution.

(10) HOME FOR FEEBLE-MINDED. For the Wisconsin home for the feeble-minded:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, one hundred ninety-five thousand dollars, for operation.

(b) On July 1, 1921, twenty thousand dollars, and on July 1, 1922, fifteen thousand dollars, for property repairs and maintenance.

(c) On July 1, 1920, one thousand two hundred fifty dollars, on July 1, 1921, sixty-three hundred dollars, and on July 1, 1922, twenty-four hundred dollars, for permanent property and improvements.

(d) On July 1, 1917, seven thousand one hundred dollars, and on July 1, 1918, eleven thousand six hundred fifty dollars, for permanent property and improvements; of the amounts appropriated on July 1, 1917, and July 1, 1918, five thousand dollars, and nine thousand five hundred dollars, respectively, shall be available only for machinery, equipment, and permanent improvements for the power house.

(e) On July 1, 1919, seven thousand two hundred fifty dollars, for alterations at power plant, seven hundred fifty dollars, for the purchase of an automobile truck, nine hundred dollars, for the purchase of horses, one thousand four hundred dollars, for the purchase of a tractor, eight thousand five hundred dollars, for the completion of the laundry building, and eight thousand five hundred dollars, for equipment for the laundry building.

(f) On July 1, 1921, four thousand dollars for water supply; five hundred for sewerage; two thousand dollars for construction and equipment of a laboratory; two thousand dollars for the construction of a hennery; two thousand dollars for new floors; ten thousand dollars for power plant alterations and equipment; and on July 1, 1922, fifty thousand dollars for the construction and equipment of an isolation ward.

(11) SOUTHERN HOME FOR FEEBLE-MINDED. For the southern Wisconsin home for the feeble-minded:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges

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thereon, and on July 1, 1921, forty-two thousand five hundred thirty-five dollars, and on July 1, 1922, seventy thousand two hundred ninety-five dollars, for operation.

(b) On July 1, 1913, twenty-five thousand dollars, and on March 1, 1914, seventy-five thousand dollars, on July 1, 1914, fifty thousand dollars, and on July 1, 1915, one hundred fifty thousand dollars, for construction of such buildings as it deems proper, to meet the demands for the admission of feeble-minded and epileptic persons to such institution.

(bc) On July 1, 1921, six thousand four hundred dollars, and on July 1, 1922, two thousand two hundred dollars, for property repairs and maintenance.

(bf) On July 1, 1919, one thousand eight hundred fifty dollars, and on July 1, 1920, one thousand eight hundred fifty dollars, for permanent property and improvements.

(c) On May 10, 1917, eight thousand dollars, for the purchase of farm machinery, and live stock.

(d) On July 1, 1917, fifty-nine thousand dollars, in sums allotted as follows: For one class 3 building, thirty-four thousand dollars; for superintendent's residence, five thousand dollars; for completing buildings and work under construction, twenty thousand dollars. On July 1, 1918, fifty-six thousand dollars, of which fifty-one thousand dollars shall be available for the construction of one class 3 building, and five thousand dollars for the superintendent's residence.

(e) On July 1, 1921, thirty-six thousand dollars for completing the construction and equipment of the heat and power station; seventeen hundred forty-seven dollars and forty-eight cents to pay for contract liabilities heretofore incurred in the construction of the spur track; seven thousand dollars for the construction of a house to be occupied by the steward; twelve hundred dollars for the construction of a poultry house; twenty-two hundred dollars for completing the construction of a barn; twenty-eight hundred dollars for remodeling the horse barn; sixteen hundred dollars for the purchase of an automobile; and twenty-five hundred dollars for the purchase of farm machinery. On July 1, 1922, thirty-three hundred dollars for grading, and thirty-two hundred dollars for the construction of a hog house.

(j) An amount not to exceed five thousand dollars for laundry equipment.

(k) An amount not to exceed six hundred forty-three dollars for dairy and milk room equipment.

(l) An amount not to exceed twelve thousand dollars for furniture and furnishings.

(m) An amount not to exceed twenty-three thousand dollars for water supply, electrical and steam equipment, and steam conduit.

(n) An amount not to exceed ten thousand dollars to cover extras or changes properly authorized on contracts.

(o) No item of expense shall be audited against the appropriations made by paragraphs (g), (i), (l) and (n) until the same have been determined and approved by a committee consisting of the state engineer, a member of the board of control, and a member of the board of public affairs, the latter two shall be designated by the governor.

No item of expense shall be audited against the appropriations made by paragraphs (f), (h), (j), (k) and (m) unless the same shall have been authorized and approved by the state engineer.

The appropriations made by paragraphs (e), (i), and (n) shall be available to pay indebtedness incurred since the execution of the contracts.

All other appropriations made in this act shall be available within the limits and purposes specified to pay indebtedness incurred since July 1, 1917.

(p) On July 1, 1919, seventeen thousand five hundred dollars, for main sewer extension; thirty-five thousand dollars, for the construction of inmate buildings; twenty-five thousand dollars, for the construction of a refectory; twenty-five thousand dollars, for the construction of two employes' buildings; thirty-three thousand dollars, for the construction of the power and heat station; thirty thousand dollars, for heat and light apparatus; five thousand dollars for the construction of a chimney; twenty thousand dollars, for tunnels, conduits, sewers and water supply; ten thousand dollars, for a well; six thousand dollars, for roads and sidewalks; five thousand dollars, for sidetrack; one thousand nine hundred and fifty dollars, for screens; one thousand five hundred dollars, for porch and other improvements at the superintendent's residence; one thousand five hundred dollars, for fences; one thousand two hundred and fifty dollars, for remodeling farm house; and three thousand five hundred dollars, for general supervision of construction.

And on July 1, 1920, two hundred forty thousand dollars, for the construction of inmate buildings; twenty-five thousand dollars, for the construction of the refectory; twenty-five thousand dollars, for the construction of the two employes' buildings; thirty thousand dollars, for heat and light apparatus; thirty thousand dollars, for tunnels, conduits, sewers and water supply; twenty-five thousand dollars, for the construction of a

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laundry; thirty-two thousand dollars, for furniture and furnishings for the four buildings; eight thousand dollars, for furniture and furnishings for the two employes' buildings; six thousand dollars, for furniture and furnishings, and equipment of the refectory; six thousand dollars, for laundry machinery; twelve thousand dollars, for farm buildings; and three thousand five hundred dollars, for general supervision of construction.

(12) STATE PUBLIC SCHOOL. For the state public school:

(a) Annually, an amount sufficient to cover the cost of insurance and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, ninety-four thousand two hundred forty-five dollars, for operation.

(b) On July 1, 1921, forty-two thousand four hundred ten dollars, and on July 1, 1922, fifty-one thousand three hundred dollars, for property repairs and maintenance.

(bf) On July 1, 1920, two thousand five hundred fifty dollars, on July 1, 1921, thirty-three hundred dollars, and on July 1, 1922, thirty-three hundred dollars, for permanent property and improvements.

(c) On July 1, 1915, six thousand five hundred fifty dollars, and on July 1, 1916, six thousand five hundred fifty dollars, for construction of cottages, a tunnel, electric units, and a new schoolhouse; purchase of a piano; and other permanent improvements.

(d) On July 1, 1917, three thousand four hundred dollars, for permanent property and improvements; of the amount appropriated on July 1, 1917, two thousand four hundred dollars shall be available only for fire escapes upon cottages D and E, and the present hospital building.

(e) On July 1, 1917, seven thousand five hundred dollars, of which six thousand dollars shall be available only for the construction of a new barn and silo, fifteen hundred dollars for the construction of cisterns and equipment necessary thereto.

(f) On July 1, 1918, thirty-five thousand dollars, for the construction and equipment of a schoolhouse.

(g) On July 1, 1919, five hundred dollars, for the installation of a telephone system; and on July 1, 1920, ten thousand dollars, for the erection of a superintendent's residence.

(h) On July 1, 1920, three thousand dollars, for medical supplies and appliances for crippled and deformed children. On July 1, 1921, thirty-three thousand dollars, and on July 1, 1922, thirty-three thousand dollars for hospital care, medical appliances, and the operation of cottages for crippled children. On July 1, 1921, five thousand dollars for the remodeling and equipment of state owned cottages for crippled children at the university.

(i) On July 1, 1921, two thousand dollars for farm water supply; thirty-six hundred dollars for relaying city water supply connections; two hundred fifty dollars for a cistern at Cottage F; four thousand dollars for completing the construction of the barn; two thousand dollars for the purchase of farm machinery; one thousand dollars for kitchen equipment; five hundred dollars for laundry equipment; four hundred dollars for the purchase and installation of a furnace; and on July 1, 1922, three thousand dollars for land improvements and the construction of sidewalks; five thousand dollars for the construction of a farm house; and four thousand dollars for the contruction of other farm buildings.

(13) DEPENDENT CHILDREN. For state aid to dependent children, annually, on January first, not to exceed thirty thousand dollars, according to the provisions of section 48.33 of the statutes.

(14) WISCONSIN INDUSTRIAL SCHOOL FOR GIRLS. For the Wisconsin industrial school for girls:

(a) Annually, an amount sufficient to cover the cost of insurance, and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, sixty-two thousand five hundred thirty dollars, for operation.

(b) On July 1, 1920, six thousand dollars, on July 1, 1921, fourteen thousand five hundred fifty dollars, and on July 1, 1922, eighty-three hundred dollars, for property repairs and maintenance.

(c) On July 1, 1920, five hundred dollars, on July 1, 1921, fifty-seven hundred fifty dollars, and July 1, 1922, fifty-six hundred fifty dollars, for permanent property and improvements.

(d) On July 1, 1919, three thousand dollars, for safety devices and fire protection, and four hundred dollars, for wiring the schoolhouse; and on July 1, 1920, four thousand five hundred dollars, for safety devices and fire protection.

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(e) The benevolent fund, amounting to the principal sum of thirteen thousand five hundred dollars, transferred to the state by chapter 636 laws of 1917, constitutes a separate trust fund and shall be conserved and applied as follows:

First: The principal of said trust fund shall be held by the state treasurer, and be invested and reinvested as provided in chapter 25 of the statutes.

Second: The income of said trust fund shall be used and expended exclusively for the benefit of girls committed to the Wisconsin industrial school for girls, or such other institutions as the state may hereafter establish and maintain for the care, custody and education of girls of the classes now or hereafter authorized by law to be committed to said institution, in providing healthful and instructive recreation and amusements, furnishing advance educational facilities for such of them as show special fitness therefor, providing needed medical or surgical care in exceptional cases, and other similar purposes; but no part of said income shall be used for defraying any of the ordinary expenses of any such institution.

Third: Said income shall be disbursed from the state treasury only upon warrants issued on certifications by the state board of control upon the recommendation of the superintendent or other managing officer of such industrial school or other institution.

(f) On July 1, 1921, seventy-five hundred dollars for remodeling dormitories; nineteen hundred dollars for heating apparatus and wiring for cottage; not to exceed six hundred dollars for the purchase of a truck; and twenty-five hundred dollars for the purchase of laundry equipment. On July 1, 1922, ten thousand dollars for the construction of conduits, with the necessary wiring, piping, etc., therefor.

(15) INDUSTRIAL SCHOOL FOR BOYS. For the industrial school for boys:

(a) Annually, an amount sufficient to cover the cost of insurance, and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, one hundred twenty-four thousand seven hundred dollars for operation.

(b) On July 1, 1921, thirteen thousand six hundred dollars, and on July 1, 1922, twenty-eight thousand six hundred dollars, for property repairs and maintenance.

(c) On July 1, 1919, four thousand dollars, for fire escapes, one thousand dollars, for runways, five hundred dollars, for the construction of a machine shed, five thousand dollars, for the construction of a hospital building, and one thousand dollars, for the purchase of an automobile; and on July 1, 1920, one thousand dollars, for the construction of a corn crib, and five hundred dollars, for the construction of an oil house.

(d) On July 1, 1919, two thousand nine hundred fifty dollars, on July 1, 1920, one thousand seven hundred fifty dollars, on July 1, 1921, sixty-three hundred seventy dollars, and on July 1, 1922, thirty-four hundred dollars, for permanent property and improvements.

(e) On July 1, 1921, ten thousand eight hundred dollars for the purchase and installation of a water softening plant; twenty-five thousand dollars for the construction of a barn and silos; twenty-three hundred seventy-five dollars for the construction and six hundred twenty dollars for the equipment of a tunnel to the new barn; five thousand dollars for the construction of a root cellar; sixteen hundred dollars for the construction and equipment of an additional cold storage compartment; one thousand dollars for the purchase of band instruments and twelve hundred dollars for the purchase of barn equipment; and on July 1, 1922, twenty-five hundred dollars for the construction of a slaughterhouse; thirty-five hundred dollars for the construction of a piggery; fifty-five hundred dollars for remodeling the old laundry building; and twelve thousand dollars for the construction of a new laundry building.

(16) STATE REFORMATORY. For the state reformatory:

(a) Annually, an amount sufficient to cover the cost of insurance, and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, eighty-five thousand dollars, for operation.

(b) On July 1, 1921, eighty-six hundred fifty dollars, and on July 1, 1922, eighty-six hundred fifty dollars, for property repairs and maintenance.

(c) On July 1, 1916, twenty-six thousand dollars, for land improvements; construction of prison wall; and addition to the main building; and other permanent improvements.

(d) On July 1, 1921, twenty-two hundred fifty dollars, and on July 1, 1922, sixteen hundred fifty dollars, for permanent property and improvements.

(e) On July 1, 1918, fifteen thousand dollars; of which appropriations five thousand dollars shall be available only for the completion of the wall, and twenty-five thousand dollars for the completion of the new cell wing, and on July 1, 1921, ninety-four thousand and ten dollars for the completion of the new cell wing.

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(f) On July 1, 1919, four thousand dollars for a reservoir and water softener, seven thousand seven hundred fifty dollars for the construction of barns and farm buildings, and ten thousand dollars for completing the roof, and inclosing the new cell wing; and on July 1, 1920, nine thousand dollars for completing the wall and guardhouse gates, and two thousand dollars for the construction of a root cellar, and on July 1, 1921, five thousand dollars for completing the new barn.

(g) On July 1, 1919, five thousand dollars, to be used as a revolving appropriation, for the operation of the marble cutting industry; and all moneys received by each and every person, for the state board of control, for, or on account of, the operation of the marble cutting industry, shall be paid, within one week after receipt, in the general fund, and are appropriated therefrom, and added to this appropriation.

(h) On July 1, 1921, fifteen hundred dollars for tiling and landscaping; twelve hundred dollars for the construction of a chicken house; five thousand dollars for roof and other property repairs; and on July 1, 1922, twenty-seven thousand five hundred dollars for plumbing and roof repairs on the north cell wing; eighty-seven hundred dollars for yard lighting and the renewal of the lighting system; four thousand dollars for the construction of a horse barn; thirty-five hundred dollars for the construction of a hog barn; four thousand dollars for the construction of a farmhouse; and thirty thousand dollars for power plant alterations and the renewal of the steam system.

(i) On July 1, 1921, not to exceed twenty thousand dollars for the purchase and improvement of approximately three hundred six acres of land, known as the Oneida farm, and for the construction of a temporary barn, sleeping quarters and cookhouse thereon, and for the purchase of farm machinery.

(17) INDUSTRIAL HOME FOR WOMEN. For the Wisconsin industrial home for women:

(a) Annually, an amount sufficient to cover the cost of insurance, and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, twenty-six thousand five hundred dollars, for operation.

(b) On July 1, 1919, eight hundred dollars, and on July 1, 1920, one thousand dollars, for property repairs and maintenance.

(c) On July 1, 1917, fifty-seven thousand five hundred seventy dollars, in sums allotted as follows:

To complete buildings under construction, thirty-three thousand nine hundred twenty dollars.

For sewage and drains, three thousand six hundred dollars.

For tiling and fencing, two thousand five hundred dollars.

For boilers, piping, tunnel, lighting, etc., thirteen thousand five hundred fifty dollars.

For spur track, four thousand dollars.

On March 1, 1918, ten thousand dollars for furniture, furnishings and equipment; and on July 1, 1918, four thousand dollars for tiling and fencing, on July 1, 1921, three thousand dollars, and on July 1, 1922, three thousand dollars for furniture, furnishings, and equipment.

(d) On July 1, 1919, seventy-one thousand three hundred dollars, for permanent property and improvements; of which amount the following sums shall be available for the respective purposes named: Seven thousand five hundred dollars, for completing the power house; twenty-nine thousand dollars, for completing the heat and power equipment; five thousand dollars, for the chimney; eight thousand dollars, for steam piping and covering; ten thousand six hundred dollars, for steam heating; six thousand seven hundred dollars, for wiring; one thousand five hundred dollars, for electric fixtures; one thousand dollars, for the tunnel; two thousand dollars, for conduits; and on July 1, 1920, three thousand seven hundred dollars, for conduits and for extending the water and sewer system.

(e) On July 1, 1919, six thousand five hundred dollars, for highway construction, and for sidewalks; and on July 1, 1920, one thousand dollars, for grading and seeding.

(f) On July 1, 1919, six thousand dollars, for painting the walls and ceilings; and three thousand dollars, for laundry equipment.

(g) On July 1, 1920, not to exceed twenty-two thousand dollars, for carrying out the various provisions and purposes of paragraphs (c) and (d) of this subsection; this additional appropriation may be used for any one or more or for all of the purposes of said paragraphs; and in case any saving is effected in any allotment or allotments made by paragraphs (c) or (d), such saving may be transferred to any other allotment or allotments of either paragraph.

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(18) STATE PRISON. For the state prison:

(a) Annually, an amount sufficient to cover the cost of insurance, and coal and other solid fuel purchased pursuant to subsection (14) of section 34.02, and freight charges thereon, and annually, beginning July 1, 1921, two hundred nine thousand five hundred dollars, for operation.

(b) On July 1, 1920, fifteen thousand dollars, on July 1, 1921, nineteen thousand nine hundred twenty-five dollars, and on July 1, 1922, nineteen thousand three hundred seventy-five dollars, for property repairs and maintenance.

(c) On July 1, 1919, one thousand dollars, for tiling and fencing, four thousand dollars, for completing the prison for females, nine hundred dollars, for the erection of a superintendent's office, two thousand dollars, for the erection of a hog house, one thousand dollars, for the erection of a poultry house, five hundred dollars, for water supply, and one thousand six hundred dollars, for additions to the greenhouse; and on July 1, 1920, one thousand dollars, for tiling and fencing, two thousand dollars, for the construction of a hog house and tramway, five hundred dollars, for the construction of a poultry house, one thousand seven hundred fifty dollars, for the construction of a slaughter and smokehouse, one thousand dollars, for the construction of an implement and tool house, sixteen thousand five hundred fifty dollars, for alterations at the power plant, and eight hundred dollars, for the construction of a silo.

(d) On July 1, 1920, one thousand five hundred dollars, and on July 1, 1921, sixty-five hundred twelve dollars, for permanent property and improvements.

(e) On July 1, 1917, twenty-nine thousand seven hundred dollars, and on July 1, 1918, fifteen thousand one hundred dollars, for permanent property and improvements. Of the amount appropriated on July 1, 1917: Four thousand dollars shall be available only for yard lighting; four hundred dollars shall be available only for a greenhouse; and twenty thousand one hundred dollars shall be available only for machinery, equipment and permanent improvements for the power plant; and of the amount appropriated on July 1, 1918, thirteen thousand dollars shall be available only for machinery, equipment and permanent improvements for the power plant.

(f) On July 1, 1921, for the Chester farm, one thousand dollars for the purchase of a farm tractor and plow; twenty-three hundred dollars for the construction of a calf barn; one thousand dollars for the construction of an extension to the poultry house; fifteen hundred dollars for the construction of a stock hospital and thirty-five hundred dollars for the construction of an extension of the barn. For the Trenton farm, sixteen hundred ninety dollars for the purchase of barn equipment; one thousand dollars for the construction of an extension to the poultry house; two thousand dollars for the construction of an extension to the hog house; fifteen hundred dollars for the construction of a sheep barn; three thousand dollars for the construction and equipment of officers' quarters; and four thousand dollars for the construction of an extension to the new barn. For the Warber farm, one thousand dollars for electric light connections and equipment. For the prison, four thousand dollars for the construction of an extension to the greenhouse; nineteen hundred and fifty dollars for the purchase of machinery; three thousand dollars for the purchase of kitchen equipment; and not to exceed six hundred dollars for the purchase of a one-ton truck chassis; and on July 1, 1922, fifty thousand dollars, for the construction and equipment of a cold storage plant.

(g) On July 1, 1917, fifteen thousand dollars, for the purchase and installation of a new boiler.

(h) On July 1, 1920, not to exceed eighty thousand dollars, for the construction of a new cell block.

(i) On July 1, 1921, not to exceed forty-six thousand seven hundred fifty dollars, for the purchase of approximately one hundred seventy acres of land adjoining the present prison property.

(19) BINDER TWINE PLANT. For the binder twine plant at the state prison, from time to time, sums equal in amount to the moneys derived from the sale of the manufactured products of said plant and paid into the general fund, to be used as a revolving appropriation for operation, purchase of raw materials, carrying, handling and marketing the products of said plant; but whenever said revolving appropriation exceeds six hundred thousand dollars such excess shall revert to the general fund. The sum of two hundred eight thousand seven hundred sixteen dollars seventy-eight cents, heretofore reverted to the general fund, is reappropriated therefrom, and added to this appropriation.

(20) PRISON INDUSTRIES. For prison industries as provided in section 56.01 of the statutes:

(a) On July 1, 1919, fifteen thousand dollars, and from time to time, sums equal in amount to the moneys derived from the sale of products of the industries of the state

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prison other than the binder twine plant, and the marble industry, and paid into the general fund, to be used as a revolving appropriation to carry on such industries at the state prison.

(b) On July 1, 1917, two-fifths of the unexpended balance of the appropriation heretofore made by subsection (20) of section 20.17 of the statutes, and, from time to time, sums equal in amount to the moneys derived from the sale of the products of the industries at the state reformatory, and paid into the general fund, to be used as a revolving appropriation to carry on such industries at the state reformatory.

(21) CONVICT LABOR ON HIGHWAYS. For convict labor on highways, as provided in section 56.04 of the statutes, on July 1, 1915, ten thousand dollars; on July 1, 1916, ten thousand dollars; and, from time to time, sums equal in amount to the moneys received on account of such road construction and paid into the general fund, to be used as a revolving appropriation for the employment of state convicts and other necessary expenses in such road construction.

(22) COMPENSATION FOR IMPRISONMENT OF INNOCENT PERSONS. For compensation to prisoners who have served terms of imprisonment upon conviction for an offense or crime against the state of which they are innocent, as provided in section 3203*a* of the statutes, such sums as may be necessary to pay the awards of the board created by said section, when certified to the secretary of state by said board.

(23) STERILIZATION OF INMATES. For mental and physical examination of inmates, and prevention of procreation, as provided in section 46.12 of the statutes, annually, beginning July 1, 1919, not to exceed two thousand dollars.

(24) WISCONSIN PSYCHIATRIC INSTITUTE. For the Wisconsin psychiatric institute: Annually, beginning July 1, 1921, twenty-two thousand dollars, for making Wasserman tests and other laboratory examinations, as provided in section 46.13 of the statutes.

(25) AUTOMATIC SPRINKLERS. On August 13, 1915, twenty-five thousand dollars, for the equipment of the charitable and penal institutions with automatic sprinklers, if the board of control so determine, or other protection against fire; and for the improvement and equipment of such other of the properties under its charge with protection against fire as may be determined by said board, precedence to be given as between the different properties according to the hazard to life and property.

(26) COUNTY INSTITUTIONS. For state aid and maintenance of inmates in county institutions:

(a) From time to time such sums as may be necessary, to be credited and charged on taxes, as provided in sections 46.10, 51.08, 51.12, 51.26, 51.27 and 51.28 of the statutes.

(b) Annually, beginning July 1, 1913, such sums as may be necessary, for any compensation to the trustees of the Milwaukee hospital for the insane chargeable against the state as provided in subsection (2) of section 51.23 and section 51.24 of the statutes.

(27) LIVE STOCK. From time to time, sums equal in amount to the receipts from the sale of live stock, and paid into the general fund, to be used as a revolving appropriation, for the purchase of new live stock; provided the proceeds from the sale of stock at one institution shall not be used to purchase stock at any other institution.

(28) NEW BUILDINGS. All appropriations made by law to the board of control for the construction of new buildings, shall be expended in accordance with the following conditions:

(a) Construction shall, unless otherwise directed by law, be in order of the greatest need therefor as determined by the board of control.

(b) No plan or plans shall be finally adopted, and no contract or contracts shall be entered into by the board of control for the construction of any building until such plans and contracts, with complete estimates of the total cost thereof, shall have been submitted to, and in writing approved by the governor, who shall withhold such approval until he shall satisfy himself by a personal examination or by such other means as he may in his discretion adopt, that such building is required for the purpose proposed, and that it can and will be erected and fully completed according to such plans or contracts for the sum proposed for the same by the board of control out of the appropriation made for such purposes.

(30) OCCUPATIONAL THERAPY. On July 1, 1919, five thousand dollars, to carry out the provisions of subsection (10) of section 46.03. Of this there is allotted:

(a) Not to exceed two thousand five hundred dollars, for salary and expenses of an instructor.

(b) Two thousand five hundred dollars, to be used as a revolving appropriation for the purchase of the necessary materials and supplies.

(31) PROBATIONERS' FUND. All moneys in the hands of the board of control, or coming into its possession, belonging to absconding probationers as provided in section 57.075

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of the statutes, as a revolving fund to be used for the purposes of such section; and all moneys received by said board pursuant to the provisions of said section shall be paid, within one week after receipt, into the general fund, and are appropriated therefrom, and added to this appropriation. [*Stats. 1915 s. 170 sub. 22, 172—67 except sub. 47, 172—68, 172—69, 172—120, 20.28, 572a, 573j—2, 593, 599, 604c, 604e, 604f, 604m, 604x, 604x—4, 604x—5, 1421—14, 3203a sub. 6; 1915 c. 501, 538; 1917 c. 14 s. 25; 1917 c. 275, 276; 1917 c. 324 s. 3, 4; 1917 c. 395 s. 2; 1917 c. 418 s. 2; 1917 c. 420, 479, 517, 518, 519, 520, 567, 581; 1917 c. 628 s. 11; 1917 c. 677 s. 1, 70; 1917 c. 631 s. 1; Stats. 1917 s. 20.18, 563a; Spl. S. 1918 c. 1; 1919 c. 53; 1919 c. 252 s. 1, 4–6; 1919 c. 274; 1919 c. 317; 1919 c. 318, 319, 320, 321; 1919 c. 332 s. 2; 1919 c. 355 s. 5, 7, 8; 1919 c. 367; 1919 c. 403 s. 2; 1919 c. 453; 1919 c. 454 s. 4, 8; 1919 c. 517 s. 1, 3; 1919 c. 628 s. 6; 1919 c. 630 s. 3, 5, 9; 1919 c. 649 s. 2, 4, 5, 7; 1919 c. 671 s. 15a, 37; 1919 c. 702 s. 2; Spl. S. 1920 c. 23; 1921 c. 531; 1921 c. 577 s. 2; 1921 c. 579 s. 2; 1921 c. 580*]

20.175 Federal aid. All moneys received by the state from the United States as federal aid for the treatment of the mental diseases of persons who served in the armed forces of the United States during the war against Germany and her allies, shall be paid within one week after receipt into the general fund of the state treasury and are appropriated therefrom to the state board of control to be allotted to such institutions in the state as said board shall deem proper, in conformity with the agreement under which such money is received. [*1921 c. 144*]

PUBLIC DOMAIN.

20.19 Commissioners of public lands. There is appropriated from the general fund to the commissioners of public lands:

(1) Annually, beginning July 1, 1917, four thousand seven hundred fifty-five dollars, for the execution of their functions.

(2) On July 1, 1917, not to exceed five hundred dollars, for rebinding dilapidated records, to properly arrange, file and index the official records and documents in their custody. [*Stats. 1915 s. 172—37 sub. 2; 1917 c. 14 s. 34; 1917 c. 649*]

20.193 [*Repealed by 1921 c. 517 s. 9*]

20.195 Irregular and illegal credits to common school fund. There is appropriated to the commissioners of public lands a sum sufficient to carry out the provisions of sections 24.34 and 24.35, but all payments hereunder shall be subject to the approval of the governor. Said payments shall be made in the following manner:

(a) All refunds of principal shall be paid from the common school fund, or the normal school fund, according as the sum so refunded shall have been originally credited to the one or the other of said funds.

(b) All refunds of interest shall be paid from the common school fund income, or the normal school fund income, according as the interest so refunded shall have been originally credited to the one or the other of said funds.

(c) The six per cent interest provided for in said sections 24.34 and 24.35 shall be paid, two and one-half per cent from the general fund, and three and one-half per cent from the same fund from which the refund of interest is required by paragraph (b) hereof to be paid. [*1919 c. 322 s. 2; 1921 c. 433*]

20.20 State conservation commission. There is appropriated from the general fund to the state conservation commission:

(1) On July 1, 1921, two hundred sixty-four thousand one hundred seventy-five dollars, and on July 1, 1922, two hundred sixty thousand six hundred seventy-five dollars, for administration and operation. Provided that in case the "Conservation Fund" as provided in section 20.205, is insufficient to reimburse the general fund for the appropriations made by subsections (1), (2) and (3) of this section, such deficiency to an amount not exceeding ten thousand dollars shall be deducted from this appropriation.

(2) On July 1, 1921, thirty thousand dollars, and on July 1, 1922, twenty-two thousand six hundred dollars, for property repairs and maintenance.

(3) On July 1, 1921, five thousand dollars, and on July 1, 1922, five thousand dollars, for permanent property and improvements.

(4) Annually, such sums as may be necessary for the payment of bounties chargeable against the state, for the destruction of wild animals, as provided in section 29.60.

(5) Such sums as may be necessary for compensation of emergency fire wardens, as provided in section 26.14. All moneys received by the state treasurer, pursuant to the provisions of section 26.14 of the statutes, shall be paid immediately into the general fund.

(6) Not to exceed twenty thousand dollars, for the purpose of grading, draining, and preparing a roadway in Devils Lake Park, in Sauk county, on a location satisfactory to the state highway commission and to the state conservation commission.

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(7) All moneys received by the conservation commission from the sale of subscriptions to any publication or magazine, as provided in subsection (7) of section 29.21, shall be paid, within one week after receipt, into the general fund, and are appropriated therefrom, for the purpose of carrying out said subsection.

(8) All moneys received by the state conservation commission from the United States under the provisions of an act of congress of March 1, 1911, known as the "Weeks Law," for fire prevention and control, shall be paid into the general fund within one week of receipt and are appropriated to the state conservation commission for the prevention and control of forest fires.

(9) There is appropriated to the state conservation commission from the conservation fund on July 1, 1921, twenty-five thousand dollars, and on July 1, 1922, fourteen thousand six hundred dollars for permanent property and improvements, except road work or improvement work on the state parks.

(10) Annually, for two years beginning on July 1, 1921, a sum sufficient for protection against forest fires on any lands owned by the state north of town 33, and for the payment of bills heretofore incurred for such purposes, but no such moneys shall be paid out of the state treasury except upon written orders of the governor stating the amounts to be so paid.

(11) On July 1, 1921, two thousand dollars, out of any moneys in the conservation fund not already appropriated, for the construction of necessary buildings and making the necessary investigations to determine the proper location for a state fish hatchery in either Florence, Forest, Langlade, Marinette or Shawano county.

(12) Annually, beginning July 1, 1921, four thousand dollars for growing desirable Wisconsin forest trees at the state forest nursery at Trout lake, Wisconsin, such trees to be distributed to farmers and other Wisconsin landowners for planting in Wisconsin under the direction of and on such terms as the conservation commission may determine. [*Stats. 1915 s. 172—21, 172—42, 172—127, 1494—48a, 1494—52; 1915 c. 118, 232; 1917 c. 14 s. 36; 1917 c. 401; 1917 c. 628 s. 13; 1917 c. 671 s. 38; 1917 c. 677 s. 68; 1917 c. 656; 1919 c. 145; 1919 c. 507 s. 1, 4; 1919 c. 608; 1919 c. 671 s. 47; 1921 c. 362; 1921 c. 364 s. 1-4; 1921 c. 517 s. 11; 1921 c. 572 s. 2; 1921 c. 9 s. 2*]

20.205 Conservation fund. All moneys, except fines, accruing to the state by reason of any provision of chapter 29 of the statutes, or otherwise received or collected by each and every person for or in behalf of the state conservation commission, if not payable into the forest reserve fund, shall constitute the "Conservation Fund" and shall be paid, within one week after receipt, into the state treasury and credited to said fund. Of this there shall be reimbursed, when available, to the general fund such sums as shall have been expended from appropriations made by subsections (1), (2) and (3) of section 20.20. No money shall be expended or paid from the conservation fund except in pursuance of an appropiration by law; but any unappropriated surplus in said fund may be expended subject to the approval of the governor, secretary of state, and state treasurer, for the purchase of lands from counties for forestry purposes as provided in section 28.015, for additional equipment, new buildings, new hatcheries, or hatchery ponds, property, improvements, increasing the warden force at any particular period, or any other similar special purpose except road work or improvement work on the state parks. [*1917 c. 668 s. 7; 1917 c. 676 s. 4; 1917 c. 678 s. 5; 1921 c. 181 s. 2*]

EDUCATION.

20.21 State superintendent. There is appropriated from the general fund to the state superintendent:

(1) Annually, beginning July 1, 1921, one hundred ten thousand dollars, for the execution of his functions. Of this there is allotted:

(a) To the state superintendent an annual salary of five thousand dollars.

(b) Not to exceed two hundred and fifty dollars to carry out the provisions of subsection (8) of section 14.57.

(2) Annually, beginning July 1, 1921, not to exceed five thousand four hundred dollars, for institutes for the instruction of teachers pursuant to section 37.14, and for conducting a state teachers' and a state young people's reading circle organized by the Wisconsin teachers' association. Not to exceed twelve hundred dollars of this appropriation is allotted, annually, for such reading circles.

(3) Annually, beginning July 1, 1921, not to exceed nine thousand dollars to carry out the provisions of subsection (3) of section 41.035. [*Stats. 1915 s. 170 sub. 5, 172—20; 1917 c. 14 s. 37; 1917 c. 451; 1917 c. 612 s. 2; 1917 c. 671 s. 5; 1917 c. 677 s. 81; 1917 c. 679; 1919 c. 409; 1919 c. 636 s. 1; 1919 c. 660; Spl. S. 1919 c. 3; 1921 c. 143, 301, 492*]

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20.22 State board of education. There is appropriated from the general fund to the state board of education:

(1) Annually, twenty-five thousand dollars, for the execution of all its functions, including the administration of the educational bonus law. Of this there is allotted to each member of said board who does not receive a salary from the state or from any state institution, an honorarium of eight dollars per day for not to exceed sixty days in any one year.

(3) Annually beginning October 1, 1919, for five years, such sums as may be necessary, to be authorized from time to time by the state emergency board created under section 20.74 of the statutes, for the payment of bonuses as provided for in section 37.25. Payments under this section shall be made by voucher drafts, the form thereof to be approved by the governor. The state board of education shall determine monthly the amount that each student is entitled to under section 37.25, and draw the vouchers in the manner hereinbefore indicated.

(4) Annually, beginning October 1, 1919, for five years, such sums as may be necessary, to be authorized from time to time by the state emergency board created under section 20.74 of the statutes, for special instructions and special schools provided for under sections 37.25, 37.251, and 37.252. Said appropriation upon certification of the state board of education to be transferred to and become available in the amount designated to such schools as the state board of education may specify.

(5) Annually beginning October 1, 1919, for five years, such sums as may be necessary, to be authorized from time to time by the state emergency board created under section 20.74 of the statutes, for defraying the expenses of administering this act incurred by departments or boards called upon to assist in the administration thereof. This appropriation upon certification of the emergency board to be transferred to and become available in the amounts designated to such departments or boards. [*Stats. 1915 s. 172—54 sub. 36, 172—66, 376—50 sub. 3; 1917 c. 14 s. 38; 1917 c. 447 s. 1; Spl. S. 1919 c. 5 s. 3; 1921 c. 488 s. 1, 3*]

20.23 State board of teachers' examiners. There is appropriated from the general fund to the state board of teachers' examiners, annually, beginning July 1, 1917, one thousand dollars, for the execution of its functions. All moneys received by each and every person for or in behalf of said superintendent under the provisions of subsection (2) of section 39.26 shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation. Of this there is allotted to each member of said board a per diem of five dollars per day for time actually and necessarily spent in going to, holding, and returning from examinations, and his actual and necessary traveling expenses incurred in the discharge of his official duties. [*Stats. 1915 s. 170 sub. 38, 172—52; 1917 c. 14 s. 39; 1917 c. 403 s. 2; 1917 c. 677 s. 2*]

Common Schools.

20.24 Basic appropriations for common schools. (1) COMMON SCHOOL FUND. All moneys accruing to the state by virtue of section 2 of article X of the constitution, and all other moneys paid into the state treasury on account of the capital of the school fund, constitute the school fund. All of said fund, except that portion set apart for normal schools by section 20.36, having been found necessary for the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor, is set apart for those objects and denominated the "Common School Fund," which is a separate and perpetual fund.

(2) COMMON SCHOOL FUND INCOME. The common school fund income is constituted of the following increments:

(a) *Interest and revenues.* The interest derived from the common school fund and from unpaid balances of purchase money on sales of common school lands; and all other revenues derived from the common school lands.

(b) *Mill-tax increment.* All moneys accruing to the common school fund income pursuant to section 20.25 of the statutes.

(3) MANDATE FOR DISTRIBUTION OF INCOME. Pursuant to section 5 of article X of the constitution, all that portion of the common school fund income specified in paragraph (a) of subsection (2), together with so much of the moneys specified in paragraph (b) as are not otherwise appropriated, shall be distributed among the several towns, villages, and cities of the state for the support of common schools therein, as provided in the following subsections.

(4) APPORTIONMENT. Annually, within thirty days after the tenth day of December, the state superintendent shall ascertain an aggregate amount consisting of (a) all moneys

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in the common school fund income received prior to the first day of December in the same year, (b) the two hundred thousand dollars appropriated thereto from the general fund by section 20.25 of the statutes, (c) all moneys thereafter to accrue thereto from the state tax levied in the same year by section 20.25 of the statutes, including interest charges accruing thereon or to be collected therewith as special charges. From the total of items (b) and (c) he shall deduct the estimated total of all appropriations made therefrom by section 20.25. The remainders of items (b) and (c), together with all of item (a), he shall apportion among the several counties, and the towns, villages, and cities therein, except as prescribed in subsection (5), in proportion to the number of children resident therein between the ages of four and twenty years, as shown by the reports made to the state superintendent for the year preceding, ending June thirtieth or May thirtieth as the case may be.

(5) CONDITIONS ON THE RIGHT TO SHARE. The right to share in such apportionment is subject to the following conditions:

(a) Whenever any town, village, or city shall fail in any year to raise by taxation, for the support of common schools therein, a sum equal to the amount of its share of the common school fund income, as determined by the county board pursuant to section 70.62 of the statutes, or whenever the county board shall fail to make such determination, the amount of the apportionment to such town, village, or city for that year shall be withheld from the next succeeding apportionment; unless the town or village board or common council shall have transferred, as they are hereby authorized to do, from the general fund to the school fund of the town or village, or to the board of education of the city for such purpose, the amount of deficit in such school tax, and the town, village, or city clerk shall have filed with the state superintendent, prior to the tenth day of December, his certificates showing such transfer, and in the case of the town clerk his apportionment thereof to the proper school districts.

(b) No apportionment shall be made to any city, except to a city of the first class, or to any village or town for any school district therein for any year during which such district shall not have maintained a common school taught by a qualified teacher, at a salary of not less than seventy-five dollars per month, for at least eight months; unless the state superintendent shall be satisfied that such school was maintained and so taught for at least three months, and the failure to maintain and so teach it for eight months was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers. Time spent by the teacher or teachers of such district in attendance upon an institute in the county, shown by due reports to have been allowed by the district board without deduction from such teacher's wages shall be counted as a part of such eight months. No apportionment shall be made to any city of the first class for any school district or board of school directors therein for any year during which such district or board of school directors shall not have maintained common schools taught by qualified teachers at salaries of not less than one hundred twenty dollars a month for the full period during which such schools shall have been in session during such year as provided by the rules and regulations of such district or board of school directors; unless the state superintendent shall be satisfied that any failure to so maintain such schools and so teach them for such full period was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers.

(c) No apportionment shall be made to any city, village, or town, for any school district therein unless the common school fund income apportioned and paid over to such district in the preceding year shall have been applied exclusively to the payment of teachers' wages; except as provided in paragraph (i) of this subsection.

(d) No apportionment of any state moneys other than the interest and revenues derived from the common school fund shall be made for or on account of any public school as defined in section 42.20 unless the employer, as defined in said section 42.20, has complied with the provisions of sections 42.39 to 42.43, inclusive, of the statutes.

(e) No apportionment of state moneys other than the interest and revenues derived from the common school fund shall be made to any city, village, or town for any school district therein for any year during which such district, when so ordered by the inspector pursuant to section 39.02 of the statutes, shall refuse to repair and improve its school building or buildings so as to place them in a safe and sanitary condition and fit for school purposes; except as provided in paragraph (i) of this subsection.

(f) No apportionment of any state moneys other than the interest and revenues derived from the common school fund shall be made to any city, village, or town for any school district therein failing to provide for an additional room and an additional teacher whenever so required by subsection (21) of section 40.09.

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(g) No apportionment of any state moneys other than the interest and revenues derived from the common school fund shall be made to any city, village, or town for any school district therein refusing or wilfully neglecting to comply with the provisions of subsections (1) and (2) of section 40.30 of the statutes.

(h) No apportionment shall be made to any town, village, or city, nor for any school district therein, the reports of which, as required by law, shall not have been made and transmitted to the state superintendent during the preceding year.

(i) No apportionment shall be made to any city for any year the report for which does not show that the number of children residing therein, between the ages of four and twenty years, has been ascertained by an actual census taken under the direction of the board of education, or other body having the government of common schools therein, by their clerks or other persons of their appointment for that purpose.

(j) Provision by a school district for the transportation and tuition of its pupils to, and their instruction in some other school district, as prescribed by law, shall entitle the former to share in the apportionment as though such district had maintained a school.

(6) CERTIFICATION OF APPORTIONMENT. Immediately on making such apportionment, the state superintendent shall certify to the secretary of state and to the state treasurer the amount thereof which each county is entitled to receive; and he shall, at the same time, certify to each county clerk and county treasurer the amount thereof which each town, city, and village in their respective counties is entitled to receive, and a statement of the number of persons of school age residing in each such town, village, and city of the fourth class.

(7) SETTLEMENT WITH COUNTIES. At the time when taxes levied for other state purposes are required by law to be paid into the state treasury, each county treasurer shall pay to the state treasurer the moneys, arising from the tax levied under section 20.25, in excess of the amount such county is entitled to receive as its share of the apportionment of the common school fund income; but if the amount so due to any county be larger than the amount such county is required to so pay, the state treasurer shall pay to the county treasurer, at said time, the amount so in excess. The secretary of state shall thereupon draw his warrants covering the total amount of the apportionment of the common school fund income payable to the several counties.

(8) NOTICE AND PAYMENT BY COUNTY TREASURERS. Within ten days from such settlement each county treasurer shall set apart and withhold from such apportionment an amount equal to twenty cents per capita for each person of school age residing in towns, villages and cities of the fourth class in such county, to which apportionment is made, to be expended for the purchase of library books, as provided in sections 43.17 to 43.21, inclusive; and shall thereupon give notice in writing of the amount of the common school fund income so apportioned and payable to each town, village, and city in his county, to the treasurer and clerk thereof respectively, and shall pay the same to each such treasurer on demand, who shall pay the same to the proper school treasurer as provided by law. If any such town, village, or city treasurer shall not demand such money before the next receipt of school money apportioned to such county, the county treasurer shall add such sum remaining in his hands to the money so next received and distribute the same therewith and in the same proportion among the several towns, villages, and cities entitled thereto in such county.

(9) APPORTIONMENT BY TOWN CLERK. Upon receipt of such apportionment by the treasurers of the several towns the town clerks thereof, respectively, shall apportion the moneys so received, together with all school moneys raised or otherwise provided by the town, among the several school districts and parts of districts within the town, in proportion to the number of persons residing in each between the ages of four and twenty years as ascertained from the last annual reports of the several district clerks; subject, however, to the conditions prescribed in subsection (5) of this section. All moneys so apportioned by the town clerk to any district or part of a district remaining in the hands of the town treasurer one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to and apportioned with the moneys next thereafter to be apportioned by such town clerk.

(10) MISTAKES OR OMISSIONS. (a) Whenever any officer shall omit to make, within the time prescribed, any statement or report required to be made to the state superintendent, the latter shall notify such officer of such omission; but the failure to give such notice shall not in any manner affect the consequence of such omission.

(b) Any town, village, city, or school district excluded from any apportionment of the common school fund income, or whose share in such apportionment was diminished, because of some mistake or omission of some officer, may, at any time within two years after

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such apportionment, furnish proof to the state superintendent of the facts of such mistake or omission and that the same has been corrected or remedied.

(c) If such proof be satisfactory to the state superintendent, he shall certify such facts to the secretary of state, together with a supplemental apportionment to such town, village, city, or school district, and shall notify the treasurer and clerk of the county of such apportionment.

(d) The secretary of state shall thereupon draw his warrant for such supplemental apportionment, and the same shall be paid from the common school fund income as if originally apportioned. [*Stats. 1915 s. 246, 437, 460—9 sub. 9, 486a sub. 1, 2, 517 sub. 6, 554, 554a, 555, 556, 557, 558, 559, 1072b; 1917 c. 14 s. 40; 1917 c. 237, 284; 1917 c. 628 s. 18; 1917 c. 671 s. 38; 1919 c. 257; 1919 c. 414 s. 2; Spl. S. 1920 c. 14; 1921 c. 166; 1921 c. 452 s. 2; 1921 c. 459 s. 2; 1921 c. 590 s. 48*]

20.25 Mill-tax appropriation for common schools. There is appropriated, annually, to the common school fund income an amount equal to seven-tenths of one mill for each dollar of the valuation of the property of the state as determined by the tax commission pursuant to section 70.57 of the statutes. Such amount shall be derived as follows: Two hundred thousand dollars thereof is appropriated, annually, from the general fund; and the remainder shall be payable directly from an annual tax which is hereby levied on all taxable property of the state specified in section 70.57 of the statutes. Of the moneys so paid into the common school fund income there is appropriated:

(1) STATE AID FOR RURAL SCHOOLS. Annually, such sums as may be necessary, for state aid to rural schools as provided in sections 40.13, 40.135 and 40.14. Provided the state aid granted under section 40.135 shall not exceed fifteen thousand dollars in any one year.

(2) SUPERVISING TEACHERS. Annually, such sums as may be necessary, for salaries and expenses of supervising teachers, as provided in subsections (6) and (7) of section 39.14.

(3) TRANSPORTATION AND TUITION OF PUPILS. Annually, such sums as may be necessary, for transportation and tuition of pupils, as provided in section 40.16. [*Stats. 1915 s. 172—55, 172—73, 419h, 430—5, 496q sub. 8, 496s, 560g—1 sub. 8, 698 sub. 18, 1072a; 1917 c. 14 s. 43; 1917 c. 441 s. 3; 1917 c. 671 s. 38; 1919 c. 622 s. 3; 1921 c. 459 s. 1*]

20.251 Surtax on incomes for retirement law. (1) In addition to the income tax imposed by sections 71.01 to 71.23, inclusive, and the surtax imposed by section 5 of chapter 5 of the laws of the special session of 1919, there shall be levied, collected, and paid upon the incomes of all individuals, copartnerships and fiduciaries, except as otherwise provided by law, a surtax on net income computed at one-sixth the rates prescribed in subsection (1) of section 71.06.

(2) In addition to the income tax imposed by sections 71.01 to 71.23, inclusive, and the surtax imposed by section 5 of chapter 5 of the laws of the special session of 1919, there shall be levied, collected, and paid upon the incomes of corporations, joint stock companies or associations, except as otherwise provided by law, a surtax on net income computed at one-sixth the rates prescribed in subsection (2) of section 71.06.

(3) The surtax provided for herein shall be upon the net income in excess of three thousand dollars, received during the calendar year ending December 31, 1920, or corresponding fiscal year for which the taxpayer reported his income under the general income tax law, and annually thereafter, and shall be returned, assessed, and collected in the same manner and at the same time as is provided for the return, assessment and payment of the income tax provided for under sections 71.01 to 71.23, inclusive, except as otherwise herein provided.

(4) Net income as defined by this act shall be computed in the same manner as the income taxable under sections 71.01 to 71.05, inclusive.

(5) In the collection of said surtax the tax collector shall give his separate receipt therefor, and section 71.21 shall not apply to said surtax.

(6) The whole amount collected as surtax shall, through the same channel as other income taxes are paid, be paid into the state treasury, and section 71.19 shall not apply to said surtax. The amount of said surtax herein imposed is hereby levied and shall be collected as herein set forth and shall be paid into the general fund of the state treasury and set apart for the retirement deposit fund and the contingent fund as provided in this act. The state treasurer shall, in the same manner as other income taxes are remitted and paid, annually remit and pay to the city treasurer of each city of the first class in which a teachers' annuity and retirement fund is maintained under the provisions of section

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42.55, twenty-five per cent of the amount of said tax levied and collected from the taxpayers in such city, and it shall be the duty of the city treasurer of such city to pay the whole amount, so remitted and paid, into the general fund of such teachers' annuity and retirement fund of such city to constitute a part of said fund.

(7) Whenever in any year the receipts from the surtax herein provided for shall not be sufficient to provide the necessary moneys to carry out the provisions of this act, the deficit shall be paid out of the general fund of the state treasury, and if in any year such surtax provides more money than is needed, such excess shall be paid into the general fund of the state treasury. [*1921 c. 459 s. 3; 1921 c. 590 s. 114*]

20.26 State aid to consolidated and graded schools. There is appropriated from the general fund:

(1) GENERAL STATE AID. Annually, on July first, not to exceed ten thousand dollars, for special state aid to partially defray the cost of erecting and equipping a school building in each consolidated rural school district formed by the uniting of the schools of two or more school districts as provided by law. Of this there is allotted to each such consolidated district one-half of the cost of erecting and equipping its school building; but not exceeding one thousand dollars for a school of one department; fifteen hundred dollars for a graded school of two departments; two thousand dollars for a graded school of three departments; three thousand dollars for a graded school of four or more departments in a consolidated district formed by uniting the schools of three or more districts; or five thousand dollars for a graded and high school in a consolidated district formed by uniting the schools of all the districts of a township. Such special state aid shall be paid only upon compliance with subsections (6) and (7) of section 40.15 and shall be certified by the state superintendent to the secretary of state. The provisions of this subsection shall apply to each school district in which there are two or more school buildings located two or more miles apart when by a vote of the electors such buildings are abandoned for school purposes and such schools are united in one central state grade school. When such central school building is erected and the schools of such district are united and maintained in such central school, such school district shall be deemed a consolidated district and each school abandoned and united in such central school shall be deemed equivalent of a school district participating in such consolidation.

(2) SPECIAL STATE AID. Annually, on July first, not to exceed two hundred thousand dollars for special state aid to state graded schools and junior high schools to be distributed as follows:

(a) On or before the first day of August next after each school year the school board applying for such aid shall report to the state superintendent under oath that the district has maintained a graded school during such school year in compliance with section 40.41 of the statutes, or a junior high school in compliance with section 40.635 of the statutes, or both, as the case may be.

(b) If, in the judgment of the state superintendent, such graded school or junior high school has been maintained as prescribed in said sections 40.41 and 40.635, respectively, he shall fix the amount accruing to the district pursuant to paragraph (c) and certify the same to the secretary of state.

(c) The amount of state aid for each graded school or junior high school shall be computed upon the following basis: For a graded school of the first class, three hundred dollars; for a graded school of the second class two hundred dollars; for a junior high school, one-half the cost of instruction not to exceed five hundred dollars; for a graded school of either class or a junior high school in which special instruction in agriculture and other industrial subjects, as may be prescribed by the state superintendent, shall have been offered and presented in an efficient manner by a competent teacher and approved by the state superintendent, an additional one hundred dollars. Provided a district receiving aid on account of a junior high school may also receive aid for a state graded school if such school shall have been maintained in accordance with the provisions of the statutes and the requirements of the state superintendent.

(d) If the aggregate of the amounts so certified does not exceed this appropriation the secretary of state shall draw his warrants for the several amounts so certified; otherwise he shall deduct from each amount an equal proportion so as to reduce the aggregate to this appropriation, and draw his several warrants for such reduced amounts.

(e) There is hereby levied an annual state tax sufficient to cover the warrants drawn pursuant to paragraph (d). [*Stats. 1915 s. 172—56, 172—112, 496e, 496—6; 1917 c. 14 s. 44; 1917 c. 441 s. 3; 1917 c. 510; 1917 c. 671 s. 38; 1917 c. 677 s. 3; 1919 c. 517 s. 3; 1919 c. 602 s. 2; 1919 c. 649 s. 2; 1919 c. 703 s. 32*]

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20.27 State aid to high schools. There is appropriated from the general fund:

(1) DISTRICT FREE HIGH SCHOOLS. Annually, on October first, not exceeding one hundred thousand dollars, for state aid to school districts which shall have established and maintained one or more district free high schools as provided by law.

(2) UNION AND CONSOLIDATED FREE HIGH SCHOOLS. Annually, on October first, not exceeding seventy-five thousand dollars, for state aid for union free high schools and for consolidated free high schools; but if the aggregate claims against this appropriation in any year are less than the whole appropriation the remainder thereof for that year is appropriated and added to the appropriation for that year made by subsection (1).

(3) METHOD OF DISTRIBUTION. The sums appropriated by subsections (1) and (2) shall be distributed as follows:

(a) On or before the first day of August next after each school year the director or president and the clerk or secretary of the high school board shall report to the state superintendent, under oath, the amount expended for instruction in the high school during the previous school year, specifying the several items thereof with the date and object of each fully, and such other items as the state superintendent may require.

(b) Thereupon, on or before the first day of October, the state superintendent shall, subject to the provisions of paragraph (c), fix and certify to the secretary of state the amounts accruing to each such district, as follows: For each district free high school which shall have been maintained for not less than eight months in such school year, one-half of the amount expended for instruction in such school over and above the amount required by law to be expended for common school purposes, but not to exceed five hundred dollars to any district free high school in any one year; for each free high school mentioned in subsection (2) one-half the amount expended for instruction in such school, but not exceeding nine hundred dollars to any such school having a principal and one assistant, not exceeding twelve hundred dollars to any such school having a principal and two assistants, and not exceeding fifteen hundred dollars to any such school having a principal and three or more assistants; but no state aid shall be apportioned to any free high school after it has been in operation for four years unless the average daily attendance for the year is at least fifteen pupils.

(c) The state superintendent may refuse to certify such state aid for any free high school in which the scope and character of the work are not maintained in such manner as to meet his approval; or in which the high school building, outhouses, grounds, furniture, or equipment are not maintained in good condition and kept clean and free from any unsanitary features; or in which the high school is not provided with sufficient equipment, including globes, maps, blackboards, library, scientific apparatus, and other essentials for the proper work of the school; or for failure to comply with any of the provisions of the free high school law. He may also order and direct that an amount equal to the whole or part of such state aid for any year shall be expended in the purchase of proper equipment, and in case of failure of the district to comply with such direction he shall withhold from the state aid to that district an amount equal to the sum so ordered to be expended.

(d) Upon receiving such certificates, if the aggregate amount thereof does not exceed, respectively, the appropriations made by subsections (1) and (2), the secretary of state shall draw his warrants in favor of the several districts; otherwise he shall deduct from each amount an equal proportion so as to reduce the aggregate to the appropriation, respectively, and draw his several warrants for such reduced amounts.

(e) There is hereby levied an annual tax sufficient to cover the warrants drawn pursuant to paragraph (d); but the state treasurer shall pay over to the several districts, from the general fund, the amounts of said warrants at any time after the first day of October.

(f) Whenever, owing to any failure to make the report required by paragraph (a), any free high school shall fail to have apportioned to it its share of such state aid the state superintendent may, at the time of making the next annual distribution, fix an amount ten per centum less than the amount which said school district would have been entitled to had such report been made, and certify the same to the secretary of state, who shall thereupon draw his warrant for such amount or amounts in favor of such district. [*Stats. 1915 s. 172—57, 496; 1917 c. 14 s. 45; 1917 c. 563 s. 3*]

20.28 State aid for winter terms in high schools. There is appropriated from the general fund, annually, on July first, not to exceed two thousand five hundred dollars, for state aid for maintaining winter terms in high schools pursuant to section 40.61, to be distributed as follows:

(1) On the first day of July of each year the clerk of the high school board shall report to the state superintendent, in such form as the latter may require, the facts relating to the cost of maintaining such winter term during the preceding school year; the character

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of the work done; the number and names of teachers employed; and the length of time such term was maintained.

(2) If it shall appear from such report that such winter term has been maintained, pursuant to law, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state, in favor of the several high school districts, two-thirds of the amounts actually expended for the salary or salaries of the additional teacher or teachers conducting such winter terms; but not to exceed five hundred dollars for any school in any one year. [*Stats. 1915 s. 172—116, 494a sub. 4; 1917 c. 14 s. 46; 1917 c. 671 s. 38; 1919 c. 517 s. 3*]

20.29 State aid for special training courses in high schools. There is appropriated from the general fund:

(1) VOCATIONAL TRAINING COURSES. Annually, beginning July 1, 1913, not to exceed one hundred thousand dollars, for state aid to free high schools, or public schools whose course of study is equivalent to that of a free high school, for special courses in manual training, domestic economy, agriculture, or commercial subjects, established and maintained pursuant to section 40.62. Such state aid shall be distributed as follows:

(a) On the first day of July next succeeding each school year the clerk or secretary of each school board claiming such state aid shall report to the state superintendent, in such form as the latter may require, the facts relating to the cost of maintaining such special courses during the preceding school year; the character of the work done; the number and names of teachers employed and the monthly rate of salary paid to each; and the length of time each such special course was maintained.

(b) If it shall appear from such report that such special course or courses have been maintained, pursuant to law, for a period of not less than six months during such school year, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state, in favor of the several school districts, one-half of the amounts actually expended for instruction in such special course or courses; but not to exceed two hundred and fifty dollars for each such special course in manual training, domestic economy, or agriculture conducted only in the high school, or three hundred and fifty dollars for each such special commercial course conducted only in the high school, or three hundred and fifty dollars for each such special course conducted in the high school and the two upper grades next below the high school; and no such state aid shall be allowed to any school district for more than three such special courses in any one school in such district; nor to any district unless the salary paid to every teacher instructing in such special course or courses, other than persons employed at less salary to assist such legally qualified teachers, be at the rate of not less than sixty dollars per month.

(2) TEACHERS' TRAINING COURSE. Annually, on July first, not to exceed twenty-five thousand dollars, for state aid to free high schools, or public schools whose course of study is equivalent to that of a free high school, for a teachers' training course, established and maintained pursuant to section 40.63. Such state aid shall be distributed as follows:

(a) On the first day of July next succeeding each school year the clerk or secretary of each school board claiming such state aid shall report to the state superintendent, in such form as the latter may require, the facts relating to the cost of instruction in such course during the preceding school year; the character of the work done; the number and names of teachers employed; the number of pupils enrolled in such course; the number of graduates therefrom; and such other matters as may be required.

(b) If it shall appear from such report that such teachers' training course has been maintained, pursuant to law, for a period of not less than nine months during such school year, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state, in favor of the several school districts, an amount equal to the sum expended for the wages of the duly approved and qualified teachers employed in each such teachers' training course during such school year. [*Stats. 1915 s. 172—108, 496c, 553l—1; 1917 c. 14 s. 47; 1917 c. 671 s. 38*]

20.30 Teachers' retirement fund. The balance in or belonging to the board of trustees of the teachers' insurance and retirement fund as of July 1, 1921, the moneys appropriated by section 20.251 of the statutes, excepting the moneys to be paid into the retirement deposit fund under the provisions of sections 42.45 and 42.46, and all other moneys transferred to or received by the contingent fund from any legal source, constitute the contingent fund of the state retirement system; the moneys appropriated by said section 20.251 to be paid into the retirement deposit fund as provided in sections 42.45 and 42.46, all moneys paid into the retirement deposit fund under the provisions of sections 42.39 to 42.44, inclusive, of the statutes, and all other moneys transferred to or received by the retirement deposit fund from any legal source, constitute the retirement deposit fund; and the moneys transferred from the retirement deposit fund to the an-

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nuity reserve fund under the provisions of section 42.48 of the statutes, and all other moneys received from any legal source constitute the annuity reserve fund; and are appropriated to the annuity board of the state retirement system for carrying into effect the provisions of sections 42.20 to 42.54, inclusive, of the statutes. Not to exceed twelve thousand dollars annually of such appropriation to the contingent fund may be used for the administration of said sections last mentioned. [*1921 c. 459 s. 3*]

Auxiliary Schools.

20.31 County educational activities. There is appropriated from the general fund:

(1) TEACHERS' COUNTY INSTITUTES. Annually, beginning July 1, 1913, nine thousand dollars, for teachers' institutes in counties and superintendent districts conducted pursuant to subsection (1) of section 39.33, to be distributed as follows:

(a) Between the first and tenth days of July in each year the superintendent of schools of each county or superintendent district shall report to the state superintendent, on oath, the number of teachers employed on the last day of school in all the public schools under his jurisdiction maintained pursuant to law for a period of not less than eight months during the school year, and all such schools whose failure to be so maintained for such period of eight months was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers.

(b) Upon receipt of such reports the state superintendent shall apportion this appropriation among the several counties and superintendent districts in proportion to the number of duly qualified teachers actually engaged in teaching in such counties or districts, respectively, when the schools thereof are in session, and certify such several amounts to the secretary of state.

(c) The secretary of state shall thereupon issue his several warrants for such amounts, in favor of the several county treasurers, who shall keep such moneys in a separate fund and disburse the same on vouchers certified by the county or district superintendents, as other county moneys are disbursed.

(d) Unless the context or subject matter clearly requires otherwise, the word "school" where used as a noun in this section shall relate to a public school and shall be construed to be a collective body of pupils assembled in a room or rooms which are wholly or principally under the control, management, direction and instruction of a legally qualified teacher who is wholly or chiefly responsible for the control, management, direction and instruction of such pupils and whose duty it is to keep a complete and special school register for his room or department.

(2) COUNTY TRAINING SCHOOLS FOR TEACHERS. Annually, beginning July 1, 1913, such sums as may be necessary, for county training schools and joint county training schools for teachers, organized, equipped, and maintained pursuant to sections 41.36 to 41.46, to be distributed as follows:

(a) The state superintendent shall keep a list of not more than thirty-five of such training schools, whose course of study and the qualifications of whose teachers have, on application, been approved by him; and any such training school once entered on such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet his approval.

(b) On the first day of July in each year the secretary of each board maintaining such training school on the approved list shall report to the state superintendent the facts relating to the cost of maintaining the school; the character of the work done; the number and names of teachers employed; and such other matters as may be required by the state superintendent.

(c) If it shall appear from such report that such training school has been maintained, pursuant to law, for a period of not less than nine months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state, in favor of each such training school, an amount equal to the sum expended for the wages of duly qualified and approved teachers therein during the school year; but not to exceed four thousand dollars to any such school employing two such teachers, and not to exceed five thousand dollars to any such school employing three or more such teachers. For each such training school which has adopted a course of study in domestic science conducted by a duly qualified teacher approved by the state superintendent, he shall certify an additional sum of two hundred fifty dollars. Any such training school maintained for more than nine months during the school year shall receive for such additional time an additional sum of money in the same proportion to the amount receivable for nine months as such additional time bears to nine months.

(d) Upon receipt of such certificates the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the counties maintaining such training

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schools, respectively; and payable to the treasurers of the boards maintaining such schools, respectively, in case they are joint county training schools.

(2a) BUILDINGS FOR COUNTY TRAINING SCHOOLS. An amount sufficient to meet all claims accruing under the provisions of subsection (2) of section 41.36.

(3) COUNTY SCHOOLS OF AGRICULTURE AND DOMESTIC SCIENCE. Annually, beginning July 1, 1913, such sums as may be necessary, for state aid to county schools and joint county schools of agriculture and domestic economy organized, equipped, and maintained pursuant to sections 41.47 to 41.60, inclusive, to be distributed as follows:

(a) The state superintendent shall keep a list of not more than six of such schools, whose course of study and the qualifications of whose teachers have, on application, been approved by him and the dean of the college of agriculture; and any such school once entered on such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent.

(b) On the first day of July in each year the secretary of each board maintaining such training school on the approved list shall report to the state superintendent the facts relating to the cost of maintaining the school; the amount appropriated therefor by the county, or in case of a joint school the amounts appropriated by each of the counties joining in the maintenance of such school; the character of the work done; the number and names of teachers employed, and the monthly rate of salary paid to each; and such other matters as may be required by the county board or the state superintendent.

(c) If it shall appear from such report that such school has been maintained, pursuant to law, for a period of not less than eight months during the preceding school year, in a manner satisfactory to the state superintendent, he shall certify to the secretary of state, in favor of the several counties maintaining such schools, an amount equal to the sums expended by each, respectively, for wages of duly qualified and approved teachers therein during the school year; but not to exceed in any one year six thousand dollars for any such school with an average daily attendance of less than one hundred and twelve pupils, seven thousand dollars for any such school with an average daily attendance of one hundred and twelve and less than one hundred thirty-seven pupils, or eight thousand dollars for any such school with an average daily attendance of one hundred thirty-seven or more pupils. If such schools be joint, the amounts so certified shall be apportioned among the counties maintaining them, in proportion to the amounts contributed by them for the support thereof. But no state aid shall be allowed for any such school unless the salary paid to every teacher therein, other than persons employed at less salary to assist such legally qualified teachers, be at the rate of not less than sixty dollars per month.

(d) Upon receipt of such certificates the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the counties, respectively. [*Stats. 1915 s. 172—59, 172—61, 172—63 sub. 1, 411—5, 461o, 461p, 461q, 553l, 553l—1; 1917 c. 14 s. 51; 1917 c. 405; 1917 c. 671 s. 38; 1917 c. 677 s. 20; 1919 c. 517 s. 3; Spl. S. 1920 c. 11; 1921 c. 168*]

20.32 Day schools for persons who are deaf or with defective speech, or blind. There is appropriated from the general fund, annually, not to exceed one hundred forty-five thousand dollars for state aid for day schools for the instruction of deaf persons or persons with defective speech, or for the instruction of blind persons, established and maintained pursuant to section 41.01, to be distributed as follows:

(1) If upon receipt of the report as provided for in subsection (3) of section 41.01, the state superintendent shall be satisfied that said day school has been maintained during the preceding year in accordance with the provisions of the statutes, he shall certify to the secretary of state in favor of each of the several school district boards or boards of education maintaining such day schools a sum equal to the amount expended by said board during the preceding year for salaries of qualified teachers employed in such day school, board and transportation of pupils residing within the state but outside the district and attending such day school, special books and special equipment prepared or designed for use in instructing the deaf or blind, and such other expenses as shall be approved by the state superintendent, provided the amount apportioned to any school district board or board of education shall not be in excess of the following schedule:

(a) For each pupil residing in the district and attending a day school for the deaf or blind at least nine months, two hundred fifty dollars.

(b) For each pupil residing outside the district but within the state, who attends a day school for the deaf or blind for at least nine months, four hundred dollars.

(c) For each pupil residing in the state and attending a day school for the deaf or blind less than nine months, such proportion of two hundred fifty dollars, or four hundred dollars, as the case may be, as the number of days' attendance is of nine months.

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In determining the number of days' attendance with which any pupil shall be credited no deduction shall be made on account of illness for a period of one month or less. In case of absence for a period of more than one month deduction shall be only for the time in excess of one month.

(d) In case the aggregate claims arising under paragraphs (a), (b), and (c) of this subsection shall exceed the appropriation available, the state superintendent shall deduct from each claim an equal proportion so as to reduce the aggregate to an amount not in excess of the appropriation, and shall certify such reduced amounts to the secretary of state.

(2) On receipt of such certificates the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the school boards or boards of education, respectively.

(3) A sum sufficient to carry out the provisions of section 41.035 is appropriated annually out of any money in the treasury not otherwise appropriated.

(4) A sum sufficient to carry out the provisions of subsection (5) of section 41.035 of the statutes is appropriated annually out of any money in the treasury not otherwise appropriated. [*Stats. 1915 s. 172—105, 172—106, 578, 579, 579o; 1917 c. 14 s. 55; 1917 c. 343 s. 1, 2; 1917 c. 580; 1917 c. 671 s. 38; 1917 c. 677 s. 77; 1919 c. 398; 1919 c. 517 s. 7; 1919 c. 702 s. 3; 1921 c. 338*]

20.33 State board of vocational education. There is appropriated from the general fund to the state board of vocational education, annually, beginning July 1, 1919, not to exceed two hundred thirty thousand dollars, to carry into effect the provisions of sections 41.13 to 41.21. Of this there is allotted:

(1) On July 1, 1921, not to exceed twenty-eight thousand dollars, and on July 1, 1922, not to exceed twenty-eight thousand three hundred dollars, for the administrative expenses of the board. Of this there is allotted:

(a) To each appointed member of the board, an honorarium of one hundred dollars per year and actual and necessary traveling expenses.

(b) Such sums as may be necessary for office supplies.

(c) The director of vocational education and all other employes of such board shall receive such compensation as shall be fixed by the board, and shall be entitled to receive their actual and necessary traveling expenses incurred in the discharge of their official duties. Such compensation and expenses shall be charged to the appropriation to the state board of vocational education.

(2) Not to exceed two hundred fifty-five thousand dollars, annually, for state aid for vocational schools, established and maintained pursuant to subsection (1) of section 41.15, and any school once granted such state aid shall be entitled thereto as long as the character of its work meets with the approval of the state board of vocational education, as follows:

(a) On the first day of July in each year the secretary of the local board of industrial education of each city, town, or village maintaining such a school or schools shall report to the state board of vocational education the cost of maintaining the same; the character of the work done; the number, names, and qualifications of the teachers employed; and such other information as may be required by the said board.

(b) If it appears from such report that such school or schools have been maintained pursuant to law, in a manner satisfactory to the state board of vocational education, the said board shall certify to the secretary of state, in favor of the several local boards of industrial education, amounts equal to one-half the amount actually expended for salaries for instruction and supervision; but not to exceed, exclusive of federal aid in any one year, thirty thousand dollars for any city of the first class, or fifteen thousand dollars for any other city, town or village. If the aggregate of such amounts exceeds the available funds of this appropriation, the state board of vocational education shall deduct from each an equal proportion so as to reduce their aggregate to the amount of the available funds.

(c) On receipt of such certificates the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the cities, towns, and villages, respectively.

(3) Annually, beginning July 1, 1921, not to exceed twenty thousand dollars, for university and other scholarships, as the state board of vocational education may direct.

(4) Annually, beginning July 1, 1921, not to exceed twenty-two thousand four hundred dollars as state aid for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, for the purpose of carrying out the provisions of section 41.215 of the statutes. [*Stats. 1915 s. 170 sub. 59, 172—49 sub. 1, 553p—6; 1917 c. 14 s. 58; 1917 c. 494 s. 2, 3; 1917 c. 583; 1917 c. 671 s. 38; 1917 c. 677 s. 34-39; 1919 c. 569; 1919 c. 673 s. 3; 1921 c. 532 s. 1, 3*]

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Laws 1919 c. 673 s. 3: Before any expenditures are authorized or incurred under the appropriation made by subsection (3) of section 20.33 of the statutes, the same shall have the approval and authorization of the state board of education.

20.335 State aid to vocational education in agriculture. (1) There is appropriated from the general fund, annually, on July first, not to exceed twenty-five thousand dollars to be expended by the state board of vocational education as state aid for maintaining part time instruction in agriculture as provided in section 41.60.

(2) On the first day of July of each year the authorized agent of the authorities created or designated by the state board of vocational education for the establishment and maintenance of part time instruction in agriculture in accordance with section 41.60 shall report to the state board of vocational education in such form as the said board may require, the facts relating to the cost of maintaining such part time instruction during the preceding school year, and the character of the work done, the number and names of teachers employed, the length of time such instruction was maintained, and such other facts as may be required by the state board of education, after conference with the state board of vocational education.

(3) If it shall appear from such report that such classes have been maintained pursuant to law and in a manner satisfactory to the state board of vocational education and in conformity with the state plan as accepted by the federal board of vocational education, the state board of vocational education shall certify to the secretary of state in favor of the several authorities maintaining such schools an amount equal to one-third of the sums expended by each respectively for the wages of duly qualified and approved teachers therein during the school year. Upon receipt of such certificate, the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the counties in which part time instruction in agriculture is maintained. [*1919 c. 364*]

20.337 Federal aid to vocational education. Any moneys received by the state from the United States as federal aid for vocational training shall be paid, within one week after receipt, into the general fund, and are appropriated therefrom to the state board of vocational education, to be allotted to such schools and institutions in the state as said board shall deem proper, in conformity with the purposes and requirements of the federal law; provided that in case any allotment be made to any normal school, institution, university, or other school or institution of the state from said fund, the appropriation for operation for such school or institution for the year in which such allotment was made, shall be reduced by an amount equal to the amount of such allotment. [*1919 c. 517 s. 7; 1919 c. 702 s. 4*]

20.338 Federal aid for vocational rehabilitation. Any moneys received by the state from the United States under the provisions of an act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, shall be paid within one week after receipt into the general fund, and are appropriated therefrom to the state board of vocational education for the purpose of carrying out the provisions of section 41.215 of the statutes. [*1921 c. 532 s. 2*]

20.34 Stout institute. There is appropriated from the general fund to the board of trustees of the Stout institute, for Stout institute:

(1) Annually, beginning July 1, 1921, one hundred sixty-one thousand six hundred forty-five dollars, for operation. On July 1, 1921, not to exceed ten thousand dollars, and on July 1, 1922, not to exceed ten thousand dollars, as contingent appropriations, no part of which shall be expended unless the board of trustees of Stout institute shall report to the state board of education that the increase in attendance necessitates additional help. Thereupon the state board of education shall allow so much of said appropriation as it shall deem necessary.

(2) On July 1, 1921, eight thousand nine hundred twenty dollars, and on July 1, 1922, nine thousand four hundred fifty dollars, for property repairs and maintenance.

(3) On July 1, 1921, twenty-one thousand six hundred eight dollars, and on July 1, 1922, nine thousand eight hundred ninety-seven dollars, for permanent property and improvements, except purchase of land. Of the sum appropriated for the fiscal year ending June 30, 1922, eighteen thousand seven hundred eighty-eight dollars shall be available during that year for educational apparatus and cafeteria furniture and equipment, and of the sum appropriated for the fiscal year ending June 30, 1923, seven thousand and seventy-eight dollars shall be available during that year for like purposes.

(3a) Annually, beginning July 1, 1921, a sum sufficient to pay for all coal and other solid fuel, including freight and hauling charges thereon, purchased for said institute pursuant to subsection (14) of section 34.02.

(4) All moneys collected or received by each and every person for or on account of the dormitories, dining halls and laundry at the Stout institute, shall be paid within one

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week of receipt into the general fund, and are appropriated to be used as a revolving appropriation for operation and maintenance of and the purchase of necessary equipment for said dormitories, dining halls and laundry.

(5) All fees collected from students at Stout institute for supplies and materials needed for individual and class use in the work of the institute, and for library fees, and all money received from the sale of products made by students from such supplies and materials in shops and laboratories, shall be paid within one week of receipt into the general fund and are appropriated to the board of trustees of Stout institute to be used as a revolving appropriation for the purchase of other similar supplies and materials and books.

(6) All moneys collected or received by each and every person for, or in behalf of the Stout institute, except as provided in subsections (4) and (5) of section 20.34, shall be paid within one week of receipt into the general fund. [*Stats. 1915 s. 172—49 sub. 4-10; 1917 c. 14 s. 59; 1917 c. 328 s. 1-3; 1917 c. 416, 528; 1917 c. 671 s. 38; 1917 c. 677 s. 4; 1917 c. 678 s. 13; 1919 c. 115; Spl. S. 1920 c. 19; 1921 c. 16, 344; 1921 c. 545 s. 3*]

20.35 Wisconsin mining school. There is appropriated from the general fund to the Wisconsin mining school board, for the Wisconsin mining school:

(1) Annually, beginning July 1, 1921, twenty-one thousand five hundred dollars, for operation.

(2) On July 1, 1921, one thousand seven hundred fifty dollars and on July 1, 1922, one thousand seven hundred fifty dollars, for property repairs and maintenance.

(3) On July 1, 1921, six thousand five hundred dollars, and on July 1, 1922, six thousand five hundred dollars, for furniture and furnishings; educational apparatus, library and reference books, and other permanent property and improvements; except for the purchase of land.

(4) Annually, beginning July 1, 1921, a sum sufficient to pay for all coal and other solid fuel including freight and hauling charges thereon, purchased for said school.

(5) All moneys received by any person from the United States for the rehabilitation education of disabled soldiers, sailors and marines at the Wisconsin mining school shall be paid within one week after receipt into the general fund and are appropriated to the Wisconsin mining school board for the execution of its functions. However, no part of such fund shall be expended unless the Wisconsin mining school board shall report to the state board of education that the increase in attendance necessitates additional expenditure for teaching force, supplies and equipment. Thereupon the state board of education shall allow so much of the moneys received from the United States for this purpose as shall be deemed necessary. Any balance remaining at the end of any fiscal year in the fund so received from the United States is appropriated to the Wisconsin mining school board for operation and the appropriation made to that board by subsection (1) of section 20.35 for the ensuing fiscal year shall be reduced by the amount of said balance. [*Stats. 1915 s. 172—64; 1917 c. 14 s. 60; 1917 c. 329, 618; 1917 c. 678 s. 8; 1919 c. 173; Spl. S. 1920 c. 20; 1921 c. 342*]

Normal Schools.

20.36 Basic appropriations for normal schools. (1) SWAMP LAND GRANTS. All swamp and overflowed lands and moneys in lieu thereof received from the United States by virtue of the act of congress approved September 28, 1850, entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits;" and all moneys received as purchase money for such lands, including loans and investments and moneys due upon certificates of sale thereof; and all swamp lands and moneys in lieu thereof received subsequent to the enactment of chapter 537 laws of 1865, or which shall hereafter be received, from the United States; and the proceeds of the sale of all lands conveyed to this state pursuant to the act of congress approved March 2, 1865, entitled "an act for the relief of purchasers and locators of swamp and overflowed lands," are trust lands and moneys, to be applied, exclusively, as provided in the following subsections.

(2) DRAINAGE FUND. One-half of said lands and moneys, having been declared by chapter 537 laws of 1865 and having been found necessary and sufficient for the purpose of reclaiming said lands, constitute the drainage fund, and shall be distributed as follows:

(a) Such lands and moneys in or for each county, hereafter to be received, shall be equally partitioned by the commissioners of public lands, and the moneys so awarded to the drainage fund set apart and distributed to the several counties in which such lands lie, in proportion to the number of acres of such lands in each, or on account of which such moneys accrue.

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(b) A list and description of any lands so set apart shall be transmitted to the county clerk, of each county, respectively, who shall thereupon make and transmit to the town clerk of each town in his county in which any of such lands lie a list and description of such lands in such town, to be kept in his office for the inspection of the public.

(c) The secretary of state shall issue his warrant or warrants for any moneys so due each county, from time to time, and the state treasurer shall pay the same accordingly.

(d) There is appropriated from the drainage fund, in addition to the unexpended balances of the appropriations made by chapter 5 laws of the special session of 1912, chapter 166 laws of 1913, and chapter 534 laws of 1915, annually, beginning July 1, 1921, to the commissioners appointed pursuant to chapter 419 laws of 1903, five thousand dollars, for maintaining, repairing, strengthening, adding to and supervising the system of levees on the Wisconsin river in the counties of Columbia and Sauk, in the vicinity of Portage. There having been heretofore paid into the general fund from the proceeds of the swamp and overflowed lands a sum of money in excess of the amount herein appropriated, the state treasurer is directed to transfer to the drainage fund from the general fund on July 1, 1921, and on July 1 of each year thereafter, five thousand dollars. When the work provided for in this paragraph shall have been completed, the said commissioners shall make a complete detailed report to the governor of all moneys expended hereunder, and shall make such other reports as the commissioners shall from time to time deem necessary or as may be required by the governor.

(3) NORMAL SCHOOL FUND. The remaining one-half of said lands and moneys not being granted for any other specified purpose, accrue to the school fund by virtue of section 2 of article X of the constitution; and having been found unnecessary for the support and maintenance of common schools, are appropriated, to the support and maintenance of normal schools, and suitable libraries and apparatus therefor, and to that end are set apart, and denominated the "Normal School Fund." All lands, moneys, loans, investments, and securities heretofore set apart to the normal school fund and all swamp lands and moneys that may hereafter be received on account of the capital of such fund constitute a separate and perpetual fund.

(4) NORMAL SCHOOL FUND INCOME. The normal school fund income is constituted of the following increments:

(a) *Interest and revenues.* The interest and all other revenues derived from the normal school fund.

(b) *Mill tax.* An annual state tax of one-sixth of one mill for each dollar of the assessed valuation of the property of the state as determined by the tax commission pursuant to section 1069, which is hereby levied and shall be collected and paid into said fund annually.

(c) *Appropriations from general fund.* All appropriations made by law from the general fund to the normal school fund income.

(d) *Miscellaneous receipts.* All moneys received by each and every person for or in behalf of the board of normal regents, or in behalf of any institution under said board, or in behalf of the normal school fund income; and such moneys shall be paid within one week of receipt into the state treasury and credited to said fund.

(e) *Gifts and donations.* All gifts, grants, bequests, and devises from individuals, partnerships, associations, or corporations, and all subventions from the United States, for or in behalf of the normal schools or any of them or any department thereof or any purpose connected therewith; and all such moneys shall be paid into the state treasury and credited to the normal school fund income, unless the provisions of the instrument or act making the gift, grant, bequest, devise, or subvention shall be inconsistent with or repugnant to this paragraph.

(5) LEGISLATIVE APPROPRIATION REQUIRED. The normal school fund income shall be applied to the establishment and support of the state normal schools and the purposes prescribed by law; but the moneys from said fund shall be available only as expressly appropriated therefrom by the legislature.

(6) EMERGENCY TRANSFERS. After the beginning of each fiscal year and before the collection in such year of the state tax levied by paragraph (b) of subsection (4), the secretary of state may, if in his judgment the condition of the general fund warrants it, with the approval of the governor, transfer from the general fund to the normal school fund income, such sum or sums as may be necessary to meet current expenses of the normal schools; but immediately upon the collection of such state tax in each year an amount equal to the sum or sums so advanced shall be transferred from the normal school fund income to the general fund.

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(7) EXECUTIVE CONTROL OF CONSTRUCTION WORK. All appropriations made by law for the construction of new buildings for normal schools, or buildings appurtenant thereto, shall be expended only in accordance with the following conditions:

(a) Except as expressly provided otherwise, all construction shall be in the order of the greatest need therefor, as determined by the board of regents of normal schools.

(b) No plan or plans shall be finally adopted, and no contract or contracts entered into, for the construction of any building until such plans and contracts, with complete estimates of the total cost thereof, shall have been submitted to and in writing approved by the governor, who shall withhold such approval until he shall have satisfied himself, by a personal examination or by such other means as he may in his discretion adopt, that such building is required for the purpose proposed, and that it can and will be erected and fully completed according to such plan or contracts for the sum proposed for the same out of the appropriation made for such purpose. [*Stats. 1915 s. 172—54 sub. 17, 34, 35, 250, 251, 251a, 399, 400, 406a sub. 1, 3, 409; 1917 c. 14 s. 61; 1917 c. 302; 1921 c. 117*]

20.37 General fund appropriations to the normal school fund income. There is appropriated from the general fund to the normal school fund income:

(1) On November 1, 1919, one hundred thousand dollars; on November 1, 1920, one hundred thousand dollars; and on May 15, 1921, one hundred eighty-six thousand dollars.

(2) From time to time as needed and as approved by the governor, secretary of state and state treasurer an amount not to exceed six hundred five thousand dollars for the fiscal year ending June 30, 1922, and an amount not to exceed five hundred fifty-five thousand dollars for the year ending June 30, 1923.

(3) On July 1, 1921, fifty thousand dollars, and on July 1, 1922, two hundred thousand dollars to carry out the provisions of section 20.38 subsection (11) paragraph (g) of the statutes.

(5) On July 1, 1917, one hundred thirty thousand two hundred twenty dollars, and on July 1, 1918, one hundred twenty-three thousand dollars, to meet the appropriations from the normal school fund income made by paragraphs (d) and (e) of subsection (2), paragraph (e) of subsection (3), paragraphs (e) and (f) of subsection (4) paragraph (c) of subsection (5), paragraphs (d) and (e) of subsection (6), paragraphs (d) and (e) of subsection (7), paragraphs (d) and (e) of subsection (8), paragraphs (d) and (e) of subsection (9), paragraphs (d) and (e) of subsection (10), and paragraphs (d) and (e) of subsection (11), all of section 20.38.

(7) On July 1, 1919, ninety-five thousand seven hundred dollars, and on July 1, 1920, fifty thousand dollars, to meet the appropriation from the normal school fund income made by paragraph (a) of subsection (2), paragraph (f) of subsection (7), paragraph (f) of subsection (8), paragraph (f) of subsection (9), paragraph (e) of subsection (11) of section 20.38. [*Stats. 1915 s. 172—54 sub. 1, 2, 3, 32, 37, 406a sub. 2; 1917 c. 14 s. 63; 1917 c. 447 s. 1, 5; 1917 c. 577; 1919 c. 197 s. 2; 1919 c. 445 s. 3; 1921 c. 293; 1921 c. 582 s. 1, 7*]

20.38 Appropriations from the normal school fund income. There is appropriated from the normal school fund income to the board of normal school regents:

(1) BOARD OF NORMAL REGENTS. For the board of normal regents, annually, beginning July 1, 1921, twenty-three thousand seven hundred dollars, for the execution of the functions of said board. Of this there is allotted:

(a) To each member of said board such compensation as may be fixed by the board for rendering any specific service under the direction of the board; but they shall receive no compensation for time spent in going to, attending, or returning from the meetings of the board.

(c) No part of this appropriation shall be used for salaries, compensations, or traveling expenses of any persons or officials other than members of the board of normal regents, the secretary of the board, the business agent, the physician, the accountant, and stenographers, except that not to exceed three hundred fifty dollars, annually, may be used for small administrative expenses, for investigations of the several normal schools, including the traveling expenses of teachers for conferences relating to questions of administration of the normal schools.

(d) Annually, beginning July 1, 1917, an amount sufficient to cover the cost of the annual audit as provided in section 37.08.

(2) NORMAL SCHOOLS IN GENERAL. For any or all of the normal schools under the supervision of the state board of normal school regents, to be distributed as the said board may direct:

(a) On July 1, 1920, two hundred thirty-six thousand dollars, for operation. On July 1, 1921, not to exceed five thousand dollars and on July 1, 1922, not to exceed five thousand dollars, for operation of summer school only.

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(b) On July 1, 1917, twenty-four thousand five hundred forty-five dollars, and on July 1, 1918, twenty-two thousand three hundred ninety-five dollars, for property repairs and maintenance.

(c) On March 1, 1914, eighty-two thousand one hundred dollars, and on March 1, 1915, ninety thousand dollars, for the purchase of land and for land improvements at the several normal schools in sums allotted, as follows: For the normal school at La Crosse, twenty-six thousand three hundred dollars; at Milwaukee, sixty-seven thousand five hundred dollars; at Oshkosh, thirty-one thousand dollars; at Platteville, twelve thousand dollars; at River Falls, eight thousand dollars; at Stevens Point, two thousand seven hundred dollars; at Superior, twenty thousand dollars; and at Whitewater, four thousand six hundred dollars; but the state board of education may reapportion these allotments to the extent of not more than ten per cent of each.

(e) On July 1, 1918, one thousand dollars, and on July 1, 1921, four thousand dollars, for the procuring of an accurate topographical survey and the development of a plan showing roads, tracks and location of buildings, of a completed institution, and for the improvement of the site selected for a normal school at Rhinelander, Wisconsin, and preparing the site for permanent use.

(f) On July 1, 1921, not to exceed fifty thousand dollars, and on July 1, 1922, not to exceed fifty thousand dollars, as contingent appropriations, no part of which shall be expended unless the state board of normal regents shall report to the state board of education that the increase in attendance in teacher training departments at a particular institution or institutions, necessitates additional help, or that without additional help the work of training teachers would be impaired. Thereupon the state board of education shall pass upon such needs, and allow so much of said appropriation as it shall deem necessary.

(g) The board of normal regents shall have the power and authority to regulate the allotments for salaries at the various normal schools, and to make such transfers of allotments for salaries between schools as it shall find proper and necessary.

(h) All moneys received by the board of regents for normal schools on account of grants made by the United States government for specific services rendered by any normal school or normal schools, and all moneys received by said board from private gifts, shall be paid, within one week after receipt, into the normal fund income and are appropriated therefrom, to carry out the purposes of such grants and gifts in accordance with the conditions under which the same are made.

(i) The board of normal regents are authorized to reapportion among the several normal schools for operation only the moneys apportioned to the board, for the several normal schools for operation, for the fiscal year beginning July 1, 1921, and for the fiscal year beginning July 1, 1922, but such reapportionment shall not change the sum apportioned to any normal school for operation for the fiscal year beginning July 1, 1921, and for the fiscal year beginning July 1, 1922, more than ten per cent.

(3) EAU CLAIRE NORMAL SCHOOL. For the normal school at Eau Claire:

(a) Annually, beginning July 1, 1921, an amount sufficient to cover the cost of insurance; and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, eighty-four thousand six hundred forty dollars and annually, beginning July 1, 1922, eighty-seven thousand seven hundred forty dollars, for operation. Of the appropriation on July 1, 1921, for operation, sixty-two thousand seven hundred fifty dollars and of the annual appropriation thereafter for operation, sixty-five thousand eight hundred fifty dollars shall be used for no other purpose than the salaries of teachers.

(af) On July 1, 1920, nine hundred dollars, on July 1, 1921, sixteen hundred dollars, and on July 1, 1922, thirteen hundred dollars, for property repairs and maintenance.

(b) On July 1, 1919, five thousand eight hundred fifty dollars, and on July 1, 1920, four thousand eight hundred fifty dollars, for fire protection and safety devices, and permanent property and improvements, except buildings and purchase of land.

(c) On July 1, 1918, six thousand six hundred seventy-five dollars, on July 1, 1921, sixteen thousand three hundred fifty dollars, and on July 1, 1922, six thousand five hundred fifty dollars, for permanent property and improvement, including terrazzo floors.

(d) On July 1, 1917, three thousand five hundred dollars, for land improvements; and on July 1, 1917, nine thousand two hundred twenty dollars, for the completion of the building now under construction.

(4) LA CROSSE NORMAL SCHOOL. For the normal school at La Crosse:

(a) Annually, beginning July 1, 1921, an amount sufficient to cover the cost of insurance; and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921,

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one hundred thirty-one thousand five hundred forty dollars and annually, beginning July 1, 1922, one hundred thirty seven thousand two hundred forty dollars, for operation. Of the appropriation on July 1, 1921, for operation, ninety-eight thousand four hundred dollars and of the annual appropriation thereafter for operation, one hundred four thousand one hundred dollars shall be used for no other purpose than the salaries of teachers.

(af) On July 1, 1920, two thousand three hundred dollars, on July 1, 1921, five thousand one hundred fifty dollars, and on July 1, 1922, seventeen hundred dollars, for property repairs and maintenance.

(b) On July 1, 1920, five thousand six hundred fifty dollars, on July 1, 1921, fifteen thousand two hundred thirty-five dollars and on July 1, 1922, twelve thousand nine hundred fifty dollars, for permanent property and improvements, except buildings and purchase of land.

(f) On July 1, 1917, six thousand five hundred dollars, for the completion of the gymnasium; four thousand dollars, for the construction and installation of steam conduits, boilers and piping; four thousand one hundred fifty dollars for remodeling the main building, and four thousand dollars, for equipment of the gymnasium.

(5) MILWAUKEE NORMAL SCHOOL. For the normal school at Milwaukee:

(a) Annually, beginning July 1, 1921, an amount sufficient to cover the cost of insurance; and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, two hundred forty-four thousand nine hundred fifteen dollars and annually, beginning July 1, 1922, two hundred fifty-five thousand two hundred sixty-five dollars, for operation. Of the appropriation on July 1, 1921, one hundred ninety-seven thousand two hundred five dollars and of the annual appropriation thereafter for operation, two hundred seven thousand five hundred fifty-five dollars shall be used for no other purpose than the salaries of teachers.

(af) On July 1, 1920, four thousand seven hundred dollars, on July 1, 1921, eight thousand nine hundred twenty-five dollars, and on July 1, 1922, eight thousand nine hundred fifty dollars, for property repairs and maintenance.

(b) On July 1, 1920, five thousand dollars, for permanent property and improvements, except purchase of land. On July 1, 1921, fifty-five thousand nine hundred fifty dollars, and on July 1, 1922, fifteen thousand two hundred fifty dollars, for permanent property and improvements. Of the amount appropriated on July 1, 1921, not to exceed forty thousand dollars is allotted to the purchase of four acres of land facing Kenwood boulevard at the head of Farwell avenue.

(e) On July 1, 1917, three thousand dollars, and on July 1, 1918, three thousand dollars, for land improvements; on July 1, 1917, two thousand dollars; and on July 1, 1918, two thousand dollars, for remodeling main building and for remodeling and extending the men's gymnasium.

(d) On July 1, 1922, not to exceed seven thousand eight hundred twenty dollars for operation, but no part of this appropriation shall be available provided the state board of normal regents enter into a contract for the teaching of hygiene at the Milwaukee state normal school with the federal departmental hygiene board for the fiscal year beginning July 1, 1922.

(6) OSHKOSH NORMAL SCHOOL. For the normal school at Oshkosh:

(a) Annually, beginning July 1, 1921, an amount sufficient to cover the cost of insurance; and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred sixty thousand one hundred forty-five dollars and annually, beginning July 1, 1922, one hundred sixty-seven thousand six hundred forty-five dollars, for operation. Of the appropriation on July 1, 1921, for operation, one hundred twenty-four thousand six hundred ninety dollars and of the annual appropriation thereafter for operation, one hundred thirty-two thousand one hundred ninety dollars shall be used for no other purpose than the salaries of teachers.

(af) On July 1, 1920, two thousand one hundred dollars, on July 1, 1921, eighteen hundred fifty dollars, and on July 1, 1922, eighteen hundred fifty dollars, for property repairs and maintenance.

(c) On July 1, 1920, five thousand dollars, on July 1, 1921, thirteen thousand four hundred thirty dollars, and on July 1, 1922, twelve thousand nine hundred thirty dollars, for permanent property and improvements, except purchase of land.

(7) PLATTEVILLE NORMAL SCHOOL. For the normal school at Platteville:

(a) Annually, beginning July 1, 1921, an amount sufficient to cover the cost of insurance; and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, ninety-five thousand eight hundred seventy dollars and annually, beginning July 1,

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1922, ninety-nine thousand five hundred seventy dollars, for operation. Of the appropriation on July 1, 1921, for operation, sixty-nine thousand one hundred dollars, and of the annual appropriation thereafter for operation seventy-two thousand eight hundred dollars shall be used for no other purpose than the salaries of teachers.

(af) On July 1, 1920, three thousand two hundred dollars, on July 1, 1921, eight thousand four hundred twenty-five dollars, and on July 1, 1922, eight thousand four hundred twenty-five dollars, for property repairs and maintenance.

(c) On July 1, 1920, four thousand two hundred dollars, on July 1, 1921, thirteen thousand five hundred fifty dollars, and on July 1, 1922, eleven thousand eight hundred dollars, for permanent property and improvements, except purchase of land.

(e) On July 1, 1917, fifteen thousand dollars, for the construction and equipment of a power plant; two thousand five hundred dollars for the erection of a barn, and fifteen hundred dollars for sundries in the new building.

(f) On July 1, 1919, twenty-five thousand dollars, for remodeling the power and heating plant, and on July 1, 1921, six thousand and seventy-seven dollars for completing the remodeling of and equipping the power and heating plant.

(8) River Falls normal school. For the normal school at River Falls:

(a) Annually, beginning July 1, 1921, an amount sufficient to cover the cost of insurance, and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred thirty-five thousand eighty dollars and annually, beginning July 1, 1922, one hundred forty thousand four hundred fifteen dollars for operation; of the appropriation on July 1, 1921, for operation, one hundred three thousand eight hundred ninety dollars and of the annual appropriation thereafter for operation one hundred nine thousand two hundred twenty-five dollars shall be used for no other purpose than the salaries of teachers.

(af) On July 1, 1920, three thousand three hundred fifty dollars, on July 1, 1921, seven thousand seven hundred forty dollars, and on July 1, 1922, seven thousand three hundred eighty dollars, for property repairs and maintenance.

(c) On July 1, 1919, ten thousand two hundred dollars, on July 1, 1920, seven thousand five hundred fifty dollars, of which two thousand fifty dollars shall be available for no other purpose than the purchase of live stock, on July 1, 1921, fifteen thousand six hundred eighty dollars, of which not to exceed two thousand dollars may be used for sewer construction in addition to the amount appropriated for this purpose by paragraph (f) of subsection (8) of section 20.38, and on July 1, 1922, twelve thousand six hundred fifty dollars for permanent property and improvements, except purchase of land.

(e) On July 1, 1918, thirty thousand dollars, for the erection and equipment of a power and heating plant; on July 1, 1917, two thousand dollars, and on July 1, 1918, two thousand dollars for general remodeling; on July 1, 1921, fourteen thousand six hundred six dollars, for further remodeling the power and heating plant, equipping the same, connecting that plant with north hall and the S. A. T. C. barracks by conduits and necessary piping, and for equipping the barracks with radiators; and on July 1, 1922, ten thousand dollars for completing the work of remodeling and equipping the power and heating plant, including the purchase and installation of an additional boiler.

(f) On July 1, 1919, three thousand five hundred dollars, for sewer construction, for the purpose of connecting with the city sewer system.

(g) On July 1, 1919, sixteen thousand dollars for buildings and fixtures, for the purchase of land adjoining the present school lands, and buildings thereon. Any moneys received from the sale of any buildings on such land may be used for the purchase of additional land, or for land improvements on the land so purchased.

(j) On July 1, 1919, five thousand dollars, for the construction of the heating plant.

(k) On July 1, 1921, for expenses theretofore incurred as follows: Three hundred seventy-four dollars and forty-five cents for permanent property improvements; one hundred forty dollars and twelve cents for repairs and maintenance; and seventy-three dollars and fifty-four cents for operation.

(9) Stevens Point normal school. For the normal school at Stevens Point:

(a) Annually, beginning July 1, 1921, an amount sufficient to cover the cost of insurance; and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred twenty-nine thousand five hundred ninety dollars and annually, beginning July 1, 1922, one hundred thirty-five thousand four hundred ninety dollars for operation. Of the appropriation on July 1, 1921, for operation, one hundred thousand four hundred dollars and of the annual appropriation thereafter for operation, one hundred six thousand three hundred dollars shall be used for no other purpose than the salaries of teachers.

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(af) On July 1, 1920, three thousand five hundred dollars, on July 1, 1921, seventeen thousand eight hundred fifty-one dollars, and on July 1, 1922, eleven thousand nine hundred fifty dollars, for property repairs and maintenance. The repairs for the fiscal year ending June 30, 1922, shall include the replacement of an entire roof and repairs for the reduction of the fire hazard.

(c) On July 1, 1920, five thousand dollars, on July 1, 1921, eleven thousand and twenty-five dollars, and on July 1, 1922, eleven thousand four hundred seventy-five dollars for permanent property and improvements, except purchase of land.

(e) On March 1, 1919, twenty-five thousand dollars, for the construction and equipment of a science building.

(f) On July 1, 1919, sixteen thousand dollars, for remodeling and finishing the library unit.

(g) On July 1, 1922, sixteen thousand dollars for the construction and equipment of a rural school building.

(10) SUPERIOR NORMAL SCHOOL. For the normal school at Superior:

(a) Annually, beginning July 1, 1921, an amount sufficient to cover the cost of insurance; and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred twelve thousand five hundred eighty-five dollars and annually, beginning July 1, 1922, one hundred sixteen thousand five hundred eighty-five dollars, for operation. Of the appropriation on July 1, 1921, for operation, eighty-four thousand four hundred dollars and of the annual appropriation thereafter for operation, eighty-eight thousand and four hundred dollars shall be used for no other purpose than the salaries of teachers.

(af) On July 1, 1920, one thousand four hundred fifty dollars, on July 1, 1921, eight hundred ten dollars, and on July 1, 1922, eight hundred ten dollars, for property repairs and maintenance.

(b) On July 1, 1915, sixty thousand dollars, and on July 1, 1916, forty-five thousand eight hundred fifty dollars for permanent property and improvements, except purchase of land; forty thousand dollars of each appropriation to be available only for construction of a training school building. On July 1, 1917, nineteen thousand four hundred eighty dollars and forty-three cents, for the payment of bills to that amount already incurred in the construction and equipment of the new main building.

(c) On July 1, 1921, thirteen thousand nine hundred ninety dollars and on July 1, 1922, twenty-one thousand and seventy-five dollars, of which latter not to exceed eight thousand dollars is allotted for the construction of a stairway in the main building, for permanent property and improvements, except purchase of land.

(d) On July 1, 1919, four thousand six hundred dollars, and on July 1, 1920, four thousand six hundred dollars, for permanent property and improvements except the purchase of land.

(e) On March 1, 1918, fifteen thousand dollars, and on July 1, 1918, fifteen thousand dollars, for the construction and equipment of a gymnasium.

(f) On July 1, 1919, one thousand dollars, for the completion of the Crownhart hall heating connection.

(g) Annually, for three years, beginning July 1, 1919, nine thousand dollars, for the purchase of land, provided that any amount or amounts received from the sale of buildings on the land purchased with funds derived from this appropriation, shall be added to this appropriation and available for the same purpose; provided further that no part of this appropriation shall be used as a down payment, or part payment on the purchase of land, but only for acquiring the full legal title in fee, without lien or incumbrance.

(11) WHITEWATER NORMAL SCHOOL. For the normal school at Whitewater:

(a) Annually, beginning July 1, 1921, an amount sufficient to cover the cost of insurance; and the cost of coal and other solid fuel purchased pursuant to section 32.04 of the statutes, including the freight charges and local hauling charges thereon. On July 1, 1921, one hundred twenty-six thousand eight hundred twenty dollars, and annually, beginning July 1, 1922, one hundred thirty-two thousand eight hundred twenty dollars, for operation. Of the appropriation on July 1, 1921, for operation, one hundred thousand two hundred dollars, and of the annual appropriation thereafter for operation, one hundred six thousand two hundred dollars shall be used for no other purpose than the salaries of teachers.

(af) On July 1, 1920, three thousand five hundred dollars, on July 1, 1921, four thousand five hundred twenty-five dollars, and on July 1, 1922, four thousand twenty-five dollars, for property repairs and maintenance.

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(c) On July 1, 1920, four thousand seven hundred dollars, on July 1, 1921, fifteen thousand seventy-five dollars, and on July 1, 1922, nine thousand five hundred twenty-five dollars, for permanent property and improvements except purchase of land.

(d) On July 1, 1917, five thousand dollars, and on July 1, 1918, thirty thousand dollars, for the construction and equipment of a power and heating plant.

(e) On July 1, 1919, one thousand two hundred dollars, for sewage disposal.

(f) On July 1, 1919, fifteen thousand dollars, for the erection and equipment of a power and heating plant, and on July 1, 1921, twenty-five thousand seven hundred seventy-nine dollars for completing and equipping the power and heating plant and connecting the plant with the school buildings by conduits and necessary piping.

(g) On July 1, 1921, fifty thousand dollars; and on July 1, 1922, two hundred thousand dollars for the building and equipment of a new east wing to the main building.

(12) DORMITORIES AND OTHER AUXILIARIES. For dormitories and dining halls, cafeterias, stationery stands, and music departments at normal schools, as follows:

(a) On July 1, 1915, one thousand five hundred dollars, to be used as a revolving appropriation for the operation and maintenance of and the purchase of necessary equipment for the dormitory and dining hall at the normal school at Oshkosh; and all moneys collected or received by each and every person, for or on account of said dormitory and dining hall, shall be paid within one week of receipt into the normal school fund income, and are appropriated and added to this appropriation.

(b) On July 1, 1916, one thousand five hundred dollars, to be used as a revolving appropriation for the operation and maintenance of and the purchase of necessary equipment for the dormitory and dining hall at the normal school at Stevens Point; and all moneys collected or received by each and every person for or on account of said dormitory and dining hall, shall be paid within one week of receipt into the normal school fund income, and are appropriated and added to this appropriation.

(c) All moneys collected or received by each and every person, for or on account of the dormitory and dining hall at the normal school at Superior, shall be paid within one week of receipt into the normal school fund income, and are appropriated to be used as a revolving appropriation for the operation and maintenance of and the purchase of necessary equipment for said dormitory and dining hall.

(d) All moneys collected or received by each and every person for or on account of the music department, stationery stand, and cafeteria at the normal school at Milwaukee, shall be paid within one week of receipt into the normal school fund income, and are appropriated to be used as revolving appropriations, respectively, for the operation and maintenance of and the purchase of necessary equipment for said music department, stationery stand, and cafeteria.

(e) The state board of education may establish and operate cafeterias and stationery stands at any of the normal schools; and all moneys collected or received by each and every person, for or on account of any such cafeteria, or stationery stand, shall be paid, within one week of receipt, into the normal school fund income, and are appropriated, to be used as revolving appropriations, respectively, for the operation and maintenance of and the purchase of necessary equipment for each such cafeteria or stationery stand.

(f) No part of any appropriation for operation of normal schools shall be expended or available for appropriations provided for by this subsection, except paragraph (h) thereof.

(g) The state board of education may establish and operate model farms in connection with any departments for the training of teachers of agriculture at the normal schools at River Falls and Platteville. All moneys collected or received by each and every person for or on account of the activities connected with any such model farm, shall be paid, within one week after receipt, into the normal school fund income, and are appropriated therefrom, to carry out the provisions of this paragraph.

(13) SUMMER SCHOOLS. Summer schools for teachers shall be limited to six weeks in each year. For all fiscal purposes, the entire summer session shall be considered as occurring in the fiscal year in which the major part thereof occurs, and all expenditures therefor shall be charged to the appropriation for such fiscal year; provided that bills for printing incurred prior to the beginning of such fiscal year may be paid out of current funds, and replaced at the beginning of such fiscal year. [*Stats. 1915 s. 170 sub. 9, 172—54 sub. 1, 4 to 14, 18 to 31, 33, 37, 406a sub. 4; 1915 c. 633 s. 8; 1915 c. 635 s. 8; 1917 c. 14 s. 64; 1917 c. 447 s. 2, 3; 1917 c. 577 s. 2, 3; 1917 c. 628 s. 14; 1917 c. 671 s. 38; 1917 c. 678 s. 9; 1919 c. 72; 1919 c. 197 s. 1 to 5; 1919 c. 246; 1919 c. 445 s. 1-3; 1919 c. 477, 586; 1919 c. 628 s. 4; 1919 c. 671 s. 40, 41, 42; 1919 c. 673 s. 5; Spl. S. 1920 c. 2; 1921 c. 453, 495; 1921 c. 517 s. 12; 1921 c. 582 s. 1 to 6; 1921 c. 588 s. 5 to 8*]

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University.

20.39 Basic appropriations for the university. (1) UNIVERSITY FUND. All moneys accruing to the state pursuant to section 6 of article X of the constitution, and all other moneys paid into the state treasury on account of the capital of the university fund, constitute the university fund, which is a separate and perpetual fund.

(2) UNIVERSITY FUND INCOME. The university fund income is constituted of the following increments:

(a) *Interest and revenues.* The interest derived from the university fund and from unpaid balances of purchase money on sales of the university lands; and all other revenues derived from the university lands.

(b) *Mill tax.* An annual state tax of three-eighths of one mill for each dollar of the assessed valuation of the property of the state as determined by the tax commission pursuant to section 70.57, which is hereby levied and shall be collected and paid into said fund annually.

(c) *Agricultural college fund income.* All moneys in the agricultural college fund income, as provided in subsection (4).

(d) *Appropriations from general fund.* All appropriations made by law from the general fund to the university fund income.

(e) *Tuition fees.* All tuition fees accruing by virtue of section 36.16; and such fees shall be paid within one week after receipt, into the state treasury to the credit of the university fund income.

(f) *Miscellaneous receipts.* All other moneys received by each and every person for or in behalf of the board of regents of the university, or in behalf of any department, college, or activity thereof, or in behalf of the university fund income; and, except as expressly provided otherwise by law, such moneys shall be paid, within one week after receipt, into the state treasury to the credit of the university fund income.

(g) *Gifts and donations.* All gifts, grants, bequests, and devises from individuals, partnerships, associations, or corporations, and all subventions from the federal government appropriated to and designated for the university fund income, by the board of regents of the university, as provided in paragraph (a) of subsection (8).

(3) AGRICULTURAL COLLEGE FUND. All moneys derived from the sale of the lands and land scrip accruing to the state by virtue of the act of congress approved July 2, 1862, entitled "an act donating public lands to the several states and territories which may provide colleges for the benefit of agricultural and the mechanic arts," and all other moneys paid into the state treasury on account of the capital of the agricultural college fund, constitute the agricultural college fund, which is a separate and perpetual fund and shall remain forever undiminished. If said fund shall by any action or contingency be impaired a state tax is hereby levied sufficient to replace the same, to be collected with the state taxes for the next ensuing year and paid into said fund.

(4) AGRICULTURAL COLLEGE FUND INCOME. The agricultural college fund income, whenever it accrues, shall be transferred to the university fund income and be available only for meeting the appropriations made from the university fund income for agricultural college purposes; but no portion thereof shall be applied, directly or indirectly, under any pretence whatever, to the purchase, erection, preservation, or repair of any building or buildings. It is constituted of the following increments:

(a) The interest derived from the agricultural college fund and from unpaid balances of purchase money on sales of agricultural college lands; and all other revenues derived from the agricultural college lands.

(b) All moneys received by each and every person in behalf of the agricultural college fund income; and such moneys shall be paid, within one week after receipt, into the state treasury to the credit of said fund.

(c) If for any year the aggregate income specified in paragraphs (a) and (b) is less than five per cent on the principal of the agricultural college fund, the secretary of state shall transfer from the university fund income to the agricultural college fund income such sum as may be necessary to meet such deficiency.

(5) LEGISLATIVE APPROPRIATION REQUIRED. The university fund income shall be applied to the support of the university and the colleges and departments established, or which shall hereafter be established in or connected with the university; but the moneys from said fund shall be available only as expressly appropriated therefrom by the legislature.

(6) EMERGENCY TRANSFERS. (a) After the beginning of each fiscal year and before the collection in such year of the state tax levied by paragraph (b) of subsection (2), the secretary of state may, if in his judgment the condition of the general fund warrants it,

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with the approval of the governor, transfer from the general fund to the university fund income, such sum or sums as may be necessary to meet current expenses of the university; but immediately upon the collection of such state tax in each year an amount equal to the sum or sums so advanced shall be transferred from the university fund income to the general fund.

(b) The commissioners of public lands may direct the state treasurer, from [time] to time, to set apart such sums by way of loan to the university fund income, from uninvested moneys in the trust funds for the period when so uninvested, as in their judgment shall be prudent, such loans to be repaid to the trust funds from the state tax levied by paragraph (b) of subsection (2), with interest at the rate then required to school districts.

(c) Any moneys in the appropriations from the university fund income for operation may be temporarily transferred to any revolving fund authorized by law, or from one revolving fund to another, provided that any moneys so transferred shall be repaid to the fund or appropriation from which taken before the close of the fiscal year in which the transfer was made.

(7) EXECUTIVE CONTROL OF CONSTRUCTION WORK. All appropriations made by law for the construction of new buildings for the university, or appurtenant thereto shall be expended only in accordance with the following conditions:

(a) Except as expressly provided otherwise, all construction shall be in the order of the greatest need therefor, as determined by the board of regents of the university.

(b) No plan or plans shall be finally adopted, and no contract or contracts shall be entered into, for the construction of any building until such plans and contract, with complete estimates of the total cost thereof, shall have been submitted to and in writing approved by the governor, who shall withhold such approval until he shall satisfy himself by a personal examination or by such other means as he may in his discretion adopt, that such building is required for the purpose proposed, and that it can and will be erected and fully completed according to such plans or contracts for the sum proposed for the same out of the appropriation made for such purpose.

(8) GIFTS AND DONATIONS. (a) All gifts, grants, bequests and devises from individuals, partnerships, associations or corporations and all subventions from the federal government for or in behalf of the university or any department thereof or any purpose connected therewith, are appropriated to the board of regents of the university and shall be used according to the provisions of the instrument or act making the same and all such receipts shall be paid into the university fund income, agricultural college fund income or into such other fund of the state treasury as the board of regents of the university shall designate, unless the provisions of the instrument or act making the gift, grant, bequest, devise or subvention shall be inconsistent with or repugnant to the provisions of this subsection requiring such payments into the state treasury.

(b) All gifts, grants, bequests and devises for the benefit or advantage of the university or any of its departments, colleges, schools, halls, observatories or institutions, or to provide any means of instruction, illustration or knowledge in connection therewith, whether made to trustees or otherwise, shall be legal and valid and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents and profits of any real estate without being subject to the limitations and restrictions provided by law in other cases; but no such accumulation shall be allowed to produce a fund more than twenty times as great as that originally given.

(c) All such gifts, grants, devises or bequests may be made to the regents of the university or to the president or any officer thereof, or to any person or persons as trustees, or may be charged upon any executor, trustee, heir, devisee or legatee, or made in any other manner indicating an intention to create a trust, and may be made as well for the benefit of the university or any of its chairs, faculty, departments, colleges, schools, halls, observatories, or institutions or to provide any means of instruction, illustration or knowledge in connection therewith, or for the benefit of any class of students at the university or in any of its departments, whether by way of scholarship, fellowship, or otherwise, or whether for the benefit of students in any course, subcourse, special course, postgraduate course, summer school or teachers' course, oratorical or debating course, laboratory, shop, lectureship, drill, gymnasium, or any other like division or department of study, experiment, research, observation, travel or mental or physical improvement in any manner connected with the university, or to provide for the voluntary retirement of any of its faculty.

(d) It shall not be necessary in case of any such gift, grant, devise or bequest to exactly or particularly describe the members of the class, group or nationality of students in-

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tended to be the beneficiaries, but it shall be sufficient to describe the class or group; and in case of any such gift, grant, devise or bequest the regents shall divide and graduate the students at the university into such classes or divisions as may be necessary to select and determine those belonging to the class intended by such gift, grant, devise or bequest, and shall determine what particular persons are within or intended by the same. It shall be sufficient in any such gift, grant, devise or bequest to describe the beneficiaries as belonging to a certain course, subcourse, department or division of the university, or as those pursuing certain studies, speaking or writing a certain language or languages, belonging to any nationality or nationalities, or to one of the sexes or by any other description, and in such case the regents shall determine the persons so described as hereinbefore provided. [*Stats. 1915 s. 172—53 sub. 18, 19, 34, 35, 40, 248, 249, 382a, 389, 390 sub. 1; 1917 c. 14 s. 66; 1917 c. 671 s. 38; 1921 c. 588 s. 3, 4*]

20.40 General fund appropriations to the university fund income. There is appropriated from the general fund to the university fund income:

(1) PURCHASE OF LAND. On July 1, 1921, an amount not to exceed one hundred twenty thousand five hundred dollars to meet the appropriations made by paragraph (g) of subsection (1) of section 20.41.

(2) PERMANENT PROPERTY, IMPROVEMENTS AND CONSTRUCTION. (e) On July 1, 1917, twenty-five thousand five hundred dollars, on March 1, 1918, two thousand dollars, and on July 1, 1918, forty-two thousand dollars, to meet the appropriations from the university fund income made by paragraph (k) of subsection (1) of section 20.41.

(f) On July 1, 1919, sixty-three thousand dollars, and on July 1, 1920, eighty-eight thousand five hundred dollars, to meet the appropriation made from the university fund income by paragraph (m) of subsection (1) of section 20.41.

(g) On July 1, 1921, an amount not to exceed one hundred ninety-five thousand six hundred ten dollars, and on July 1, 1922, an amount not to exceed one hundred ninety-nine thousand five hundred ten dollars to meet the appropriations made by paragraph (d) of subsection (1) of section 20.41.

(h) On July 1, 1921, an amount not to exceed one hundred seventy-six thousand dollars, and on July 1, 1922, an amount not to exceed one hundred seventy thousand five hundred dollars to meet the appropriation made by paragraph (f) of subsection (1) of section 20.41.

(i) On June 1, 1920, a sum sufficient to meet the appropriation from the university fund income made by paragraph (f) of subsection (10) of section 20.41.

(3) UNIVERSITY EXTENSION. Annually, beginning July 1, 1921, two hundred thousand dollars; on July 1, 1921, ten thousand five hundred dollars; and on July 1, 1922, ten thousand five hundred dollars to meet the appropriations from the university fund income, made by paragraphs (a), (b) and (d) of subsection (2) of section 20.41.

(4) AGRICULTURAL EXTENSION. (a) On July 1, 1921, one hundred nine thousand dollars, and on July 1, 1922, one hundred twenty-three thousand five hundred dollars, to meet the appropriations from the university fund income made by paragraphs (c), (d), (e), (h), (i), (l) and (m) of subsection (3) of section 20.41.

(b) On July 1, 1919, not to exceed fifteen thousand dollars, to meet the appropriation from the university fund income made by paragraph (j) of subsection (3) of section 20.41.

(c) Annually, beginning July 1, 1921, twelve thousand dollars to meet the appropriation from the university fund income, made by paragraph (o) of subsection (3) of section 20.41.

(d) On July 1, 1921, not to exceed four thousand seven hundred fifty dollars to meet the appropriation from the university fund income made by paragraph (n) of subsection (3) of section 20.41.

(5) SPECIAL DEPARTMENTS. Annually, beginning July 1, 1917, five thousand dollars, to meet the appropriation from the university fund income made by paragraph (a) of subsection (4) of section 20.41.

(6) MEMORIAL PARK. On July 1, 1921, twelve hundred dollars, and on July 1, 1922, twelve hundred dollars, to meet the appropriation from the university fund income made by subsection (7) of section 20.41.

(7) CONDITIONAL APPROPRIATIONS. From time to time as needed, and as approved by the governor, secretary of state and state treasurer, an amount not to exceed eight hundred twenty-three thousand six hundred seventy-five dollars for the fiscal year ending June 30, 1922, and an amount not to exceed eight hundred seventy-six thousand one hundred seventy-five dollars for the year ending June 30, 1923.

(8) EMERGENCY APPROPRIATIONS. On June 30, 1921, two hundred seven thousand dollars to meet appropriations heretofore authorized.

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(9) REVOLVING FUND, CERTIFICATION. From time to time, such sums as may be necessary, to meet the certifications of the secretary of state, as provided in section 1417a—8, to be added to the appropriation made by paragraph (a) of subsection (10) of section 20.41. [*1917 c. 14 s. 70; 1917 c. 224; 1917 c. 402; 1917 c. 458 s. 1, 2, 4; 1917 c. 496 s. 1; 1917 c. 506, 576, 585, 613, 627, 658; Spl. S. 1918 c. 10; 1919 c. 116 s. 1, 2, 7; 1919 c. 164; 1919 c. 305 s. 2; 1919 c. 630 s. 4; Spl. S. 1920 c. 1 s. 1; Spl. S. 1920 c. 17; Spl. S. 1920 c. 30 s. 2; 1921 c 339 s. 2; 1921 c. 536; 1921 c. 583 s. 1, 2, 5; 1921 c. 9 s. 2*]

20.41 Appropriations from the university fund income. There is appropriated from the university fund income to the board of regents of the university:

(1) UNIVERSITY. For the several colleges, departments, and schools of the university, at Madison:

(a) *General operation.* On July 1, 1919, one million five hundred seventy-seven thousand fifty-six dollars, and annually, beginning July 1, 1920, one million six hundred thirty-five thousand three hundred forty-four dollars, for operation. The regents of the university shall receive no compensation for services, but shall be paid their actual and necessary expenses incurred in going to, attending or returning from meetings of the board, or in the performance of any duty in pursuance of any direction of the board, and the board shall fix the salary or compensation of the president, professors, instructors, officers, employes, and all other appointees and subordinates of the board.

(ab) *General operation, additional.* Annually, beginning July 1, 1921, a sum sufficient to cover the cost of insurance and the cost of coal and other solid fuel purchased pursuant to section 34.02 of the statutes and freight charges thereon. Annually, beginning July 1, 1920, nine hundred ninety-eight thousand five hundred twenty-nine dollars, on July 1, 1921, ninety-two thousand eight hundred twenty-seven dollars, and annually, beginning July 1, 1922, two hundred twenty-five thousand and twenty-seven dollars, for operation.

(b) *Professorship in Semitic and Greek.* Annually, beginning July 1, 1915, five thousand two hundred fifty dollars for the department of Semitic languages and Hellenistic Greek.

(c) *Repairs and maintenance.* On July 1, 1919, eighty-one thousand three hundred ninety dollars, on July 1, 1920, eighty-one thousand three hundred ninety dollars, on July 1, 1921, one hundred fifty-four thousand eight hundred twenty-five dollars, and on July 1, 1922, one hundred seventy thousand nine hundred twenty-five dollars, for property repairs and maintenance.

(d) *Permanent property and improvements.* On July 1, 1919, ninety-five thousand dollars; on July 1, 1921, one hundred ninety-five thousand six hundred ten dollars; and on July 1, 1922, one hundred ninety-nine thousand five hundred ten dollars for the purchase of educational and laboratory apparatus, furniture, and furnishings, machinery and equipment, tools, live stock, for improvements to buildings and grounds; and for other similar permanent property and improvements.

(e) *Laboratory and military supplies.* All moneys received by each and every person as deposits or payments for breakage, consumption and wear of laboratory equipment, apparatus, and supplies, and for military suits, shall be paid within one week after receipt into the university fund income, and are appropriated therefrom as a revolving appropriation for the purchase, care, use and repairs of such equipment, apparatus, and supplies, or other purposes for which such deposits or payments are made.

(f) *Construction and equipment.* So much of the amounts severally specified as may be necessary for the construction and equipment of buildings, and permanent improvements, as follows: On July 1, 1921, ninety thousand dollars for adding and equipping two stories and attic on west wing of chemistry building; thirty-one thousand dollars for agricultural buildings, equipment and spur track; fifteen thousand dollars for boiler and equipment for dairy power house; twenty-five thousand dollars for completing the addition to the service building; twelve thousand dollars for water mains; and three thousand dollars for meters; and on July 1, 1922, sixteen thousand dollars for a barn for beef cattle; forty thousand dollars for an electric substation and equipment; eighty-eight thousand dollars for additional boilers and equipment in the central heating station for the new hospital; and twenty-six thousand five hundred dollars for tunnels and equipment to connect the hospital and central heating station.

(g) *Purchase of land.* On July 1, 1921, one hundred twenty thousand five hundred dollars for purchase of land.

(h) *Proceeds of equipment sold.* All moneys collected or received by each and every person for, or on account of, the board of regents, for the sale of educational and laboratory apparatus, furniture and furnishings, machinery and equipment, and tools, shall be paid, within one week after receipt, into the university fund income, and are appro-

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priated therefrom as a revolving appropriation, to be used for the purchase of other similar equipment.

(i) *Lectures and entertainments.* All moneys collected, or received, by each and every person, for, or on account of, the school of music, in payment for lectures, recitals, concerts, and entertainments, given by special arrangement, by persons not on the regular staff of the university, in any of its departments, colleges or activities, shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom as a revolving appropriation, for payment of necessary expenses incurred in furnishing such lectures, recitals, concerts, and entertainments; but no part thereof shall be used for the payment, in whole or in part, of the salary or compensation of any person regularly employed in any department, college, or activity of the university.

(k) *Additional construction.* On July 1, 1917, twenty-five thousand five hundred dollars, in sums allotted as follows:

For the store building, nine thousand dollars,
For agricultural buildings, five thousand dollars,
For the heating station, one thousand dollars,
For fire protection, eight thousand dollars;

On March 1, 1918, two thousand dollars for engineering shop; and on July 1, 1918, forty-two thousand dollars, in sums allotted as follows:

For engineering shops, twenty thousand dollars,
For a store building, five thousand dollars,
For agricultural buildings, five thousand dollars,
For the heating station, four thousand dollars, and
For fire protection, eight thousand dollars.

(l) *Store division.* On July 1, 1917, five thousand dollars, and in addition thereto, all stock on hand in the store division of the university, to be used as a revolving appropriation for the operation of the university store division, and to permit co-operation between the store division and any board, commission, or department of the state, or federal government, co-operating with the university, and to be available for the purchase of additional stores, including merchandise, labor and materials.

(m) *Repairing, remodeling and equipping of buildings.* On July 1, 1919, sixty-three thousand dollars, in sums allotted as follows:

For engineering shops, nine thousand dollars,
For store and repair shops, nine thousand dollars,
For heating and electric station and service improvements, ten thousand dollars,
For remodeling and equipping music hall auditorium, twenty-five thousand dollars,
For minor buildings at the college of agriculture, five thousand dollars,
For Camp Randall improvements, five thousand dollars,

On July 1, 1920, eighty-eight thousand five hundred dollars, in sums allotted as follows:

For engineering shops, thirty-one thousand five hundred dollars,
For store and repair shops, thirty-two thousand dollars,
For heating and electric station and service improvements, ten thousand dollars,
For remodeling and equipping music hall auditorium, ten thousand dollars,
For Camp Randall improvements, five thousand dollars.

(p) *Repairs and maintenance.* On July 1, 1920, forty-three thousand six hundred ten dollars, for property repairs and maintenance.

(q) *Educational apparatus, etc.* On July 1, 1920, twenty-five thousand dollars, for the purchase of educational and laboratory apparatus, furniture and furnishings, machinery and equipment, tools, live stock, for improvements to buildings and grounds; and for other similar permanent property and improvements.

(2) UNIVERSITY EXTENSION. For educational extension and correspondence teaching, authorized by section 1494*j*:

(a) *Operation.* Annually, beginning July 1, 1921, two hundred thousand dollars, for operation, and in addition thereto all moneys received by each and every person for or in behalf of the board of regents of the university, as university extension fees, including fees for correspondence study instruction, class instruction, lecture instruction, visual instruction materials, musical and dramatic materials, extension texts and bulletins, traveling instructors and extension teachers serving local continuation schools and other organizations, shall, unless otherwise provided by law, be paid within one week of receipt into the univerity fund income, and are appropriated therefrom, and added to this appropriation.

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(b) *Equipment and supplies.* On July 1, 1921, five thousand dollars, and on July 1, 1922, five thousand dollars, for the purchase of books, educational apparatus, furniture and furnishings, and other necessary equipment .

(c) *Special lectures, concerts and entertainments.* All moneys collected or received by each and every person for or on account of the university extension division in payment for lectures, concerts, and entertainments given by special arrangement, by persons not on the regular staff of the university in any of its departments, colleges, or activities, shall be paid within one week after receipt into the university fund income, and are appropriated therefrom as a revolving appropriation for the payment of necessary expense incurred in furnishing such lectures, concerts, and entertainments; but no part thereof shall be used for the payment, in whole or in part, of the salary or compensation of any person regularly employed in any department, college, or activity of the university.

(d) *Medical extension.* On July 1, 1921, five thousand five hundred dollars, and on July 1, 1922, five thousand five hundred dollars, for medical extension.

(3) AGRICULTURAL EXTENSION. For agricultural extension work:

(a) *Farmers' institutes.* Annually, on July first, twenty thousand dollars, for farmers' institutes, authorized by subsection (2) of section 36.215.

(b) *Traveling schools of agriculture.* Annually, beginning July 1, 1921, forty-five thousand dollars, for the dissemination of agricultural knowledge and traveling schools of agriculture, as provided in section 36.215.

(c) *Demonstration stations.* For the maintenance of agricultural demonstration stations organized in accordance with the provisions of section 36.19, the several amounts itemized as follows:

Douglas county demonstration station, one thousand dollars annually, for five years, beginning July 1, 1921;

Rusk county demonstration station, one thousand dollars annually, for five years, beginning July 1, 1921;

One additional demonstration station to be organized in some other county, one thousand dollars annually, for five years, beginning July 1, 1921; and all moneys received by each and every person from the counties and from farm sales for and on account of such agricultural demonstration stations in such counties, shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom as a revolving appropriation, for carrying on such agricultural demonstration work.

(d) *Agricultural experiment stations.* For the branch agricultural experiment stations, established by the board of regents of the university, at Ashland Junction, Marshfield, and Spooner, to promote the agricultural development of the regions embraced in the respective soil types represented by these stations, the following several sums:

On July 1, 1921, nineteen thousand dollars, and on July 1, 1922, nineteen thousand dollars, for operation.

On July 1, 1921, one thousand five hundred dollars, and on July 1, 1922, one thousand five hundred dollars, for property repairs and maintenance.

On July 1, 1921, two thousand dollars, and on July 1, 1922, two thousand dollars, for construction of necessary buildings and permanent improvements.

On July 1, 1922, seven thousand five hundred dollars for the construction and remodeling of buildings and improvements of grounds.

(e) *County agricultural representatives.* On July 1, 1921, fifty-eight thousand dollars, and annually, beginning July 1, 1922, sixty-five thousand dollars, to be used by the board of regents, for developing, organizing, and supervising county agricultural representative work in the state, and to be applied toward the payment of the salaries and traveling expenses of county agricultural representatives, as authorized under section 59.87.

(h) *Soils laboratory.* Annually, on July 1, 1921, five thousand dollars, for the state soils laboratory, to carry into effect the provisions of section 36.20; and all moneys received by said laboratory under the provisions of said section shall be paid within one week after receipt into the university fund income, and are appropriated therefrom and added to this appropriation.

(i) *Hog cholera serums.* On July 1, 1921, two thousand five hundred dollars, and on July 1, 1922, two thousand five hundred dollars, for the preparation, purchase, sale, and distribution of hog cholera serums, as provided in section 36.21; and all moneys received under section 36.21 shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom and added to the appropriations for carrying out the provisions of said section.

(j) *Site of Marshfield experiment station.* On July 1, 1919, not to exceed fifteen thousand dollars, to purchase the northwest quarter of the northeast quarter of section

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twenty-two, and the southeast quarter of the southwest quarter, and the west half of the southwest quarter of the southeast quarter of section fifteen, all in township twenty-five north, of range three east, for the branch agricultural experiment station at Marshfield.

(k) *Receipts from sales and agricultural development.* All moneys received in the agricultural extension service by each and every person for and on account of the sale of dairy, live stock and farm products, and on account of dairy tests, rent of silo forms, deposits on account of drainage projects, certification of potato seed, and for similar lines of agricultural extension work, shall be paid within one week after receipt into the university fund income, and are appropriated therefrom for the payment of expenses incurred in the above mentioned lines of work; but any surplus accumulated to the credit of this appropriation which is not required for the payment of such expenses shall revert to the university fund income.

(l) *Land clearing demonstrations.* On June 1, 1920, twenty-five thousand dollars, which shall be used as a revolving appropriation, for the preparation and distribution of explosives; on July 1, 1921, fifteen thousand dollars; and on July 1, 1922, fifteen thousand dollars; these appropriations to be used by the board of regents of the university for land clearing investigational and demonstration work, as provided in subsection (6) of section 36.20; and all moneys received by each and every person for or on behalf of the board of regents of the university, under the provisions of subsection (6) of section 36.20, shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom, and added to this appropriation.

(m) *Hancock experiment station; maintenance.* For the branch agricultural experiment and demonstration station established by the board of regents of the university near Hancock in Waushara county, three thousand dollars annually for eight years, beginning July 1, 1917, for the maintenance and operation of said station.

(n) *Site of Ashland Junction experiment station.* On July 1, 1921, not to exceed four thousand seven hundred fifty dollars to purchase the south half of the southeast quarter of the northeast quarter of section ten, the southeast quarter of the northwest quarter of section eleven and the west half of the southwest quarter of the northeast quarter of section eleven, all in township number forty-seven, north range number five west, Bayfield county, Wisconsin, for the branch agricultural experiment station at Ashland Junction.

(o) *Door county experiment station.* For the fiscal year beginning July 1, 1919, five thousand dollars, provided that the county board of Door county appropriate a similar amount on or before July 1, 1919; for the fiscal year beginning July 1, 1920, twelve thousand dollars, to carry out the provisions of subsections (3) and (4) of section 36.215, and annually, beginning July 1, 1921, twelve thousand dollars, to carry out the provisions of said subsections.

(4) SPECIAL DEPARTMENTS. For special departments connected with the university:

(a) *Pharmaceutical experiment station.* Annually, beginning July 1, 1917, five thousand dollars, for the establishment, equipment, and maintenance of a pharmaceutical experiment station in the department of pharmacy, as provided in section 36.22.

(b) *Receipts reappropriated.* All moneys received by each and every person for, or on behalf of the pharmaceutical experiment station, from the sale of seeds, plants, drugs, extracts, or other products, secured in the operation of the station and its gardens, shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom as a revolving fund to be used for the payment of expenses incurred in the above mentioned lines of work.

(5) STUDENT FACILITIES. For student facilities:

(a) *Dormitories.* All moneys received by each and every person, for or on account of dormitories and dining halls at the university, shall be paid within one week after receipt into the university fund income, and are appropriated therefrom for the operation and maintenance of such dormitories and dining halls.

(b) *Gymnasium.* All moneys received by each and every person as fees for the use and wear of gymnasium lockers, equipment, apparatus, laundry, and other supplies, shall be paid within one week after receipt into the university fund income, and are appropriated therefrom for the purchase of laundry service, and the purchase and repair of lockers, equipment, apparatus and supplies above mentioned.

(c) *Athletic council.* All moneys received by each and every person for or on account of the athletic council or any similar organization of the university shall be paid within one week after receipt into the university fund income, and are appropriated therefrom for the purposes of such athletic council, or other similar organization of the university, respectively, for carrying out its powers, duties and functions. The board of regents of the university are authorized to expend from the receipts of the athletic council, such sums as may be necessary to pay and settle medical bills, hospital bills, injury and dam-

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age claims reported to said board before March sixteenth, 1917, incurred by reason of the bleacher accident at Camp Randall, November 20, 1915.

(6) SUMMER SCHOOL. For all fiscal purposes, the entire summer session of the university shall be considered as occurring in the fiscal year in which the major part thereof occurs, and all expenditures therefor shall be charged to appropriation for such fiscal year; provided that bills for printing incurred prior to the beginning of such fiscal year may be paid out of the current funds, and replaced at the beginning of such fiscal year.

(7) MEMORIAL PARK. On July 1, 1921, twelve hundred dollars, and on July 1, 1922, twelve hundred dollars, for the upkeep of Memorial park, to be expended under the direction of the Wisconsin memorial park commission.

(8) UNEXPENDED BALANCE FOR OPERATION. Any balance of any appropriation made under the provisions of this section, for operation, remaining unexpended at the close of a legislative biennium, is appropriated to carry out the provisions of section 36.065.

(9) SCIENTIFIC INVESTIGATION. On July 1, 1921, thirty thousand dollars, and on July 1, 1922, thirty-five thousand dollars, to encourage scientific investigation and productive scholarship as provided by section 36.0625.

(10) APPROPRIATIONS TRANSFERRED FROM SERVICE RECOGNITION FUND. Whenever moneys are transferred to the university fund income from the service recognition fund, there is hereby appropriated:

(a) All moneys collected or received by each and every person for or on account of the state of Wisconsin general hospital, university clinic for clinic, dispensary, infirmary or hospital fees, shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom as a revolving appropriation, to be used for the payment of operating expenses in connection with the state of Wisconsin general hospital.

(c) For the construction of a hospital building including dispensary and clinic, seven hundred fifty thousand dollars.

(d) For the construction of a nurses' home, one hundred fifty thousand dollars.

(e) For equipping and furnishing a hospital building and nurses' home, four hundred fifty thousand dollars.

(f) On June 1, 1920, a sum sufficient for the purchase of a suitable site for the hospital building and nurses' home; provided, that this appropriation shall be available only upon the approval of the governor and the state board of education and as provided in paragraph (h) of subsection (2) of section 20.40.

(j) In case any savings are effected in the use of the appropriations made by paragraphs (c), (d), and (e) of this subsection, the amount or amounts not expended for the original purpose thereof may be added to any one or more of the other purposes covered by said paragraphs, and shall thereupon become a part of such appropriation. [*1911 c. 631; Stats. 1913 s. 172—53 sub. 23; 1915 c. 537; Stats. 1915 s. 170 sub. 8, 172—53 sub. 1 to 5, 8, 11, 12, 12a, 13, 13a, 14 to 17, 20, 21, 22, 24 to 33, 41, 42, 373am sub. 2, 392em—10, 1406m sub. 7; 1917 c. 14 s. 71; 1917 c. 224; 1917 c. 402 s. 2; 1917 c. 458 s. 1, 3, 4, 5; 1917 c. 496 s. 1, 2; 1917 c. 506 s. 2; 1917 c. 576, 585; 1917 c. 593 s. 3; 1917 c. 613; 1917 c. 627 s. 2; 1917 c. 628 s. 15; 1917 c. 671 s. 38; 1917 c. 678 s. 10; 1917 c. 639 s. 4; 1917 c. 658 s. 2; 1917 c. 671 s. 38; Spl. S. 1918 c. 10; 1919 c. 116 s. 1, 3, 8, 9, 10; 1919 c. 164; 1919 c. 305 s. 2; 1919 c. 421; 1919 c. 628 s. 3; 1919 c. 628 s. 5, 15; 1919 c. 630 s. 4; 1919 c. 702 s. 5; Spl. S. 1920 c. 1 s. 2, 3; Spl. S. 1920 c. 18; Spl. S. 1920 c. 30 s. 4, 5; 1921 c. 339 s. 1; 1921 c. 536; 1921 c. 583 s. 1, 2, 3, 4*]

20.42 Geological survey. There is appropriated from the general fund to the geological and natural history survey:

(a) Annually, beginning July 1, 1921, fifty-five thousand dollars, for the execution of its functions; of this there is allotted: Not to exceed fifteen thousand dollars annually for the preparation of a topographical map of the state of Wisconsin. The members of the board of commissioners of the geological and natural history survey shall receive no compensation for their services.

(b) On July 1, 1917, three thousand five hundred dollars, for the purpose of having printed and distributed a soil map and report of the northern half of the state; one thousand two hundred and fifty of such maps shall be turned over to the geological survey to be distributed to the schools and libraries which are on its free list, and the remaining maps shall be sold for twenty-five cents each; all moneys received by each and every person for or in behalf of the survey from the sale of such maps shall be paid within one week after receipt into the general fund. [*Stats. 1915 s. 170 sub. 36, 172—24; 1917 c. 14 s. 73; 1917 c. 48, 267; 1919 c. 26; 1919 c. 454 s. 5; 1921 c. 297*]

20.421 Gifts and bequests. The geological and natural history survey may receive gifts or bequests, and may receive moneys from any municipality for special work undertaken at the request of or in co-operation with such municipality. All moneys received

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from gifts or bequests, or from a municipality, or from the sale of publications or other material shall be paid within one week of receipt into the general fund, and are appropriated therefrom to be used for the purpose for which received from any donor or municipality and for the carrying on of the work of said survey. [*1921 c. 481 s. 1*]

PUBLIC HEALTH.

20.43 State board of health. There is appropriated from the general fund to the state board of health and vital statistics:

(1) ADMINISTRATION AND GENERAL FUNCTIONS. Annually, beginning July 1, 1921, fifty-one thousand dollars, for administration and the execution of the general functions of said board. Of this there is allotted:

(a) To each member of the board other than the secretary, compensation, to be certified by the president and secretary of the board, at the rate of ten dollars per day when actually and necessarily engaged in the performance of his official duties; but not to exceed two hundred dollars in any year to any such member.

(b) To the secretary such salary or compensation as shall be fixed by the board.

(2) EPIDEMICS. On July 1, 1915, seven thousand five hundred dollars, as a contingent emergency fund, to be used, upon special authorization by the governor and the attorney-general, for preventing or checking threatened epidemics of transmissible diseases.

(3) LABORATORY OF HYGIENE. Annually, beginning July 1, 1917, not to exceed seven thousand nine hundred fifty dollars, for equipping and operating laboratories of hygiene. Of this there is allotted:

(a) Not to exceed two thousand dollars annually for equipping and operating a state branch laboratory of hygiene, to be situated in a city accessible to physicians and health officers in the northern part of the state of Wisconsin, for the conducting of bacteriological and chemical examinations of material from the various contagious and infectious diseases or material from suspected contagious and infectious diseases of men and animals when public health is concerned; on condition that suitable quarters for such laboratory shall be offered to the state free of charge for rent, light, heat, and janitor service.

(b) Not to exceed five thousand nine hundred and fifty dollars annually for the establishment and aid in maintenance of not more than seven state co-operative laboratories. All such co-operative laboratories shall be operated in such manner and under such conditions as the state board of health in its rules and regulations governing the state public health laboratories may determine.

(4) OPHTHALMIA NEONATORUM. Annually, on July first, fifteen hundred dollars, for prevention of ophthalmia neonatorum, and preparation and distribution of nitrate of silver therefor, as provided in section 1409*a*—1.

(5) VENEREAL DISEASES. On July 1, 1921, forty-one thousand two hundred fifty dollars, and on July 1, 1922, forty-one thousand two hundred fifty dollars, for the prevention and control of venereal diseases. All moneys paid into the state treasury by the United States for that purpose are appropriated to the state board of health and vital statistics to be expended therefor, but the amount of the appropriations herein of state funds shall be diminished by the amounts so received from the United States.

(6) LICENSING OF EMBALMERS. All fees received by the state board of health and vital statistics under sections 1409—3 and 1409—5, shall be paid within one week after receipt into the general fund, and are appropriated therefrom, for the examination and licensing of embalmers, as provided in sections 1409—1 to 1409—10, inclusive.

(7) REGULATION OF HOTELS AND RESTAURANTS. All fees received by the state board of health and vital statistics under section 1408*m*—10, shall be paid within one week after receipt into the general fund, and are appropriated therefrom for the regulation of hotels and restaurants, as provided in said section.

(8) REGULATION OF BARBERS. All moneys received by the state board of health and vital statistics under section 1636—24 shall be paid, within one week after receipt, into the general fund, and are appropriated therefrom for the examination, licensing and regulation of barbers as provided in sections 1636—18 to 1636—29, inclusive. Of this there is allotted to each member of the committee of examiners a per diem not exceeding eight dollars per calendar day for the actual number of days served by such member in the performance of his duties as such; but in addition thereto he shall be reimbursed his actual expenses necessarily incurred in the performance of his duties.

(9) REGULATION OF PLUMBERS. All moneys received by the state board of health and vital statistics from the licensing of plumbers shall be paid within one week after receipt into the general fund, and are appropriated therefrom for the examination and licensing of plumbers, as provided in sections 1409*a*—5 to 1409*a*—12, inclusive.

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(10) SANITARY CONTROL OF WATERS OF STATE. On July 1, 1919, and annually thereafter ten thousand dollars to carry out the provisions of sections 1407*m*—1 to 1407*m*—4, inclusive, of the statutes.

(12) BEAUTY PARLORS. All moneys received by the state board of health under section 1636—30 shall be paid within one week after receipt into the general fund and are appropriated therefrom for the examination, licensing and regulation of beauty parlor shops as provided in section 1636—30.

(13) BUREAU OF CHILD WELFARE. On July 1, 1921, thirty-one thousand one hundred dollars and on July 1, 1922, twenty-one thousand one hundred dollars for the establishment and operation of a bureau of child welfare and public health nursing.

(14) BUREAU OF COMMUNICABLE DISEASE. Annually, beginning July 1, 1921, not to exceed thirteen thousand three hundred dollars for the bureau of communicable disease.

(15) REST ROOMS AND COMFORT STATIONS. Annually, beginning July 1, 1921, five thousand dollars for the supervision of rest rooms and comfort stations.

(16) COMMUNITY COUNCILS. On July 1, 1920, not to exceed fifteen hundred dollars for the state inter-departmental committee on community councils, for the execution of the functions of said committee.

(17) REGISTRATION OF NURSES TO BOARD OF HEALTH. All moneys collected or received by each and every person for or on account of the registration of nurses as provided in sections 1435*c*—1 to 1435*c*—11, inclusive, shall be paid within one week of receipt into the general fund and are appropriated to the state board of health to be used as a revolving appropriation for the execution of the duties prescribed in sections 1435*c*—1 to 1435*c*—11, inclusive.

(18) SAME, COLLECTED AFTER JANUARY 15, 1921. All fees collected after January 15, 1921, under sections 1435*c* to 1435*c*—6, inclusive, shall be paid into the general fund of the state treasury and credited to the fund created by subsection (17) of section 20.43. [*Stats. 1915 s. 170 sub. 31, 172—27 sub. 1 to 9; 1917 c. 14 s. 74; 1917 c. 459; 1919 c. 10; 1919 c. 447 s. 2; 1919 c. 605; 1919 c. 649 s. 2; Spl. S. 1920 c. 9; 1921 c. 98; 1921 c. 365 s. 2; 1921 c. 590 s. 2a; 1921 c. 9 s. 2*]

20.44 Board of medical examiners. There is appropriated from the general fund to the state board of medical examiners, as follows:

(1) GENERAL. All moneys collected or received by each and every person for or in behalf of said board shall be paid within one week after receipt into the general fund, and are appropriated therefrom for the execution of the general functions of the board. Of this there is allotted:

(a) To each member of the board such compensation as shall be determined by the board, not exceeding five dollars for each day actually spent in attending to the business of the board.

(b) To the secretary of the board a salary, to be fixed by the board, but not to exceed one thousand dollars per annum.

(2) REGISTRATION OF NURSES. Moneys paid into the state treasury prior to the time chapter 438 laws of 1915 went into effect, as examination fees for nurses' licenses, less the total cost of administering the functions of the committee of examiners of registered nurses of the state board of health as determined upon by the accountant of the joint committee on finance of this legislature, are appropriated for the board which is charged with the duty of licensing nurses and such moneys shall be used to pay the expense of those provisions of law relating to the examination and licensing of registered nurses. [*Stats. 1915 s. 170 sub. 47, 172—25, 172—94; 1917 c. 14 s. 77*]

20.45 Board of dental examiners. All moneys collected or received by each and every person for or in behalf of the state board of dental examiners shall be paid within one week after receipt into the general fund, and are appropriated therefrom for the execution of the functions of the board. Of this there is allotted:

(1) To each member of the board compensation at the rate of ten dollars per day for each day actually engaged in the performance of the duties of the office.

(2) To the secretary of the board an annual salary, to be fixed by the board. [*Stats. 1915 s. 170 sub. 43, 172—92; 1917 c. 14 s. 78*]

20.46 Board of pharmacy. All moneys collected or received by each and every person for or in behalf of the state board of pharmacy shall be paid within one week after receipt into the general fund, and are appropriated therefrom for the execution of the functions of the board. Of this there is allotted:

(1) To each member of the board compensation at the rate of five dollars per day for each day actually engaged in the performance of the duties of the office.

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(2) To the secretary of the board such compensation or salary as shall be fixed by the board; and if the secretary is a member of the board, such compensation or salary shall be in lieu of his per diem.

(3) One thousand five hundred dollars, to the state pharmaceutical association. [*Stats. 1915 s. 170 sub. 46, 172—93; 1917 c. 14 s. 79; 1919 c. 473 s. 2*]

20.47 Board of optometry. All moneys collected or received by each and every person for or on behalf of the state board of examiners in optometry, shall be paid, within one week after receipt, into the general fund and are appropriated therefrom for the execution of its functions. Of this there is allotted:

(1) To each member of the board, as compensation, eight dollars for each day actually spent in performing the duties of said office, and his actual and necessary expenses.

(2) To the secretary of the board such additional compensation as may be determined by the board. [*Stats. 1915 s. 1435f—35; 1917 c. 14 s. 81; 1917 c. 357 s. 3*]

20.48 State athletic commission. All license fees or taxes received by the state athletic commission shall be paid within one week after receipt into the general fund, and seven thousand two hundred dollars of such receipts is appropriated, annually, for salaries and expenses of said commission. Of this there is allotted:

(1) To each member of the commission compensation of five dollars per diem for each day actually spent in the performance of his official duties; but not exceeding an aggregate of fifteen hundred dollars annually for all the members.

(2) To the secretary of the commission such salary as shall be fixed by the commission, not exceeding fifteen hundred dollars annually.

(3) Not to exceed seven hundred fifty dollars of the above amount may be used to pay bills already incurred during the fiscal year ending June 30, 1921. [*Stats. 1915 s. 170 sub. 64, 172—124; 1917 c. 14 s. 82; 1921 c. 135, 548*]

INTERNAL IMPROVEMENTS.

20.49 State highway commission. There is appropriated from the general fund to the state highway commission:

(1) ADMINISTRATION. Annually, beginning July 1, 1919, as provided by paragraph (b) of subsection (9) of section 20.04, one hundred sixty-eight thousand dollars, for the execution of its functions; but the members of the commission shall receive no compensation except as herein expressly allotted. Of this appropriation there is allotted:

(a) If the commission shall deem it necessary and expedient for one of its members to attend and conduct or participate in any road school or other public meeting held in the state to discuss highway administration, construction or maintenance, it may deputize one of its appointive members to attend such meeting and shall fix his compensation at a sum not to exceed five dollars per day, and all actual and necessary traveling expenses for each day he may so attend and conduct or participate in such meeting.

(b) So much as may be necessary for the performance of engineering work on request of county boards or county committees, as provided in subsection 1 of section 1317*m*—7; and an amount equal to any moneys paid into the state treasury by any county or due from any county in payment for such work during the fiscal year is appropriated, and added to this appropriation.

(2) STATE AID FOR HIGHWAYS. Annually, seven hundred and eighty-five thousand dollars, as state aid for highways. This appropriation shall be apportioned and distributed to the several counties as provided in section 1317*m*—8, subsection 3 of section 1317*m*—9, subsection 7 of section 1317*m*—2, subsection 6 of section 1317*m*—7, and subsection 1 of section 1317*m*—5.

(3) STATE AID FOR BRIDGES. Annually, beginning July 1, 1919, not to exceed one hundred thousand dollars, for state aid to municipalities for the construction of highway bridges, as provided in section 1321*a*.

(4) TRUNK HIGHWAY SYSTEM. All moneys paid into the state treasury by the treasurer of the United States as federal aid for roads, and all moneys paid into the state treasury by the treasurers of the several counties in Wisconsin in accordance with the provisions of sections 1312 to 1317, inclusive, and also all sums set aside as the state's portion of the net proceeds of automobile license fees in accordance with the provisions of paragraphs (b), (c) and (d) of subsection (3) of section 20.04, shall constitute the state trunk highway appropriation and are appropriated to the state highway commission for the purpose of administering, constructing, reconstructing and maintaining and of surveying, planning and supervising the construction and maintenance of highways on the state trunk highway system.

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(5) TRUNK HIGHWAY MAPS. On July 1, 1917, three thousand dollars, to be used as a revolving appropriation, for the making and publishing of a map of the state of Wisconsin showing thereon the trunk highway system, as provided by subsection 14 of section 1313; all moneys received by each and every person for or on behalf of the superintendent of public property from the sale of such maps, shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation.

On July 1, 1919, not to exceed twenty-five thousand dollars for carrying out the purposes of subsection (13a) of section 35.84 of the statutes.

(6) SWAMP LAND FUNDS TRANSFERRED TO DRAINAGE FUND. There having been paid into the general fund from the proceeds of the sales of swamp and overflowed lands granted to the state by the United States a sum of money in excess of the amount hereby appropriated, the state treasurer is directed to transfer from the general fund to the drainage fund nine thousand five hundred dollars; and the same is appropriated from the drainage fund to the state highway commission to carry out the provisions of chapter 176 of the laws of 1919.

(7) STATE AID TO SECURE FEDERAL AID. Annually, for three years, beginning July 1, 1919, one million seven hundred thousand dollars, for state aid for highways, to meet allotments made by the United States; said sum to be levied and collected as provided by law, as a state tax levy, in addition to any other state tax levies provided by law, providing that no part of this appropriation shall be available until the state treasurer has actually received moneys collected hereunder in such amount.

(8) EQUIPMENT FOR ROAD CONSTRUCTION CONTRIBUTED BY FEDERAL GOVERNMENT, COST OF TRANSPORTING. From time to time, sums sufficient to defray the cost of delivering into the state, equipping, storing, repairing and handling motor vehicles and other equipment and supplies and explosives which may be given to the state of Wisconsin by the federal government for use in highway construction but not exceeding in total from the general fund one hundred thousand dollars. All receipts from the rental, sale or exchange of any of the above shall be paid within one week after receipt into the general fund and are appropriated therefrom and added to this appropriation. When the receipts of said fund shall be sufficient to repay to the general fund the sums advanced and still leave a balance in said fund sufficient to carry out the purposes hereof such repayment shall be made, and any excess of receipts above the amount required to make such repayment shall be credited to the appropriation for highway maintenance and construction. [*1913 c. 586; Stats. 1915 s. 170 sub. 41, 172—10, 172—36, 172—122, 172—123, 1317m—2, 1317m—5 sub. 1, 1317m—7 sub. 1, 6, 1317m—8, 1317m—9 sub. 3, 1321a; 1917 c. 14 s. 83; 1917 c. 175 s. 2, 3; 1917 c. 384; 1919 c. 176 s. 2; 1919 c. 270 s. 1, 2; 1919 c. 313 s. 3; 1919 c. 588, 609; 1919 c. 611 s. 1, 3; 1919 c. 632; 1919 c. 703 s. 4*]

20.50 Highway districts. There is appropriated from the general fund a sum sufficient to carry out the provisions of sections 1299*g*—1 to 1299*g*—14, inclusive. [*1919 c. 600; 1919 c. 703 s. 18*]

RAILROADS, UTILITIES AND INDUSTRIES.

20.51 Railroad commission. There is appropriated from the general fund to the railroad commission:

(1) Annually, beginning July 1, 1919, one hundred eighty-five thousand dollars, for administration and the execution of its general functions. Of this there is allotted to each member of said commission an annual salary of five thousand dollars.

(2) Annually, beginning July 1, 1915, not to exceed fifteen thousand dollars, for the execution of its functions relating to water powers, as prescribed in sections 31.01 to 31.29; and all inspection fees received under section 31.20 shall be paid within one week after receipt into the general fund and are appropriated therefrom and added to this appropriation for carrying out the provisions of said section.

(3) On July 1, 1919, not to exceed fifteen thousand dollars, for expenses incurred in printing the Wisconsin railroad map, including the cost of the stone.

(4) Whenever in the opinion of the railroad commission moneys in the funds created by subsection (2) of this section and by sections 1753—61 and 1753—62 of the statutes are not needed to carry out the purposes for which they were appropriated and are necessary to make reasonable provision for the general purposes of subsection (1) of this section, the balance or any part thereof may be transferred to the fund created by subsection (1) of this section. Such transfer shall be made by the secretary of state and the state treasurer upon a certificate of the commission stating such facts and the approval of

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the governor, and thereupon the moneys thus transferred shall be credited to the appropriation made by the said subsection (1). [*Stats. 1915 s. 170 sub. 13, 172—17; 1917 c. 14 s. 85; 1917 c. 355; 1917 c. 671 s. 38; 1919 c. 664 s. 1, 2; 1921 c. 583*]

20.511 Securities regulation fund. (1) All fees charged and collected under the provisions of sections 1753—48 to 1753—68, inclusive, and all sums collected from companies or brokers to cover the cost of examination or inspections, shall be paid, accompanied by a detailed statement thereof into the treasury of the state to the credit of the fund to be known as the "Securities Regulation Fund," which fund is hereby created.

(2) All moneys which shall be paid into the state treasury and credited to the "Securities Regulation Fund" are hereby appropriated to be used by the railroad commission in carrying out the provisions of sections 1753—48 to 1753—68, inclusive; and the secretary of state shall draw his warrant on said fund from time to time in favor of the railroad commission for the amounts expended under its direction, and the treasurer shall pay the same. The commission may, with the consent of the state treasurer, withdraw from said fund a sum not exceeding one thousand dollars, to be used as a revolving fund where cash advances are necessary. The commission shall account for the sum withdrawn from said revolving fund at any time upon demand of the state treasurer. [*Stats. 1919 s. 1753—62; 1921 c. 588 s. 2*]

20.52 Grain and warehouse commission. All moneys collected or received by each and every person for or in behalf of the grain and warehouse commission shall be paid within one week of receipt into the general fund, and are appropriated therefrom to said commission for the execution of its functions; but any balance in excess of twenty-five thousand dollars standing to the credit of said commission on July first of any year shall revert to the general fund. Of this there is allotted to each member of said commission an annual salary of two thousand four hundred dollars. [*Stats. 1915 s. 170 sub. 28, 172—34; 1917 c. 14 s. 86*]

20.53 Banking department. (1) All moneys collected or received by each and every person for or on behalf of the state banking department, pursuant to the provisions of section 2019 of the statutes shall be paid within one week into the state treasury and are reappropriated to the state banking department for the execution of its functions.

(2) There is appropriated from the general fund to the state banking department annually beginning July 1, 1921, twenty-five thousand dollars. Of this there is allotted:

(a) To the commissioner of banking an annual salary of five thousand dollars.

(b) To the deputy commissioner of banking an annual salary of three thousand six hundred dollars. [*Stats. 1915 s. 170 sub. 20, 172—13; 1917 c. 14 s. 87; 1917 c. 38; 1921 c. 473*]

20.54 Board of accountancy. All moneys received by the Wisconsin state board of accountancy under section 1636—207 shall be paid within one week after receipt into the general fund, and are appropriated therefrom for the execution of the functions of said board. Of this there is allotted:

(1) To each member of the board an amount not exceeding ten dollars per day for time actually expended in the performance of his official duties; and in addition thereto his actual and necessary expenses incurred in the performance of such duties. [*Stats. 1915 s. 1636—207 sub. 2, 1636—208; 1917 c. 14 s. 88*]

20.55 Commissioner of insurance. There is appropriated from the general fund to the commissioner of insurance:

(1) GENERAL ADMINISTRATION. Annually, beginning July 1, 1913, fifty-two thousand three hundred dollars, for the execution of his functions as commissioner of insurance. Of this there is allotted:

(a) To the commissioner of insurance an annual salary of five thousand dollars.

(b) To the commissioner of insurance, such sum as may be required for his actual and necessary expenses incurred in representing this state at the annual meeting of the national convention of insurance commissioners.

(3) EXAMINATION OF COMPANIES. Annually, such sums as may be necessary for examination of insurance companies as provided in sections 1897*t*, 1916, 1959, and 1968; but the total amount expended under this appropriation in any one fiscal year shall not exceed the total amounts charged to such companies for examinations during such fiscal year, which amounts shall be paid, within one week after receipt into the general fund.

(4) STATE FIRE MARSHAL. Annually, beginning July 1, 1919, twenty-two thousand dollars, for the execution of the functions of the commissioner of insurance as ex officio state fire marshal. Of this there is allotted:

(a) To the deputy commissioner of insurance, if appointed chief assistant fire marshal, such portion of his salary as shall be apportioned by the commissioner of insurance pursuant to section 1946*h*.

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(b) Such salary or compensation of assistants, deputies, clerks, stenographers and other employes under the commissioner of insurance as ex officio state fire marshal, as shall be fixed by said commissioner with the approval of the governor.

(c) Such sums as may be necessary for witness fees, and fees and mileage to officers, as provided in section 1946*k*, subsection 1 of section 1946*n*, and section 1946*q*.

(5) INVESTIGATION OF FIRES. Annually, such sums as may accrue to the commissioner of insurance as ex officio state fire marshal, on account of dues to fire departments, under subsection 4 of section 1926, to be expended by him for making investigations as provided in said subsection and section 1946*i*.

(6) VALUATION OF FRATERNAL BENEFIT SOCIETIES. All moneys received by the commissioner of insurance pursuant to the provisions of subsection 22*n* of section 1959 of the statutes, shall be paid within one week after receipt into the general fund, and are appropriated therefrom to carry out the provisions of said section. [*Stats. 1915 s. 170 sub. 4 par. (3), 170 sub. 14, 172—14, 1946n sub. 2; 1917 c. 14 s. 89; 1917 c. 423; 1917 c. 501 s. 2; 1917 c. 671 s. 6; 1919 c. 12; 1919 c. 27 s. 1, 4; 1919 c. 235; 1919 c. 628 s. 17; 1921 c. 517 s. 7*]

20.555 Compensation insurance board. There is appropriated from the general fund to the compensation insurance board, annually, beginning July 1, 1919, not to exceed ten thousand dollars, to carry out the provisions of sections 1921—1 to 1921—28, inclusive. [*1917 c. 637 s. 2; 1919 c. 12 s. 2*]

20.56 State aid for fire protection. There is appropriated from the general fund:

(1) FIREMEN'S ASSOCIATIONS. Annually, beginning July 1, 1913, two thousand dollars, for state aid to firemen's associations, to be distributed as follows:

(a) On or before the first day of August of each year the secretary of each firemen's association in Wisconsin may file with the secretary of state an itemized statement, duly verified, of all moneys disbursed by the association during the twelve months ending the preceding first day of July, including separately a statement of all moneys disbursed for prizes and premiums in competition and contests held by such associations during such twelve months.

(b) On or before the first day of September of each year there shall be paid to the treasurer of each association filing such statement, and having held during the year a firemen's tournament actually participated in by companies from not less than five cities or villages in the state, and having previously held at least five annual tournaments, a sum equal to eighty per cent of the amount disbursed by said association for prizes and premiums in all competitions and contests held by such association during the twelve months ending on such first day of July; but not exceeding two thousand dollars to the Wisconsin state firemen's association or three hundred dollars, to any district association in any year.

(c) If this appropriation is insufficient to pay such claims in full, the same shall be allowed and paid pro rata.

(3) FIRE DEPARTMENT DUES. Annually, such sums as may accrue, on account of dues to fire departments, by virtue of sections 1926 and 1926*m*, to be collected and paid over to the cities, villages and towns entitled thereto, as provided in said sections. [*Stats. 1915 s. 172—71, 172—118, 1979m; 1917 c. 14 s. 90; 1919 c. 389 s. 1*]

20.565 Board of examiners of architects. All moneys collected or received by each and every person for or in behalf of the board of examiners of architects shall be paid within one month of receipt into the general fund of the state treasury. All moneys so deposited are appropriated for said board to carry into effect the provisions of section 2394—97 of the statutes. [*1917 c. 644; 1919 c. 671 s. 5*]

20.57 Industrial commission. There is appropriated from the general fund to the industrial commission:

(1) GENERAL ADMINISTRATION. Annually, beginning July 1, 1921, two hundred eighty-five thousand dollars, for the execution of its functions. Of this there is allotted:

(a) To each member of the commission an annual salary of five thousand dollars.

(b) To carry out the provisions of paragraph (a) of subsection (9a) of section 2394—52 of the statutes, annually not to exceed fifty thousand dollars.

(4) INSPECTION OF BOILERS. All moneys received by each and every person for or in behalf of the industrial commission under subsection (12) of section 2394—52 shall be paid within one week after receipt into the general fund, and are appropriated therefrom for inspection of boilers, as provided in said subsection.

(5) EMPLOYMENT AGENTS. All moneys received by each and every person for or in behalf of the industrial commission under sections 2394—82 to 2394—95, inclusive, shall

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be paid within one week after receipt into the general fund, and are appropriated therefrom for the regulation of employment agents, as provided in said sections.

(8) STATE EMPLOYES UNDER COMPENSATION ACT. Annually, such sums as may be necessary, for compensation of persons injured while in the state service, as provided in sections 2394—1 to 2394—31, inclusive.

(9) REPORTER AND STENOGRAPHIC SERVICE. Any fees received by the commission for transcripts furnished pursuant to subsection 2 of section 2394—14 shall be paid into the state treasury and are appropriated to the commission for reporter and stenographic services. [*Stats. 1915 s. 170 sub. 26, 172—15, 172—128; 1917 c. 14 s. 91; 1917 c. 501 s. 3; 1917 c. 647; Stats. 1917 s. 2394—14 sub. 2; 1919 c. 599; 1919 c. 631 s. 2; 1919 c. 703 s. 25; 1921 c. 314*]

20.575 Wisconsin real estate brokers board. All fees received by or for the Wisconsin real estate brokers board under the provisions of section 1636—225, shall be paid to the treasurer of the board, who shall, within one week after the receipt thereof, deposit the same in the state treasury. All such deposits received by the state treasurer are appropriated to the Wisconsin real estate brokers board, for the execution of its functions, but the expenditures of the board for all purposes for the fiscal year ending June 30, 1922, shall not exceed twenty-seven thousand five hundred dollars and shall not exceed a like amount for the fiscal year ending June 30, 1923. Of this there is allotted to each member of said board a per diem of ten dollars for each day actually devoted to the performance of the duties of said board. [*1919 c. 656 s. 1; 1921 c. 326*]

20.576 Board of conciliation. There is appropriated annually from the general fund to the board of conciliation not to exceed five thousand dollars to carry out its functions. Of this there is allotted to each member of the board a per diem of ten dollars for each day actually devoted to the performance of the duties of the board, and his actual and necessary traveling expenses. [*1919 c. 530 s. 8; 1919 c. 702 s. 79; 1921 c. 88; 1921 c. 9 s. 2*]

20.58 Oil inspection. Every deputy inspector of illuminating oils shall demand and receive from the owner or other person for whom or at whose request he shall examine or test any oil, gasoline, benzine, naphtha or such other like products of petroleum or sample thereof, as provided by law, an inspection fee of five cents for every single cask, barrel, package or sample so inspected. Such fees shall be a lien on the products so inspected, and when collected shall be paid within one month after receipt into the general fund, and are appropriated therefrom for defraying the expenses incident to such inspection; but any unused balance of this appropriation remaining at the end of each fiscal year shall revert to the general fund, and in case of any deficit existing at the end of any fiscal year, there is appropriated from the general fund such additional sum as may be necessary to meet such deficit. Of this appropriation there is allotted:

(1) To the supervisor of inspectors of illuminating oils an annual salary of three thousand dollars.

(2) To each deputy inspector of illuminating oils a salary, payable monthly, the amount thereof to be computed on the basis of the number of barrels containing not less than fifty gallons actually inspected by such deputy during the month, as follows: For each of the first one thousand, eight cents; for each of the next five hundred, five cents; for each of the next one thousand two cents; for each in excess of two thousand five hundred, one cent; but in no case shall a deputy inspector receive more than one hundred and fifty or less than fifty dollars in any month. [*Stats. 1915 s. 170 sub. 6, 1421j; 1917 c. 14 s. 92; 1917 c. 509; 1919 c. 635*]

20.59 Dairy and food commissioner and ex officio state superintendent of weights and measures. There is appropriated from the general fund to the dairy and food commissioner and ex officio state superintendent of weights and measures:

(1) Annually, beginning July 1, 1921, one hundred thousand dollars, for the execution of his functions. Of this there is allotted to said commissioner and superintendent an annual salary of four thousand dollars.

(3) All license fees accruing to the state from the licensing of butter and cheesemakers and factories, under the provisions of sections 1410*b*—1 and 1410*b*—2 shall be paid within one week after the granting of such licenses into the general fund, and are appropriated therefrom for the execution of said sections.

(4) All moneys paid into the state treasury for cold storage warehouse licenses as provided in section 1684*w*—2 are appropriated for the dairy and food commissioner and ex officio state superintendent of weights and measures to carry into effect sections 1684*w*—1 to 1684*w*—14, inclusive.

(5) All license fees collected by the dairy and food commissioner under the provisions of section 1410*b*—11 of the statutes shall be paid within one week of receipt thereof into

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the general fund of the state treasury. All moneys so deposited are appropriated for the use of the dairy and food commissioner to carry into effect the provisions of section 1410*b*—11.

(6) Annually, beginning July 1, 1921, five thousand dollars to carry out the provisions of subsection 1 of section 1492*ab*—2 of the statutes.

(8) All license fees collected by the dairy and food commissioner under the provisions of section 1410*b*—5 of the statutes, shall be paid, within one week after the granting of such license, into the general fund, and are appropriated therefrom for the use of the dairy and food commissioner, to carry into effect the provisions of section 1410*b*—5. [*Stats. 1915 s. 170 sub. 16, 172—30; 1917 c. 14 s. 94; 1917 c. 428, 562; 1917 c. 677 s. 54; 1917 c. 648; 1919 c. 413; 1919 c. 647 s. 1, 2; 1919 c. 651; 1919 c. 703 s. 5; 1921 c. 149; 1921 c. 561 s. 2*]

20.595 Supervisor of pulp wood scaling. There is appropriated from the general fund, to the supervisor of pulp wood scaling, annually, beginning July 1, 1919, nine thousand dollars, to carry out the provisions of section 1747—155. [*1919 c. 491 s. 2*]

AGRICULTURE

20.60 Department of agriculture. There is appropriated from the general fund to the department of agriculture:

(1) ADMINISTRATION. Annually, beginning July 1, 1921, one hundred eight thousand seventy-five dollars, for administration of said department, and all its bureaus, branches and divisions. Of this there is allotted:

(a) To the commissioner of agriculture an annual salary of five thousand dollars.

(b) To the agents, deputies, engineers, veterinarians, entomologists, plant pathologists, accountants, inspectors, clerks, stenographers, and other employes appointed by the commissioner of agriculture such compensation as shall be fixed by him with the approval of the governor.

(d) On July 1, 1921, twenty-nine thousand two hundred dollars, and on July 1, 1922, twenty-nine thousand two hundred dollars, for immigration work, as provided in subsections (5) and (6) of section 1458—3.

(e) Annually, beginning July 1, 1919, five thousand dollars, for field work in combating hog cholera.

(f) Annually, beginning July 1, 1919, such sums as may be necessary, for weed control, whole herd testing, interstate shipments, inspection and testing feeders, pasturization, barberry eradication and such other work as may be assigned the department.

(g) Annually, beginning July 1, 1921, ten thousand five hundred dollars, to carry out the provisions of section 1494*f*.

(2) INDEMNITIES FOR SLAUGHTERED ANIMALS. On July 1, 1921, not to exceed three hundred fifty thousand dollars, and on July 1, 1922, not to exceed three hundred fifty thousand dollars, for payment of indemnities to the owners of diseased animals condemned and slaughtered by order of the live stock sanitary board, subject to the conditions prescribed in sections 1492*b* and 1492*j*, as follows: For each animal condemned and ordered slaughtered, the department of agriculture may on behalf of the state authorize the payment to the owner of a sum equal to the amount received for the salvage of the animal after the freight and cost of handling is deducted, plus one-fourth of the difference between the net amount of salvage and the amount at which the animal is appraised. In no case shall the payment made additional to the net salvage exceed twenty dollars for grade animals and forty-five dollars for pure bred animals. For animals reacting to the test and not coming under the joint co-operative agreement, the owner shall receive from the state a sum equal to the amount received for the carcass or live weight plus one-half the difference between the net amount of salvage and the amount at which the animal is appraised. When in the opinion of the state veterinarian, an animal is of sufficient value for breeding purposes to make it profitable to place it in quarantine on the premises leased or owned by the state, the owner may receive as salvage a sum equal to the live weight price on the day of appraisement plus the indemnity payment as provided in this section. In making the appraisement of horses found diseased with glanders, the owner shall receive one-half of the appraised value which in no case shall exceed one hundred and fifty dollars. The department of agriculture shall dispose of reacting animals in a manner most advantageous to the state, and may pay a sum not to exceed the total amount received during the year as payment for handling reactors for care, pasturage, feeding of such animals, and for renting and handling farm lands to be used for that purpose. The department may also allow the owner to ship the cattle under such regulations as it may prescribe to abattoirs operated under federal meat inspec-

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tion. The net salvage obtained by the owner when submitted to the department on blanks and under regulations prescribed by it shall be used as a basis of payment as prescribed in this section, but in such instances no payment shall be made as salvage.

(2) INDEMNITIES FOR SLAUGHTERED ANIMALS. On July 1, 1919, not to exceed two hundred thousand dollars, and on July 1, 1920, not to exceed two hundred twenty-five thousand dollars, for payment of indemnities to the owners of diseased animals condemned and slaughtered by order of the live stock sanitary board, subject to the conditions prescribed in section 1492*b*.

NOTE: Chapters 350 and 491 laws of 1921, both amending the same section, are seemingly inconsistent. Both provisions are given as enacted.

(2a) EMERGENCY APPROPRIATION FOR SECTION 20.60 SUB. (2). Twenty-seven thousand dollars available immediately, as an emergency fund for the payment of claims presented by farmers for reacting tubercular animals, over and above the appropriation heretofore made for the payment of such claims for the year commencing July 1, 1919, and ending July 1, 1920. Any portion of such twenty-seven thousand dollars which is not paid out by January 1, 1922, shall be returned to the general fund of the state treasury.

(3) SEED INSPECTION. Annually, beginning July 1, 1919, seven thousand five hundred dollars, for seed inspection, as provided in sections 1494*x*—1 to 1494*x*—16, inclusive; and all inspection fees received by said department pursuant to said sections shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation.

(4) REVOLVING APPROPRIATIONS. All moneys accruing to the state, or collected or received by any person for or in behalf of the department of agriculture in the execution of the several functions specified below, shall be paid within one week after receipt into the general fund, and are severally appropriated therefrom for the execution of said functions, respectively, viz:

(a) For the examination and licensing of veterinarians as provided in sections 1492*e*—7 to 1492*e*—20, inclusive.

(b) For the regulation and inspection of nurseries and plants, as provided in sections 1494—1 to 1494—10*i*, inclusive.

(c) For the inspection, examination and analysis of insecticides and fungicides, as provided in sections 1494—10*o* to 1494—10*w*, inclusive.

(d) For the inspection of commercial fertilizers, except agricultural limes, and the licensing of dealers therein, as provided in sections 1494*c*, 1494*d*, and 1494*e*.

(e) For the inspection, examination and analysis of concentrated commercial feeding stuffs, and the licensing of dealers therein, as provided in sections 1494—11, 1494—11*m*, 1494—12, and 1494—13 to 1494—18, inclusive.

(f) For the regulation of the public service of stallions, as provided in sections 1494—31 to 1494—39, inclusive.

(g) For inspection and tuberculin testing of cattle for interstate shipment, as provided in subsection 4 of section 1492*em*.

(h) For furnishing inspection tags for cattle inspected for tuberculosis, as provided in subsection 8 of section 1492*em*.

(i) For the regulation and licensing of manufacturers and distributors of agricultural limes, as provided in sections 1494*c*, 1494*d*, and 1494*e*.

(k) For the execution of the provisions of section 1492*ab*—3.

(5) WHITE PINE BLISTER RUST ERADICATION. On July 1, 1921, four thousand dollars, and on July 1, 1922, four thousand dollars, for the discovery and the eradication of the white pine blister rust; provided that the governor and commissioner of agriculture are authorized to discontinue any or all of the work provided for under this subsection if at any time they shall determine that the white pine blister rust has been eradicated or has passed beyond the possibility of control, and in the event of such discontinuance, the appropriation herein made shall lapse.

(6) STATE FAIR. For maintenance and conduct of the annual state fair, as provided by law:

(a) *Operation.* On July 1, 1921, two hundred twenty thousand dollars, and annually thereafter beginning March 1, 1922, two hundred thirty thousand dollars, for the operation of the state fair. All moneys collected or received by each and every person for or on account of the operation of the state fair shall be paid immediately into the general fund, except as provided in paragraphs (f) and (g) of this subsection. The state treasurer and the secretary of state shall be in attendance at the state fair each year, respectively, then and thereto receive such moneys and to audit and pay expenditures duly certified by the department of agriculture as having been necessarily incurred in the operation of the state fair. Of this there is allotted to each member of the state fair advisory board his actual and necessary expenses incurred in the discharge of his official duties; but no

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compensation for services except a per diem of five dollars for each day spent in assisting in the conduct of the state fair under the direction of the department of agriculture.

(b) *Equipment.* On July 1, 1921, five thousand dollars, and on July 1, 1922, five thousand dollars, for equipment.

(c) *Grand stand.* On July 1, 1918, fifty thousand dollars, and on July 1, 1919, fifty thousand dollars, and on July 1, 1921, fifty thousand dollars, for construction of a grand stand.

(d) *Tunnel.* On July 1, 1921, not to exceed twenty-five thousand dollars for the excavation and completion of a tunnel under the race track.

(e) *Repairs and maintenance.* On July 1, 1921, twenty-five thousand dollars, and on July 1, 1922, fifteen thousand dollars, for property repairs and maintenance.

(f) *Percentage agreements.* All moneys accruing to any persons under percentage agreements for attractions at the state fair, under which the department of agriculture assumes no financial liability, shall be paid immediately into the general fund, and are appropriated therefrom, and shall be paid to such persons according to such agreements.

(g) *Agency agreements.* All moneys received by the department of agriculture in the operation of the state fair under agency agreements, under which the department of agriculture assumes no financial liability, shall be paid in, and accounted for in detail, as agency transactions, and are appropriated, and shall be paid out to the persons entitled thereto.

(h) *Operation of succeeding fair.* All moneys paid into the general fund pursuant to the provisions of paragraph (a) of subsection (6) of this section, in excess of one hundred twenty-five thousand dollars per annum, are appropriated and added to the appropriation made by paragraph (a) of subsection (6) of this section, for the operation of state fairs thereafter to be held.

(i) *Toilets, water mains and sewers.* On June 1, 1920, twenty-five thousand dollars, for the installation of additional toilet facilities on the state fairgrounds, the construction and equipment of necessary buildings therefor, a septic tank and equipment therefor, and for the construction of necessary extensions of water mains and sewers.

(7) AREA TESTING FOR TUBERCULOSIS. Annually, for two years, beginning July 1, 1921, fifty thousand dollars for a survey of the state with a view to eradicating bovine tuberculosis from the state; for disseminating knowledge regarding the disease, its effects and its control, preparatory to a state clean-up and for the information of stock owners relative to its future control; and for supplies, equipment, clerical assistance and other expenses in connection therewith, and whenever a petition is filed with the department of agriculture, signed by not less than one-half of the resident farmers and cattle owners of any area, which area shall be described in the petition, requesting that the cattle in that area be tested for bovine tuberculosis, the department is authorized to do so. The governor and the commissioner of agriculture are authorized to discontinue any or all of the work provided for in this subsection, if at any time they shall determine that the work contemplated or attempted shall be impossible of practical achievement.

(8) TESTING ACCREDITED HERDS. On July 1, 1921, not to exceed thirty thousand dollars, and on July 1, 1922, not to exceed thirty thousand dollars, for inspection, testing and other work in connection with accredited herds, as provided by law and the regulation of the United States department of agriculture.

(9) TUBERCULIN. On July 1, 1921, not to exceed two thousand five hundred dollars, and on July 1, 1922, not to exceed two thousand five hundred dollars, for the manufacture or purchase and distribution of tuberculin.

(10) STATE HUMANE AGENT. On July 1, 1921, not to exceed five thousand dollars, and on July 1, 1922, not to exceed five thousand dollars, to carry out the provisions of section 1636*km*.

(11) ADMINISTRATION OF DOG LICENSE LAW. All moneys received by the state treasurer for, and on account of dog license fees, paid into the treasury pursuant to the provisions of section 1627, are appropriated therefrom as a revolving appropriation, for defraying the expenses incurred in administering and carrying into effect the provisions of sections 1623 to 1630, inclusive, of the statutes; provided that on January first of each year all funds remaining in the state treasury in this appropriation shall be returned to the county treasurers of the counties having made deposits in said fund pursuant to the provisions of section 1627, such division to be made to each county in proportion to the amount deposited by it, and when so returned shall again belong to the county dog license fund.

(13) STATE FAIR, REVERSION OF BALANCE. Any balance remaining of the appropriation made by paragraph (a) of subsection (6) of section 20.60 of the statutes at the close of the fiscal year June 30, 1921, shall revert to the general fund. [*1913 c. 685; Stats. 1915 s. 170 sub. 17, 172—29, 1458—2, 1492b sub. 11; 1917 c. 14 s. 95; 1917 c. 159, 311; 1917*

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c. 467 s. 2; 1917 c. 489; 1917 c. 504 s. 4; 1917 c. 505, 508; 1917 c. 593 s. 3, 4; 1917 c. 595 s. 7, 8; 1917 c. 630 s. 7; 1917 c. 677 s. 75; 1919 c. 268; 1919 c. 355 s. 1, 3; 1919 c. 359 s. 2; 1919 c. 483; 1919 c. 527, 573; 1919 c. 636 s. 2; 1919 c. 649 s. 2; 1919 c. 670 s. 2; 1919 c. 673 s. 2; 1919 c. 702 s. 7, 8; 1919 c. 703 s. 31; Spl. S. 1920 c. 8; 1921 c. 41, 350; 1921 c. 438 s. 1, 2; 1921 c. 491 s. 1; 1921 c. 501 s. 1; 1921 c. 517 s. 3; 1921 c. 556; 1921 c. 571 s. 1]

20.61 Agricultural societies. There is appropriated from the general fund to the agricultural societies enumerated in this section, but to be disbursed from the state treasury only when necessary to pay actual claims duly audited by the secretary of state, as follows:

(1) AGRICULTURAL EXPERIMENT ASSOCIATION. Annually, beginning July 1, 1913, five thousand dollars to the Wisconsin agricultural experiment association, for securing and testing new and improved varieties of seeds, plants, and fertilizers, studying the best methods of cultivation and feeding crops, and in general advancing the agricultural interests of the state. On June thirtieth of each year the secretary of said association shall make and transmit to the secretary of state a sworn statement of all receipts and disbursements thereof during the preceding year.

(2) STATE HORTICULTURAL SOCIETY. Annually, beginning July 1, 1913, nine thousand dollars to the Wisconsin state horticultural society, for the execution of its functions as provided in sections 1459 and 1459*a*; and all moneys received by each and every person for or in behalf of said society shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation. Of this appropriation three thousand dollars annually shall be available only for the maintenance of trial orchards and work of a similar nature.

(3) CRANBERRY GROWERS ASSOCIATION. Annually, beginning July 1, 1913, two hundred fifty dollars to the Wisconsin cranberry growers association for the execution of its functions, as prescribed in section 1479*a*. On July 1, 1921, two hundred fifty dollars, and on July 1, 1922, two hundred fifty dollars, for the purchase of equipment for and the carrying on of pumping experiment work.

(4) POTATO GROWERS ASSOCIATION. On July 1, 1921, four thousand dollars, and on July 1, 1922, four thousand dollars to the Wisconsin potato growers association, for the promotion of the potato growing interests of the state; and any moneys paid into the general fund by said association are appropriated therefrom and added to this appropriation.

(5) STATE DAIRYMEN'S ASSOCIATION. Annually, beginning July 1, 1917, six thousand dollars to the Wisconsin state dairymen's association, for printing and otherwise carrying on its work.

(6) SOUTHERN WISCONSIN DAIRYMEN AND CHEESEMAKERS ASSOCIATION. Annually, beginning July 1, 1913, one thousand dollars to the Southern Wisconsin dairymen and cheesemakers association, for printing and otherwise carrying on its work.

(7) CHEESEMAKERS ASSOCIATION. Annually, beginning July 1, 1913, six hundred dollars to the Wisconsin cheesemakers association, for printing and otherwise carrying on its work.

(9) LIVE STOCK BREEDERS ASSOCIATION. Annually, beginning July 1, 1919, nine thousand dollars to the Wisconsin live stock breeders association, for the execution of its functions, as prescribed in section 1459*d*; and all moneys received by each and every person for or in behalf of said association shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation.

(10) POULTRY ASSOCIATIONS. Annually, on July first, five thousand dollars for state aid to poultry associations, to be distributed as follows:

(a) To each incorporated poultry association, complying with the provisions of paragraph (b), which has held at least one annual exhibition and has paid out at least fifty dollars as premiums in such year, a sum equal to eighty per cent of the total amount of premiums paid by it at its annual exhibition; but no such association shall receive more than two hundred dollars from the state in any one year; and if this appropriation is not sufficient to pay all claims in full, it shall be distributed pro rata.

(b) On or before the first day of April in each year the president and secretary of each such association claiming state aid shall file with the secretary of state, on blanks which shall be furnished by the latter, a sworn itemized statement of the amount of cash actually received for poultry entries at its annual exhibition, stating the number of entries, name, post-office address, and amount received from each exhibitor, which amount shall be determined by multiplying the entrance fee in the published premium list by the number of entries, and stating also the total amount paid out as premiums. Failure to file such statement within the time limited herein shall cause the forfeiture of such state aid.

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(11) AGRICULTURAL FAIRS. Annually, beginning July 1, 1913, such sums as may be necessary for state aid to agricultural societies, associations or boards which shall have substantially complied with the conditions prescribed in paragraph (b), as follows:

(a) To each such organized agricultural society, association, or board in the state, eighty per cent of the total amount of premiums paid by it at its annual fair upon live stock, articles of production, educational exhibits, agricultural implements and tools, domestic manufactures, mechanical implements and productions, for which published premiums have been offered; but no one premium so paid shall exceed the sum of thirty-five dollars to a single person, or fifty dollars for the township or other community group premium; and the amount of state aid so payable shall not exceed three thousand two hundred dollars to any such society, association or board whose total premiums paid do not exceed five thousand dollars; four thousand dollars to any such society, association or board whose total premiums paid are more than five thousand dollars but less than six thousand dollars; four thousand eight hundred dollars to any such society, association or board whose total premiums paid are six thousand dollars or more but less than seven thousand five hundred dollars; and six thousand dollars to any such society, association or board whose total premiums paid are seven thousand five hundred dollars or more. After July 1, 1921, state aid shall be paid to but one such society, association, or board for or in any county, such society, association or board to be designated by the county board in each county, except that societies, associations, and boards in counties containing a population of twelve thousand or more according to the last federal census which received aid hereunder for fairs held during the calendar year 1920 may, upon substantial compliance with the conditions prescribed by law, continue to receive such aid until otherwise provided by law.

(b) On or before the first day of February in each year the president and secretary of each society, association, or board claiming such state aid shall file with the secretary of state, upon blanks which shall be furnished by the latter, an itemized statement, verified on oath, of all premiums actually paid in cash at the fair of the preceding season, which premiums must correspond with the published offers of premiums; including also a statement that at such fair all gambling devices whatsoever, the sale of intoxicating liquors, and exhibitions of immoral character were prohibited and excluded from the fairgrounds and all adjacent grounds under their authority or control; also a full statement of receipts and disbursements for the past year.

(c) The secretary of state is authorized with the consent of the governor to deputize any employe or inspector otherwise in the employ of the state, either in his own or some other department of the state government, to make inspection of any fair, exposition or exhibit, held by any such society, association, or board, and of all exhibits, performances and devices exhibited or operated therein; and if necessity therefor arises he is further authorized to appoint two special agents to make such inspection. No such special agent shall serve to exceed sixty days in any calendar year. Such employes or agents so appointed shall report to the secretary of state relative to such fairs and the exhibits and performances connected therewith and as to all matters relating to the compliance with the law by such society, association or board and all exhibits and performances connected therewith including compliance with those statutes relating to state aid to such fair associations.

(d) If it shall satisfactorily appear to the secretary of state that any such caravan, circus, menagerie, side show, traveling vaudeville, or other exhibit is immoral, indecent, disorderly, degrading, illegal or otherwise objectionable, he shall forthwith report such fact to the treasury agent who shall thereupon revoke every license and permit theretofore issued for the exhibit thereof.

(11a) STATE AID TO DAIRY AND LIVE STOCK ASSOCIATIONS. Incorporated dairy or live stock associations, upon substantial compliance with the provisions of subsection (11), shall be entitled to the state aid therein provided for upon premiums paid for dairy products or live stock or upon articles pertaining to the production or manufacture of such products or the raising of such live stock, in any county in which no annual fair is held by any organized agricultural society, association or board. State aid shall be paid to but one such dairy or live stock association in any one county. All moneys received by any such association shall be paid out by it for the premiums provided for in this subsection substantially as provided in section 1464. [*Stats. 1915 s. 172—72, 172—85, 172—88, 172—98, 172—99, 172—101, 172—102, 172—103, 172—114, 172—125, 172—126, 1459m, 1463, 1463m, 1494m; 1917 c. 14 s. 100; 1917 c. 81, 373, 596; 1917 c. 670 s. 2; 1919 c. 23, 25, 98, 295, 486, 503; 1919 c. 649 s. 6; 1919 c. 673 s. 1; 1921 c. 142, 204, 207, 502; 1921 c. 517 s. 4*]

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20.615 Department of markets. There is appropriated from the general fund to the department of markets:

(1) Annually, beginning July 1, 1921, one hundred sixteen thousand dollars, for carrying out the provisions of sections 1495—1 to 1495—30, inclusive.

(2) All fees collected by the department, for carrying out the provisions of sections 1495—10, 1495—11, and 1495—12. [*1921 c. 501 s. 2*]

JUDICIAL.

20.62 Supreme court. There is appropriated from the general fund to the supreme court, annually, beginning July 1, 1913, such sum as may be necessary to carry into effect its functions. Of this appropriation there is allotted:

(1) SALARIES OF JUSTICES. To each justice of said court whose term of office commenced prior to the first day of July, 1919, an annual salary of seven thousand five hundred dollars; and to each justice whose term of office commenced thereafter, an annual salary of eight thousand five hundred dollars. The justice serving as chief justice, as provided by law, shall receive an additional salary of five hundred dollars per annum, during the period of such service.

(2) REPORTER. (a) Annually, beginning July 1, 1919, not to exceed eleven thousand dollars, for the salary of the reporter of the supreme court, the assistant reporter, and such additional help employed by the reporter as the court shall deem advisable.

(b) Such sum as may be necessary, to defray the cost of printing and distributing the decisions of said court.

(3) CLERK. To the clerk of the supreme court such per diem and fees as may be payable from the state treasury pursuant to section 2417, over and above his other fees therein mentioned.

(4) MARSHAL AND MESSENGER. To the marshal and the messenger of said court such compensation as may be specified by the court; to the crier two dollars for each day's actual attendance; and to the janitors such compensation as the trustees of the state library shall fix.

(5) STENOGRAPHERS. To each stenographer and copyist such compensation as the justice appointing him shall fix, but not to exceed one hundred twenty-five dollars per month.

(6) RULES. To the attorneys appointed by the supreme court to revise, prepare, and report rules of practice under section 2413, such compensation as may be fixed by the court.

(7) EXPENSE ATTENDING PUBLIC GATHERINGS. Annually, beginning July 1, 1919, not to exceed two hundred fifty dollars for necessary expenses incurred in attending conventions and gatherings. [*Stats. 1915 s. 170 sub. 11, 172—5; 1917 c. 14 s. 101; 1919 c. 355 s. 1, 9; 1919 c. 389 s. 4; 1919 c. 422; 1919 c. 636 s. 3; 1919 c. 703 s. 6*]

20.63 State library. There is appropriated from the general fund to the board of trustees of the state library:

(1) Annually, beginning July 1, 1921, eleven thousand dollars, to carry into effect its functions relative to the state library. Of this there is allotted:

(a) To the librarian of the state library, the assistant librarian, clerks, expert assistants, and other employes of the state library such compensation as shall be fixed by said board of trustees.

(b) To the librarian of the state library his necessary traveling expenses actually incurred in attending the annual conference of the American Association of Law Libraries.

(2) On July 1, 1919, four thousand dollars; on July 1, 1920, four thousand dollars; on July 1, 1921, five thousand dollars; and on July 1, 1922, five thousand dollars, for the purchase of such law books, books of reference, and works on political science and statistics, for the state library and the justices of the supreme court, as the said board shall think reasonably necessary or desirable. Expenditures from this appropriation shall be certified to the secretary of state by the state librarian. [*Stats. 1915 s. 170 sub. 50, 172—8, 371; 1917 c. 14 s. 103; 1917 c. 33; 1919 c. 517 s. 3; 1921 c. 79*]

20.64 Revisor of statutes. There is appropriated from the general fund to the revisor of statutes:

(1) Annually, beginning July 1, 1913, fourteen thousand three hundred dollars, to carry into effect his functions. Of this there is allotted:

(a) To the revisor of statutes an annual salary of five thousand dollars, and his actual and necessary traveling expenses incurred in the discharge of his official duties.

(b) To the assistants, clerks, stenographers, and other employes of the revisor such compensation as shall be fixed by him with the approval of the board of trustees of the

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state library, and their actual and necessary traveling expenses incurred in the discharge of their official duties.

(2) Annually, beginning July 1, 1913, such sums as may be necessary, for printing and distributing the Wisconsin Statutes and Wisconsin Town Laws, as prescribed by law. [*Stats. 1915 s. 170 sub. 48, 172—9; 1917 c. 14 s. 104*]

20.65 Board of bar examiners. There is appropriated from the general fund to the board of bar examiners, annually, beginning July 1, 1917, three thousand dollars, to carry into effect its functions; and all moneys received by said board under the provisions of subsection (6) of section 2586 shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation. Of this there is allotted to each member of the board compensation, to be fixed by the supreme court, not exceeding ten dollars per day, for time necessarily consumed in the discharge of his duties under the rules and regulations fixed by said court; and in addition thereto his actual and necessary expenses incurred in the discharge of his official duties, including the actual cost of such question books as the board shall deem necessary for the conduct of examinations. [*Stats. 1915 s. 170 sub. 39, 172—51; 1917 c. 14 s. 105; 1917 c. 383*]

20.66 Circuit judges and reporters. There are appropriated from the general fund, annually, such sums as may be necessary, for salaries and expenses of the judges and reporters of the circuit courts, and the salary of the senior superior judge of Dane county, upon vouchers duly verified and certified by said judges, respectively, and filed with the secretary of state, as follows:

(1) SALARIES OF JUDGES. To each judge of a circuit court, during terms of office commencing before the first day of July, 1919, fifty-five hundred dollars, and, during terms of office commencing after the first day of July, 1919, sixty-five hundred dollars. Each circuit judge shall also be reimbursed for necessary expenses incurred in the discharge of judicial duty outside his home county, and in attending meetings of the board of circuit judges. To the senior superior judge of Dane county, beginning the first Monday of July, 1922, five thousand dollars.

(2) REPORTERS. To each reporter appointed pursuant to section 113.18, compensation at the rate of two hundred and fifty dollars per month, and to the official reporter of the court in which these statutes require actions against the state officers and state commissions to be tried, additional compensation at the rate of seventy-five dollars per month. In addition thereto each reporter attending a term of court or attending by the direction of the court the trial of a compulsory reference, outside of the county in which he resides, or attending the sessions of court presided over in other circuits by the judge appointing him, at the request of such judge, shall be reimbursed his necessary traveling expenses and hotel bills.

(3) ASSISTANT REPORTERS. Assistant reporters, appointed pursuant to section 113.18, shall be paid nothing out of any public treasury except for services performed in a county forming a part only of a circuit when two judges are holding court therein at the same time; and for such services each assistant reporter shall be compensated out of this appropriation at the rate of ten dollars per day. For other services he shall be compensated by the reporter. [*Stats. 1915 s. 170 sub. 12, 172—6, 113.19; 1917 c. 14 s. 106; 1919 c. 17, 200, 238; 1921 c. 205; 1921 c. 368 s. 4*]

20.67 Board of circuit judges. There is appropriated from the general fund to the board of circuit judges, annually, such sum as may be necessary for compensation of its secretary, if one shall be appointed pursuant to section 113.08, which shall be payable monthly and shall not exceed one thousand dollars per year; and such additional sums as may be necessary to defray the expenses of said secretary for postage, telegraphing, and telephoning, stationery, printing report of proceedings, and for traveling and hotel bills in attending the meetings of the board. Expenditures from this appropriation shall be certified to the secretary of state by the chairman of the board. [*Stats. 1915 s. 113.08; 1917 c. 14 s. 108; 1919 c. 271*]

20.68 Litigation charges and judgments against the state. There are appropriated from the general fund, from time to time:

(1) Such sums as may be necessary to pay all fees, costs, disbursements, expenses, and judgments chargeable against the state as provided in sections 59.31, 3203, 3248, 4108 of the statutes, and chapter 582 laws of 1911.

(2) Such sums as may be necessary for the payment of any claims that may be properly established and proved, which would have been a proper charge against any of the several funds dissolved and ordered paid into the general fund by chapter 37 laws of 1911. [*1917 c. 14 s. 110; 1921 c. 9 s. 2*]

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ELECTIONS, GENERAL STATE SERVICE.

20.69 State board of canvassers. There is appropriated from the general fund to the state board of canvassers, annually, beginning July 1, 1913, one hundred fifty dollars, for the execution of its functions. Of this there is allotted to each state officer or judge designated by the chief justice, pursuant to section 6.69, to act as a member of the board, compensation for attendance and services, to be fixed by the board, not exceeding fifteen dollars per day for each day he shall be absent from his place of residence and engaged in such attendance and service. [*Stats. 1915 s. 170 sub. 40, 172—44; 1917 c. 14 s. 111*]

20.70 Presidential electors. There is appropriated from the general fund on July 1, 1916, and every fourth year thereafter, such sums as may be necessary for the execution of the functions of the presidential electors. Of this there is allotted to each presidential elector in this state who shall attend and cast his vote for president and vice president, two dollars and fifty cents for each day's attendance and ten cents for every mile he shall travel in going to and returning from the place where the electors shall meet, on the most usual route. [*Stats. 1915 s. 170 sub. 49, 172—115; 1917 c. 14 s. 112*]

20.71 Civil service commission. There is appropriated from the general fund to the state civil service commission, annually, beginning July 1, 1919, twenty-two thousand dollars, for the execution of its functions. Of this there is allotted:

(1) To each commissioner a per diem of ten dollars for each day actually and necessarily devoted to his official duties, for not exceeding eighty days in any one year. [*Stats. 1915 s. 170 sub. 29, 172—19; 1917 c. 14 s. 113; 1917 c. 80; 1919 c. 206; 1919 c. 630 s. 1*]

20.72 Board of public affairs. There is appropriated from the general fund to the board of public affairs annually, beginning July 1, 1917, eighteen thousand dollars, for the execution of its functions. Of this there is allotted:

(a) To each member of the board his necessary expenses incurred in attending meetings and in the performance of his other duties incidental to his membership on the board; but no member shall be compensated for his services.

(b) To the secretary, experts and employes such compensation as shall be fixed by the board, and in addition thereto their expenses necessarily incurred in the performance of their duties. [*Stats. 1915 s. 169m, 172—31, 990—43, 990—44, 990—46 sub. 2; 1917 c. 14 s. 114*]

GENERAL PROVISIONS.

20.73 Personnel; compensation and expenses. (1) APPOINTMENT OF SUBORDINATES. Except as expressly provided by law, the governor, secretary of state, state treasurer, attorney-general, state superintendent, commissioner of insurance, state fire marshal, superintendent of public property, railroad commission, dairy and food commissioner, superintendent of weights and measures, industrial commission, adjutant general, state board of control, grain and warehouse commission, civil service commission, tax commission, commissioners of public lands, state conservation commission, supervisor of inspectors of illuminating oils, state treasury agent, commissioner of banking, printing board, free library commission, state chief engineer, commissioner of agriculture, board of public affairs, state board of education, geological and natural history survey, state board of health, state highway commission, state board of medical examiners, state board of dental examiners, state board of pharmacy, Wisconsin real estate brokers board, state board of vocational education and state athletic commission are each authorized to appoint,—subject to the state civil service law in cases where the provisions thereof are intended to apply, and subject to the approval of such other officer or body as prescribed by law,—such deputies, assistants, experts, clerks, stenographers, or other employes as shall be necessary for the execution of their functions, and to designate the titles, prescribe the duties, and fix the compensation of such subordinates.

(2) TRAVELING EXPENSES. The chief officers enumerated in subsection (1), and their appointees and employes, shall each be reimbursed for actual and necessary traveling expenses incurred in the discharge of their duties. The officers and employes of any department, board or commission, shall, when for reasons of economy or efficiency, they are stationed at any other place than the official location of such department, board or commission, receive their actual and necessary traveling and other expenses when called to such official location for temporary service. The members of boards, departments and commissions who are entitled to expenses but not compensation, the members of boards, departments and commissions who are entitled to a per diem for time actually spent in state service, and the members of boards, departments and commissions who receive an

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honorarium, shall be entitled to travel and other expenses while attending meetings of such board, department or commission held at the city of Madison; provided that no such traveling or other expenses shall be allowed to any such member of any department, board or commission who actually resides in the city of Madison while attending any such meeting at said city.

(3) NOTARY PUBLIC. Each officer, commission, board, or body is authorized to expend from his or its proper appropriation a sum sufficient to pay all fees and expenses necessarily incurred in qualifying an employe as a notary public, and securing a notarial seal; but such notary shall receive no fees for notarial services rendered to the state.

(4) LIMITATION ON PURCHASE OF AUTOMOBILES. No automobile shall be purchased for any department, board, commission, or institution of the state, without specific statutory authority therefor or the authorization of the emergency board, as provided by section 20.74. [*Stats. 1915 s. 169a, 170, 170m, 171; 1917 c. 14 s. 116; 1917 c. 238 s. 2; 1917 c. 494 s. 1; 1917 c. 520 s. 2; 1917 c. 677 s. 40; 1919 c. 389 s. 3; 1919 c. 656 s. 2; 1919 c. 703 s. 7*]

20.74 General deficiency appropriation. There is annually appropriated such sums as may be necessary, payable from any moneys in the general fund or other available funds not otherwise appropriated, as an emergency appropriation to meet operating expenses of any state institution, department, board, commission or other body for which sufficient money has not been appropriated to properly carry on the ordinary regular work. No moneys shall be paid out under this appropriation except upon the certification of the governor, secretary of state and state treasurer that such moneys are needed to carry on the ordinary regular work of the institution, department, board, commission or other body for which the moneys are to be used and that no other appropriation is available for that purpose. Any moneys so required beyond the regular appropriation shall appear on the books of the secretary of state as an additional cost of operating the institution, department, board, commission or other body as the case may be. [*Stats. 1915 s. 172a; 1917 c. 14 s. 117*]

20.75 Forestalling appropriations. It shall be unlawful for any state officer, department, board, commission, committee, institution or other body, or any officer or employe thereof, to contract or create, either directly or indirectly, any debt or liability against the state or for or on account of any state officer, department, board, commission, committee, institution or other body, for any purpose whatever, without authority of law therefor, or prior to an appropriation of money by the state to pay the same, or in excess of an appropriation of money by the state to pay the same. It shall also be unlawful for any of the above mentioned persons or bodies to authorize, direct or approve the diversion, use or expenditure, directly or indirectly, of any funds, money or property belonging to, or appropriated or set aside by law for a specific use, to or for any other purpose or object than that for which the same has been or may be so set apart. Nothing herein contained shall be construed to prevent the employment of the inmates or ordinary laborers at any institution to aid in the prosecution of work for which appropriations have been made. Any person who shall offend against or violate any of the provisions of this section shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment in the county jail not less than one month nor more than six months or by both such fine and imprisonment. [*Stats. 1915 s. 172—131; 1917 c. 14 s. 118*]

20.76 Transfer of appropriation charges. (1) Whenever for economy or convenience, any materials or services are purchased, or expense is incurred by any state officer, department, board, commission, committee, institution or other body and the same is properly apportionable and chargeable to more than one appropriation, but such proportionate amounts are not determinable at that time, such officer or body is authorized to direct payment of the same out of an appropriation, to the officer or body, chargeable with some part of such materials, services or expense.

(2) In any such case the officer or body making the purchase or incurring the expense shall be held and required to determine as soon as practicable, the amounts chargeable to the several appropriations and shall issue transfer vouchers setting forth in each the reason therefor and the secretary of state shall credit the appropriation from which payment was originally made and shall debit the appropriation directed to be charged by the transfer voucher in the amount named therein.

(3) Such charges and subsequent transfers shall not be construed as subjecting any person to the penalty provided in section 20.75, but in case the appropriation first charged is not fully reimbursed by such transfers, the penalty provided in the above-named section shall be held to apply as in other cases.

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(4) All money heretofore appropriated for the use of the board of normal school regents or the regents of the university shall be available to and used exclusively by the state board of education. [*Stats. 1915 s. 172—132; 1917 c. 14 s. 119*]

20.77 Construction of appropriation statutes. In the construction of appropriation clauses, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislature; that is to say:

(1) Appropriations in the following language, or substantially similar language, shall be construed to be annual, continuing, nonlapsable appropriations, and shall be available until used:

There is annually appropriated, beginning (day of month and year) .... dollars, payable from any moneys in the .... fund not otherwise appropriated, for (department, board or other body) for (purpose or object).

There is annually appropriated .... dollars, payable from any moneys in the .... fund not otherwise appropriated, for (department, board, body, purpose or object).

There is annually appropriated, such sums as may be necessary, from the state treasury, for (department, board, body, purpose or object).

(2) Appropriations in the following language or in substantially similar language, shall be construed to be lapsable appropriations and balances unexpended at the close of the appropriation period or interval shall revert to the fund from which appropriated:

There is annually appropriated, not to exceed .... dollars, payable from any moneys in the .... fund not otherwise appropriated, for (department, board, body, purpose or object).

There is appropriated for the fiscal year ...., the sum of .... dollars, payable from any moneys in the .... fund not otherwise appropriated, for (department, board, or other body) for (purpose or object).

(3) Any unexpended balance of moneys allotted from any appropriation for administration or operation, and not needed for the payment of outstanding claims, shall be available generally for the purposes of the appropriation from which the allotment is made; and any unexpended balance of moneys allotted from any appropriation for repairs and maintenance, or for permanent property and improvements, shall be available for no other purpose than that specified in such allotment. Any appropriation in the following or substantially similar language: "There is appropriated on July 1, ..., ... dollars to (department, board or commission), for (purpose or object)," shall be available until used unless specifically repealed; but no appropriation for operation shall be used for permanent property and improvements. Moneys appropriated for operation may be used for ordinary repairs and maintenance, except replacements.

(4) In case more than one appropriation is made by law to or for any state officer, department, board, commission or other body, or for any purpose, such appropriations shall, unless otherwise specifically provided, be construed as supplementary to and not in exclusion of any other appropriation to or for the same officer or body or for the same purpose.

(5) Where any appropriation is repealed or any balance of an appropriation is caused to revert, any indebtedness incurred under the authority of such appropriation or balance prior to the time as of which such repeal or reversion of balance is to take effect, shall be paid from the appropriation or balance thus repealed or reverted as the case may be unless otherwise specifically provided by law.

(6) No appropriation shall be available for payment of any indebtedness incurred prior to the time as of which such appropriation is to take effect or for any other purpose than that for which it is made unless otherwise specifically provided by law.

(7) In any case where a nonlapsable, or a continuing, nonlapsable appropriation, is amended, either as to amount or purpose, the balance shall go forward as if the same had not been amended, and shall be available for the purposes, and subject to the conditions or limitations set out in the appropriation as amended, unless otherwise specifically provided by law. [*Stats. 1915 s. 172—130; 1917 c. 14 s. 120; 1917 c. 324 s. 2*]

20.78 Conditions precedent of subsidies. All appropriations made by law from state revenues for any department, board, commission, or institution of the state, or any society or association receiving state aid are made on the express conditions that such department, board, commission or institution, society or association, as the case may be, pays all moneys received by it into the state treasury within one week of receipt, and conforms with the provisions of sections 14.31, 14.32 and 20.77 of the statutes, both as to appropriations of its own receipts, and as to appropriations made by the state from state revenues. Upon failure to comply with the above conditions, the secretary of state shall refuse to draw his warrant, and the state treasurer shall refuse to pay any moneys

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appropriated to any such department, board, commission or institution, society or association, as the case may be, from state revenues, until compliance is made with said conditions; and upon failure or refusal to so comply, after due notice received from the secretary of state, any appropriation made by law from state revenues to such department, board, commission or institution, society or association, as the case may be, shall permanently revert to the fund from which appropriated. [*Stats. 1915 s. 172—133; 1915 c. 14 s. 121; 1919 c. 389 s. 3; 1919 c. 649 s. 2; 1919 c. 703 s. 8, 36*]

20.785 Receipts reappropriated. All moneys paid into the state treasury by any institution, society or association, receiving state aid, which are paid into the state treasury pursuant to section 20.78, and not required to be paid into the general fund previous to May 1, 1919, are reappropriated therefrom for the use of the institution, society or association, so paying its receipts into the state treasury. [*1919 c. 454 s. 7*]

20.79 Coal purchased in one fiscal year and consumed in next. Whenever coal is purchased for any institution of the state, and the same is received and paid for during the fiscal year prior to the time when the same is to be consumed, the department, board or commission under whose authority said coal was ordered, may certify to the secretary of state the facts in relation to said matter, and thereupon the purchase price of said coal and cost of handling same, or so much thereof as may remain unconsumed at the beginning of the succeeding fiscal year, may be charged to the appropriation for operation of such institution, for the fiscal year during which said coal is to be consumed. [*1919 c. 355 s. 10; 1919 c. 628 s. 1; 1919 c. 703 s. 10*]

20.80 Receipts from gifts and other outside sources, how audited. All moneys received by any state institution or by any society or organization receiving state aid from income on the principal of funds received by such institution, society or organization receiving state aid from income on the principal of funds received by such institution, society or organization, as gifts, legacies, and devises and from membership fees and sale of publications and duplicates shall be expended under the direction of the proper authorities and the audit of the secretary of state shall be for the sole purpose of ascertaining that such expenditures are lawfully made and authorized by the proper authorities of such institution, society or organization. [*1919 c. 517 s. 7*]

20.81 Attorneys' fees, allowance, charged to operation or administration. No department, board, commission, institution or officer of the state shall employ any attorney, or attorneys, until such employment has been approved by the governor; and the compensation of such attorney or attorneys so employed shall be charged to the appropriation for operation or administration of such department, board, commission, institution, or officer. [*1919 c. 630 s. 7; 1919 c. 703 s. 11*]

20.82 Land settlement board. (1) All moneys turned over to the state of Wisconsin for the land settlement work, are appropriated to the use of the land settlement board in accordance with the terms of the federal law.

(2) There is appropriated from the general fund to the land settlement board, annually, such sums as may be necessary for the execution of its functions. Of this there is allotted:

(a) To the member of such board appointed from among those who were honorably discharged soldiers, sailors or marines in the last war, if not otherwise, a state officer or employe, a per diem of ten dollars for each day of time spent in performance of his duties. Provided that no part of the appropriation made by this subsection shall be available except upon the approval of the governor. [*1919 c. 596*]

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CHAPTER 21.

WISCONSIN NATIONAL GUARD.

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21.01 Organization of militia. The organized militia of this state shall be known as the "Wisconsin National Guard" and shall consist of not more than forty companies of infantry, one battery of artillery, one troop of cavalry, an adjutant general's department, a quartermaster's and ordnance department, a subsistence department, a medical department, a pay department and such other officers as may be required. Provided, that the governor shall have power to alter, divide, transfer, consolidate, disband, or reorganize any organization; to create new organizations, and to enlist, organize and prescribe regulations to govern a reserve corps for the organized militia so as to conform in quota of troops and arm or kind of service to any organization or system now or hereafter adopted by the regular army or prescribed by order of the secretary of war for the government of the organized militia. [*Stats. 1915 s. 610; 1917 c. 537 s. 1*]

21.02 Temporary military force. In the event of all or part of the Wisconsin national guard being called into the service of the United States, the governor is hereby authorized to organize and equip a temporary military force equal in size and organization to that called from the state, provided, that upon the return to the state of the troops

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called into the service of the United States, the temporary military force shall be disbanded. [*Stats. 1915 s. 610a; 1917 c. 537 s. 1*]

21.03 Distribution of arms. The governor is authorized to receive and distribute, according to law, the quota of arms and military equipments which the state may receive from the government of the United States under the provisions of any acts of congress providing for arming and equipping the national guard. [*Stats. 1915 s. 134; 1917 c. 537 s. 1*]

21.04 Wisconsin state military reservation. (1) The state camp grounds near Camp Douglas, Juneau county, shall be known as the "Wisconsin State Military Reservation." The officer in charge of the state military reservation shall have on such reservation the police powers possessed by officials at state hospitals, as provided in section 46.05 subsection (5) of the statutes.

(2) The state of Wisconsin hereby grants to the United States the right to use the state encampment grounds known as the "Wisconsin Military Reservation," near Camp Douglas, in Juneau county, exclusive of buildings thereon, for infantry and artillery practice, whenever such use does not conflict with state control, care and improvement by the proper state authorities and its use by the militia of the state, without cost to the United States so long as said grounds are used and owned by this state for encampment purposes. [*Stats. 1915 s. 645—1, 649—25; 1917 c. 14 s. 7; 1917 c. 537 s. 1*]

21.05 Term of enlistment; physical examination of men. Every man who shall have been mustered or enlisted in the national guard shall be held to service therein for three years, unless sooner discharged as herein provided. The governor may require all men who enlist in the national guard to first pass the physical examination that is required for admission to the United States volunteer army. [*Stats. 1915 s. 649—8; 1917 c. 537 s. 1*]

21.06 Exemptions from poll taxes and jury duty. Every member of the national guard shall be exempt from jury duty and every member who shall be honorably discharged after five years' service, or by reason of injury received in the line of duty, shall be forever so exempt, and also exempt from military duty in time of peace. The proper discharge certificate shall be conclusive evidence of the right to such exemption. [*Stats. 1915 s. 649—9; 1917 c. 537 s. 1; 1919 c. 443 s. 1*]

21.07 Decoration for long, faithful service. For not less than fifteen years' service a bronze medal may be issued to all officers and enlisted men eligible to receive a decoration for long and faithful service. The issue shall be made under such regulations as the governor may prescribe. [*Stats. 1915 s. 649—31a; 1917 c. 537 s. 1*]

21.08 State militia; pension; audit exception. (1) A pension, not exceeding twelve dollars per month, payable quarterly, may be paid to either the widow, minor children or dependent parent, of any member of the state militia who may die from injuries received, or who may be killed while in active service under orders of the governor.

(2) All claims for pension under this section shall be made to a state military board, consisting of the adjutant general, the governor and state treasurer, who shall establish rules governing the filing of such claims, thoroughly investigate all circumstances connected with the death of the member of the state militia, whose death is the basis of a claim for pension, and this state military board may, after July 1, 1909, upon satisfactory evidence submitted or obtained, grant the pension hereinbefore provided for.

(3) No pension granted under this section shall be granted for a longer period than five years, but may be renewed for a further period of five years upon satisfactory evidence of the dependence of the pensioner.

(4) The state military board shall have power to revoke any pension granted under this section when it shall appear to the satisfaction of said board that the pensioner is no longer dependent.

(5) The provisions of this section shall not apply to any member of the state militia while in the service of the United States in case of war or under the orders of the president of the United States. [*Stats. 1915 s. 641m; 1917 c. 14 s. 7; 1917 c. 537 s. 1*]

21.085 Service recognition board, relief of soldiers. (1) The service recognition board is hereby created to consist of the governor, the adjutant general and a returned soldier to be appointed by the governor.

(2) Said board shall adopt such rules of selection and procedure as it shall deem advisable and it shall have complete charge and control of the relief of sick, wounded, or disabled soldiers, sailors or marines during their period of convalescence.

(3) During the period of convalescence, for the relief of sick, wounded or disabled soldiers, sailors and marines, and for the comfort and support of such sick, wounded or disabled soldiers, sailors or marines, the service recognition board may pay to or spend

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upon, any one soldier, sailor or marine, not to exceed thirty dollars per month, to be administered under the direction of the service recognition board, and to be paid from the appropriation made by subsection (5) of section 20.03 of the statutes. [*1919 c. 452; 1919 c. 703 s. 12*]

21.09 Review or parade; encampments; transportation of troops. The governor may order all or any portion of the national guard, and the commander of any organization thereof may order the whole or any portion of his command, stationed in any city, to assemble for instruction, parade, review or exercise, at such times and places and for such length of time as he may think proper, or make any other orders relating thereto; provided, no organization shall be ordered to, or shall leave the limits of the county in which its station is located except by permission of the commander in chief. The governor may also order the national guard, or any part thereof, into encampments for military instruction, not to exceed ten days in any year, and may fix the time and place for such encampment, provided that no troops shall be transported on Sunday except for active military service, in cases of necessity. Field and staff officers when so ordered into camp may be furnished, under such conditions as the governor may order, with suitable mounts. Any troops when so ordered into camp, shall be furnished by the state with transportation, tents and camp equipage, and such other reasonable and necessary provision for the proper care and preservation of the health of the men, as may be ordered by the governor. [*Stats. 1915 s. 649—22; 1917 c. 537 s. 1*]

21.10 Camp for advanced rifle practice. The governor shall have authority to order, not to exceed one of each in any one year, a camp for advanced instruction in rifle practice and competition, a field camp of instruction for officers, and a field camp of instruction for noncommissioned officers; the duration of any such camp not to exceed six days, and the attendance to be limited to such officers and enlisted men as the governor may direct. The quartermaster-general shall, subject to the approval of the governor, furnish necessary transportation to the officers and men and provide for the proper maintenance of the camps. Officers and men detailed for duty at these camps shall receive such pay as the governor may direct; provided, such pay shall not exceed the pay of officers and men at the annual encampments. [*Stats. 1915 s. 649—23; 1917 c. 537 s. 1*]

21.11 Call to active service. (1) In case of war, insurrection, rebellion, riot, invasion, resistance to the execution of the laws of this state, or of the United States, or in the event of public disaster resulting from flood, conflagration or tornado, or upon application of any marshal of the United States, the mayor of any city, or any sheriff in this state, the governor may order into active service all or any portion of the national guard. If the governor be absent, or cannot be immediately communicated with, any such civil officer may, if he deems the occasion so urgent, make such application, which shall be in writing, to the commanding officers of any company, battalion or regiment, who may upon approval of the adjutant general, if the danger be great and imminent, order out his command to the aid of such civil officer. Such order shall be delivered to the commanding officer, and by him immediately communicated to each, and every subordinate officer, and every company commander receiving the same shall immediately communicate the substance thereof to each member of the company, or if any such member cannot be found, a notice in writing containing the substance of such order shall be left at the last and usual place of residence of such member with some person of suitable age and discretion, to whom its contents shall be explained.

(2) If any company commander or commissioned officer, receiving such order, shall fail to give such notice or shall fail to appear at the time and place ordered, prepared for duty, he shall be cashiered and be further punished by fine and imprisonment as a court-martial may judge; or if any enlisted man, after being duly notified, shall refuse or neglect to appear at the time and place of rendezvous, properly prepared for duty, or fail to obey any order issued in such case, he shall be deemed a deserter, and punished by a fine of not less than fifty dollars nor more than three hundred dollars, or be imprisoned in the county jail not exceeding six months, or both; and any person who advises or endeavors to persuade any officer or soldier to refuse or neglect to appear at such place or obey such order, shall be punished by imprisonment in the county jail not exceeding six months, or a fine not exceeding one thousand dollars, or both. But physical incapacity to perform military service, dangerous sickness in the family of any such officer or enlisted man, or absence at the time such notice was served, when such absence was not intended to avoid such notice or service, and when he shall join for duty on his return, if his command is still in service, shall excuse such fault. [*Stats. 1915 s. 649, 649—1; 1917 c. 537 s. 1*]

21.12 Exemption from civil process. On days of military parade the national guard, when called out by proper authority, and performing military duty, shall be considered under military discipline, and performing such duty from the rising to the setting

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of the sun, or if performing military duty under orders after the setting of the sun, then until the rising of the sun on the next day; and no officer or enlisted man shall be subject to arrest on any civil process during the time aforesaid. [*Stats. 1915 s. 649—29; 1917 c. 537 s. 1*]

21.13 Defense of members of guard. If any member of the national guard shall be prosecuted by any civil or criminal action for any act performed by such member while in the performance of his military duty and in pursuance thereof, the action against such member may, in the discretion of the governor, be defended by counsel appointed therefor by the governor upon the recommendation of the attorney-general. The costs and expenses of any such defense shall be audited by the secretary of state and paid out of the state treasury and charged to the legal expense appropriation provided in subsection (2) of section 20.08. [*Stats. 1915 s. 649—30; 1917 c. 537 s. 1; 1919 c. 628 s. 10*]

21.14 Penalty for injuries and threats because of enlistment. A person who, either by himself or with another, wilfully deprives a member of the national guard of his employment, or prevents his being employed by himself or another, or in respect to his trade, business or employment, because said member of said national guard is such member, or dissuades any person from enlistment in the said national guard by threat of injury to him in case he shall so enlist, in respect to his employment, trade, or business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail for not less than ten days nor more than twenty days. [*Stats. 1915 s. 4423m; 1917 c. 537 s. 1*]

21.15 Penalty for retention of military property. No person shall retain at any time any arms, equipments or military stores of any kind belonging to the state, unless they have been properly issued to him in pursuance of law, and he shall be permitted by proper authority to retain the same in the discharge of a public duty; and no person shall use any public arms, equipments, clothing or military stores belonging to the state for his private use. Any person violating any provisions of this section shall forfeit not less than twenty dollars nor more than fifty dollars, such forfeiture to be recovered in action brought in the name of the state on the complaint of any citizen. It shall be the duty of the district attorney of the proper county to prosecute every such action. [*Stats. 1915 s. 649—28; 1917 c. 537 s. 1*]

21.16 Penalty for unauthorized wearing of uniforms. (1) Any person not regularly enrolled in the United States army or marine corps, the national guard of one of the states or one of the student cadet companies armed and recognized by the national or a state government or not an inmate of any veterans' or soldiers' home who shall wear the uniform of the Wisconsin national guard or of the United States army, marine or navy, shall be punished for each such offense by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than five days nor more than thirty days, or by both fine and imprisonment. The district attorney of the county in which any such offense is committed shall bring an action in the name of the state against the offender.

(2) Nothing in this section shall be construed as prohibiting persons of the theatrical profession from wearing such uniform in any playhouse or theater while actually engaged in following said profession.

(3) Nothing in this section shall be construed as prohibiting the members of any uniform rank of civic societies from the wearing of such uniforms.

(4) Whenever the national guard, or any part thereof, is called into active service on account of war, insurrection, rebellion, riot, invasion, resistance to the execution of the laws of this state, or of the United States, or on account of public disaster, no civic organization or member thereof shall parade or appear in uniform in the locality where said national guard is in service. [*Stats. 1915 s. 4423b; 1917 c. 537 s. 1*]

21.17 Penalty for encroachments on military grounds. The commanding officer of any parade or drill, and the officer in charge of any rendezvous or camp, may cause the ground selected for that purpose to be marked or designated in such a manner as not unnecessarily to obstruct travel on any public highway; and if any person, during the occupation of such ground for military purposes, shall encroach upon such bounds, or enter upon such ground without the permission of such officer, he may be arrested and kept under guard by the order of such officer until the setting of the sun of the same day, or for such reasonable time as may be necessary to procure his arrest by the civil authorities. Any such offender may be arrested and punished as for a breach of the peace. If any person shall intercept, molest, insult or abuse any officer or enlisted man while in the performance of his military duty, he may be immediately arrested and kept confined at the discretion of the commanding officer of the force engaged in the performance of such duty,

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until the setting of the sun of the same day on which the offense shall have been committed, or for such reasonable time as may be necessary to procure his arrest by the civil authorities. Any such offender may be arrested and punished as for a breach of the peace. [*Stats. 1915 s. 649—2; 1917 c. 537 s. 1*]

STAFF DEPARTMENTS.

21.18 Military staff of governor. (1) The military staff of the governor shall be appointed by him and shall consist of the adjutant general, with the rank of brigadier general, adjutant general, one chief surgeon, one inspector of small arms practice and five aides-de-camp, each with the rank of colonel, two quartermasters, each with the rank of major, two quartermasters, each with the rank of captain, and such other officers as he may require.

(2) No person shall be appointed on the governor's staff who has not had previous military experience.

(3) All departmental staff officers of the Wisconsin national guard, heretofore or hereafter appointed, shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court-martial legally convened for that purpose. Vacancies among said officers shall be filled by appointment from the officers of the Wisconsin national guard. [*Stats. 1915 s. 611, 611a, 612; 1917 c. 439; 1917 c. 537 s. 1; 1917 c. 677 s. 5*]

21.19 Adjutant general; powers and duties. (1) The adjutant general shall be chief of staff, inspector general and quartermaster-general. He shall have an office in the capitol and keep it open during the usual business hours. He shall have the custody of all military records, correspondence and other documents relating to the volunteers of this state, at any time in the service of the United States, and of the national guard heretofore or hereafter organized, except such as are required to be filed with the governor. He shall be the medium of military correspondence with the governor and perform all other duties pertaining to his office or prescribed by law. He shall on or before the thirtieth day of June in each even-numbered year make a report to the governor, to be laid before the legislature, of all the transactions of his department since the last biennial report, setting forth the number, strength and condition of the national guard, and such other matters as he may deem important. He shall make and transmit to the president the annual returns required by the laws of the United States and submit to the governor a duly certified copy thereof.

(2) The adjutant general shall assist all persons residing in the state of Wisconsin having claims against the United States for pensions, bounty or back pay, where such claims have arisen out of or by reason of service in the wars of the country. To this end he shall co-operate with their agents or attorneys, advise as to the legality of claims, furnish to claimants only all necessary certificates and certified abstracts from and copies of records and documents in his office, and in all practicable ways seek to secure speedy and just action upon all claims now pending or which may hereafter be filed. He shall also in cases where it may be expedient act as agent or attorney of record in prosecuting claims for such persons as may request him to do so; provided, that for any such services rendered neither he nor any of his assistants or clerks shall make any charge or demand or receive from the said claimants or any of them, directly or indirectly, any pay or compensation whatever. [*Stats. 1915 s. 613; 1917 c. 537 s. 1*]

21.20 Auditor of military accounts. The adjutant general shall be the auditor of military accounts, and all accounts or claims payable from the treasury of the state for military purposes shall be regularly audited by him before payment. He shall cause to be prepared and issued all necessary books, blank books, blanks and forms required by his office for the national guard. All said books, blank books, blanks and forms shall be made to conform as nearly as practicable to those in use in the United States army. [*Stats. 1915 s. 614; 1917 c. 537 s. 1*]

21.21 Printing report of convention of officers. The adjutant general may procure the printing of, and upon the order of the commissioners of public printing, the public printer shall print and deliver to him for distribution, not to exceed one thousand copies of the report of the annual convention of the officers of the national guard which he shall distribute; provided, that such report shall not exceed one hundred and fifty pages each. [*Stats. 1915 s. 615; 1917 c. 537 s. 1*]

21.22 Traveling libraries. The adjutant general, subject to the approval of the governor, may purchase a traveling library of military textbooks for each regiment of infantry. [*Stats. 1915 s. 616; 1917 c. 537 s. 1*]

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21.23 Quartermaster-general, powers and duties of; bond. The quartermaster-general shall also be commissionary general and chief of ordnance. [*Stats. 1915 s. 618; 1917 c. 537 s. 1*]

21.24 Quartermaster's accounts. The quartermaster-general shall have charge of all the military property of the state, and carefully preserve, repair and account for the same; keep in such manner as the governor shall direct, and subject to his inspection, an account of all moneys received and expended by him; perform the customary duties of his office, and of the office of commissary general and chief of ordnance, and have the custody of all records, returns and papers pertaining to such offices; and he shall on or before the first day of October in each even-numbered year render a report to the governor, to be laid before the legislature, giving a detailed statement of all moneys received and expended by him, of all military property belonging to the state and remaining on hand at the date of his last report, and such as may have come into his possession after such date, from what sources the same have been received, to whom issued or how expended, and upon whose order, and the condition of the property remaining on hand, also showing who has the possession, and the condition of all military property issued under the law, so far as the same has been reported to him. The transportation of all troops, arms, accoutrements, stores and other property and the preparation for encampments shall be contracted for by him under direction of the governor. [*Stats. 1915 s. 619; 1917 c. 537 s. 1*]

21.25 Issue of arms, accoutrements, ordnance stores and supplies. The quartermaster-general shall, subject to the approval of the governor, issue to the commanding officer of each regularly organized company, troop, battery, and sanitary detachment, such arms, accoutrements, uniforms, quartermaster's and ordnance stores, supplies for rifle practice and such other supplies, drill regulations, textbooks, blanks and papers, and stationery as may be necessary, taking receipts and causing proper returns to be made for the same. The quartermaster-general shall, subject to the approval of the governor, provide by purchase or by hire such public animals and motor transport as are necessary for the proper training of any military unit at home station and field camp of instruction and for the care and keep of such public animals and transport. The quartermaster-general, subject to the approval of the governor, may contract for the purchase and transportation of the supplies provided for in this section. [*Stats. 1915 s. 620; 1917 c. 537 s. 1; 1919 c. 325*]

21.26 Issue of transportation to officers. The quartermaster-general, subject to the approval of the governor, shall have authority to issue state transportation to the officers of the national guard for use of schools of instruction, boards of survey and examination, the annual convention of the officers of the national guard, for tours of instruction and inspection, and for use of members of the national guard when traveling solely on official business. [*Stats. 1915 s. 621; 1917 c. 537 s. 1*]

21.27 Issue of ordnance stores to schools and colleges. The quartermaster-general, subject to the approval of the governor, may issue ordnance stores in possession of the state, to such colleges and schools therein applying for the same for the purpose of instruction in military science, in such quantities as he may deem proper. But no ordnance stores shall be issued otherwise than as provided in this act except in case of war, insurrection or imminent public danger. The quartermaster-general shall require the persons to whom such issues are made to hold the property subject to inspection at any time and he may also require it to be kept insured at the expense of the persons to whom issued for such amount as he may direct. [*Stats. 1915 s. 622; 1917 c. 537 s. 1*]

21.28 Medical department. The medical department of the national guard shall be organized as follows: The chief surgeon shall be the head thereof and shall be paid a salary of one thousand dollars annually and shall be allowed his necessary expenses when serving under orders. There shall be as many surgeons as there are regiments, three assistant surgeons for each regiment of infantry, and one for each squadron of cavalry, battalion of field artillery and separate battalion; such surgeons to have the rank of major, assistant surgeons to have the rank of first lieutenant mounted for the first five years of service and that of captain mounted after five years' service. A hospital corps may also be organized by order of the governor. [*Stats. 1915 s. 626; 1917 c. 537 s. 1; 1921 c. 206 s. 1*]

21.29 Medical officers. All medical officers shall be commissioned by the governor upon the recommendation of the chief surgeon, or otherwise, and any vacancies shall be filled by the promotion of the medical officer next in rank unless such promotion be waived or the governor order otherwise. No person shall be commissioned in the medical department until he shall have passed such examination as the chief surgeon may direct. [*Stats. 1915 s. 627; 1917 c. 537 s. 1*]

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21.30 Chief surgeon; powers and duties. The chief surgeon shall, under direction of the governor, have general supervision of the selection, purchase and issue of all medical and hospital supplies and may, with the approval of the governor, purchase such supplies as may be necessary; he shall make, subject to such approval, such regulations for the government of his department as he may deem necessary; he shall submit to the adjutant general annually on the thirtieth day of June a report with an itemized statement of the affairs and expenses of his department. [*Stats. 1915 s. 629; 1917 c. 537 s. 1*]

21.31 Duties of surgeons and assistants. The duties of the surgeons and the assistant surgeons shall be such as may be provided for by the United States or state regulations; they shall act as examiners of applicants for admission to the national guard, instruct the hospital corps, and advise commanding officers in sanitary matters. They may, by order of the governor, be assigned to duty with such commands as the chief surgeon may recommend. [*Stats. 1915 s. 630; 1917 c. 537 s. 1*]

21.32 Physical examinations. The chief surgeon, subject to the approval of the governor, shall provide for such physical examinations and inoculations of officers, enlisted men and applicants for enlistment, Wisconsin national guard, as may be prescribed by war department regulations, and physicians making such examinations of enlisted men and applicants for enlistment and inoculations of officers, enlisted men and applicants for enlistment shall be compensated at rates not exceeding those allowed to civilian physicians by army regulations for similar services. Compensation for officers' physical examinations shall be made at such reasonable rates as shall be fixed by the chief surgeon. [*Stats. 1915 s. 631; 1917 c. 537 s. 1; 1921 c. 206 s. 2, 3*]

21.33 Pay department. The chief quartermaster acting as paymaster under orders from the governor, shall have authority to draw from the state treasury the money necessary for paying troops in camp or on active service, and shall furnish such security for the same as the state treasurer may direct. The amount due on account of the field, staff or other officers, noncommissioned staff and band, company or enlisted men, not herein enumerated, if any, shall be paid to the person to whom the same shall be due, on the properly signed and certified pay rolls. [*Stats. 1915 s. 632; 1917 c. 537 s. 1*]

ORGANIZATION OF GUARD.

21.34 Brigade organization. The national guard may, at the discretion of the governor, be organized into brigades. The officers of a brigade shall be such as provided by the laws of the United States governing the military forces. [*Stats. 1915 s. 633; 1917 c. 537 s. 1*]

21.35 Federal laws and regulations control. The organization, armament, and discipline of the Wisconsin national guard shall be the same as that which is now, or may hereafter be prescribed for the regular and volunteer armies of the United States; and the governor may by order perfect such organization, armament and discipline, at any time, so as to comply with the laws, rules and regulations that may be prescribed for the regular and volunteer armies of the United States; and the governor shall have power to fix and from time to time to alter the maximum number of enlisted men which shall form part of any organization of the Wisconsin national guard; provided, that such maximum shall not exceed the statutory maximum prescribed for a like organization of the regular army. [*Stats. 1915 s. 633m; 1917 c. 537 s. 1*]

21.36 United States army regulations; constitution. (1) The rules of discipline and the regulations of the United States army, shall, so far as the same may be applicable, constitute the rules of discipline and the regulations of the national guard; the rules and articles of war established by congress and the war department for said army, shall be adopted so far as they may be applicable for the government of the national guard, and the system of instruction and the drill regulations prescribed for the different arms and corps of the United States army, shall be followed in the military instruction and practice of the national guard, and the use of any other system is forbidden.

(2) The governor may, from time to time, make and publish rules, regulations and orders for the government of the national guard, not inconsistent with the law, and cause the same, together with any laws relating thereto, to be printed and distributed in book form or otherwise in such numbers as he may deem necessary, and he shall have authority to provide for all books, blank books, and blanks that may be necessary for the proper discharge of the duty of all officers.

(3) Each company or band may adopt such constitution, rules or by-laws, not inconsistent with the constitution and military regulations of the United States and of this state, as a majority of all the members thereof may approve; and may therein provide fines and penalties for any violation thereof, which, for absence or refusal to appear for

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instruction or parade, shall not exceed five dollars, nor be less than one dollar; and all such fines and penalties shall be collectible in an action in the name of the commanding officer as plaintiff before any competent court or magistrate. Such constitution, rules or by-laws shall become operative only when approved by the governor. [*Stats. 1915 s. 649—14, 649—26, 649—27; 1917 c. 537 s. 1*]

21.37 Courts-martial. (1) General courts-martial legally convened for the trial of members of the Wisconsin national guard shall have authority, subject to approval by the governor, to impose fines not to exceed twenty-five dollars in any one case and to punish by imprisonment in a county jail not to exceed thirty days, and the sheriff or other officers shall aid in the enforcement of such sentences in the same manner as in other cases.

(2) All processes and sentences of Wisconsin national guard courts-martial convened and held in accordance with the act of congress, known as the "National Defense Act," and war department regulations governing the national guard, shall be executed by the sheriff or other civil officer having local jurisdiction, and return thereof shall be made by such sheriff or officer to the court-martial issuing or imposing the same. Nothing herein contained shall deprive the governor of any existing right of approval or disapproval of sentences by courts-martial. [*Stats. 1915 s. 649—26a; 1917 c. 537 s. 1; 1921 c. 574*]

21.38 Uniform of Wisconsin national guard. The uniform of the national guard shall be that of the United States army. [*Stats. 1915 s. 649—31; 1917 c. 537 s. 1*]

21.39 Infantry organization. The infantry shall be organized into regiments as provided by the laws and army regulations of the United States. Each regiment may have one band. All companies not needed to complete the regiments of infantry may, at the discretion of the governor, be organized into a separate battalion. [*Stats. 1915 s. 634; 1917 c. 537 s. 1*]

21.40 Word "company" defined. Whenever the word "company" is used in a military sense in this chapter, it shall be understood and construed to mean a company of infantry, troop of cavalry, or battery of artillery. [*Stats. 1915 s. 649—12; 1917 c. 537 s. 1*]

21.41 Formation, organization and mustering of companies. Whenever sixty-five persons, resident and liable to military duty, in any county shall subscribe and present to the governor an application for the organization of a military company, he may, at his discretion, detail an officer to muster such company and perfect the organization thereof; provided the whole number of companies shall not exceed the number fixed in section 21.01. Such officer shall forthwith fix a time and place of meeting for the purpose of such muster and organization and give not less than ten, nor more than thirty days' notice thereof, by publication in some newspaper published in the county or by posting notices in three or more public places therein. Such officer shall preside at such meeting, which may be adjourned from time to time, and shall provide a muster roll which each person so volunteering, who shall be accepted as competent by such officer, shall sign; and such signature and the muster roll shall be conclusive evidence that such volunteer is subject to all the obligations imposed by law upon the members of the national guard. When at least fifty persons shall have been so mustered in, they shall proceed at such meeting to elect by ballot, under the superintendence of such officer, the several officers required by law, and a majority shall be necessary to a choice. After such election the name and rank of such officers shall be entered on the muster roll and the officer shall certify to and forward the same, together with a copy of the proceedings and notice of such meeting, to the adjutant general. If it shall appear that such organization shall have been perfected and the officers elected according to law, and the governor shall approve such organization and officers, such company shall be enrolled as a part of the national guard, and the officers thereof be commissioned. If the governor disapprove such organization, he may, at his discretion, direct another meeting to perfect the same. If he disapprove any officer so elected he may direct another meeting or meetings to elect another instead, or may fill the position in such manner as he may deem best. [*Stats. 1915 s. 637; 1917 c. 537 s. 1*]

21.42 Status, powers and property of company. (1) Such company, when such organization is perfected, shall without any further proceeding constitute a corporate body to be known by the name by which such company is officially designated under the military laws and regulations of the state, and shall possess all the powers necessary and convenient to accomplish the objects and perform the duties prescribed by law.

(2) The members of such military company in good standing and no others shall constitute the members of such corporation and shall elect three trustees who shall manage and administer the business of such corporation. The trustees shall elect one of their number president, and one vice president and shall also elect a secretary.

(3) Each such company may take by purchase, devise, gift, or otherwise and hold so long as such company is an existing company and a part of the national guard of Wis-

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consin any property real or personal. All such property shall be in the custody and control of the trustees hereinbefore provided for.

(4) Whenever any such company shall be disbanded as provided by law such corporation shall cease to exist and all property belonging to it shall become the property of the state of Wisconsin. [*Stats. 1915 s. 637m; 1917 c. 537 s. 1*].

OFFICERS.

21.43 Commissions and rank. The governor shall issue commissions to all officers whose appointment shall be approved by him. Every commission shall be countersigned by the secretary of state and attested by the adjutant general and continue as provided by law. Each officer so commissioned shall take and file with the adjutant general the oath of office prescribed by the constitution. All commissioned officers shall take rank according to the date assigned them by their commissions, and when two of the same grade rank from the same date, their rank shall be determined by length of service in the national guard, and if of equal service then by lot. [*Stats. 1915 s. 639; 1917 c. 537 s. 1*]

21.44 United States army officer may be colonel. The governor of the state may commission any retired United States army officer who holds the position of professor of military science and tactics in the state university, or at any seminary or college within this state maintaining military instruction and drill in its course of study, and having not less than one hundred students on its drill roll at any one term, to the rank of colonel of infantry; said commission, however, shall not entitle such professor of military science and tactics to command in the state militia. [*Stats. 1915 s. 635a; 1917 c. 537 s. 1*]

21.45 University cadet majors brevetted upon examination. The students of the University of Wisconsin who shall have completed four years of military drill and instruction, and who shall have been commissioned by the university to the rank of major or higher and who shall have served as such for the term of one year, shall be eligible to appointments as brevet second lieutenants in the Wisconsin national guard without pay or remuneration subject to assignment to duty with the Wisconsin national guard, at the discretion of the governor, during the next five years succeeding such appointment providing that before such assignment they shall first pass the prescribed examination before a board of officers of the Wisconsin national guard. [*Stats. 1915 s. 636a; 1917 c. 537 s. 1*]

21.46 School for officers. Once each year a school for all the officers of the Wisconsin national guard shall be held, on the approval of the governor, and at such time and place as he may order. This school shall be held not to exceed two days. Attendance shall be compulsory. [*Stats. 1915 s. 639a; 1917 c. 14 s. 7; 1917 c. 537 s. 1*]

21.47 Examinations for promotion or appointments. The governor may order any subordinate officer or person nominated or recommended for promotion or appointment to be examined by any competent officer or board of officers, designated in orders for that purpose, as to his qualifications for the office to which he may be recommended or appointed, and may take such action on the report of such examining officer or board of officers as he may deem to be for the best interests of the service. The governor may also require the physical examination provided for admission to the United States army. [*Stats. 1915 s. 640; 1917 c. 537 s. 1*]

21.48 Officers' pay. (1) Each officer while on duty during encampments or in active service shall receive the pay of an officer of equal rank in the United States army and shall furnish his own subsistence.

(2) The quartermaster-general may, under such regulations as may be approved by the governor, issue to each officer on the active list of the Wisconsin national guard, the service uniforms, arms, and equipments prescribed by equipment manuals and regulations for officers of similar grade in the United States army.

(3) The governor may, by orders, duplicates of which shall be filed with the secretary of state, fix the pay of any member of his staff, or other members of the national guard for any special service under orders.

(4) Any mounted officer not providing himself with and using a proper mount while on duty shall be entitled to dismounted pay only. [*Stats. 1915 s. 641, 642, 643, 649—4; 1917 c. 537 s. 1; 1919 c. 525*]

21.49 Compensation of inspecting officer. The compensation of the inspecting officer, making the annual inspections, shall be six hundred dollars per annum, which shall be in full for all expenses incurred by him. [*Stats. 1915 s. 644; 1917 c. 537 s. 1*]

21.50 Military property accountability. Each commanding officer to whom state military property is issued shall execute to the state a bond, with such sureties and in such form as the governor shall approve, and in a sum not less than double the value of such arms, accoutrements or stores furnished, conditioned for the faithful preservation and care of all such arms, accoutrements, moneys, or stores, as shall be by him received, to in-

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demnify the state against loss by misuse or misapplication of any part thereof by himself or any other person; to account for all of the same according to law, and to deliver the same to any officer lawfully entitled thereto, on demand, and to pay all sums lawfully appraised for losses or damages. Thereupon the quartermaster-general shall issue such arms, accoutrements and stores as the governor shall by order direct, which shall be as nearly as possible like those in use in the army of the United States.

(2) The commanding officer for the time being is the legal custodian of the money, property and effects of any company, band, regiment or brigade of the national guard, whether said property is owned by said company, band, or regiment or brigade, or its members collectively, or has been issued to it or any of its officers, for its use by state or United States authority, and may sue for and recover possession of the same, whenever wrongfully withheld from his custody or the custody of the company, band, regiment or brigade.

(3) The adjutant general, with the approval of the governor may obtain and pay for out of the annual military appropriation an adequate indemnity bond covering all of the officers of the Wisconsin national guard responsible to the state for moneys and military property.

(4) Each company commander, with the approval of the adjutant general, may employ an armorer to assist in the proper care of military property for which he is accountable. [*Stats. 1915 s. 645; 1917 c. 537 s. 1*]

21.51 Discharge of officers. Any officer may be discharged by order of the governor upon recommendation of any general court-martial after due trial or upon resignation or disability preventing full discharge of the duties of his office. [*Stats. 1915 s. 649—3; 1917 c. 537 s. 1*]

21.52 Authority to administer oaths. All officers of the national guard shall have authority to administer oaths of enlistment. [*Stats. 1915 s. 649—5; 1917 c. 537 s. 1*]

21.53 Retirement of officers. All commissioned officers who may have heretofore served or who shall hereafter serve five years in the national guard, may, upon honorable retirement from the service, be carried on a roll to be established and maintained in the office of the adjutant general, which roll shall be designated the "Wisconsin National Guard Retired List" and they shall be entitled to wear, on occasions of ceremony, the uniform of the highest rank which they have held. The officers so carried on such roll may be eligible for detail or appointment by the governor, but when so detailed or appointed shall be considered as of the rank to which they have been detailed or appointed, which rank they shall hold during the period of such detail or appointment, and in case of a second retirement from active service, if the rank held by them at the time be higher than the one held by them on their first retirement, they shall be entered on said list as of the highest rank held by them. No officer whose name shall appear on said retired list shall be entitled to receive any pay or emolument whatever from the state during the time he so remains on said list, and in case he be reappointed, recommissioned or detailed therefrom, he shall be entitled to the pay and allowance provided by law for officers of the rank to which he may be detailed or appointed. [*Stats. 1915 s. 649—6; 1917 c. 537 s. 1*]

21.54 Resignation of officer; vacancies. A commissioned officer may resign his commission to his immediate commanding officer, in writing, who shall properly forward the same to the adjutant general. The governor shall, by order, accept or reject the same, and, if accepted, fix the date of its taking effect. No resignation shall take effect except as so ordered. Vacancies caused by death, resignation, promotion, discharge or removal of any company officer shall be filled by the promotion of the officer of such company next in rank, subject to the approval of the governor, or they may be filled by appointment by the governor. [*Stats. 1915 s. 649—7; 1917 c. 537 s. 1*]

21.55 Lost civil war commissions. Whenever satisfactory evidence shall be furnished to the governor by any officer of any Wisconsin regiment which served in the civil war that his commission from this state, as such officer, has been lost or destroyed without his fault, the governor may furnish a suitable certificate of the facts shown by the records of said commission. [*Stats. 1915 s. 134a; 1917 c. 537 s. 1*]

21.56 Inspection of property; board of survey. All military supplies issued to any officer shall be at all times subject to inspection by the inspector general, chief of ordnance, or officer designated by the governor for such purpose, who shall report the true condition thereof. The governor may at any time require repairs to be made or defects or losses supplied; and he may, at any time, convene a board of survey to condemn quartermaster's and ordnance stores and supplies or to appraise the loss sustained by the state from injury, want of repair, defects or losses in any such quartermaster's or ordnance stores issued to any officer; which board, after reasonable notice to him and hearing his explanations or objections, shall appraise the same and make report, and the amount so appraised, when approved by the governor, shall be conclusively deemed the amount of

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such officer's liability on his bond therefor up to the date of such report; and he shall be compelled to pay the same into the general fund of the state treasury. The governor shall cause suit to be brought whenever necessary to make good any injury, want of repair or loss of any quartermaster's or ordnance stores or supplies or other state property. But if any such stores or property belonging to the state shall be lost, destroyed or damaged, without the fault or neglect of the officer responsible for the same, such officer and his sureties may, by order of the governor, on the report of a board of survey or other satisfactory proof, be relieved of all liability therefor. [*Stats. 1915 s. 646; 1917 c. 537 s. 1*]

21.57 Delivery of property on resignation or dismissal; custody in case of death. Whenever any officer responsible for state property shall resign, be promoted, dismissed or discharged, he shall deliver the quartermaster's and ordnance stores in his possession or for which he is responsible, only to the quartermaster-general, or to some person duly appointed to receive the same, who shall give such bond for its safe-keeping while in his possession as the governor may direct, and take duplicate receipts therefor, one of which he shall file with the quartermaster-general. A discharge shall not be issued until such officer has received certificates of nonindebtedness from the quartermaster-general. His successor in office shall, before receiving such property, execute and file a bond as hereinbefore provided. In case of the death of any such officer the next in command shall immediately take charge of such quartermaster's and ordnance stores and supplies and deliver the same to the quartermaster-general or some person appointed to receive the same; or, if commissioned in place of said deceased, he shall execute and file a like bond, and give duplicate receipts therefor, one of which he shall file as aforesaid. [*Stats. 1915 s. 647; 1917 c. 537 s. 1*]

COMPANIES AND ENLISTED MEN.

21.58 Pay of men at encampments and in active service. Enlisted men while in attendance at the annual encampments shall be paid as follows: Each first sergeant, chief musician, principal musician, drum major, and member of a noncommissioned staff, two dollars and twenty-five cents per day; each sergeant, two dollars per day; each corporal, one dollar and seventy-five cents per day; each private, one dollar and fifty cents per day; said payments to be made for each day's actual service in camp or en route to and from the same, and to include all other allowances not herein provided for, except subsistence which shall be furnished in addition to the pay herein provided for. When men called into active federal or state service and remaining for thirty days or less, such enlisted men shall be subsisted and paid as provided in this section. If engaged in such service for more than thirty days they shall receive thereafter the pay and rations established by law for the United States army. [*Stats. 1915 s. 649—11; 1917 c. 252; 1917 c. 537 s. 1*]

21.59 Issue of subsistence; accounts. The quartermaster-general, during the encampments or active service of the national guard, shall issue subsistence based upon the United States army ration, to the enlisted men, the cost of the same to be deducted from the per diem allowed each enlisted man. The subsistence accounts of the quartermaster-general shall be audited by such board of officers as the governor may direct. [*Stats. 1915 s. 625; 1917 c. 537 s. 1*]

21.60 Discharge of enlisted men. Enlisted men shall be discharged as provided in the laws and regulations of the United States governing the national guard. [*Stats. 1915 s. 649—10; 1917 c. 537 s. 1*]

21.61 Armories. (1) The board of supervisors of any county or the common council of any city in which one or more companies of the national guard may be located, may erect or purchase a suitable armory for the purpose of drill and for the safe-keeping of the arms, equipments, uniforms and other military property furnished by the state, and for public meetings and conventions, when such use will not interfere with the use of such building by the national guard; plans and specifications for which armory shall be inspected and approved by the governor, adjutant general and quartermaster-general, who shall file with the board of supervisors of such county, or the common council of such city, a certificate of such inspection and approval prior to the erection thereof.

(2) The necessary care, fuel and lights of such armories, shall be paid by the company or companies occupying the same; provided, no charge for rent shall be made to said company or companies.

(3) The board of supervisors of any county or the common council of any city in which any such company of the national guard may be located, may purchase land and build armories in the same manner as they are now authorized by law to build other county or city buildings, and when unable to agree upon the price of land with its owner may, if in their opinion necessary, appropriate land for the purpose of building armories in the

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same manner as they are now authorized by law to appropriate real estate for other county or city buildings. In case however a city or county shall have aided in the erection of said armory and the company or companies of the national guard for which said armory was erected shall at any time be disbanded, then such armory shall become the property of said city or county in which said armory is erected.

(4) Such armory, when erected or purchased, shall be under the control and charge of the governor, the quartermaster-general and commanding officer of the company or companies of the national guard for which it has been provided, and the said commanding officer shall cause to be deposited therein, all arms, uniforms and equipments received from time to time for the use of the command. The governor, quartermaster-general and commanding officer may from time to time make such orders, rules and regulations as they may deem proper for the observance of all officers and persons having charge of such armories or occupying any part thereof.

(5) Whenever any county, city, town or village shall erect a building as a memorial to the soldiers, sailors and marines who served in the late war against Germany and its allies and shall make provision therein for the accommodation of one or more companies of the national guard having no regularly established armory, the governor, adjutant general or other state officers having control of armory accommodations and regulations shall, whenever practicable, rent the armory or armories provided in such memorial building for the use of companies of said national guard. [*Stats. 1915 s. 649—19b, 649—19c, 649—19d, 649—19e; 1917 c. 537 s. 1; 1919 c. 598; 1919 c. 702 s. 53d*]

21.615 Armory board; powers; purposes and uses of armory. (1) There is hereby created an armory board consisting of the adjutant general, the chief quartermaster, and the commanding officer of each of the regiments and separate battalions of the Wisconsin national guard, whose duty it shall be, subject to, and upon the approval of the governor, to approve the selection of all armory sites, to make all contracts for the erection of armories, and the acquisition of armories already constructed under certain conditions; to approve all bills, claims and accounts in connection with the construction or purchase of armories before such bills, claims and accounts shall be paid, and to perform such other duties as may be required in carrying out the provisions of this section. The members of such board shall receive no compensation for any service rendered as members thereof but shall be paid their traveling expenses actually and necessarily spent in the performance of their duties.

(2) The armory board is authorized to construct and acquire armories and to spend therefor each year not exceeding twenty-five per centum of the sum appropriated for said year for the Wisconsin national guard, in aid of the construction of an armory or armories for organization or organizations of Wisconsin national guard or in the acquisition of such armory or armories, provided that the total expenditure of state funds in constructing or acquiring any armory for the occupation and use of a single military organization shall not exceed the sum of twenty thousand dollars.

(3) No armory shall be ordered constructed or acquired by said board under the provisions of this section unless and until,

(a) There shall have been conveyed to the state, with title free of incumbrance, a site, or funds provided sufficient for condemnation of a site, acceptable to the armory board, and

(b) There shall have been made available from private or local municipal sources, for the immediate use of the armory board in local armory construction, a sum of money equal to the amount allotted by said board for the same purpose from the appropriation for Wisconsin national guard and any county, city, village or town may issue its bonds to aid in the construction of such armories.

(4) Said armory board in lieu of the conditions of paragraphs (a) and (b) of subsection (3) may accept a conveyance to the state of the title in fee of premises improved by an armory wholly or partially completed, the value of which improvement over and above existing incumbrances is, in the judgment of said board, fully equal to the sum otherwise required to be locally contributed.

(5) The custody and control of an armory or armories, constructed or acquired under the provisions of this section shall, subject to the direction and supervision of the armory board, vest in such officer or officers of the local national guard organizations as said board shall designate.

(6) The proceeds of rentals and other revenue derived from each such armory shall be devoted and applied in payment of the cost of its care, administration, heating, lighting and maintenance and any surplus of such income shall, under the direction of the armory board, be expended in the extension, improvement and better equipment of such armory.

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(7) No rental allowance shall be made or paid from state funds on account of a company or companies occupying any such armory but all necessary expenses of the proper care, use and maintenance of such armory in excess of the income derived from said premises, shall be defrayed from the appropriation for Wisconsin national guard.

(8) Any municipality within which an armory is constructed or acquired under the provisions of this section shall have, free of rental charge, the use of the main drill hall for conventions and other meetings of a general and public nature, provided that the period of such use shall be so arranged as not to materially interfere with the required military exercises of the company and provided that there shall be paid to the custodian officer by the municipality a sum reasonably sufficient to cover the cost of heating and lighting said hall and other incidental expenses incurred during and by reason of such occupation.

(9) If and whenever a military company or companies which is in occupation of an armory constructed and acquired under the provisions of this section, is mustered out of the service of this state and it shall appear probable to the armory board that no new state military organization will be mustered in the same locality or that such property is not suitable for use by such new organization, then the armory board is empowered and authorized to sell, transfer and convey the said armory premises to the municipality in which the same is located upon the repayment to the state, without interest, of a sum equal to the amount allotted from state military funds and expended by the armory board in the improvement of the premises.

(10) If the municipality as such shall not have participated in procuring the armory site or in the construction of such armory, or having participated, declines to purchase, the said armory board is hereby empowered and authorized to sell, transfer and convey such armory premises to any person, association or corporation for a consideration not less than the moneys, with interest, expended by the state in improving or acquiring the said premises, giving preference of purchase to that person, association or corporation which contributed most liberally in aid of the local armory construction.

(11) Each armory shall be erected as a memorial to the valor, sacrifice, and patriotism of Wisconsin men and women who have served their country and their state upon the battlefield. As a fitting appreciation of their services, the armory board shall exhibit in a conspicuous place in each armory an honor roll, containing the names of the soldiers, sailors, marines, and nurses, who served this country in its different wars, and who entered service from the particular locality in which the armory is situated. The board shall also have erected appropriate tablets to the memory of men and women from such locality who have died while in the military or naval service of the United States.

(12) If armory premises are initially conveyed to the state by a military or affiliated organization, and such premises are appraised at a value of one hundred thousand dollars or over, then, upon the cessation of the military utility to the state of such premises by reason of the muster out of the military company or companies in occupation thereof, and the improbability of the organization of new military units in the same locality, the armory board is empowered and authorized to sell, transfer and convey the said armory premises to the grantor military company or organization at the then appraised value for non-military purposes of the improvements and betterments made or caused to be made on said premises at the cost of the state. [*1919 c. 324; 1919 c. 702 s. 6; 1921 c. 118, 120, 499*]

21.62 Rules for issuance of state property to bands. The governor may, by orders, prescribe and establish such rules and regulations for the issuing of state property to bands and the giving of security therefor, the mustering, inspection, property and other returns, as he may deem proper. [*Stats. 1915 s. 649—21; 1917 c. 537 s. 1*]

21.63 Allowances for encampment may be withheld. The allowances provided for any encampments may be withheld by order of the governor, and applied to the payment of any damage to grounds, buildings, uniforms, equipments, or any property, public or private, which may be caused by the fault or neglect of any officer or enlisted man in camp or en route to or from the same. [*Stats. 1915 s. 649—24; 1917 c. 537 s. 1*]

21.64 Assembling of company for instruction. Each company of the national guard shall assemble for instruction at least four times in each month, unless in the case of infantry companies excused for good and sufficient reasons by the regimental commander, and in case of a troop or battery unless excused by special order of the governor. [*Stats. 1915 s. 649—13; 1917 c. 537 s. 1*]

21.65 Annual inspection. At least once in each year and upon not less than three days' notification to the commanding officer, an inspection shall be made of each company and band, and regimental and battalion noncommissioned staff of the national guard by some officer appointed by the governor for that purpose, in the same manner and form prescribed for United States troops. The inspecting officer shall be furnished with the

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last muster roll and ordnance and quartermaster's return of such company, and shall report to the governor in writing on a form provided for that purpose. [*Stats. 1915 s. 649—16; 1917 c. 537 s. 1*]

21.66 Mustering of company and band. Each and every company and band of the national guard shall be mustered by the commanding officer thereof, as provided in the United States army regulations. [*Stats. 1915 s. 649—17; 1917 c. 537 s. 1*]

21.67 Mustering out of company for negligence or insubordination. Whenever any company shall fall below the minimum in membership, become lax in discipline, negligent in drill or other duties, insubordinate, or its members lose interest in their organization, or when, upon inspection, it shall appear to be not properly organized or conducted, or when musters and returns shall not be made, the governor may muster out the same, and may direct all arms, accoutrements and stores to be delivered up by whomsoever held, and if any person, who was a member of such disbanded company, shall appear with or retain arms or property of the state in his possession, until again mustered or enlisted in service, he shall forfeit not less than twenty-five dollars nor more than one hundred dollars. [*Stats. 1915 s. 649—15; 1917 s. 537 s. 1*]

MILITARY SCHOOL.

21.68 St. John's military academy. (1) St. John's Military Academy at Delafield, Wisconsin, is hereby recognized and approved as a military school by the state of Wisconsin, as long as St. John's Military Academy remains recognized and approved by the United States government as a military school of the first class, and the governor is hereby directed to provide for its annual inspection by appointing for this purpose a committee of three members recommended respectively by the adjutant general, the state superintendent of public instruction, and the president of the state board of health.

(2) The governor is furthermore authorized and directed to appoint and commission the officers of the school as officers of the national guard of Wisconsin, to rank as follows: The president as colonel and aide-de-camp; the commandant as inspector general, with rank of major; and the surgeon as major of the medical corps.

(3) Furthermore, any commissioned officer of the militia of Wisconsin may enter as a pupil at said military academy, for a period of time not exceeding ten months, and receive instruction in any or all of the departments of military science therein taught, without being required to pay any fee or charge whatever for such instruction.

(4) Nothing in this section shall be construed to require an appropriation. [*Stats. 1915 s. 649—35, 649—36; 1917 c. 537 s. 1*]

21.69 Free instruction in military science. (1) Any university, college or academy or other educational institution either endowed or operated without profit and regularly incorporated under and by authority of the state of Wisconsin and wherein there is given annually by an officer or officers duly appointed by the United States army or navy or both a course of instruction in military or naval science and tactics, may, by application signed by the chancellor, president or other presiding officer and under the seal of the institution, be declared a post of the Wisconsin national guard, provided that such institution shall offer free instruction in military science and tactics and the art of war to such officers of the national guard of the state of Wisconsin as the adjutant general may designate to attend such school.

(2) The governor is hereby authorized and directed to select such officer as may be agreeable to the board of directors or trustees of such institution and commission him as commanding officer of such post with the rank of colonel of infantry in the Wisconsin national guard. There may be furthermore commissioned on the recommendation of the commanding officer of such post and on the approval of the adjutant general, an assistant to the commanding officer; and a post-surgeon with the rank of major; and a quartermaster and a limited number of tactical officers with the rank of captain; provided that all such officers shall give evidence of their fitness for the receiving of military rank by passing such examinations as the adjutant general may prescribe.

(3) All such officers shall be subject, furthermore, to service with the troops of the national guard of the state at such time and place as the governor or the adjutant general may direct, but not to receive pay unless so serving.

(4) The governor shall annually appoint a committee of three members, one of whom shall be appointed on the recommendation of the adjutant general, one on the recommendation of the state superintendent of public instruction and one on the recommendation of the president of the state board of health. With a view to the proficiency of the said departments, said committee shall, without any notice whatsoever, visit and inspect the post, making a thorough inspection of the military and naval department, the disci-

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pline, the course of study and work of the academic department, and the sanitary condition of the post, and report to the governor the results of such inspections.

(5) The graduates of the courses in military science and tactics in any such university, college, or academy as may be designated a post of the national guard and be under inspection as directed, shall be eligible to appointment as second lieutenants in the Wisconsin national guard, and may be commissioned as such, and assigned to vacancies at the discretion of the governor upon the recommendation of the commanding officer of the post, provided such graduates are residents of the state of Wisconsin. [*1919 c. 302*]

CHAPTER 22.

WISCONSIN NAVAL MILITIA.

22.01 Naval militia; organization.
22.02 Lieutenant commander; staff; appointment; petty officers.
22.03 Company officers.
22.04 Organization; discipline; vacancy; control.
22.05 Examining board.
22.06 Arms; equipment.
22.07 Duties; compensation; "armory" defined.
22.08 Exemptions; privileges.

22.01 Naval militia; organization. There shall be allowed in addition to the forces now authorized by law to be maintained, four divisions or companies of naval militia, each of the number of men hereinafter stated. Four companies or divisions shall constitute a battalion, to be known as the "Wisconsin Naval Militia." [*Stats. 1915 s. 649m; 1917 c. 537 s. 2*]

22.02 Lieutenant commander; staff; appointment; petty officers. (1) The naval militia shall be commanded by an officer to be appointed in the first instance by the governor, and commissioned by him, with the rank of lieutenant commander, who shall have the power to appoint a staff to consist of one executive officer, with the rank of lieutenant; one navigating officer, one past assistant engineer, one ordnance and equipment officer, all with the rank of lieutenant; one signal officer, one assistant surgeon, one assistant paymaster, one chaplain, and one judge advocate, all with the rank of lieutenant junior grade, one ensign who shall be aid to the commanding officer, all who shall be commissioned by the governor, when so appointed.

(2) There shall also be attached to the commanding officers' staff the following petty officers,—one master-at-arms, who shall be the chief petty officer of the naval force, one chief boatswain's mate, one gunner's mate, one equipment yeoman, one apothecary, one ship's armorer, one electrician, and one machinist, one chief quartermaster, one coxswain, one chief bugler, and one band not exceeding twenty-one pieces. [*Stats. 1915 s. 649n; 1917 c. 537 s. 2*]

22.03 Company officers. To each company or division there shall be one lieutenant; one lieutenant, junior grade; and two ensigns, to be elected in the first instance by the members of said company or division, and commissioned by the governor; and thirty-five petty officers and men as a minimum, and sixty-five petty officers and men as a maximum; the petty officers of each company to be appointed by the commander upon the recommendation of the lieutenant in command thereof. [*Stats. 1915 s. 649o; 1917 c. 537 s. 2*]

22.04 Organization; discipline; vacancy; control. (1) The organization of the naval militia shall conform generally to the provisions of the laws of the United States, and the system of discipline and exercise shall conform as nearly as possible to that of the United States navy, as now or hereafter organized; and whenever a vacancy shall occur in any position herein enumerated, the ranking officer next below shall, by virtue of his rank, succeed to and become entitled to said position and rank and the governor, upon such succession, shall issue a commission to said successor, as if originally appointed.

(2) When not otherwise provided for, the government of the naval militia shall be controlled by the provisions of the military code of the state of Wisconsin. The naval militia shall be under the control of the adjutant general under the commander in chief, and all reports shall be made to him through proper channels. [*Stats. 1915 s. 649p; 1917 c. 537 s. 2*]

22.05 Examining board. All officers below the grade of lieutenant commander shall hold their commissions for ninety days as acting officers in the grade to which appointed or elected, and within that time shall be examined as to their mental and physical qualifications, and if not passing satisfactorily, the acting appointment shall then

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cease. The examining board shall consist of three officers, one of whom shall be the commanding officer. [*Stats. 1915 s. 649q; 1917 c. 537 s. 2*]

22.06 Arms; equipment. When the government of the United States is ready to supply arms and equipment, as well as material and opportunity, for naval instruction and drill, the governor is authorized to make the necessary arrangements for carrying such program into effect. [*Stats. 1915 s. 649r; 1917 c. 537 s. 2*]

22.07 Duties; compensation; "armory" defined. The duty of the naval militia required by law, or any part of it, may be performed afloat in United States vessels, officers and men of the naval militia, while mustered temporarily into the service of the United States for instruction, or active service, other than when called into active service by the governor, in time of war, riot, insurrection, etc., shall not be entitled to any compensation or allowance from the state. The word "armory," as used in the military code, shall be held to include any vessel, anchored, moored or secured to land, or any boat, boathouse or dock, used for the purpose of instruction, drill or defense. [*Stats. 1915 s. 649s; 1917 c. 537 s. 2*]

22.08 Exemptions; privileges. The exemptions, and privileges granted by law, to the officers and enlisted men of the national guard, are extended to the members of the naval militia. [*Stats. 1915 s. 649t; 1917 c. 537 s. 2*]

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TITLE IV.

Public Domain and the Trust Funds.

CHAPTER 23.

COMMISSIONERS OF THE PUBLIC LANDS AND THE CONSERVATION COMMISSION.

COMMISSIONERS OF THE PUBLIC LANDS.

23.01 Constitutional board.
23.02 Jurisdiction.
23.03 May investigate land claims.
23.04 Office in capitol; records; copies as evidence.
23.05 Chief clerk; assistant; clerks; appointments; duties; oath.
23.06 Not to buy lands.
23.07 Report of commissioners.
23.08 Land commissioners and conservation commission to co-operate.

CONSERVATION COMMISSION.

23.09 Creation, term, organization, salary, oath.
23.10 Conservation wardens.
23.11 General powers.
23.12 By-laws.

PROVISIONS COMMON TO BOTH BOARDS.

23.13 Governor to be informed.

COMMISSIONERS OF THE PUBLIC LANDS.

23.01 Constitutional board. The board created by section seven of article X of the constitution may be styled in any session law, statute or proceeding in a court of justice as "Commissioners of the Public Lands." [*1917 c. 456 s. 3*]

23.02 Jurisdiction. Together with the power and duty of selling the school and university lands and investing the funds arising therefrom, prescribed for said commissioners by the aforesaid section of the constitution, they are invested with power to dispose of all other public lands and all interests in lands held by the state for sale, and with such further powers as may be necessary or convenient to enable them to exercise the functions and perform the duties imposed upon them by law. [*1917 c. 456 s. 3*]

23.03 May investigate land claims. Said commissioners may make investigations concerning the rights of the state to indemnity swamp lands, and select and secure all such lands as it is or may hereafter be entitled to. The accounts for expense incurred in so doing, on their approval, shall be payable out of the general fund, and charged to the appropriation for the commissioners of the public lands. In all other cases the expenses connected with securing and selecting public lands shall be paid from the fund to which the proceeds from the sale thereof will be added, and accounts for such expenses, when so approved, shall be audited by the secretary of state and paid from such fund. [*Stats. 1915 s. 185; 1917 c. 456 s. 4*]

23.04 Office in capitol; records; copies as evidence. (1) Said commissioners shall keep their office in the capitol. They shall conveniently arrange and preserve therein all records, books, reports, surveys, maps, field notes, plats and other papers pertaining to the public lands heretofore, now, or hereafter owned by the state, including all such as have been or shall be received from the United States or any officer thereof. They may perfect such records, books, reports, surveys, maps, field notes, plats and other papers when incomplete, and cause fair copies thereof to be made when from injury, loss, use or accident it shall become necessary; and any such copy when certified by the chief clerk of the land office under his hand and the official seal of said office to have been made for any of the causes herein specified, and to be a correct copy thereof, shall have the same force and effect in all courts and places as the original; and any copy from said original records, books, reports, surveys, maps, field notes, plats or other papers, or from any record or paper required by law to be kept in their office, or any copy from said certified copy thereof, when certified by the chief clerk of the state land office or any one of the commissioners of the public lands under the official seal of said commissioners, shall be received in evidence with the same effect as the original.

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(2) All records, books and files kept by the commissioners shall at all business hours be open, under proper regulations made by them, to the inspection of any person, free of charge. The commissioners also may in like manner make, perfect, and complete proper records, books, reports and other papers pertaining to the lands of which the state has been or is trustee for the United States. [*Stats. 1915 s. 186; 1917 c. 456 s. 5*]

23.05 Chief clerk; assistant; clerks; appointments; duties; oath. The commissioners shall appoint from the competitive class pursuant to the provisions of chapter 16 of the statutes, a chief clerk and an assistant chief clerk who shall, during the absence of the chief clerk, have all the authority given by law to the chief clerk; and such other clerks as provided in subsection (1) of section 20.73. Such appointments shall be filed in the office of the secretary of state. Every such clerk shall take and file the official oath. [*Stats. 1915 s. 187; 1917 c. 456 s. 6; 1919 c. 93 s. 9*]

23.06 Not to buy lands. The said commissioners, and all clerks and other persons employed by them or about any of their respective offices, are prohibited from purchasing any of the public lands, directly or indirectly, either in their own name or in the name of any other person in trust for them or either of them; and for every tract or parcel of land purchased in violation hereof each such person offending shall forfeit the sum of two hundred and fifty dollars. [*Stats. 1915 s. 188; 1917 c. 456 s. 7*]

23.07 Report of commissioners. The said commissioners shall within ten days after the thirtieth day of June in each even-numbered year, make a report to the governor of their official proceedings, showing the quantity of land sold or leased and the amount received therefor, the amount of interest moneys accrued or received, and a specific account of the several investments made by them, stating in all cases of loans, the name of each borrower, the sum borrowed, and a description of the property mortgaged, and such other matters as they may think proper to communicate or as the legislature may require. [*Stats. 1915 s. 191; 1917 c. 456 s. 8*]

23.08 Land commissioners and conservation commission to co-operate. The commissioners may, in their discretion make requisitions upon the conservation commission for suitable men in its employ to appraise lands or perform such other service in field or forest as the commissioners may need to have done. So far as practicable the commissioners may select the men to serve, and during such temporary service the men shall be their assistants and subject to their orders. In other respects, as far as may be found practicable, said commissioners and said commission shall mutually co-operate in order to make economical use of their respective employes, equipments and facilities and to enhance the value of the public lands. [*1917 c. 456 s. 9*]

CONSERVATION COMMISSION.

23.09 Creation, term, organization, salary, oath. (1) A state conservation commission is hereby created to be composed of three commissioners, not more than two of whom shall belong to the same political party. Immediately after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint such commissioners, but no commissioner so appointed shall be qualified to act until so confirmed. One of the commissioners shall be a man with a thorough knowledge of the propagation, protection and care of fish and game; the second shall be a technically trained forester; and the third a competent man with practical experience in commercial and business affairs. The term of one of such appointees shall terminate on the first Monday in February, 1917; the term of the second such appointee shall terminate on the first Monday in February, 1919; and the term of the third such appointee shall terminate on the first Monday in February, 1921. In January, 1917, and biennially thereafter, there shall be appointed and confirmed in the same manner, one commissioner for the term of six years from the first Monday in February of such year. Each such commissioner so appointed shall hold his office until his successor is appointed and qualified. Each such commissioner shall receive an annual salary of three thousand five hundred dollars, and his actual and necessary traveling expense incurred in the conduct of his official business.

(3) No commissioner, nor the secretary, shall hold any other office, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office. Each of said commissioners shall maintain his residence in the city of Madison.

(4) Each of said commissioners shall take and file the official oath.

(5) On the second Monday of February in each odd-numbered year the commissioners shall meet at the office of the commission and elect a chairman who shall serve for two years and until his successor is elected. A majority of said commissioners shall constitute

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a quorum to transact business, and a single vacancy shall not impair the right of the remaining two commissioners to exercise all the powers of the commission.

(6) Said commission shall appoint a secretary who shall keep a full and correct account of all transactions and proceedings of said commission and shall perform such other duties as may be required by said commission and shall receive an annual salary the amount of which shall be fixed by the commission and approved by the governor. Said commission may employ the necessary clerks and stenographers to perform the clerical work of the office, and appoint and employ such foresters, wardens, experts, agents, superintendents, assistants and employes as may be necessary to carry out the provisions of this section, and shall fix the compensation for such clerks, stenographers, foresters, wardens, experts, agents, superintendents, assistants and employes, subject to the approval of the governor as to the number thereof and the amount of their respective salaries or compensation. All such employes shall receive their actual and necessary traveling expenses incurred in the performance of their duties, but no such expense account shall be audited unless the same is fully itemized and verified by the oath of such employes that such expenses were actually incurred in performance of their duties.

(7) The commissioners shall be known collectively as the "State Conservation Commission of Wisconsin." It shall have a seal with the words "State Conservation Commission of Wisconsin," and such other design as the commission may prescribe engraved thereon; by which it shall authenticate its proceedings and of which the court shall take judicial notice.

(8) Said commission shall keep its office at the state capitol and the governor, the state chief engineer, and the superintendent of public property are directed to provide suitable rooms for that purpose. The superintendent of public property is directed to furnish the necessary office furniture, supplies, postage and stationery, equipment and instruments, printed forms, and notices, and special publications, subject to the printing laws of the state; except such material and supplies as must necessarily be purchased locally for the various hatcheries, parks, reserves, etc. Said commission may hold meetings at other places than the capitol whenever in its judgment the interests of the state can best be served by so doing, and may sell equipment and paraphernalia used by it whenever in its judgment such sale will be of advantage to the state. [*Stats. 1915 s. 62.01 sub. (1) to (8); 1917 c. 456 s. 10; 1917 c. 628 s. 17; 1917 c. 677 s. 60; 1919 c. 93 s. 10; 1919 c. 362 s. 19, 28, 32*]

23.10 Conservation wardens. (1) The state conservation commission shall secure the enforcement of all laws which it is required to administer and bring, or cause to be brought, actions and proceedings in the name of the state for that purpose. The persons appointed by said commission to exercise and perform the powers and duties heretofore conferred and imposed upon deputy fish and game wardens, shall be known as conservation wardens and shall be subject to the provisions of chapter 16 of the statutes.

(2) Whenever the county board of any county shall by resolution authorize the appointment of county conservation wardens, and shall fix the number of the same, it shall be the duty of the county judge, district attorney, and county clerk, acting as a board of appointment, to select the persons for such positions and certify their names to the state conservation commission which shall, if in its judgment such persons are competent and efficient, issue to them commissions as county conservation wardens. Such wardens shall, within their county, have all the powers and perform the duties of conservation wardens, but their compensation shall be fixed by the county board in the resolution authorizing their appointment and be paid out of the county treasury.

(3) On application, supported by satisfactory testimonials, the state conservation commission may appoint, and issue a commission to any resident of this state as special conservation warden. The civil service law shall not apply to such appointments. Such special deputies shall have all the powers of deputy conservation wardens; but no compensation for such service, nor any other expense or charge on account thereof, shall be paid from the state treasury.

(4) All conservation wardens shall, before exercising any of their powers, be provided with a commission issued by the state conservation commission under its seal, substantially as follows:

STATE CONSERVATION COMMISSION OF WISCONSIN.

To all to whom these presents shall come, greeting:

Know ye, that reposing special trust and confidence in the integrity and ability of ...., of the county of ...., we do hereby appoint and constitute him a conservation warden (or county, or special conservation warden) for the (county of ....), state of Wisconsin, and do authorize and empower him to execute and fulfill the duties of that office according to law, during good behavior and the faithful performance of his duties.

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In testimony whereof, we have hereunto affixed the signature and official seal of said commission, at its office in the city of Madison, Wisconsin, this .... day of ...., 19...
(Seal) STATE CONSERVATION COMMISSION OF WISCONSIN.
By ....

(5) The state conservation commission shall furnish to each conservation warden at the time of his appointment, a pocket identification folder in form and substance as follows: A leather-covered folder, size when folded, three by four inches; on one of the inner sides thereof shall be securely fastened a photograph of such appointee to be furnished by him, and partly on the photograph and partly on the margin of such folder shall be an impression of the seal of the state conservation commission; such appointee shall also affix his signature below the photograph on such folder; on the other inner side of such folder shall be securely fastened a miniature true copy of the commission issued to such appointee, which shall be signed by the state conservation commission. Such appointee, when on official duty, shall at all times carry such identification folder on his person, and shall on demand exhibit the same to any person to whom he may represent himself as a conservation warden. The cost of such identification folder shall be charged to the appropriation for the state conservation commission.

(6) All conservation wardens shall make full and complete reports of their transactions as such, according to the demand of the state conservation commission and shall at all times be subject to its direction and control in the performance of their duties. They shall also gather and transmit any and all statistical information relative to such matters within their charge as the said commission shall from time to time direct. The commission shall make a report to the governor during July of each even-numbered year, covering all its work and such other information as may be valuable to the state in relation thereto and including an itemized statement of receipts and disbursements. [*Stats. 1915 s. 62.03; 1917 c. 456 s. 12*]

23.11 General powers. (1) In addition to the powers and duties heretofore conferred and imposed upon said commission by this chapter it is empowered and required to have and take the general care, protection and supervision of all state parks, of all state fish hatcheries and lands used therewith, of all state forests, and of all lands owned by the state or in which it has any interests, except lands the care and supervision of which are vested in some other officer, body or board; and said commission is granted such further powers as may be necessary or convenient to enable it to exercise the functions and perform the duties required of it by this chapter and by other provisions of law. But it is not empowered to perform any act upon state lands held for sale that will diminish their saleable value.

(2) Whenever any lands placed by law under the care and supervision of the commission are inaccessible because surrounded by lands belonging to individuals or corporations, and whenever in the opinion of the commission the usefulness or value of such lands, whether so surrounded or not, will be increased by access thereto over lands not belonging to the state, the commission may acquire such lands as may be necessary to construct highways that will furnish the needed access.

(3) Said commission shall consider the natural resources of the state and report to the governor from time to time the results of its investigations with recommendations of such measures as it deems necessary or suitable to conserve such resources and preserve them, so far as practicable, unimpaired. [*1917 c. 456 s. 13; Stats. 1917 s. 1494—40; 1919 c. 303 s. 1, 2; 1919 c. 571 s. 2*]

23.12 By-laws. Said commission may make and establish such rules and by-laws, not inconsistent with law, as it may deem useful to itself and its subordinates in the conduct of the business entrusted to it. [*1917 c. 456 s. 13*]

PROVISIONS COMMON TO BOTH BOARDS.

23.13 Governor to be informed. The commissioners of the public lands and the state conservation commission of Wisconsin shall furnish to the governor upon his request a copy of any paper, document or record in their respective offices and give him orally such information as he may call for. [*1917 c. 456 s. 14*]

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CHAPTER 24.

ENTRY AND SALE OF PUBLIC LANDS.

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LEASES, LICENSES AND SALES OF DAMAGED TIMBER.

24.39 Leases, etc.
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GENERAL PROVISIONS.

24.01 Definitions and classification. Terms used in chapters 23, 24, 25, 26, 27, 28, and 29 of the statutes are defined as follows:

(1) "Public lands" embraces all lands and all interests in lands owned by the state either as proprietor or as trustee which constitute any part of the lands defined or specified in either of the following paragraphs of this section.

(2) "School lands" embraces all lands made a part of "the school fund" by section 2 of article X of the constitution.

(3) "University lands" embraces all lands the proceeds of which are denominated "the university fund" by section 6 of article X of the constitution.

(4) "Swamp lands" embraces all lands which have been or may be transferred to the state pursuant to an act of congress entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, 1850, or pursuant to an act of congress entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," approved March 2, 1855.

(5) "Normal school lands" embraces all parcels of said "swamp lands" which the legislature has declared or otherwise decided, or may hereafter declare or otherwise decide, were not or are not needed for the drainage or reclamation of the same or other lands.

(6) "Agricultural college lands" embraces all lands granted to the state by an act of congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862.

(7) "State Park lands" embraces all lands constituting the state parks specified in section 27.01.

(8) "State forest lands" embraces all lands specified in section 28.01.

(9) "Marathon county lands" embraces all lands acquired by the state pursuant to chapter 22 of the general laws of 1867.

(10) "Lands purchased for forest reserve" embraces all the lands acquired by the state in pursuance of chapter 450, laws of 1903, or chapter 264, laws of 1905, or chapter 638 or chapter 639, laws of 1911, or in pursuance of sections 1494—41 to 1494—62, both inclusive, Wisconsin Statutes of 1915, and all lands acquired by the state through tax sales and tax deeds.

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State park lands and state forest lands are not held for sale and are not subject to the provisions of this chapter. [*Stats. 1915 s. 184; 1917 c. 454 s. 2; 1917 c. 671 s. 7; 1917 c. 677 s. 87*]

24.02 Addition to the public lands. Addition to any class of lands specified in section 24.01, except lands purchased for forest reserve and Marathon county lands, may be effected by grant, conveyance or devise made as a donation to the state for the purpose of the fund to which such class belongs. But no such proffered donation shall be accepted until the title of the donor has been examined and approved by the attorney-general. [*1917 c. 454 s. 3*]

24.03 Escheats. The commissioners of public lands shall, whenever they shall have reason to believe that any lands have escheated to the state for defect of heirs, cause due inquiry to be made to ascertain the rights of the state, and the attorney-general shall bring any suit or action or take any requisite proceeding necessary to protect and secure the rights of the state. The said commissioners may, in their discretion, either take possession of, or cause to be sued for and recovered as aforesaid when necessary, any real estate believed to have escheated to the state, or may proceed directly to sell all the right, title and interest of the state therein, without first obtaining possession thereof and without establishing title thereto by action. [*Stats. 1915 s. 283; 1917 c. 454 s. 4*]

24.04 Administrative receipts and disbursements. (1) RECEIPTS. Said commissioners shall collect from purchasers of land a fee of fifty cents for every certificate and fifty cents for every patent issued by them and pay the same, together with all moneys for expenses of advertising, damages and costs received either by redemption or resale of any public lands forfeited after having been sold by the state, into the state treasury to the credit of the general fund. The chief clerk may take the acknowledgments of said commissioners to all certificates and patents, and no fees shall be charged therefor.

(2) DISBURSEMENTS. All expenses necessarily incurred in caring for and selling public lands shall be paid out of the general fund. [*Stats. 1915 s. 189, 252; 1917 c. 454 s. 5*]

24.05 Survey of lands. Whenever it shall appear to said commissioners necessary that surveys should be made in order to ascertain the true boundaries of any tract or portion of the public lands, or to enable them to describe and dispose of the same in suitable and convenient lots, they may cause all such necessary surveys to be made. [*Stats. 1915 s. 192; 1917 c. 454 s. 6*]

24.06 Plat of lands. Said commissioners may subdivide any parcel of public lands into smaller parcels or village lots, with streets and alleys if necessary, whenever they believe a larger net price can be obtained by selling the land in such smaller parcels or lots. A survey and plat of such subdivision, verified by its maker as true and correct, shall be returned and recorded in the office of the commissioners, and the parcels or lots designated thereon shall be appraised before they are offered for sale. Such subdivision shall be ordered, the proceedings therefor governed, and such appraisal made in substantial accord with the provisions of section 24.08. [*Stats. 1915 s. 193; 1917 c. 454 s. 7*]

24.07 Sale of land with water power. Whenever a water power exists upon any public lands offered for sale the commissioners may sell together all the tracts or lots upon which such water power is situated and such other tracts or lots as are necessary for the use and enjoyment of the same, not exceeding, one hundred and sixty acres, or they may sell each such tract or lot separately, as in their opinion the larger proceeds may be derived from such sale. [*Stats. 1915 s. 195; 1917 c. 454 s. 8*]

24.08 Minimum price. (1) LANDS APPRAISED. Every parcel of public land, from whatever source derived, that has never been appraised, every parcel thereof forfeited to the state under section 24.28, and every parcel of land mortgaged to secure any loan of trust funds and bid in by the state at a sale thereof under the mortgage, shall be appraised pursuant to this section before it is offered or re-offered for sale at public auction or at private sale. All such lands may be reappraised whenever necessity therefore arises.

(2) APPRAISER. The commissioners shall from time to time and as often as they deem it necessary, make and enter in their minutes an order that any parcel or parcels of the public lands be appraised, describing the lands, appointing an appraiser and stating the reasons why the appraisal is deemed necessary. So far as practical such appraiser shall be a person already in the employ of the conservation commission, of good character, approved integrity, sound judgment, and well acquainted with the public lands; but when a competent person cannot be selected from a list of such employes any competent appraiser may be employed.

(3) APPRAISAL. The appraisement shall be made from actual view and at cash value, the land and the timber thereon, if any, to be appraised separately. It shall be in writing and be verified by the affidavit of the appraiser who shall testify that the same is

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just and was made as required by law. Such appraisement shall then be filed with the chief clerk and recorded.

(4) APPRAISED VALUE, MINIMUM PRICE, GOVERNMENT MINIMUM. Such appraised value shall be the minimum price of the land until sold or reappraised. Until an appraisal under this section, the appraisal last heretofore made of any parcel of public land, if any has been made, shall fix the minimum price thereof. Notwithstanding the provisions of this section no parcel of public land having a minimum price for the sale thereof fixed by the act of congress granting the same to the state, shall be sold for a lesser price than that so fixed. [*Stats. 1915 s. 202 to 206, 284, 285; 1917 c. 454 s. 9*]

PUBLIC SALES.

24.09 Procedure before sale; withdrawal; resale. (1) All public lands that have been heretofore appraised or appraised pursuant to section 24.08, except those within the Menominee, Stockbridge and Munsie Indian reservations, shall, from time to time in the discretion of said commissioners, be offered for sale at public auction. All such sales shall be made at such times and public places as said commissioners shall designate; and they shall, previous to any such sale, cause a notice specifying such time and place and describing the lands to be sold, to be published once in each week for six successive weeks in one newspaper printed in the county where such lands are situated; but if there be no such newspaper, then in the newspaper printed nearest to the place where such lands are situated.

(2) Said commissioners may, whenever they believe the public interest will be served thereby, withdraw and withhold from sale all or such portions of the public lands as in their opinion it may not be advantageous to sell, for so long a time as in their opinion will be most beneficial to the state; but when reoffered the lands so withdrawn shall first be offered at public sale in the manner prescribed by law. [*Stats. 1915 s. 207; 1917 c. 454 s. 10*]

24.10 Procedure at sale. At the time and place specified in such notice said commissioners shall commence the sale and thereafter continue the same from day to day (Sundays excepted) between nine o'clock in the forenoon and the setting of the sun, until all lands described in said notice have been offered. The order of such sale shall be to begin at the lowest number of the sections, townships and ranges in each county and proceed regularly to the highest, until all then to be sold are offered for sale. Each lot or tract of such lands shall, except such as may be withheld as provided in section 24.09, be offered separately at the minimum price fixed by law, and shall be cried at public auction long enough to enable every one present to bid; and if the minimum price or more be bid, such lot or tract shall be struck off to the highest bidder; but if such price be not bid the tract shall be set down unsold. [*Stats. 1915 s. 208; 1917 c. 454 s. 11*]

24.11 Terms of sales. (1) FOR CASH OR INSTALMENTS. Except as provided otherwise in subsection (4) public lands may be sold for cash, to be paid at the time of the sale, or on the following terms: The first payment shall be not less than fifteen per cent of the purchase price, and shall be made at the time of the sale together with interest on the deferred payments in advance to February first of the following year. In no case, however, shall the first payment be less than the value of the timber, if any, on the lands sold. The deferred payments may be made at any time within twenty years after the date of the sale at the option of the purchaser, with interest, thereon at the rate of seven per cent per annum, payable annually in advance on February first of each year.

(2) PURCHASER TO PAY TAXES. The land commissioner shall insert in every contract or certificate of sale of public land a clause providing that the vendee, his heirs, administrators or assigns shall pay or cause to be paid all taxes that are or that may be assessed against the land from and after the date of the said contract.

(3) RESERVATION. Every contract, certificate of sale, or grant hereunder of public lands shall be subject to the continued ownership by the state, of the fee to all lands bordering on any meandered or nonmeandered stream, river, pond or lake, navigable in fact for any purpose whatsoever, to the extent of one chain on every side thereof, and shall reserve to the people the right of access to such lands and all rights necessary to the full enjoyment of such waters, and of all minerals in said lands, and all mining rights therein, and shall also be subject to continued ownership by the state of all water-power rights on such lands or in any manner appurtenant thereto. Such conveyance shall also be subject to a continuing easement in the state and its assigns to enter and occupy such lands in any manner necessary and convenient to the removal of such mineral from such lands and to the proper exercise of such mineral rights, and shall be further subject to the continuing easement in the state and its assigns to enter and occupy such lands in any manner necessary and convenient to the development, maintenance and use of any

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such water rights. Nothing contained in this section shall be construed to provide for the continued ownership in the state of any stone used for building purposes nor of any sand or gravel.

(4) SPECIAL TERMS FOR ESCHEATED LANDS. Upon the sale of any escheated lands the entire purchase price shall be paid at the time of the sale; whereupon the commissioners shall execute and deliver to the purchaser a quitclaim deed of conveyance which shall vest in the grantee all the right, title and interest of the state in or to the land, and every right of action which the state has respecting the same; but no covenant or warranty of title, or of continued enjoyment, or against incumbrances, shall be expressed in or implied from such deed or any words therein. If by virtue of a better title a recovery of such land be had by any other person or party within twenty years after such purchase, the state shall refund to the purchaser or his assigns or legal representatives the amount paid by him for the land together with interest thereon at the rate of six per cent per annum from the date of the purchase until the date of recovery and also the amount of all taxes on the land actually paid by him with like interest on each payment from the time of payment to the date of the recovery. [*Stats. 1915 s. 209, 284; 1917 c. 454 s. 12, 13*]

24.12 Forfeit for failure to pay. Every purchaser of any lot or tract at any sale as aforesaid shall pay the amount of the purchase money required by the terms of sale to be paid in hand immediately after having bid off the same; and if he shall refuse or neglect to so pay, the lot or tract so bid off by him, shall again be offered for sale; and the purchaser shall, for such refusal or neglect to pay, forfeit twenty-five dollars for each lot or tract so bid off by him, which the commissioners shall, in the name of the state, cause to be immediately sued for and collected, and when collected paid into the school fund. [*Stats. 1915 s. 210; 1917 c. 454 s. 14*]

24.13 Maximum, one hundred sixty acres. No more than one hundred and sixty acres shall be sold to any one person. Every person having bid in any such lands at a public sale, or making application for the purchase thereof at private sale shall, before such sale is made, make and file with the commissioners of public lands, or their agent making such sale, the following affidavit:

STATE OF WISCONSIN, } ss.
.... County. }

.... being duly sworn, on oath says that he is a resident of the county of .... and state of ....; that he is desirous of purchasing .... (description of lands), situated in the county of .... and state of Wisconsin; that the public lands of this state, heretofore purchased by the affiant, together with the lands hereinbefore described, do not exceed one hundred and sixty acres; that he has no agreement or understanding and is under no contract, express or implied with any person, copartnership or corporation, for any sale, transfer or conveyance of said lands, now or at any future time, bona fide mortgages for raising some part of the purchase price excepted; and that he has not been engaged or instrumental, directly or indirectly, in inducing any person or persons to remain away from or to refrain from bidding at the last public sale at which said lands have been or are being offered. ....

Subscribed and sworn to before me this .... day of ...., A. D. 19..
[*Stats. 1915 s. 210; 1917 c. 454 s. 15*] ....

PRIVATE SALES.

24.14 Rights of swamp-land purchasers. Any person who has purchased from the United States or entered any of the lands patented to this state as swamp and overflowed lands, or lands patented in lieu of such lands, prior to the execution of such patents to this state, may whenever such entries have been canceled by the United States on account of conflict with the right and title of this state to such lands, purchase from this state, prior to the date fixed for the public sale thereof, such lands so purchased or entered from the United States, upon making satisfactory proof to the commissioners that such person is the identical person, or the heir, legal representative or assign of the person, who purchased or entered such lands as aforesaid, and upon paying to this state for such lands the same price at which such purchase or entries were made from the United States; but nothing contained in this chapter shall impair the rights acquired by any person who has pre-empted any such lands under the laws of this state. [*Stats. 1915 s. 206a; 1917 c. 454 s. 17*]

24.15 Private entry. All puplic lands, including forfeited lands and mortgaged lands bid in by the state, which shall have once been offered or reoffered at public sale and remain unsold, shall be subject to private sale at the minimum price fixed therefor by law to the person first making application therefor; if he forthwith complies with

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the term of sale; but if two or more persons shall apply at the same time to purchase any of such lands the same shall be offered to the highest bidder, and the applicant who will pay the highest price shall be the purchaser. [*Stats. 1915 s. 211; 1917 c. 454 s. 18*]

24.16 Applications for private sale. Every person making application for the purchase at private sale of any such lands shall file in the office of said commissioners an application in writing, describing the lot or tract which he proposes to purchase by the proper number of the section, township and range, and the subdivision of the section, with his name subscribed thereto. The commissioners shall, if the land applied for may then be sold, enter on books kept for that purpose a note of such application, specifying the day when made, the name of the applicant, and the description of the land applied for, and shall also give to such applicant a memorandum, stating such application and describing the lot or tract applied for, and stating the price at which the same may be sold and the amount to be paid at the time of the sale, which memorandum shall be signed by the chief clerk. [*Stats. 1915 s. 212; 1917 c. 454 s. 19*]

24.17 Receipt and certificate. (1) When the purchaser of any such lands shall make payment to the treasurer of the amount required to be paid on such sale, and, in case of a private sale, shall also produce the memorandum mentioned in section 24.16, he shall give a receipt therefor to such purchaser, and unless such sale be made wholly for cash said commissioners shall execute and deliver to such person a duplicate certificate of sale, in which they shall certify:

(a) The description of the land sold;

(b) The sum paid and the amount remaining due thereon;

(c) The times, place and terms of payments;

(d) That if such payments shall be duly made the purchaser or his assigns or other legal representatives shall be entitled to a patent for such land;

(e) And that in case of the nonpayment into the state treasury of the purchase money as it shall become due, or of the interest thereon by the first day of February in each year or on or before the thirtieth day of June thereafter, or of any taxes lawfully assessed thereon and then remaining unpaid by the purchaser or purchasers or by any person claiming under him or them, then that the said certificate from the time of such failure shall be utterly void and of no effect, and that the said commissioners may take possession of the land described in such certificate and resell the same.

(2) When the sale is wholly for cash, upon payment as above provided, the treasurer shall thereupon give to such purchaser a receipt stating the amount paid and giving a description of the lot or tract of land sold and that such purchaser is entitled to receive a patent according to law. [*Stats. 1915 s. 213; 1917 c. 454 s. 20*]

24.18 Entry of sale and patent. When any sale is made said commissioners shall make a note thereof in the book of entries, and shall enter therein the day of sale, the name of the purchaser, the number of the certificate or patent, the sum paid, the amount of purchase money unpaid, if any, and a description of the lot or tract sold. If such sale be made wholly for cash they shall thereupon execute and deliver to the purchaser a patent for such lot or tract of land so sold. If sold at public auction they shall note that fact. [*Stats. 1915 s. 214; 1917 c. 454 s. 21*]

24.19 Certificate of sale. All original and duplicate certificates shall be properly numbered, and the original shall be filed in the office of said commissioners, and as many distinct lots or tracts of land hereafter purchased by one person in one section at the same time as he shall request shall be included in one certificate or one patent, as the case may be. All certificates may be acknowledged and recorded in the same manner that deeds may be. They may also be assigned in writing, which assignment may be acknowledged and recorded in like manner, and the person to whom the same shall be legally assigned shall have the same rights and remedies thereupon as the original purchaser would have had. [*Stats. 1915 s. 215; 1917 c. 454 s. 22*]

24.20 Payments and accounts. All money paid on account of sales of public lands shall be paid to the state treasurer who shall credit the proper fund therewith, crediting the general fund with the proceeds of sales of Marathon county lands, and the secretary of state, upon countersigning the receipt given therefor, shall charge the treasurer therewith, and shall also enter the name of the person paying the same, the number of the certificate, if any, upon which the amount shall be paid and the time of the payment. [*Stats. 1915 s. 216, 252; 1917 c. 454 s. 23*]

24.21 Accounts with purchasers. The said commissioners shall open and keep an account with each purchaser for every lot or tract of land that shall be sold, either at public or private sale, in books kept for that purpose, in which they shall charge the purchaser with the whole purchase money and give him credit for all his payments, making proper charges for interest as the same shall become due, and for all taxes returned

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to them as unpaid by the proper officer; and upon all payments being completed and the patent issued the account shall be balanced. [*Stats. 1915 s. 217; 1917 c. 454 s. 24*]

24.22 Excessive payments to be refunded. Whenever full payment of the principal due upon any certificate of sale by the state shall be made subsequent to the payment of the annual interest thereon, the excess of the interest so paid shall be refunded to the person entitled thereto from the proper fund, on the warrant of the secretary of state; and in case of the double or erroneous payment of interest, charges or taxes on any certificate of sale or loan by the state the amount so erroneously paid shall be in like manner refunded. [*Stats. 1915 s. 218; 1917 c. 454 s. 25*]

24.23 Title; patents. The title and fee of all public lands shall remain in the state until patents shall issue for the same; and no such patent shall issue except upon full payment of the purchase money and interest and all taxes returned and lawful charges thereon. [*Stats. 1915 s. 219; 1917 c. 454 s. 26*]

24.24 Effect of certificate. (1) The certificate of sale, issued pursuant to section 24.17, until the same shall become void by forfeiture as herein provided, shall entitle the purchaser, his heirs or assigns, to all the rents, benefits and provisions of any lease existing thereon at the time of such purchase and thereafter accruing, and shall be sufficient evidence of title, and shall vest in him, his heirs and assigns, the same rights of possession, enjoyment, descent, transmission and alienation of the lands therein described, and the same remedies for the protection of said rights, as against all persons except the state, that he would possess if he were the owner thereof in fee.

(2) No such certificate shall confer the right to cut down, destroy or dig up or carry off any standing wood or timber, or any mineral, without the written consent of said commissioners, except that such wood or timber may be cut when to be used, and it shall be exclusively used, in the erection of fences or buildings on such lands, or for necessary firewood for the household use of the persons actually occupying the same, or when done in good faith for the actual and fair improvement of such land for cultivation.

(3) But no such cutting shall be deemed to have been done for the purposes of cultivation unless the entire surface from which such wood and timber is cut shall have been at the time further prepared therefor by thoroughly clearing it of all brush and growing wood of every kind thereon, except that shade or ornamental trees on not more than ten adjoining acres selected for building purposes, and trees valuable for saw or rail timber, not to exceed twenty upon each acre, may be left standing. Any wood, timber or mineral otherwise cut, dug out or removed from any such land shall be and remain the property of the state. [*Stats. 1915 s. 220; 1917 c. 454 s. 27*]

24.25 Patent and record thereof. Whenever full payment shall have been made for any such lands as required by law, and the purchaser or his legal representatives shall produce to the said commissioners the duplicate certificate of sale, with the receipt of the state treasurer indorsed thereon, showing that the whole amount of the principal and interest due thereon has been paid and that the holder of such certificate is entitled to a patent for the lands described therein, the original and duplicate certificates shall be canceled, and said commissioners shall thereupon execute and deliver a patent to the person entitled thereto for the land described in such certificate. All patents issued by said commissioners shall be recorded in their office; and the record of patents heretofore issued by them is hereby declared a legal record. Purchasers may, at any time before due, pay any part or the whole of such purchase money and the interest thereon. In all cases where patents have been or may hereafter be issued to a person who may have died or who shall die before the date thereof, the title to the land described therein shall inure to and become vested in the heirs, devisees or assignees of such person to the same extent as if the patent had issued to him during his lifetime. [*Stats. 1915 s. 221; 1917 c. 454 s. 28*]

24.26 Patentee's rights. Except as provided otherwise by section 24.11 any person, his heirs or assigns, who shall receive a patent pursuant to law for any public lands shall thereby acquire the right to all timber, lumber, trees, wood, bark, stone, earth, and other materials cut, dug, taken or removed therefrom before the issue of such patent, unless the same shall have been cut, dug, taken or removed by the assent of said commissioners or sold by the state, and may maintain any proper action for the recovery thereof, or for any injury done to or trespass committed upon said lands before such patent shall have been issued, in the same manner and with the like effect, and he shall be entitled to like damages as if such injury or trespass had been committed after the patent had issued. [*Stats. 1915 s. 222; 1917 c. 454 s. 29*]

24.27 Purchase money a loan. The purchaser of any such land, when the balance of the purchase money therefor shall become due, may retain the same as a loan from year to year on payment annually in advance, or on or before the last day of May, of the

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interest on the sum due, at the rate of interest specified in the certificate of sale, and the taxes annually assessed on the land described in such certificate, until required to pay the whole or part by the said commissioners, as provided in chapter 25, or until the legislature shall otherwise direct. [*Stats. 1915 s. 223; 1917 c. 454 s. 30*]

FORFEITURE, REDEMPTION AND RESALE OF LANDS.

24.28 Forfeiture. In the case of the nonpayment of interest when due according to the terms of the certificate of sale, or of any taxes which before said annual interest is paid shall have been returned to the state treasurer by the county treasurer as due and unpaid upon such land, or of the principal when required by said commissioners, such certificate shall become void from the time of such failure, and the purchaser, his heirs and assigns shall forfeit all right and interest in the lands described in such certificate; and the said commissioners may take immediate possession thereof and may resell the same as hereinafter provided. [*Stats. 1915 s. 224; 1917 c. 454 s. 31*]

24.29 Redemption; surplus on resale. At any time before the five days next preceding the reoffering of such land at public sale, the former purchaser or his assigns or legal representatives may, by the payment of the sum due with interest, and all taxes returned thereon to the state treasurer which are still unpaid, and all costs occasioned by the delay, together with three per cent damages on the whole sum owing for such land, prevent such resale and revive the original contract. If, on a resale of such land, the same shall produce more than sufficient to pay the sum owing therefor, with interest, taxes and costs and three per cent damages on the amount of purchase money unpaid, the residue, when collected, shall be paid over to the former purchaser or his legal representatives. [*Stats. 1915 s. 225; 1917 c. 454 s. 32*]

24.30 Liability of former purchaser. In case of such forfeiture the former purchaser of such land shall be liable for any waste or unnecessary injury which he may have done to the same, or to the timber or mineral thereon; and any action therefor may be prosecuted by the commissioners in the name of the state. [*Stats. 1915 s. 226; 1917 c. 454 s. 33*]

24.31 Advertisement and resale of forfeited lands. Whenever any public lands shall have been forfeited for the nonpayment of either principal or interest or taxes, and shall have remained forfeited for three months, said commissioners shall first cause such lands to be appraised in the manner provided by section 24.08 and shall thereupon advertise such land for sale in the manner provided by section 24.09, and shall further state in the notice that the lands have been forfeited and give the names of the former purchasers. Such sale shall be made either in the county where the lands lie or at the capitol on some day not less than three months nor more than six months after the first publication of said notice. Said commissioners shall further give notice of the sale by advertising in the official state paper, for six weeks successively, the time when and the place where such sale will be held and the county in which such lands are situated, but omitting any description of such lands; the last publication of which notice shall be at least one week previous to the time of commencing such sale. [*Stats. 1915 s. 227; 1917 c. 454 s. 34*]

24.32 Resale and redemption. (1) Unless such resale be prevented by payment as hereinbefore provided by section 24.29, such lands shall be offered for sale at public auction to the highest bidder, in the manner and upon the terms provided, for original sales, and if not then sold shall be subject to private entry thereafter.

(2) Every such tract may be redeemed by the former purchaser thereof, his assigns or legal representatives at any time before the thirtieth day of June next following the date of such resale, upon presenting to the commissioners satisfactory proof, which shall be filed and preserved by them, that such tract was, at the time of resale, in whole or in part under cultivation or adjoining a tract partly cultivated, belonging to such former purchaser, his assigns or legal representatives and used in connection therewith, and upon depositing with the state treasurer, for the use of the purchaser at such resale the amount paid by him for such land, together with twenty-five per cent of the amount of such taxes, interest and costs in addition thereto; and every certificate issued upon any such resale shall be subject to the right of redemption whether it be expressed in such certificate or not. And no patent shall be issued on any such resale until the expiration of such redemption period.

(3) Upon such redemption the commissioners shall cancel such certificate, and shall make and deliver to the party so redeeming a certificate thereof, and shall also record the same in a book to be kept in their office for that purpose. [*Stats. 1915 s. 228; 1917 c. 454 s. 35*]

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24.33 Resale may be canceled. Whenever any land has been so forfeited and resold, within three months thereafter, upon proof that there are valuable improvements thereon and that such forfeiture was occasioned by the death of the holder of the first certificate, or the neglect of his executor or administrator, and payment to the treasurer of the amount actually due on such first certificate at the time of such resale, with interest, costs and charges, with interest on the amount for which such land was sold at the rate of ten per cent per annum, the said commissioners, by their order in writing, duly recorded, of which a copy shall be forthwith served on the last purchaser, may avoid and cancel such resale and restore and revive such first certificate. Thereafter there shall be paid out of the state treasury to the last purchaser the amount paid by him and the said interest thereon collected of such person so redeeming, on surrender of the certificate, receipt or patent given him at such resale. [*Stats. 1915 s. 229; 1917 c. 454 s. 36*]

24.34 Void sales. In case of the sale of any public lands made by mistake, or not in accordance with law, or obtained by fraud, and in cases where the state had no title to such lands, or its title has failed, such sale shall be void and no contract, certificate of purchase or patent issued thereon shall be of any effect, but the person named as vendee, or his successor in interest, as the case may be, may furnish to the commissioners, such proof as shall satisfy them of the facts. Thereupon they shall order all amounts, either of principal or interest, paid for the lands described in the contract, certificate or patent, together with the interest thereon from the time of each such payment, at the rate of six per cent per annum, simple interest, to be refunded and paid out of the state treasury, from the fund to which it has been credited, to the person entitled thereto; provided that no money shall be paid to any person participating in any such fraud. [*Stats. 1915 s. 230; 1917 c. 454 s. 37; 1919 c. 322 s. 1*]

24.35 Annulment of certificates and patents. Whenever the said commissioners shall have erroneously or improperly issued any certificate or patent for any public lands, whereby wrong or injustice has been or may be done, including cases where the state had no title to the lands, or its title has failed, they may, upon the written application of such purchaser, or his successor in interest revoke and annul such certificate or patent by their order, which with such application, shall be filed and recorded in their office. A certified copy of such order may be recorded in the office of the register of deeds for the county where such lands lie, and thereupon such certificate or patent shall be absolutely null and void. When such order is so recorded there shall be paid out of the state treasury, from the fund to which it has been credited, to such purchaser, or his successor in interest the amounts in the manner and as provided in the preceding section. [*Stats. 1915 s. 231; 1917 c. 454 s. 38; 1919 c. 322 s. 1*]

24.355 Limitation of actions. All claims under sections 24.34 or 24.35 shall become barred, unless application therefor be made within five years from the time of such payment, or, in cases where the state never had title, from the time when the invalidity of the title of the state was established. [*1919 c. 322 s. 2*]

24.36 Lost certificates and patents. Whenever any duplicate certificate of sale shall have been lost or destroyed before the patent shall issue, or whenever any patent shall have been lost or destroyed the said commissioners, upon satisfactory proof of the fact by affidavit to be filed with them, may issue a certified copy of the original certificate of sale or of the record in their office of such patent, or a quitclaim deed in place of such patent, to the person entitled thereto, which shall have the same force and effect as the original duplicate certificate or patent. Their certificate to such copy and quitclaim deed shall recite the loss or destruction of the original. [*Stats. 1915 s. 233; 1917 c. 454 s. 40*]

24.37 Ejectment. If any person shall hold or continue in possession of any public lands without written permission from the said commissioners, or contrary to the conditions or covenants of any lease or written agreement, or after such lands have been forfeited to the state, he shall be liable to an action by the state or any purchaser from the state for an unlawful detainer or other proper action to recover possession of such lands with damages for the detention of the same. [*Stats. 1915 s. 235; 1917 c. 454 s. 42*]

24.38 Boundaries. The lines, boundaries and descriptions of the swamp lands as exhibited by the plats and field notes of the United States survey are adopted and shall be deemed conclusively to be the true lines, boundaries and descriptions thereof. [*Stats. 1915 s. 236; 1917 c. 454 s. 43*]

LEASES, LICENSES AND SALES OF DAMAGED TIMBER.

24.39 Leases, etc. (1) The commissioners of the public lands are empowered to grant leases of parts or parcels of any public lands except state park lands and state forest lands; to grant licenses to prospect for ore or other minerals upon any of said

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lands; and to sell timber thereon damaged by fire or wind. Such leases, licenses and sales shall conform to the requirements, so far as applicable, prescribed by chapter 282 laws of 1917 for the exercise by the conservation commission of similar powers affecting state park lands and state forest lands.

(2) In negotiating for such leases, licenses or sales, and in exercising the other powers conferred by this section the commissioners of the public lands shall, so far as they find it desirable and practicable, request and make proper use of such services and information as the conservation commission may be able to furnish. [*1917 c. 454 s. 45*]

24.40 Committee to settle swamp land claims. (1) There is hereby created a committee consisting of the governor and two competent persons appointed by the governor one of whom shall be the attorney-general which committee shall have full power and authority to settle or compromise, or institute and prosecute such proceedings as may determine the interests of the state and effect a settlement of, any claim the state of Wisconsin may have against the United States arising out of the act of congress entitled, "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, 1850, the act of congress entitled, "An act for the relief of purchasers and locators of swamp and overflowed lands," approved March 2, 1855, and any other grants of lands to aid in the reclamation of swamp lands by the state. Such committee shall report its transactions and recommendations to the next session of the legislature.

(2) The governor shall be chairman of said committee. A majority of said committee shall constitute a quorum for the transaction of business.

(3) The superintendent of public property shall provide said committee with necessary supplies, stationery, books and maps.

(4) The members of said committee, appointed by the governor, shall receive such compensation as may be fixed by the governor, and shall be entitled to receive their actual and necessary traveling expenses incurred in the discharge of their official duties pursuant to the provisions of this act.

(5) Such committee shall have power to employ and fix the compensation of such stenographers, clerks, assistants, experts and counsel as it may deem necessary and expedient for the proper discharge of the duties imposed by the provisions of this act and such employes shall be entitled to receive their actual and necessary traveling expenses incurred in the discharge of their official duties. Said committee shall not be confined to its employment of assistants, experts and counsel to the civil service list. [*1915 c. 624 s. 1–5; 1917 c. 566 s. 12*]

CHAPTER 25.

TRUST FUNDS AND THEIR MANAGEMENT.

25.01 Authorized investments and loans.
25.02 Term, amount, interest rate.
25.03 Joint municipal loans.
25.04 Date when interest and principal become due.
25.05 The application.
25.06 Certificates of indebtedness.
25.07 Alterations of boundaries, tax a special charge.
25.08 Collection from municipalities other than school districts.
25.09 Collections from school districts.
25.10 Use of funds.
25.11 Extension of loan.
25.12 Duty of attorney-general and secretary of state.
25.13 Interest, how accounted for.

25.01 Authorized investments and loans. (1) WHAT FUNDS. The moneys belonging to the common school fund, the normal school fund, the university fund and the agricultural college fund specified and defined respectively in section 20.24, subsection (3) of section 20.36, subsection (1) of section 20.39 and subsection (3) of section 20.39 shall from time to time be invested or loaned by the commissioners of the public lands as such moneys accumulate in the treasury, and said commissioners shall keep a separate account of all investments and loans from each fund.

(2) INVESTMENTS. Any of said funds may be invested in the purchase of county bonds issued under the authority conferred by section 59.92, or in the purchase of bonds or notes of the United States or in securities issued under the provisions of the federal farm loan act of July 17, 1916, or in bonds of this state or in bonds issued pursuant to law by any town, village, city, county or school district of this state. All bonds, notes and other securities so purchased shall be deposited with the state treasurer.

(3) LOANS. Any of said funds may be loaned to school districts to be used in erecting school buildings or teacherages, in the purchase of teacherages, teacherage sites, school-

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house sites or school playgrounds, or in refunding their indebtedness, and for other purposes authorized by law; or to towns, villages, cities, counties and boards of education, duly incorporated as such, of any city within the state, as hereinafter provided; and every such school district, town, village, city, county and incorporated board of education is empowered to borrow of said commissioners, from said funds or either of them, such sum or sums of money, for such time and upon such conditions as may be agreed upon between said commissioners and the borrower; subject, however, to the limitations, restrictions and conditions hereinafter set forth. In this chapter any such school district, town, village, city, county or incorporated board of education, or all of them, may be designated by the word "municipality" or the word "municipalities."

(4) PREFERENCES. So far as practicable the loans sought by school districts and boards of education shall be supplied before any other loan or investment authorized by this section is made, and such applications shall be acted upon in the order of time in which they have been filed. [*Stats. 1915 s. 258, 258i; 1917 c. 536 s. 3; 1919 c. 65, 119; 1919 c. 671 s. 11a; 1919 c. 702 s. 9*]

25.02 Term, amount, interest rate. (1) MUNICIPAL LOANS OTHER THAN TO SCHOOL DISTRICTS. The loans provided for by subsection (3) of section 25.01, other than those to school districts, may be made for any term not exceeding twenty years, may be made payable in instalments, and be in such amounts as shall not, in connection with all other indebtedness of the municipality applying therefor, exceed five per centum of the average assessed valuation of the taxable property therein for the three years next preceding the application for such loan. When such loan is made to pay off existing indebtedness it may be advanced to the borrower in instalments as fast as such indebtedness or the evidence thereof is canceled.

(2) SCHOOL DISTRICT LOANS. Every loan to a school district may be made for such time, not exceeding fifteen years, and for such amount as together with all other indebtedness of such district, shall not exceed five per centum of the last preceding assessed valuation of the property in such district, not less than two-thirds of which valuation shall be on real estate, and not exceeding in any case twenty-five thousand dollars, as may be agreed upon; the principal shall be payable in approximately equal annual instalments.

(3) INTEREST RATES. All loans shall bear and draw interest at a rate not less than four per centum per annum payable annually except loans to school districts which shall bear and draw interest at the uniform rate of four per centum per annum; and no investment shall be made that will yield less than four per centum per annum of the amount invested. [*Stats. 1915 s. 258a, 261; 1917 c. 536 s. 4*]

25.03 Joint municipal loans. Said commissioners may invest the said trust funds in loans to any two towns, to any town and village or to any town and city jointly; and all provisions of law relative to loans of such trust funds to a single town shall also be applicable to such joint loan to such two towns or to such town and village. Every payment of interest or principal upon said loan shall be paid by the two towns, by the town and the village or by the town and city pro rata according to the last equalized assessed value thereof. [*Stats. 1915 s. 258am; 1917 c. 536 s. 5*]

25.04 Date when interest and principal become due. The annual interest and instalments of principal of all loans from the trust funds shall be payable into the state treasury with other state taxes. [*Stats. 1915 s. 258a—1; 1917 c. 536 s. 6*]

25.05 The application. (1) FOR ALL MUNICIPALITIES. No loan shall be made under the provisions of subsection (3) of section 25.01 unless an application therefor be first made to the commissioners as required by this section. Such application shall state the amount of money required, the purpose to which it is to be applied, and the times and terms of repayment; and it shall be accompanied by satisfactory proof (a) of the assessed valuation for the preceding three years of all the taxable property within the municipality making the application; (b) of all the existing indebtedness of such municipality; and (c) of the approval of the application as required by this section.

(2) FOR MUNICIPALITIES OTHER THAN SCHOOL DISTRICTS. Every such application shall be approved and authorized for a town, by the signatures of all of its supervisors acknowledged as conveyances of land are acknowledged; for a village, by a vote of not less than three-fourths of its trustees; for a city, by a vote of not less than two-thirds of the members of its common council; for the board of education of any city, by a vote of not less than two-thirds of all of its members at a regular or special meeting thereof and also by a vote of not less than two-thirds of all the members of the common council of such city; for a county, by a vote of not less than two-thirds of all the members of its board of supervisors at some regular or special session thereof. Every vote so required shall be by ayes and noes duly recorded and taken at a regular meeting, except as is otherwise provided herein.

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(3) FOR SCHOOL DISTRICTS. Every such application shall be approved and authorized for a school district by a vote of a majority of its legal voters voting on such question. If such vote be taken at a special meeting the objects thereof shall be clearly stated in the notice of the meeting. The application shall state the facts in detail respecting the holding of the meeting, the taking and the result of the vote required, and shall be signed by each member of the district board, and verified by the clerk. The statement accompanying the application shall contain a correct map or plat of the district and, when the district is a joint district, it shall show the assessed valuation in its several parts separately, so that the valuations of so much thereof as lies in each town or municipality of which it is a part, may be readily shown.

(4) POPULAR VOTE, WHEN REQUIRED. Whenever any municipality is not empowered by law to incur indebtedness for a particular purpose without first submitting the question to its electors, the application for a loan for that purpose must be approved and authorized by a majority vote of such electors at a special election called, noticed and held in the manner provided for other special elections. The notice of such election shall state the amount of the proposed loan and the purpose for which it will be used; but this subsection shall not apply to loans made by boards of education applying as provided in subsection (2).

(5) IRREPEALABLE TAX LEVY. Such application shall be accompanied also by a certified copy under the hand of the proper clerk of a recorded resolution adopted by the municipality applying for or approving the loan, levying upon all the taxable property of the municipality a direct annual tax for the purpose of paying and sufficient to pay the interest on such proposed loan as it falls due, and also to pay and discharge the principal thereof within twenty years from the making of such loan. Such a levy shall become void and of no effect if the commissioners decline to make the loan; otherwise it shall remain valid and irrepealable until the loan and all interest thereon shall be fully paid.

(6) PROCEEDINGS TO BE RECORDED AND BECOME CONCLUSIVE EVIDENCE. The aforesaid application, statement and all accompanying exhibits and documents shall be recorded in the office of said commissioners and thereupon be filed in the office of the secretary of state, and shall, together with the record thereof, be conclusive evidence of the facts therein stated. [*Stats. 1915 s. 258b, 258h, 262; 1917 c. 536 s. 7*]

25.06 Certificates of indebtedness. If the application shall be approved by said commissioners they shall forthwith cause certificates of indebtedness to be prepared in proper form and transmitted to the municipality submitting the same. Every such certificate shall be executed and signed for a school district by its director, for a town by its chairman, for a village by its president, for a city by its mayor, for a board of education by its president, and for a county by the chairman of its board, shall be countersigned by the clerk of the municipality executing the same, returned to the commissioners, and deposited with the secretary of state, who shall thereupon draw his warrant upon the state treasurer for the amount of such loan, payable to the treasurer of the municipality making the loan or as he may direct; and said certificate of indebtedness shall then be conclusive evidence of the validity of such indebtedness and that all the requirements of law concerning the application for the making and acceptance of such loan have been complied with. [*Stats. 1915 s. 258c; 1917 c. 536 s. 8*]

25.07 Alterations of boundaries, tax a special charge. All the taxable property in any municipality which has obtained or shall obtain any loan from the state or from any of its trust funds shall stand charged for the payment of the principal and interest thereof, and alterations of the boundaries of such municipality shall not be made until such loan shall be fully paid without the consent of the commissioners. The annual tax levied as provided by subsection (5) of section 25.05 shall be a special charge to be paid next after the state tax out of any moneys collected as taxes within said municipality. [*Stats. 1915 s. 258d; 1917 c. 536 s. 9*]

25.08 Collection from municipalities other than school districts. (1) STATEMENT OF AMOUNT. The secretary of state, shall furnish annually to the county clerk of each county in which any such special charge for principal or interest, is due or will become due in the next succeeding twelve months, a statement showing in detail the amounts due or to become due as aforesaid from the county and from any town, village or city therein. Such statement shall accompany the statement made and certified under section 1070.

(2) APPORTIONMENT BY COUNTY CLERKS. Such clerk on receiving such statement shall apportion and include the amount to be paid by the county in his apportionment of the state taxes to the several towns, villages and cities in his county, and add to the amount thus apportioned to each town, village or city all special charges, if any, that are to be paid thereby on account of any loan thereto from the state or any of its trust funds. The amounts thus apportioned and included shall be stated in separate sums and carried out

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in all tax rolls and reports in separate columns; but otherwise the same shall be levied, charged and inserted in the several tax rolls and collected and paid over with and in the same manner as the state tax until paid into the treasury; and in case of neglect or refusal to pay any sum or sums when due, the same shall be subject to all the provisions of law applicable to cases of default in payment of state taxes. [*Stats. 1915 s. 258e; 1917 c. 536 s. 10*]

25.09 Collections from school districts. (1) DISTRICTS NOT JOINT. The collection of principal and interest of loans made from the trust funds to school districts other than joint districts shall be collected in the manner provided by section 25.08 for such collections from other municipalities.

(2) JOINT DISTRICTS. (a) Whenever a joint school district shall make any such loan the clerk of such district shall notify in writing the clerks of the several towns or villages of which such district is composed of such loan and the terms thereof; and thereafter the clerk of each such town or village shall, on or before the second Monday of September in each year, until such loan shall be paid, transmit to the district clerk a statement certified by him of the valuation of all taxable property in that part of such district which lies in his town or village according to the last assessment roll, or, if the same shall have been equalized as provided in section 40.07, such equalized valuation thereof. The clerk of such joint school district shall forthwith certify to the county clerk every such valuation so certified to him.

(b) When such joint school district is composed of territory located in two or more counties the county clerk shall transmit to the secretary of state on or before the twentieth of September in every year a copy of the statements so certified to him by the district clerk. The secretary of state shall in every year furnish to the county clerk of each county in which lies any joint school district or part of a joint school district from which any such payment is to become due the total amount to be levied in his county upon such joint school district, at the same time that he certifies to that officer the state tax.

(c) The county clerk shall at the proper time after receiving such certificate from the secretary of state apportion the amount certified for collection to the proper towns and villages in accordance with the valuations certified to him by the district clerk; but it shall be carried out in a separate column, and the district from which it is due shall be specified. The town clerk shall charge and carry out such amount in his tax roll to the district or part of district to which it belongs in a separate column, and the tax shall be collected and paid with and in the same manner as the state tax.

(d) When any county clerk or clerks shall fail or neglect to transmit to the secretary of state, a true copy of the statement or statements so certified to him by any school district clerk or clerks, on or before the twentieth day of September in each year as required by this section, then the secretary of state may forthwith dispatch a special messenger to such county clerk to procure same, and all the expenses and disbursements necessarily incurred by such messenger in the discharge of this duty shall be paid by the secretary of state upon proof to his satisfaction that the same are proper and were necessarily so incurred. The secretary of state shall thereupon certify said expenses and disbursements so paid by him, to the clerk of the county or counties to which such messenger or messengers were sent and the same shall be audited and paid by said county or counties in the same manner as any other proper charge or indebtedness thereof. In the event of the failure or neglect of said county or counties so indebted, to pay such charges within sixty days after same has been so certified by the secretary of state, the same shall become a special charge against said county or counties and be included and collected as such in the next apportionment or certification of state taxes and charges against said county or counties, and collected with interest at the rate of ten per cent per annum from the date the same were so certified by the secretary of state, and in the same manner as other special charges are now certified and collected; and upon the payment or collection of such amount from such county or counties, the same shall be immediately deposited in the state treasury and be credited to the appropriation from which the original disbursement was made. Provided further that if the neglect or failure on the part of any such county clerk or clerks to so transmit said statement or statements to the secretary of state by September twentieth in each year, is due to any action or failure to act on the part of either the clerk of any such school district or the clerk of any such town in transmitting or failing to transmit said statement or statements to the proper county clerk as now required by law, then such county clerk may in like manner certify to and collect said special charge from that town or school district in which such delinquency occurred. [*1917 c. 546; 1917 c. 677 s. 88; 1919 c. 290*]

25.10 Use of funds. No money obtained by any school district, school board, town, village, city or county by such loan shall be applied to or paid out for any purpose except

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that specified in the application therefor without the consent of said commissioners. [*Stats. 1915 s. 258f; 1917 c. 536 s. 12*]

25.11 Extension of loan. All loans made or which may be made from any of such funds to any municipality may be extended for such time and upon such terms as may be agreed upon by and between the commissioners and such borrower; provided, however, that no loan shall be extended upon which there is any default in the payment of interest at the time of making application therefor, nor to any period beyond twenty years from its inception, nor at any rate of interest less than the minimum established by law. [*Stats. 1915 s. 258g; 1917 c. 536 s. 14*]

25.12 Duty of attorney-general and secretary of state. In case any officer shall neglect or refuse to perform any duty required of him by law in relation to the levy or collection of any tax required to be raised to make any payment of principal or interest on any loan from the state, the attorney-general shall forthwith apply to the supreme court for a mandamus to compel the performance of such duty; and the secretary of state may do or cause to be done the duty required of such officer and so neglected or required to be done with the same effect as if done by him. [*Stats. 1915 s. 264; 1917 c. 536 s. 18*]

25.13 Interest, how accounted for. Every sum of money collected as interest upon any loan from either of the trust funds specified in section 25.01 shall be paid into the state treasury and be credited to the income of the fund from which the loan was made. [*1917 c. 536 s. 20*]

CHAPTER 26.

PROTECTION OF THE PUBLIC LANDS.

26.01 Definition.

TRESPASS AND THEFT.

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26.11 State and local fire wardens.
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26.14 Emergency wardens and employes; compensation; how paid.
26.15 Responsibility of wardens and citizens.
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26.19 Destruction of warning notices.
26.20 Fire protection devices.
26.21 Civil liability for forest fires.

SALES OF DAMAGED TIMBER.

26.22 Sales, etc.

26.01 Definition. The word "commission" when used in this chapter without other word or words of description or qualification means the state conservation commission of Wisconsin. [*1917 c. 282 s. 2*]

TRESPASS AND THEFT.

26.02 Seizure and sale of materials. The state conservation commission of Wisconsin is empowered to seize or cause to be seized, without process, any lumber, timber, bark, minerals or other materials or property which, without authority of law, has been cut upon, or dug, removed or taken from any of the public lands belonging to this state, and, after appraising such property it shall sell the same at public auction to the highest bidder, under rules and regulations prescribed by the commission. On such sale it may bid in and purchase for the state for not less than half its appraised value the property to be sold. All property so purchased shall be sold by the commission for such price as it may deem best for the interest of the state; and no part of the money realized at any such sale shall be applied on any outstanding certificate of sale. [*Stats. 1915 s. 240; 1917 c. 282 s. 3*]

26.03 Trespass. (1) BY STRANGER ON LANDS SUBJECT TO PRIVATE ENTRY. Any person found trespassing on any such public lands subject to private entry may purchase the same by paying twice the minimum price therefor, together with all expenses of the seizure and taking charge of the material seized until such purchase is completed. Until such purchase and payment have been made the trespasser shall be disable to acquire any of the public lands.

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(2) By certificate holders on lands not patented. If such lands have been sold and the owner of the certificate of sale shall have committed such trespass, he, his heirs or assigns, shall receive a patent for such land, only upon his paying twice the amount then due the state on such certificate together with all legal charges and all the expenses of seizure and care as aforesaid.

(3) Release of property seized and cause of action. When such payment shall have been made in either such case said commission shall release to such person all the materials seized which were cut, dug, removed or taken from the lands so paid for by him, and discontinue any suit commenced to recover damages for any injury done to such lands, without costs to the state.

(4) Destruction of indian mounds. It is unlawful except as provided in subsection (5) to destroy, deface, mutilate, injure, or remove any Indian burial, linear or effigy mounds, inclosures, cemeteries, graves, plots of corn hills, garden beds, boulder circles, pictograph rocks, caches, shell or refuse heaps, spirit stones or manitou rocks, boulder mortars, grindstone rocks, or other prehistoric or historic Indian remains located upon the public lands, state parks, forestry reserves, lands of state educational or other state institutions, or upon other lands or properties belonging to the state. Any violation of this subsection shall be punished as provided by section 4442*o*.

(5) Permits by the commission. Said commission is authorized to grant permission to remove or destroy any of the prehistoric or historic remains enumerated in subsection (4) whenever it deems such removal or destruction necessary; and the commission or other state officer or officers having control under the laws of the state of the lands or properties upon which they, or any of them, are situated may grant to state, county, municipal, or national educational institutions, or regularly organized archæological or historical societies, permission to explore or investigate for educational or scientific purposes. [*Stats. 1915 s. 241; 1917 c. 282 s. 4; Stats. 1917 s. 4442m, 4442n; 1919 c. 146 s. 1, 2*]

26.04 Sales of seized property. (1) At any sale of property seized as provided in section 26.02 the owner of the certificate of sale of the lands from or upon which such property was cut, dug, taken or removed, he not being the trespasser, may bid the amount due the state for such land and the expenses of seizure and sale, which amount shall be stated at the sale by the person authorized to sell before making such sale. When such bid is made by such owner the person making such sale shall strike off the property to him, and upon his paying the sum so bid to the state treasurer or other person authorized to receive the same and his surrender of the said certificate of sale, the commissioners of the public lands shall execute a patent for such land to such owner.

(2) If there shall be a dispute between bidders at the sale as to the ownership of the certificate for such lands, the property shall be sold to the contestant bidder for the highest sum bid in addition to the amount due the state, including expenses, as aforesaid, and the money shall be paid into the state treasury and remain there until the commissioners shall determine the ownership of such certificate; and for that purpose it may adopt such rules and take such evidence as it shall deem necessary to determine the fact; and upon such determination there shall be paid out of the state treasury to the rightful person so ascertained the avails of such sale, after deducting the price of such land and the expenses aforesaid; and upon the surrender of the certificate of sale said commissioners of the public lands shall execute a patent for such land to such owner. [*Stats. 1915 s. 241; 1917 c. 282 s. 5*]

26.05 Possession of seized material. Any property seized by the commission under the provisions of section 26.02 may be held by it until the payments required of the trespasser by section 26.03 shall be made, even though the land affected was patented previous to the seizure but after the trespass; and every trespasser and his assigns shall be disentitled to the possession of any materials taken from any of the public lands until all penalties and charges imposed upon him by law are paid. Nothing in this chapter contained, nor the payment of any penalty herein provided, shall affect the liability of any person, whether prosecuted before or after the issuance of such patent, to punishment for any such trespass. [*Stats. 1915 s. 242; 1917 c. 282 s. 6*]

26.06 Prosecutions; rewards to witnesses and district attorneys. All sheriffs and town officers are especially charged to immediately communicate to the district attorney any and all information received by them respecting the commission of any trespass or waste upon the public lands and to enter complaint against the offender before some justice of the peace. Every district attorney, immediately upon receiving information of any such trespass upon lands in his county, shall prosecute the proper criminal action against such offender and advise said commission thereof, and shall, when required, prosecute a civil action for damages for any such trespass or to recover the possession of any mate-

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rials taken from any such land. The commission may order to be paid to said district attorney out of fines collected from any person guilty of such offense a sum not exceeding ten per centum, and to the witnesses or other persons furnishing information of such offense a sum not exceeding twenty-five per centum of such fines collected. [*Stats. 1915 s. 243; 1917 c. 282 s. 7*]

26.07 Money, how disposed of. All money received from the sale of logs, lumber, shingles, timber, minerals or other articles seized under the provisions of this chapter, or recovered in legal proceedings for damages done the public lands, shall be paid into the treasury to the credit of the respective funds to which the lands belong on which such trespasses were committed, and all other money collected as expenses, fees, penalties and damages for trespass on such lands shall be paid into the general fund. [*Stats. 1915 s. 245; 1917 c. 282 s. 9*]

26.08 Leases and licenses. (1) Said commission may, from time to time, lease for terms not exceeding fifteen years, parts or parcels of state park lands or state forest lands; and such leases shall contain proper covenants to guard against trespass and waste. The rents arising therefrom shall be paid into the state treasury to the credit of the proper fund. Licenses also may be granted to prospect for ore or mineral upon any of said lands; but proper security shall be taken that the licensees will fully inform the commission of every discovery of ore or mineral and will restore the surface to its former condition and value if no discovery of valuable deposits be made. The commission shall retain a copy of each such lease or license and file the original in the office of the commissioners of the public lands.

(2) The commission shall furnish to the commissioners of the public lands such maps, plats, surveys, valuations, information and other services as said commissioners may request respecting any of the public lands, for use by them in granting leases or licenses or in making sales under the provisions of section 24.39. [*Stats. 1915 s. 194; 1917 c. 282 s. 10*]

26.09 Civil liability for forest trespass. The state, the county or the private owners upon whose lands any wilful trespass has been committed, may recover in a civil action double the amount of damages suffered. This section shall not apply to the cutting of wood or timber from uncultivated woodland for the repair of a public highway or bridge upon or adjacent to the land. [*Stats. 1915 s. 1494—60; 1917 c. 282 s. 12*]

26.10 Reports by the conservation commission to the commissioners of the public lands. The state conservation commission shall report monthly to the commissioners of the public lands all trespasses committed, all materials seized, all sales made and all moneys received under any of the preceding sections of this chapter. [*1917 c. 282 s. 13*]

MARSH, SWAMP, FIELD AND FOREST FIRES.

26.11 State and local fire wardens. The commission shall be in charge of and give suitable directions to the entire fire warden force of the state. The chairman of the town board of each town in the state shall be town fire warden by virtue of his office and the oath therefor and the superintendent of highways for each town shall be assistant town fire warden. [*Stats. 1915 s. 1494—47; 1917 c. 282 s. 14; 1921 c. 337*]

26.12 Control of state force; emergency appointments. The state fire warden shall have general charge of the fire warden force of the state, and shall have authority to mass such fire warden force as may be available at any special point to suppress fires. In cases of emergency, or if a town shall be unusually large, the state fire warden may, on recommendation of the town chairman, appoint, temporarily, needed fire wardens, whose duties and authority shall be the same as herein provided for town and assistant town fire wardens. Each conservation warden, forest ranger or federal patrolman or other employes of the conservation commission shall be a special fire warden at large, who shall assist and co-operate with the town and assistant town fire wardens, but whose duties and authority shall be the same as herein provided for town and assistant town fire wardens, should occasion demand. [*Stats. 1915 s. 1494—47a; 1917 c. 282 s. 15; 1921 c. 337*]

26.13 Duties of fire wardens; police powers; compensation and rewards; taxation and payment. (1) All fire wardens shall take prompt and effective measures against the spread and illegal setting of forest, marsh, or swamp fires within their towns and districts and shall have the power of sheriffs to arrest without warrant for violations of the provisions of any sections of the statutes relating to setting, failure to extinguish, or care of fires. They shall have authority to call upon any able-bodied citizen, in territory in which they act, to assist in extinguishing forest, marsh, swamp and other running fires in such manner as they may direct.

(2) Town or assistant town fire wardens or those assisting them in the extinguishing of forest, marsh, swamp and other fires shall receive compensation for their services at

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not more than thirty-five cents per hour for the time actually employed. The commission is authorized to approve for payment not to exceed fifty per cent of the clear proceeds of any fine collected in an action brought for violation of any of the provisions of sections 4405*a* to 4406 of the statutes relating to setting, failure to put out, or care of fires, where the evidence to secure a conviction is furnished by a town fire warden, an assistant town fire warden, or any other person.

(3) No payment shall be made to any claimant under this section until he shall have presented an itemized account and made oath or affirmation that said account is just and correct, which account shall be audited and approved by the town board. The town board shall thereupon direct the town clerk to issue a warrant upon the town treasurer for the sum to which such claimant is entitled, and the town treasurer shall pay the same.

(4) The expense of preventing or extinguishing forest, marsh, swamp or other running fires by the town or assistant town fire wardens, and by those called upon by either of said fire wardens to assist them, shall be borne by the town in which such expense was incurred and the town board may levy and assess a tax for defraying such expense. Such tax shall be collected in the same manner as other taxes, and such tax when so collected shall be paid into the town treasury from which such expense is paid. [*Stats. 1915 s. 1494—48; 1917 c. 282 s. 16; 1921 c. 337*]

26.14 Emergency wardens and employes; compensation; how paid. (1) Each fire warden, appointed by the state fire warden to act in case of emergency, shall receive for his actual services rendered, three dollars and fifty cents per day, one-half of which shall be paid by the county where such service is performed, and one-half by the state; and any employe engaged by the state fire warden, or by any fire warden appointed by the state fire warden to assist in preventing or suppressing forest, swamp, marsh or other running fires shall receive for such services not more than thirty-five cents per hour, and said expense shall also be paid, one-half by the county where such service is performed, and one-half by the state.

(2) The fire wardens appointed by the commission shall prepare itemized accounts for their own services and the services of their assistants, and no such account shall be paid until it has been approved by the commission. The secretary of state shall not issue warrants for more than ten thousand dollars for fighting forest fires in any one county in any one year, and one-half of the amount paid by the state shall be refunded to the state by the county in which the fires were fought. In case the work of fighting fires covers a portion of two or more counties, the amount to be paid by each county shall be decided by the commission.

(3) As soon as any account has been paid by the state treasurer, the commission shall send to the proper county treasurer a bill for the county's share of the expenses and a copy of the bill shall be filed with the secretary of state. The county shall have sixty days within which to pay such bill, but if not paid within that time, the county shall be liable for interest at the rate of six per centum per annum. If said sixty days shall have elapsed without payment before the time provided by law for the secretary of state to certify to the counties the levy for state taxes, he shall include an amount sufficient to pay such bill as a part of the levy against the county for state taxes. [*Stats. 1915 s. 1494—48a; 1917 c. 282 s. 17; 1919 c. 487*]

26.15 Responsibility of wardens and citizens. Any fire warden who shall refuse to carry out the provisions of section 26.13, or any able-bodied citizen who shall refuse to render assistance as provided by said section, shall be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not less than ten days or more than thirty days, or by both such fine and imprisonment. [*Stats. 1915 s. 1494—49; 1917 c. 282 s. 18*]

26.16 Fire danger notices. Each town fire warden and assistant town fire warden shall post or cause to be posted conspicuously in those parts of his town or district where fires are likely to occur, all notices furnished him for that purpose by the state fire warden. [*Stats. 1915 s. 1494—50; 1917 c. 282 s. 19*]

26.17 Reports of wardens. Every assistant town fire warden, immediately after each fire within his district shall forward to the state fire warden and to the town fire warden a detailed report of said fire. The town fire warden shall report to the state fire warden, annually, on or before the first day of December, a summary of all forest fires within their towns or districts during the year and such other matters as the state fire warden may direct. [*Stats. 1915 s. 1494—51; 1917 c. 282 s. 20*]

26.18 District attorneys to prosecute. Whenever an arrest shall have been made for any violation of any provision of this chapter, or whenever any information of such violation shall have been lodged with him, it shall be the duty of the district attorney of the county in which the criminal act was committed to prosecute the offender or offenders.

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If any district attorney shall fail to comply with the provisions of this section, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned not less than thirty days nor more than one year, or both in the discretion of the court. The penalties of this section shall apply to any magistrate, with proper authority, who refuses or neglects without cause to issue a warrant for the arrest and prosecution of any person or persons when complaint, under oath, of violation of any terms of this chapter, has been lodged with him. [*Stats. 1915 s. 1494—55; 1917 c. 282 s. 22*]

26.19 Destruction of warning notices. Any person who shall maliciously or wilfully destroy, deface, remove or disfigure any sign, poster or warning notice posted under the provisions of this chapter, shall be guilty of a misdemeanor and punishable, upon conviction, by a fine of not less than fifteen dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than ten days per more than three months, or by both such fine and imprisonment. [*Stats. 1915 s. 1494—56; 1917 c. 282 s. 23*]

26.20 Fire protection devices. (1) SPARK ARRESTERS ON LOGGING ROAD LOCOMOTIVES. Between March first and November first it shall be unlawful for any logging locomotive, donkey, traction, or portable engine, and all other engines, boilers, and locomotives, except railway locomotives, operated in, through, or near forest, brush, or grass land, which do not burn oil as fuel, to be operated without a screen or wire netting on top of the smokestack and so constructed as to give the most practicable protection against the escape of sparks and cinders from the smokestacks thereof, and each such engine shall be provided with the most practicable devices to prevent the escape of fire from ash pans and fire boxes. The term "logging locomotive" as used in this section shall be construed to mean any locomotive operated on a railroad branch, line, or division, the chief or main business of which is the transportation of logs, lumber, or other forest products.

(2) SPARK ARRESTERS ON LOCOMOTIVES. All locomotives operated on any railroad other than a logging railroad shall be equipped with the most practicable spark arresters so constructed as to give the greatest possible protection against the escape of sparks and cinders from the smokestacks thereof, and each such engine shall be provided with the most practicable device to prevent the escape of live coals from ash pans and fire boxes, and said devices between March first and November first shall at all times be maintained in good repair. It shall be the duty of the superintendent of motive power or equivalent officer of each such railroad to designate an employe of such railroad at each division point and roundhouse who shall examine each locomotive each time it leaves the division point or roundhouse between March first and November first, and such employe shall be held responsible for the proper carrying out of the provisions of this subsection, but without relieving the company from its responsibility hereunder.

(3) LOCOMOTIVE INSPECTOR; POWERS. Any locomotive inspector designated by the commission shall have the power to reject from service immediately any locomotive, donkey, traction, or portable engine which, in the opinion of the said inspector, is deficient in adequate design, construction, or maintenance of the fire protective devices designated in subsections (1) and (2) of this section, and any such locomotive, donkey, traction, or portable engine so rejected from service shall not be returned to service until such defects have been remedied to the satisfaction of said locomotive inspector. In case of disagreement between said inspector and the owner of the locomotive, donkey, traction, or portable engine so rejected from service as to the efficiency or proper maintenance of said protective devices, then the owner of said locomotive, donkey, traction, or portable engine may appeal to the railroad commission of Wisconsin for a decision of said matter, but pending such decision the said locomotive, donkey, traction, or portable engine shall not be returned to service.

(4) CLEARING RIGHT OF WAY. Every corporation maintaining and operating a railway shall, at least once in each year, cut and burn or remove from its right of way all grass and weeds and burn or remove therefrom all brush, logs, refuse material, and debris within a reasonable time, and whenever fires are set for such purpose, shall take proper care to prevent the escape thereof from the right of way.

(5) COMBUSTIBLE DEPOSITS ON TRACK. No such corporation shall permit its employes to deposit fire, live coals, or ashes upon their tracks outside of the yard limits, except they be immediately extinguished.

(6) REPORTS AND MEASURES FOR PREVENTION OF FIRES. Engineers, conductors, or trainmen who discover that fences or other material along the right of way or on lands adjacent to the railroad are burning or in danger from fire, shall report the same to the agent or person in charge at their next stopping place at which there shall be a telegraph

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station. Corporations maintaining and operating railways shall give particular instructions to their section employes for the prevention and prompt extinguishment of fires, cause notices, which shall be furnished by the state commission, to be posted at their stations, and when a fire occurs along the line of their road, or on lands adjacent thereto, for which fire they are responsible, they shall concentrate such help and adopt such measures as shall most effectually arrest its progress.

(7) FIRE PATROL. All such corporations, during a dangerously dry season, and when so directed by the commission, shall provide fire patrols for duty along their tracks. Whenever said commission shall deem it necessary it may order such corporations to provide for patrolmen to follow each train throughout such districts as may be necessary to prevent fires. When said commission has given a corporation such notice that in its opinion the conditions require such patrol after trains, the corporation shall immediately comply with such instructions throughout the districts designated; or on its failure to do so, said commission may employ patrolmen, and furnish them with the necessary equipment to patrol the rights of way of such corporations, and the expense of the same shall be charged to the corporation and the same may be recoverable in a civil action in the name of the state of Wisconsin, and in addition thereto, the said corporation shall be deemed guilty of a misdemeanor. It is also made the duty of such corporation, acting independently of such commission, to patrol its rights of way after the passage of each train when necessary to prevent the spread of fires and to use the highest degrees of diligence to prevent the setting and spread of fires, and it is also made the duty of its officers and employes operating trains in this state, to use diligence in the extinguishment of fires set by locomotives or found existing upon their respective rights of way, and any negligence in this regard shall render such corporation or any officer or employe thereof guilty of a misdemeanor.

(8) INSPECTION AND ENTRY. The commission is authorized to inspect or cause to be inspected any locomotive, donkey, or threshing engine, railway locomotive, and all other engines, boilers, and locomotives operated in, through or near forest, brush, or grass land and to enter upon any property for such purpose, or where they may deem it necessary in order to see that all the provisions of this section are duly complied with.

(9) PENALTY. Any corporation, by its officers, agents, or employes, wilfully violating the provisions of this section, shall be liable to a penalty of not less than fifty dollars nor more than five hundred dollars for each and every such violation, to be collected in a civil action in the name of the state.

(10) APPEAL TO RAILROAD COMMISSION. In case the commission and any corporation or individual operating any locomotive, donkey, or threshing engine, or any engine, boiler, or locomotive cannot agree as to the most practicable device or devices for preventing the escape of sparks, cinders, or fire from smokestacks, ash pans or fire boxes, then the same shall be determined by the railroad commission of Wisconsin.

(11) EXEMPTION. The commission shall have the power to exempt from the provisions of subsections (1), (2), (3), and (4) of this section any railroad, when, in its judgment, conditions along the right of way are such that the reduced fire hazard renders such protective devices unnecessary. [*Stats. 1915 s. 1494—57; 1917 c. 282 s. 24*]

26.21 Civil liability for forest fires. In addition to the penalties provided in section 26.20, the United States, the state, the county or private owners, whose property is injured or destroyed by such fires, may recover, in a civil action, double the amount of damages suffered, if the fires occurred through wilfulness, malice or negligence. Persons or corporations causing fires in violation of this chapter, shall be liable to the state in an action for debt, to the full amount of all damages done to the state lands and for all expenses incurred by the towns fighting such fires. [*Stats. 1915 s. 1494—58; 1917 c. 282 s. 26*]

SALES OF DAMAGED TIMBER.

26.22 Sales, etc. The commission may sell any timber on the state park or state forest lands which has been damaged by fire or wind, on such terms and in such manner as it shall deem best for the interest of the state. [*Stats. 1915 s. 210b; 1917 c. 282 s. 26a*]

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CHAPTER 27.

PUBLIC PARKS AND PLACES OF RECREATION.

STATE PARKS.

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STATE PARKS.

27.01 State parks. (1) NAMES. The state parks are designated as follows:

The state park in Polk county, as "Interstate Park of the Dalles of the St. Croix;"

The state park in the town of Gibralter, Door county, as "Peninsula State Park;"

The state park in the town of Wyalusing, Grant county, as "Nelson Dewey State Park;"

The state park in Sauk county, as "Devil's Lake State Park;"

The state park in the town of Delafield, Waukesha county, as "Cushing Memorial Park."

(1m) SPECIAL POWERS OF THE CONSERVATION COMMISSION. Except as otherwise provided by law the state conservation commission of Wisconsin shall have charge and supervision of all parks now owned or hereafter acquired by the state; also of all lands that the state has acquired or may hereafter acquire for parks; and to effectuate such supervision said commission may exercise the following special powers:

(a) To lay out and ornament any state park, to govern and manage the same, to lay out and construct all proper roads and bridges therein, to permit people to camp, in and use such park under restrictions and rules made by it and to make such rules and regulations with the governor's approval as may be necessary to manage and control the same.

(b) To accept in the name of the state grants, conveyances and devises of land, and bequests and donations of money, to be used for park purposes, if such grants, conveyances, devises, bequests or donations are unconditional or are subject to such conditions only as the commission finds are reasonable and not inconsistent with the use of such property for park purposes.

(c) To enforce laws for the prevention of destruction of shrubs and trees in such parks.

(d) To employ such agencies and subordinates and make such contracts as may be necessary to carry out the provisions of this section.

(e) To allow the state agricultural and horticultural societies to establish and maintain, upon any portions of the lands of the state parks which it deems suitable, such nurseries, experiment stations, and buildings as will best serve the requirements of said societies, and to allow the use of portions of such parks, which it deems suitable, for buildings and playgrounds for school purposes, all of which shall be under the general supervision of said commission.

(f) To summon and examine witnesses and, by its secretary to administer oaths to such witnesses in any proceedings relative to its duties.

(g) To purchase or acquire for and in the name of the state of Wisconsin in the manner and for the purposes hereinafter provided and designated, title to such tracts of land as it may select, as most suitable to fulfill the requirements of a state park, taking into consideration their relative cost and value for park purposes.

(h) Said commission may acquire by gift, purchase or condemnation such lands as may be needed for state park purposes.

(i) No land shall be purchased or acquired under paragraph (g) or under paragraph (h) of this subsection until after the legislature shall have appropriated or the com-

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mission shall have otherwise acquired the necessary money for that specific purpose. But all land so purchased or acquired shall be devoted to public use for park purposes under proper regulations prescribed by the commission.

(j) If said commission, in negotiating for such purchases shall ascertain that any lands or premises situated within the limits of a proposed state park, have a value which is incommensurate with their value for the purpose of said park, the commission is hereby authorized to enter into a written agreement with the owner for such control or supervision by the state over such lands or premises, as it deems necessary to the reasonable requirements of said park.

(k) Said commission is authorized to extend, pursuant to any such written agreement, such protective, police, and other powers conferred upon it by this section as it may deem advisable, over the lands and premises affected by the agreement.

(l) Said commission is authorized to remove or cause to be removed in such manner as it may deem advisable wood, timber, rocks, stone, earth, or other products from said parks and sell the same to the highest bidder, or lease parts or parcels of state park lands or properties; and pay the proceeds into the state treasury to the credit of the state park fund, which fund shall be used by the commission exclusively for the purchase of state park lands.

(m) The attorney-general shall act as counsel and attorney for said commission, both in proceedings and litigation, and in giving advise and counsel. The respective district attorneys of the county or counties where said park shall be located shall prosecute for all violations of the terms of this section occurring within their respective counties as provided in section 26.18.

(n) Such assistants as may be appointed by said commission shall have all the powers of state and town fire wardens as provided in chapter 26 of the statutes, and such powers shall apply to said parks.

(o) The penalties for the destruction of any notices, posted by the said commission, or for the breaking, tearing up, or marring, of trees, vines, shrubs, or flowers, the dislocation of stones or the disfigurement of natural conditions within the boundaries of any state or county parks or state fish hatchery grounds shall be the same as those provided in section 26.19.

(p) Neither a single member of the commission, nor any person employed by it, shall have power to create any debt or obligation binding the state, except when acting pursuant to the express authority of the commission, granted at a meeting duly convened.

(2) CONTINUED POSSESSION OF HOMESTEADS. Whenever the commission shall, under the provisions of subsection (1m) of this section, acquire any lands which have been occupied as a homestead by the owner thereof for twenty-five years or more, said commission shall, if requested by such owner, enter into a contract with him whereby he shall be permitted to remain for a term not exceeding the natural life of such owner upon the portion of such lands, not to exceed one acre in extent, upon which the homestead buildings are located, and such owner shall be allowed to fence such portion of lands, shall be afforded access to highways, and shall be allowed to use such portion of land and the buildings thereon as a home only, subject to the rules of the commission relating to the sale of intoxicants, to sanitation, and to the preservation of the park.

(3) REPORTS. Said commission shall investigate and in its annual report to the governor shall make a detailed statement of the facts regarding any proposed park, and make recommendations regarding the requirement of any new parks, the extension of existing parks, and such other recommendations as it shall deem necessary.

(4) PLACES HISTORICAL AND BEAUTIFUL. Said commission shall, in the discharge of its duties, investigate and consider the propriety and desirability of securing and preserving all places of historical interest and of natural beauty and shall include in its report its recommendations thereupon.

(5) MAPS AND NAMES OF STATE PARKS. The commission shall provide a suitable and durable set of maps of each state park, so arranged that additions thereto can be made whenever lands are added to them. Each parcel of land designated on any such map that was or shall be granted, conveyed or devised to the state as a gift for park purposes, shall have plainly written thereon the name of the donor; and in close proximity to each map shall be inscribed a schedule of all legislative acts affecting the park represented. Said maps and all deeds and all documents relating to the title of any of the state park lands shall be filed and kept in the office of the secretary of state. The commission may designate by an appropriate name any state park not expressly named by the legislature. [*Stats. 1915 s. 1494t—3m, 1494t—3n, 1494t—4, 1494t—5;*

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1917 c. 262 s. 2; 1919 c. 91, 194; 1919 c. 558 s. 1, 2; 1919 c. 702 s. 10; 1921 c. 26, 312; 1921 c. 422 s. 49]

COUNTY PARKS.

27.02 County park commission, appointment. (1) In every county having a population of at least one hundred and fifty thousand, and in any other county wherein the county board has by resolution provided for a county park commission subject to the provisions of sections 27.02 to 27.06, inclusive, which any county board is empowered to do, the chairman of the county board shall appoint a county park commission consisting of seven members. Such appointments shall be made in writing and filed in the office of the county clerk. The term of each member shall be the seven years next following the first day of July of the year in which his appointment is made and until the appointment and qualification of his successor, except that the first seven members shall be appointed respectively for such terms that on the first day of July in each of the seven years next following the year in which they are appointed the term of one member will expire. After such original appointments one commissioner shall be appointed annually in the month of June to succeed the member whose term will expire on July first then next following.

(3) Each of said commissioners shall take and file the official oath. [*Stats. 1915 s. 697—68; 1917 c. 262 s. 3; 1919 c. 264 s. 1; 1919 c. 362 s. 34; 1919 c. 558 s. 3; 1919 c. 702 s. 11*]

27.03 Organization. (1) Within thirty days after their appointment and qualification the said commissioners shall convene at the courthouse and perfect an organization; and thereupon such park commission shall have the usual powers of such bodies in addition to those hereinafter enumerated, shall use a common seal, make by-laws and choose annually from its members all necessary officers.

(2) It may also appoint such other agents and employes as may be necessary to carry out its functions, and may remove them at pleasure, and make all rules and regulations concerning its work.

(3) The county board shall provide suitable offices where the maps, plans, documents, and records of the commission shall be kept, subject to public inspection at all reasonable hours and under such reasonable regulations as it may prescribe. [*Stats. 1915 s. 697—69; 1917 c. 262 s. 4*]

27.04 Preliminary survey. The commission shall make a thorough study of the county with reference to making reservations of lands therein for public uses and laying out ample open spaces, parks, roads and boulevards; make plans and maps of a comprehensive county park system; gather such further information in relation thereto as it may deem expedient; and report the same to the county board within two years from the date of its organization. It shall make such other reports, from time to time, as may be requested by the county board. [*Stats. 1915 s. 697—70; 1917 c. 262 s 5*]

27.05 Powers of commission. The said commission shall have charge and supervision of all county parks, and all lands heretofore or hereafter acquired by the county for park or reservation purposes; and shall have power:

(1) To lay out, improve, maintain and govern all such parks and open spaces; to lay out, grade, construct, improve and maintain roads, parkways, boulevards and bridges therein or connecting the same with any other parks or open spaces or with any municipality in the county, using such methods and materials as it may deem expedient; to determine and prescribe building lines along the same; and to make rules for the regulation of the use and enjoyment thereof by the public;

(2) To accept, in the name of the county, grants, conveyances and devises of land and bequests and donations of money to be used for park purposes;

(3) To acquire, in the name of the county, by purchase, land contract, lease, condemnation, or otherwise, with the approval and consent of the county board, such tracts of land or public ways as it may deem suitable for park purposes; but no land so acquired shall be disposed of by the county without the consent of said commission, and all moneys received for any such lands, or any materials, so disposed of, shall be paid into the county park fund hereinafter established.

(4) To acquire in the name of the county by purchase, land contract, lease, condemnation or otherwise, with the approval and consent of the county board, such tract or tracts of land as it may deem necessary for the purpose of providing a suitable and convenient place and station upon which aeroplane and aircraft generally may land, be cared for, and make flight from; and to improve and provide such place with the necessary hangars, and equipment for same; and said park commission is further authorized and empowered to let, lease or have such lands or station, and make such charge therefor, as they may deem

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proper and advisable; provided, however, that any such lands so acquired, leased or used for such purpose shall not be leased or let, exclusively, to any person, firm or corporation, but proper provision in any such use, lease or letting, shall be made for use, by others who may desire to use same; and for the purpose herein specified said county park commission is authorized and empowered to appropriate and use from and out of the county park funds, and the county board of supervisors is authorized and empowered to appropriate and use from and out of the funds of the county, such sum or sums as may be severally or jointly sufficient to pay for such lands and improvements; and all rents, charges and income received from said lands and the use thereof, shall belong to and be paid into the county park fund herein established. [*Stats. 1915 s. 697—71; 1917 c. 262 s. 6; 1919 c. 613*]

27.06 Mill-tax appropriation. The county board shall annually, at the same time that other county taxes are levied, levy a tax upon the taxable property of such county of one-tenth of a mill upon each dollar of the assessed valuation of the taxable property upon which other county taxes are levied and collected, and the entire amount of such special tax shall be collected as other taxes are collected and paid into the county treasury as a separate and distinct fund, to be paid out only upon the order of the county park commission for the purchase of land and the payment of expenses incurred in carrying on the work of the commission. Any part of said fund, except five thousand dollars annually, may be transferred to the general fund of the county treasury whenever county bonds for the purchase of land have been issued by the county and placed at the disposal of the county park commission, or whenever the county has assumed an indebtedness on its behalf, equal to the amount of money to be transferred. [*Stats. 1915 s. 697—73; 1917 c. 262 s. 8; 1919 c. 558 s. 5*]

CITY, VILLAGE AND TOWN PARKS.

27.07 Interpretation. The provisions of sections 27.08, 27.09, 27.10, 27.11, 27.12 and 27.14 are applicable to every city, however organized, unless a different intention is expressly stated; but said sections do not repeal or amend any other law applicable to any such city of the first class, and every city of that class may, at its option, act under said sections or any part thereof, or under such other law. [*1919 c. 558 s. 7*]

27.08 Board of park commissioners. (1) ESTABLISHMENT. Every city may by ordinance authorize the appointment of a board of park commissioners and specify therein the time within which the board shall be appointed.

(2) APPOINTMENTS, TERMS. Said board shall consist of five members appointed by the mayor and confirmed by the common council. The full term of each member shall be the five years beginning on the first day of January next following his appointment and until his successor is appointed and qualified. But when the board is first constituted the respective appointments shall be for terms ending one or more years after the first day of January next succeeding the appointments, but so distributed that not more than one term will end in any one year. In the month of November or the month of December next preceding the ending of any member's term the mayor shall appoint his successor for a full term and submit the appointment to the common council for confirmation.

(3) QUALIFICATION OF MEMBERS. Each member shall be a resident freeholder of the city except when a park district has been established pursuant to section 27.09 including territory both within and without the corporate limits of the city, in which case at least one and not more than two members shall be appointed who are resident freeholders of such outside territory, if that can be done. Each member shall take and file the official oath.

(4) ORGANIZATION OF BOARD. As soon as all of the members of the first board shall have been appointed and their appointments confirmed the city clerk shall give each appointee written notice of his appointment and confirmation and name the time and place for their first meeting which shall not be less than five nor more than ten days from the date of the last of said confirmations, at which meeting said board shall organize by electing from its members a president and a treasurer, each of whom shall hold office until his successor shall be elected and qualified. Provided that the common council by ordinance may provide, that the city treasurer shall act as treasurer of the board. Thereafter the annual meeting of the board shall be held on the second Tuesday of January in each year at which the same officers shall be elected for terms of one year each and until their respective successors are elected and qualified. Every treasurer elected by the board shall execute and file an official bond with sureties approved and in an amount fixed by the board. The treasurer's bond shall be in a sum not less than the estimated amount of taxes to be raised in the district during the same year for park, parkway, boulevard and

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pleasure drive purposes. Three members of the board shall constitute a quorum for the transaction of business. Each member of any existing board of park commissioners in any city shall continue to hold office beyond the end of his term for such time as may be necessary to avoid a vacancy in consequence of the changes made by this section in the times fixed for the commencement and the ending of his term.

(5) COMPENSATION. Members and officers of the board shall serve without salary or other compensation except when the board, in its discretion, allows to the treasurer a specified compensation to be paid out of the park fund provided by subsection (1) or subsection (2) of section 27.10.

(6) POWERS AND DUTIES. The board of park commissioners is empowered and directed:

(a) To govern, manage, control, improve and care for all public parks, parkways, boulevards and pleasure drives located within, or partly within and partly without, the corporate limits of the city, and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote those purposes.

(b) To acquire in the name of the city for park, parkway, boulevard or pleasure drive purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege.

(c) To buy or lease lands for park, parkway, boulevard or pleasure drive purposes within the county in which such park district is situated, and, with the approval of the common council of the city constituting the original park district, to sell or exchange property no longer required for its purposes.

(d) To change or improve all parks, parkways, boulevards or pleasure drives within the city limits, controlled by the board, at the expense of the real estate to be benefited thereby, as provided in subsection (3) of section 27.10.

(e) To plant, transplant, maintain, protect, and care for shade trees in any of the public highways of the park district under its charge, and to control all such planting and transplanting by others.

(f) To acquire and maintain such equipment as may be necessary to properly carry out these purposes.

(g) To restrict traffic and prohibit heavy teaming on any such park, parkway, boulevard or pleasure drive.

(h) To appoint a secretary and a superintendent, fix their terms and compensations and define and describe their respective duties and authority, and employ such other employes as it may deem necessary, including special police, who are hereby granted the powers now granted to regular city police, and fix their compensation.

(i) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the city for park, parkway, boulevard or pleasure drive purposes.

(7) FURTHER POWERS. (a) *Of public corporations.* The board of park commissioners in every city having a park district comprising territory both within and without its corporate limits shall be a separate and distinct public corporation and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed for the board by law.

(b) *Of joint control.* Any city, town or village lying in whole or in part within such park district may transfer to the board of park commissioners the control of any park; boulevard, pleasure drive, or highway or any other open space controlled by such city, town or village, upon such terms as may be mutually agreed upon. Any such city, town or village may enter into an agreement with the board of park commissioners for the joint control of any parks, boulevards or pleasure drives within the county. The board of park commissioners may transfer to any such city, town or village, by mutual agreement, the management and control of any park, boulevard, pleasure drive, or highway or any other open space controlled by the board.

(c) *Co-operative improvements.* The board shall receive and consider requests from property holders within the park district for the planting or alteration of shade trees or for any other improvement in the highways abutting their property. If such requests are approved by the board, it may make such improvement in such manner and on such terms as it may agree upon with said property holders.

(d) *Land contracts, options.* Said board may contract in the name and on behalf of the city for the purchase of lands within the limits of the county in which the city is located, for park, parkway, boulevard or pleasure drive purposes; and may lease lands therein for such purposes, with the privilege of purchasing the same. But no such lease or contract shall be binding upon the city until the same shall have been approved by the

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common council by resolution adopted by an affirmative vote of a majority of the aldermen-elect, specifying the land to be purchased, the maximum price to be paid therefor and the terms of payment, or the terms of any option in any such lease.

(e) *Eminent domain beyond city limits.* Every city is authorized, upon recommendation of its officers, board or body having the control and management of its public parks, to acquire by condemnation such lands outside of its corporate boundaries as it may need for public parks, parkways, boulevards and pleasure drives located in the same county in which such city, or any part thereof is located.

(f) *Limitation of powers as to gifts.* Gifts to any city of money or other property, real or personal, either absolutely or in trust, for park, parkway, boulevard or pleasure drive purposes shall be accepted only after they shall have been recommended by the board to the common council and approved by said council by recorded resolution.

(g) *Public concerts in city parks:* The board of park commissioners of any city may conduct public concerts within its public parks and pay the expenses thereof out of the park fund. A fee for admission may be charged for the purpose of defraying such expenses in whole or in part.

(8) CARE OF PARKS IN CITIES HAVING NO PARK BOARD. In any city having no board of park commissioners its public parks, parkways, boulevards and pleasure drives shall be under the charge of its board of public works, if it has such last named board; otherwise under the charge of its common council. When so in charge, the board of public works or the common council may exercise all the powers of a board of park commissioners.

(9) TEMPORARY EXERCISE OF POWERS OF CITY PLAN COMMISSION. In every city having no commission of city plans under the provisions of section 62.23 subsection (1), the board of park commissioners, if there be such board in such city, shall be vested with the powers enumerated in section 62.23 subsections (2), (3) and (12). The one and one-half mile zone beyond the city limits mentioned in section 62.23 subsection (2) paragraph (a) shall for street, park, parkway, boulevard, pleasure drive and platting purposes be extended to three miles beyond the city limits. For the purpose of carrying out the provisions of section 62.23 subsection (2) paragraph (a) in said extended zone the common council may appropriate out of any available fund a sufficient sum to be used by said board for hiring engineers, surveyors and draftsmen, and other necessary help and assistants in making a comprehensive map of the said city and zone so as to put in concrete form the ideas of the said board as to how future dedications, openings and plattings of streets, highways, boulevards, pleasure ways and parks, or other public improvements or thoroughfares, shall be made; which said map, when adopted by the common council, shall serve as an advisory guide to the said board of park commissioners in making recommendations to the common council in the future as to approving plats, and shall not be departed from except in cases of necessity or discovered error therein.

(10) CITY FORESTER. (a) The board of park commissioners of every city may appoint a city forester to take charge of and direct, subject to its supervision and control, all of the work authorized to be done under this subsection, fix his term and compensation, and remove him at pleasure. It is also empowered to employ, or authorize the city forester to employ, as many assistants as it may deem necessary for carrying on said work, and fix their compensation.

(b) The common council shall include in its annual budget such sum as it may deem necessary, if any, to meet all expenses of doing said work during the following fiscal year, including the salary of the city forester and the compensation of employes assisting him, but not including amounts assessable to abutting property; and the taxes levied to provide for such expense shall be in addition to all other taxes for park and boulevard purposes.

(c) The city forester, under the supervision and direction of the board, may plant, transplant, remove, trim, spray and otherwise care for and protect all trees and shrubs on or in that part of every street, the grade of which has been established, lying between the lot line and the curb, or in the center or side plots in all boulevards and parkways, and in all public parks or grounds in the city over which the board exercises control.

(d) Whenever the board proposes the setting out, planting or removing of any such living shade tree, it shall give two weeks' written notice to the owner of the lot or parcel of land on which such tree stands or will stand, or his agent, or, if neither is known and there be a tenant occupying said property, then to such tenant, of a time and place at which said contemplated work will be considered by the city forester, specifying in detail the street, avenue or boulevard and portion thereof, upon or from which trees are proposed to be planted or removed, and the general nature and character of the changes and improvements contemplated. After such hearing, the city forester, subject to the direc-

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tion of the board shall abandon said work or proceed with it as he believes the best interest of the public requires.

(e) The entire cost of protecting, trimming, spraying, planting, renewing and removal of trees and shrubs between the lot line and the curb in front of any lot or parcel of land abutting on a street, avenue or boulevard shall be chargeable to and assessed upon such lot or parcels of land.

(f) The board shall keep a strict account of the cost of planting, protecting, renewing, removing, trimming, spraying and caring for trees and shrubs in front of each lot or parcel of land abutting on any street, avenue, or boulevard, and prior to the tenth day of November in each year, shall make a report to the comptroller in cities having such an officer, and in other cities to the common council, of all work done for which assessments have been made as hereinbefore provided stating and certifying the description of land, lots, parts of lots or parcels of land abutting on a street, avenue or boulevard in which any such work shall have been done, and the amount chargeable to each such piece of property; and the comptroller at the time of making his annual report to the common council of the lots or parcels of land subject to special assessments shall include therein the lots or parcels of land so reported to him by the board of park commissioners with the amount chargeable thereto for work done during the preceding year.

(g) The amounts so reported directly or through a comptroller to the council shall be levied on said lots or parcels of land, respectively, to which they are chargeable and shall constitute a lien thereon and shall be collected as other special taxes are levied and collected in the city. The board shall advance out of the park or other proper fund sufficient money for doing said work and said special assessments shall be credited to said fund of said city and shall not be diverted or used for any other purpose. [*Stats. 1917 s. 27.09 sub. (3), (4), (5), (6), (9), 27.10 sub. (1), (3), (4), (5), (6), (8), (14), 27.11 sub. (13), 27.13, 925—48m, 925—199; 1919 c. 362 s. 35; 1919 c. 522; 1919 c. 558 s. 8 to 15b, 16, 17, 18, 31; 1919 c. 702 s. 12, 13, 16*]

27.09 Park districts. (1) CREATION BY ORDINANCE. Every city may by ordinance clearly defining all boundaries create one or more park districts within the corporate limits of the city, or in lieu thereof a single park district comprising all of the territory within such corporate boundaries and any other contiguous territory within the same county, which may become annexed thereto in any one of the ways provided in subsection (2) of this section.

(2) ANNEXATIONS. Any such contiguous territory may become so annexed for park, parkway, boulevard and pleasure drive purposes in either one of the following ways:

First. If a majority of the electors, and the owners of at least one-third in area of the taxable real property in the territory proposed to be annexed, together petition the board of park commissioners of such city to annex such territory said board may make the annexation by resolution adopted by a majority vote of all its members and recorded in its minutes.

Second. If there are no resident electors within the territory proposed to be annexed, the board may in like manner annex such territory upon the presentation of a petition from the owners of at least one-half in area of the taxable real property within such territory, asking therefor.

Third. Upon the presentation of a petition from not less than fifteen per cent of the electors in such contiguous territory praying therefor the board may, in its discretion and upon such terms as it shall determine, order an election to be held in such territory at which the question of annexation shall be submitted. The board shall give notice of the time and place thereof by publication in some newspaper published within the park district, once a week for four successive weeks immediately preceding such election, incorporating in such notice a copy of the petition and the board's approval thereof. The board shall provide the necessary officers, ballots, polling places, and all other things necessary in conducting such election and for the canvass of returns thereof. If annexation is approved by a majority of the electors voting at such election the board shall make the annexation as in other cases. A proposition so submitted to and rejected by the electors shall not be again submitted within one year thereafter.

(3) RECORD OF PROCEEDINGS. Every such ordinance, petition and recorded resolution shall clearly define the boundaries of the territory to be annexed and copies thereof certified by the secretary of the board shall be recorded in the office of the register of deeds. Until such recording the annexation shall be ineffectual.

(4) PORTIONS OF STREETS SET APART FOR PARK PURPOSES. Whenever the common council of any city determines to improve any street, avenue or boulevard, the board of public works, or if there be no such board, the officer or officers authorized to make such improvement, may, as a part thereof set aside a portion of such street, avenue or boulevard

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for park purposes, and determine, subject to the approval of the board of park commissioners, if there be such a board, in what manner the portion so set aside shall be improved. The damages and benefits resulting from such entire improvement, including the cost of the improvement of the part of such street, avenue or boulevard so set aside shall be assessed to the several parcels of land affected thereby as provided by law in such city for such assessments. Any report required to be made and filed respecting such improvement shall include a detailed statement of said determination and the approval thereof by said board.

(5) TITLE DEEDS AND CONTRACTS, HOW EXECUTED. The acquisition of any lands under this section or section 27.08 shall be in the name of and for the city. Any deeds, leases, contracts, mortgages, or other instruments necessary to be executed on the part of the city in carrying out the purposes of either of said sections shall be executed in the name of such city and signed in its behalf by said board by its president and secretary, after due authorization by resolution of said board. [*Stats. 1917 s. 27.10 sub. (1), (2), 27.11 sub. (6), 27.12; 1919 c. 558 s. 19, 20, 21*]

27.10 Taxation and finance. (1) IN CITIES OF THE FOURTH CLASS. (a) The board of park commissioners in every city of the fourth class shall, prior to the first day of October in each year, make an estimate of the expenditures by said board during the ensuing calendar year including all necessary incidental expenses, and also an estimate of the amount necessary for the purchase of land for parks, parkways, boulevards and pleasure drives, and transmit the same to the common council. Such part of said estimates as the council shall approve shall be levied and collected as other general taxes are levied and collected, for the exclusive use of said board. Said board shall transmit to the common council at its first regular meeting in January of each year a full detailed report of all its transactions for the preceding year, together with an itemized account of all receipts and expenditures, a list of employes, and an inventory of property in charge of the board, including an itemized statement of the cost of each article procured by purchase.

(b) All moneys under the control of said board raised by taxation, or appropriated by the common council, or received by subscription or gift for parks, parkways, boulevards or pleasure drives, shall be paid over to the city treasurer and constitute a separate fund for such purposes, denominated the park fund, and be disbursed by orders of the city clerk drawn upon the city treasurer to pay accounts or bills that have been audited and allowed by said board and presented to the city clerk. Such orders shall when paid, be vouchers of the city treasurer for his payment from the park fund. The board shall not contract any liability on the part of the city in excess of the sums set apart in said fund unless the same be expressly authorized by the common council.

(2) IN CITIES OF THE SECOND OR THIRD CLASS. (a) The board of park commissioners in any city of the second or third class may incur indebtedness and issue and sell bonds for the purposes, and in the manner authorized and provided in chapter 67 of these statutes.

(b) The board shall, prior to the first day of October in each year, make an estimate of its expenditures during the ensuing calendar year, including all necessary incidental expenses; also an estimate of the amount thereof necessary to be raised by taxation, which shall not exceed one mill on the assessed valuation of the taxable property within said park district.

(c) The board shall apportion such amount among the cities, towns and villages, or parts of cities, towns, and villages, which constitute the park district in charge of the board, according to the last assessed valuation of the taxable property within such district and within said cities, towns and villages, or parts thereof. Said board shall certify such apportioned amounts to the respective city, town and village clerks, including in such certificate any special assessment, made under this section, against any property within any such city. Said clerks shall thereupon carry out on the tax rolls of such cities, towns, or villages, respectively, for such year, the amounts so apportioned as a tax for the purposes of said park district on all taxable property, within that portion of their respective cities, towns or villages which is within such park district.

(d) The treasurers of such cities, towns and villages shall collect such tax as other taxes are collected and pay the same over to the treasurer of said board within ten days after the date fixed by law for the return of taxes as delinquent. Any such taxes not collected by said treasurers shall be returned as delinquent and thereafter be collected as other delinquent taxes are collected, and be paid over to the treasurer of said board.

(e) The treasurer of the board shall keep all moneys received or raised in anyway for the purposes of such board, and pay out the same upon certified bill, voucher or schedule signed by the president and secretary of said board setting forth the names of the claimants, the amount of each claim and the purpose for which expended. He shall preserve

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and invest such funds in such manner as may be prescribed by the board. Money received and held for the payment of current expenses shall be kept separate from trust funds and be known as the "Park Fund."

(3) TAX FOR PARKS; COLLECTION AND EXPENDITURE OF PROCEEDS. The common councils of all cities of the first class are hereby authorized and directed to include in the tax levy of each year, upon all taxable property of any such city, at the same time and in the same manner as other city taxes are levied and collected by law, a tax not exceeding eighty-five hundredths (.85) of a mill upon each dollar of the assessed value of said taxable property, the amount of which tax shall be determined by the board of park commissioners of such city, and certified to the common council and the city comptroller on or before such day in each year designated by law for making and filing with the city comptroller reports and estimates for the purpose of making up the budget for the ensuing fiscal year. The entire amount of such tax shall be collected, paid into and held in the city treasury as a separate and distinct fund to be known as the park and boulevard fund, and shall not be used or appropriated directly or indirectly for any other purpose than for the improvement, maintenance and control of the public parks and boulevards of such city, and for the payment of the salaries of the employes and other proper expenses of such board of park commissioners; provided, that of the said tax levied and collected in any such city, two-tenths of a mill upon each dollar of the assessed value of its taxable property shall be used each year by its board of park commissioners solely for the purpose of filling in and improving and maintaining as a public park or boulevard any strip of submerged land granted or which may be granted to said city to be managed, controlled, improved and maintained by its board of park commissioners; and provided further, that of said tax levied and collected in any such city one-tenth of a mill upon each dollar of the assessed value of its taxable property shall be used each year by its board of park commissioners solely for the purpose of improving and maintaining any zoological garden which may be managed, controlled, improved and maintained by its board of park commissioners.

(4) SPECIAL ASSESSMENTS FOR PARKS IN ALL CITIES. (a) Whenever any change of grade or improvement of parks, parkways, boulevards or pleasure drives within the limits of any city is proposed by its board of park commissioners at the expense of the real estate to be benefited thereby, it shall view the premises and determine the damages and benefits which will accrue to each parcel of real estate by such proposed change or improvement, and the entire cost thereof. Said board shall make and file in its office a preliminary report showing its said determinations.

(b) Notice shall be given by the board that such report is open for review at its office, and will be so continued for the space of ten days after the date of such notice and that on a day and hour named therein, which shall be not more than three days after the expiration of said ten days, said board will hear all objections that may be made to such report. Such notice shall be published in the official newspaper of the city at least once, and copies of such notice shall be posted at convenient places at intervals of not more than five hundred feet along any highway through or adjacent to the real estate so determined to be affected by such proposed change or improvement. Such posted notices shall be printed in type not smaller than pica. Such publication and posting shall be made at least five days prior to the date of hearing objections.

(c) At the time specified for hearing objections to said report, said board shall hear all parties interested, who appear for that purpose, reduce to writing all objections made and all evidence offered to sustain the same, and may review, modify and correct said report as it deems just. At such hearing any member of the board may administer oaths.

(d) Thereupon a complete and final report and determination shall be made and filed by said board in its office, together with all of said objections and evidence and proof by affidavit of said publication and posting, which affidavit shall be presumptive evidence of the facts therein stated. No irregularity in the form of any of said proceedings shall affect the legality thereof, unless it shall appear that the owners of the property affected were misled by such irregularity and have not had an opportunity to be fairly heard.

(e) When such final determination shall have been reached the board shall, within the next following fifteen days, publish notice thereof in the official paper of the city once in each week for two successive weeks, that a final determination has been made and is on file in its office as to the benefits and damages that will accrue to the real estate affected by the proposed change or improvement.

(f) The owner of any parcel of land mentioned in said notice feeling aggrieved by such final determination may, within thirty days after the date thereof commence an action in the circuit court to correct or redress such grievance. Any contract already entered into for making the proposed change or improvement, shall not be affected by said action,

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but a certificate against the parcel of real estate in question for the amount of benefits assessed to such parcel shall be issued notwithstanding such action; and in case the plaintiff shall succeed, the difference between the amount charged in the certificate so issued and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate shall be paid from the funds of the park district. Said action shall be the only remedy of the owner of any parcel of land or of any person interested therein affected by such change or improvement for the redress of any such grievance.

(g) If in any such action the court shall determine that any such special assessment is invalid for any cause, the board shall proceed forthwith to make a new assessment against the property of the plaintiff as such original assessment should have been made, in accordance with the provisions of section 75.57, so far as applicable. [*Stats. 1917 s. 27.09 sub. (7), (8), 27.10 sub. (7), (9), (10), (12); 1919 c. 405; 1919 c. 558 s. 22, 23, 24; 1919 c. 702 s. 14; 1921 c. 576 s. 6*]

27.11 Board of public land commissioners. (1) CREATED BY ORDINANCE. Every city is empowered to create by ordinance a board of public land commissioners consisting of the commissioner of public works, the city engineer, and three resident citizens, with power to convert streets and highways designated by the common council into parkways or boulevards.

(2) APPOINTMENT AND ORGANIZATION. (a) Such resident commissioners shall be appointed by the mayor, subject to the approval of the common council, within sixty days after such creation of the board.

(b) The terms of the appointive members of the first board shall terminate as follows: Of one member on the next ensuing first day of January; of one member on the second ensuing first day of January; and of one member on the third ensuing first day of January. The commissioner of public works and the city engineer shall serve on said board during their respective terms of office. Each commissioner shall hold his office until his successor is appointed and qualified. In December immediately preceding the expiration of the term of any appointive member, the mayor shall appoint his successor to serve for a term of three years.

(3) SALARIES OF MEMBERS. The common council may fix and provide for the payment of a salary or salaries for one or more of the members of said board, when it is satisfied that such payment is necessary in order to carry out the purposes of this section, which salaries shall be paid solely out of the fund named in subsection (8), unless other provision shall be made in said ordinance for the payment of the same.

(4) FUNCTIONS OF BOARD; EMPLOYES. (a) Said commissioners shall have power to appoint such clerks, assistants and workmen as they may deem necessary and proper for the proper discharge of their duties, subject, however, to such regulations in respect to the number of such employes to be appointed and their compensation as the common council may by ordinance prescribe.

(b) Said board is empowered to acquire, in the name of the city, lands and improvements thereon, within a distance of five hundred feet on either side of and abutting on any public street or highway in the city for the purpose of converting the same into a parkway or boulevard. Said lands may be acquired by purchase, gift, or condemnation, but only after such acquisition shall have been recommended to the common council by said board and ordered by resolution of said common council. Any gift of land for the purposes specified in this section, shall first be accepted by the common council upon the recommendation of said board before the same shall become the property of such city.

(c) Said board may, however, either prior or subsequent to such approval obtain from any or all of the respective owners contracts or options, in the name of said city, for the acquisition of said lands, or any part thereof, or any leasehold or other interest or claim therein or thereto; and said board may in such case pay out of the public land fund created by subsection (8) any charges or expenses by it incurred in procuring such contracts or options. But any such contract or option shall not be binding upon, nor shall it create any liability against, the city until it shall have been reported and recommended by said board to the common council and approved by resolution of the common council recorded in its minutes.

(d) Said board is empowered to manage, control, govern, improve, subdivide, resubdivide and plat, any land so acquired; and also to mortgage and sell the same, or parcels thereof, on such terms and with such restrictions and reservations as it may deem necessary in order to convert such street or highway into a parkway or boulevard, and to protect the same and its environs, and preserve the view, appearance, light, air, health, and usefulness thereof.

(5) MAINTENANCE. (a) Whenever said board shall deem it necessary to grade, pave, curb, repair, or repave any parkway or boulevard laid out and established under this sec-

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tion, or any part thereof, including the sidewalks thereof, said board shall recommend its proposed improvement to the common council, describing its plan, and submitting a plat for the same. The common council shall, if it deems such improvement necessary, direct the officer, board, or body having charge of the improvement of streets therein, to make an estimate of the cost of such improvement, which shall be placed on file in the office of said officer, board, or body, and be open to the inspection of the public.

(b) Thereupon such officer, board or body shall send such estimate to the common council, and upon the same being adopted by said council, in whole or in part, said improvement shall be made and the procedure provided by law in the city for the improvement of streets, alleys and sidewalks shall be followed in making such improvement. All property fronting or abutting any parkway or boulevard laid out under this section shall be subject to an assessment of benefits and damages for any improvements made under said section as property abutting or fronting on streets or alleys are now assessable under existing law governing such city, whether such city owns the fee or an easement in the land laid out for such parkway or boulevard.

(6) TITLE DEEDS AND CONTRACTS, HOW EXECUTED. In the acquisition of land and in the execution of instruments, the board shall be governed as park boards are governed by subsection (5) of section 27.09.

(7) LIABILITIES PAYABLE FROM PROCEEDS OF OPERATIONS. No corporate liability whatever shall in any event be created under this section against any city, except to pay for lands condemned. All securities issued by said board and the damages for lands condemned shall be payable solely out of the proceeds of the operation of such board and the public land fund named in subsection (8). Such securities shall not be issued in an amount in excess of the cost to such city of such lands and ten per cent of such cost in addition thereto.

(8) PUBLIC LAND FUND. (a) For the purposes of this section the common council shall, at the request of said board, make an initial appropriation not exceeding twenty-five thousand dollars, and thereafter such annual appropriations as the council may deem reasonably necessary for the purpose of carrying on the work and paying the expenses of said board. Such appropriations shall constitute a fund denominated the public land fund, and it shall be deposited, together with all the proceeds of the operation of such board with the treasurer of such city. Said fund shall be drawn upon only by orders signed by the president and secretary of such board, and countersigned by the city comptroller in cities having such officer, and by the city clerk in other cities.

(b) Said board shall report to the common council in such city on or before the first meeting in September in each year the amount of money required for carrying out the purposes of this section, and the common council may provide such funds as it may deem reasonably sufficient for such purposes and may cause to be levied and collected for such purpose an annual tax not exceeding five-tenths of a mill upon the dollar upon all the property subject to taxation in said city at the same time and in the same manner as other taxes are levied and collected by law. Said tax shall be independent of the eight mills general purposes tax to be levied by said common council. Any unexpended surplus remaining in said public land fund at the close of the fiscal year shall become a part of the revenue of said board of land commissioners for the purposes aforesaid. The five-tenths of a mill tax as herein provided shall not become effective or apply in any city until the question shall be submitted to a vote of the electors thereof by resolution or ordinance adopted by the common council, which shall provide for the time of holding such election. If approved by the majority of the votes cast upon that question in any city it shall go into effect in such city, otherwise it shall not take effect. Upon the ballot provided for such election shall be printed the following: "Shall the common council annually cause to be levied and collected at the same time and in the same manner as other taxes are levied and collected such sum or sums as they shall deem sufficient for the purpose of providing a public land fund. Such sum, however, shall not exceed in any one year a tax equal to the sum of five-tenths of a mill upon the dollar upon all the property subject to taxation in the city." Such election shall be held and the votes cast, counted, canvassed and returned in the same manner as at general city elections.

(9) AUDIT OF ACCOUNTS. Every claim or account arising under this section shall be audited and allowed by said board before an order is issued therefor. Immediately after such allowance said board shall furnish the city comptroller, in cities having such officer, and in other cities, the city clerk, with a copy of such claim or account or a statement of the character thereof, materials furnished, or services rendered, and said comptroller or clerk shall then audit the same before countersigning said order. Said board shall transmit to the common council at its first regular meeting in January of each year a full and detailed report of all transactions of said board for the preceding year together with their

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itemized account of all expenditures, a list of employes, an inventory of property, the purchase price thereof, and a description of all mortgages and securities issued and outstanding.

(9a) REAL ESTATE DEPARTMENT, CITY OF THE FIRST CLASS. In any city of the first class, however incorporated, which has come under the provisions of this act, the board of public land commissioners shall be and hereby is constituted a real estate department of such city, and is empowered with the consent of the common council to act as its agent in the apprisal, acquisition, purchase, transfer and sale of all real estate, other than which must by law be acquired by condemnation, which such city may acquire, purchase, dispose of, transfer or sell.

(10) SUSPENSION OR ABOLITION OF BOARD. The common council may by a three-fourths vote of the aldermen-elect either suspend the operation of or abolish such board. In case of such suspension or abolition the common council may exercise the powers of such board so far as may be necessary to carry out the terms of any contract or complete any proceeding already entered into by such board.

(11) POWERS DELEGATED TO OTHER BOARDS. Every city is authorized and empowered to vest the powers, duties, and restrictions specified in this section, upon its board of park commissioners or any other existing board or commission, by an ordinance of its common council, in lieu of creating a board of public land commissioners under this section.

(12) MAY EXERCISE POWERS OF CITY PLAN COMMISSION. In cities of the first class, said board of public land commissioners shall exercise all the powers conferred on city park boards by subsection (9) of section 27.08. [*Stats. 1917 s. 27.11; 1919 c. 362 s. 35; 1919 c. 558 s. 25; 1919 c. 702 s. 17; 1921 c. 213, 373, 383; 1921 c. 590 s. 81*]

27.115 Lands may be granted or exchanged to promote boating. (1) Any city, however incorporated, which has heretofore acquired, or which may hereafter acquire, title to any submerged land, constituting the bed of any lake, with or without authority to fill in the same, for public park and boulevard purposes, is hereby given the right and authority to grant and convey to any incorporated yacht club of this state, organized without capital stock, and whose principal purposes and objects are development and encouragement of boating, sailing, yacht building, naval architecture and science, and nautical knowledge, customs and beliefs, or kindred purposes, for its exclusive occupancy, use and enjoyment, such part of such land as the common council of such city shall by resolution designate, or to grant such part of such land to any such yacht club corporation in exchange for any lands such yacht club corporation may own or occupy, as may be agreed upon, and as the common council of such city shall by resolution provide.

(2) The common council of such city, by a majority vote of its members, at any regular meeting, may adopt a resolution containing a description of the piece or parcel of such land, the corporate name of the yacht club to whom the same is granted, and directing the proper city officers to execute and deliver such grant and conveyance.

(3) If jurisdiction or control over such lands acquired by any such city for its parks and boulevards has been given to a board of park commissioners, then such board shall approve the said grant and conveyance before the same shall be delivered or become effective.

(4) Any such grant or conveyance, when adopted, approved of and executed as herein provided, shall vest in the grantee therein named the title to the lands therein described to its proper benefit and behoof, exclusively, so long as said grantee shall use and occupy the same for the purposes and objects expressed in its charter; all buildings or structures which such grantee may place or erect thereon shall be of such design and construction as the proper city authorities or its park board may prescribe or approve.

(5) Upon dissolution of such yacht club corporation, or whenever such lands shall be used or occupied for other purposes than above provided, the circuit court of the county wherein such lands are situated shall adjudge the title thereto forfeited, and the title thereto shall revest in said city, as of its former estate and for the exclusive use for park and boulevard purposes. [*Stats. 1919 s. 937g; 1921 c. 396 s. 89*]

27.12 Nonliability. (1) FOR COST OF CONSTRUCTION AND MAINTENANCE. The common council may, by resolution make it a condition of the acceptance of any gift of lands for parks, parkways, boulevards or pleasure drives that the same shall be constructed and maintained solely at the expense of private parties until, by like resolution, the council shall vote to maintain them at the expense of the city.

(2) FOR DAMAGES CAUSED BY WANT OF REPAIR. Neither the city nor any such private parties shall be liable for any damage resulting from insufficiency in such construction, maintenance or repair of any parks, parkways, boulevards or pleasure drives owned by the city and located outside of its limits; but the city may cause any of them or any part of either of them which is not in good repair, to be closed to the use of the public until

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the same shall be put in good repair. At conspicuous points along any such boulevard or pleasure drive a notice shall be placed at intervals not exceeding one mile, painted in large, plain letters, as follows: "Any person using this drive does so at his own risk as to defects therein."

(3) THE SAME, IN CONTINUOUS ANNEXED TERRITORY. No city, town or village containing any territory annexed for park, parkway, boulevard or pleasure drive purposes to any other city by proceedings under subsection (2) of section 27.09, shall be liable, nor shall any park board or its officers or employes be liable, for any damage resulting from insufficiency in the construction or maintenance or repair of any such park, parkway, boulevard, or pleasure drive. At conspicuous points within and upon such parks, parkways, boulevards and pleasure drives, outside of the limits of such other city, at intervals of not exceeding one mile, a notice in large, plain letters shall be placed, as follows: "Any person using this park, parkway, boulevard, or drive, does so at his own risk as to defects therein." [*Stats. 1917 s. 27.09 sub. (2), 27.10 sub. (11); 1919 c. 558 s. 26*]

27.13 Town and village parks. Every town and every village empowered by law to provide and maintain parks, parkways, boulevards or pleasure drives shall be governed in such matters by those provisions of this chapter which are applicable to cities of the fourth class. [*1919 c. 558 s. 27*]

27.14 Police protection. (1) Every city may exercise police supervision over all parks, parkways, boulevards and pleasure drives managed and controlled by its common council or by its board of park commissioners.

(2) The board of park commissioners shall recommend to the common council the enactment of such ordinances as it deems necessary to protect and preserve the parks, parkways, boulevards and pleasure drives under its charge, or to secure the free and reasonable use and enjoyment thereof by the public; and the common council shall enact such proposed ordinances or such other ordinances as will be suitable for the purposes stated.

(3) The city attorney shall prosecute in a court or courts of competent jurisdiction all violations of said ordinances.

(4) Each member of a board of park commissioners and its superintendent are vested with the powers of police officers for the enforcement of all rules and regulations of the board and the ordinances aforesaid. [*1919 c. 558 s. 28*]

27.15 Moneys for cities of the first class, how disbursed. All moneys received or raised in any city of the first class, however incorporated, for parks and boulevards, under the control of a board of park commissioners, shall be paid over to the city treasurer and shall be disbursed according to resolutions of the board of park commissioners authorizing the payment of bills and accounts after same have been audited and orders directed to be issued therefor, which shall be signed by the president and secretary of the board, except that said funds may by resolution of said board of park commissioners be disbursed upon orders signed by the president and secretary of the board of park commissioners, and countersigned by the comptroller after bills or accounts have been presented to and audited by him. All bills or accounts thus paid shall be reported by said secretary to the next regular meeting of the board of park commissioners. Such orders shall be made payable to the order of the persons in whose favor they shall have been issued, and shall be the only vouchers of the said treasurer for his payment from the park fund. It shall not be lawful for the board of park commissioners to expend or contract a liability for any sum in excess of the amount levied in any one year for the park fund on account of such fund. [*1921 c. 291*]

CHAPTER 28.

STATE FORESTS AND FOREST PLANTATIONS.

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28.02 Powers of commission.

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GENERAL PROVISIONS.

28.01 State forests defined. The state forests embrace all lands granted to the state by an act of congress entitled "An act granting lands to the state of Wisconsin for forestry purposes," approved June 27, 1906; all lands granted to the state by an act of congress entitled "An act granting unsurveyed and unattached islands to the state of Wisconsin for forestry purposes," approved August 22, 1912; and all lands heretofore granted or conveyed to the state by the Nebagamon Lumber Company for forestry purposes. With the consent and approval of the state conservation commission of Wisconsin additions to the state forests may be made by grant, devise or conveyance constituting a voluntary donation to the state for the express purpose of enabling it to use such added lands as parts of its forests. No such proffered donation shall be accepted until the title of the donor has been examined and approved by the attorney-general. [*1917 c. 263 s. 2*]

28.015 County tax lands. Lands owned by any county by virtue of any tax deed issued to such county and which the county is willing to sell to the state may be purchased by the state conservation commission, with the approval of the governor, secretary of state and state treasurer, when such lands are adapted for forestry purposes, but the purchase price thereof shall not exceed the amount due the county for taxes, interest and charges. [*1921 c. 181 s. 1; 1921 c. 9 s. 2*]

28.02 Powers of commission. (1) FORESTRY SUPERVISION. The state conservation commission of Wisconsin shall execute all matters pertaining to forestry within the jurisdiction of the state, direct the management of the state forests, collect data relative to forest destruction and conditions, and advance the cause of forestry within the state, as may be deemed wise, by the issuing of publications and by lectures.

(2) SILVICULTURE. The commission may make and maintain forest nurseries, plantations, and fire lines, and execute other silvicultural and protective measures necessary to the highest permanent usefulness of the public lands.

(3) CO-OPERATION. The commission may co-operate with the college of agriculture of the University of Wisconsin in giving courses of study in farm forestry; and may also co-operate with any of the several departments of the federal or state governments, or with the governments of other states, or with counties, towns, corporations or individuals, whenever it deems it necessary to the best interest of the people and the state, in forest survey, forest studies, forest protection, and in the preparation of plans for the protection, management or replacement of trees, wood lots and timber tracts.

(4) REPORTS. The commission shall report to the governor annually on the progress and condition of state forest work, and recommend therein plans for improving the state system of forest protection, management, replacement and taxation. [*Stats. 1915 s. 1494—42, 1494—45; 1917 c. 263 s. 3*]

FOREST PLANTATIONS.

28.03 Forest tree plantations exempt from taxation. The owner of any tract of land in this state who shall set apart any specific portion thereof, not exceeding forty acres, for forest culture and plant the same with timber or forest trees, not less than one thousand two hundred to the acre, shall be exempted from taxation for the period of thirty years from the time of such planting to timber or forest trees. Such exemption shall only be allowed on condition that said planted trees are kept alive and in a healthy condition. A statement or return of such plantings shall be made to the assessors when making the annual assessment, which returns shall be verified by the assessors and made the basis of such tax exemption. After said trees have been planted ten year, the owner may, without waiving the tax exemption, thin out the same so that not less than six hundred trees shall be left upon each acre. [*Stats. 1915 s. 1494—101; 1917 c. 263 s. 6*]

28.04 Applicant for exemption to make and file plats. A description and plat of all lands so planted shall be made in duplicate by the person applying for an exemption under the provisions of this chapter. One copy of said description and plat shall be filed with the town clerk of the town in which said land is located and the other copy of said description and plat shall be filed in the office of the state conservation commission at Madison, on or before the first day of May of the year in which such exemption shall first be claimed. [*Stats. 1915 s. 1494—102; 1917 c. 263 s. 7*]

28.05 If plantations do not conform exemption canceled. The commission is hereby authorized upon a written complaint being filed in its office charging that an exemption has been allowed on any plantation which has not been established or maintained in conformity with the provisions of section 28.03, to determine whether the facts as set forth

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in the complaint are just and true, and if it shall find such complaint to be true it shall cancel such exemption by filing a statement to that effect with the town clerk of the town in which such plantation is located and thereupon such plantation or so much thereof as is not so established and maintained, shall cease to be exempt from taxation until the same shall be replanted, and otherwise brought within the conditions of this chapter. [*Stats. 1915 s. 1494—103; 1917 c. 263 s. 8*]

28.06 Exemptions within two miles of city or village. Said exemption shall not apply to any lands within two miles of the limits of any incorporated city or village except upon written approval of the commission, filed with the town clerk of the town in which such land is located. [*Stats. 1915 s. 1494—104; 1917 c. 263 s. 9*]

28.07 Exemption privilege inviolable. The planting of a tract in forest trees in compliance with the provisions of this chapter and the filing of the description and plat of the tract so planted as provided in section 28.04, shall be taken and deemed to be an acceptance by the person planting the same of the exemption privilege granted in this chapter and of the conditions imposed thereby upon such privilege; and, in consideration of the public benefit to be derived from the planting, cultivation and growth of such trees, the exemption of such land from taxation as herein provided shall be continued and is hereby assured, and the right to such exemption shall be inviolable and irrevocable as a contract obligation of the state, so long as the owner of the land so planted shall fully comply with and perform the conditions aforesaid, not exceeding said period of thirty years. [*Stats. 1915 s. 1494—105; 1917 c. 263 s. 10*]

28.08 Valuation of land prior to planting. Any person intending to plant a tract of land in forest trees so as to secure the exemption privilege provided in this chapter, may have the value thereof determined in advance of such planting by the board of review of the town in which such tract is located. To procure such determination such person shall file in the office of the clerk of such town an application in writing containing a declaration of such intention, a correct description of the lands included in such tract and a request that the valuation thereof be determined by such board under the provisions of this chapter. Said board at their first meeting after the filing of such application shall proceed to determine such value. For that purpose they shall have authority to summon witnesses and take testimony under oath. They may require such lands to be viewed by one or more members of such board, and may adjourn the matter for such time as may be necessary in order to secure needful testimony or information respecting the value of such tract. If such board shall determine the average value of such tract to be not over ten dollars per acre, such determination shall be final for all purposes of this chapter, as to so much of such tract as shall be planted with forest trees in accordance with the requirements of this chapter, within two years after such determination. But if the board shall determine such value to be more than ten dollars per acre, the owner of such tract shall not be precluded from making a new application in any subsequent year. [*Stats. 1915 s. 1494—106; 1917 c. 263 s. 11*]

28.09 Town board of review's meeting for valuation. The person filing such application shall be entitled to have the value of such tract determined without delay and before the said board shall be convened for other purposes by including in his application a request that such determination be so made and by depositing with the town clerk a sum sufficient to defray the compensation of the members of said board for one day's attendance. The clerk shall thereupon fix a time at the earliest practicable date for a special meeting of such board to act upon such application, and shall give notice thereof to each member of said board, to be served by or at the expense of the applicant, in time to enable each member to be present. Such meeting shall be at the place fixed by law for the regular meetings of said board. The members of the board shall attend at the time and place designated in such notice and the board shall thereupon proceed to determine the value of such tract in the manner hereinbefore provided. [*Stats. 1915 s. 1494—107; 1917 c. 263 s. 12*]

28.10 Town clerk to record valuations. The town clerk shall make a record of the proceedings and determination of the board of review upon each application under the foregoing provisions and shall enter the same in the book containing the record of other proceedings of said board. The record of each determination shall include a description of the lands to which such determination relates. Such record shall be prima facie evidence of the facts therein stated, but failure to make the same shall not affect the validity of the action of the board. [*Stats. 1915 s. 1494—108; 1917 c. 263 s. 13*]

28.11 Valuation after planting; if exemption denied, appeal allowed. (1) When a tract of land shall have been planted in trees under the provisions of this chapter without previous determination of the value thereof as hereinbefore provided, the allowance by the assessor and board of review, or by the board of review, of the exemption thereof

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under the provisions of this chapter shall be deemed to include a determination by such board that the value of such land at the time of planting did not exceed ten dollars per acre; and such determination shall have the same effect as if made before such planting. If such exemption shall be disallowed, the action of the board of review disallowing the same may be reviewed by the commission. To secure such review the claimant of such exemption shall file with the commission an application in writing containing a description of the lands, a statement of the facts on which such exemption is claimed and of the disallowance thereof by such board, and a request for the review of such action by the commission.

(2) Such application shall be accompanied by an undertaking on the part of the applicant with one or more sureties, approved by the chairman or clerk of the town, for the payment of the expense of said commission upon such review in case the exemption claimed shall be disallowed. The commission shall thereupon give notice of a time and place within the town at which it will hear the matter and any testimony that may be offered in relation thereto. A copy of such notice shall be mailed to the chairman and clerk of the town and to such applicant at least ten days before the time fixed in such notice. Said commission may adjourn such hearing from time to time if necessary, by filing notice thereof with the town clerk. It may review and inspect the premises and may summon and examine witnesses under oath. Its determination shall be made in writing and filed with the town clerk as soon as practicable. Such determination upon written approval of the state tax commission shall be final, but if adverse to the claimant, it shall not preclude him from applying for like exemption in any subsequent year upon compliance with the requirements of this chapter. [*Stats. 1915 s. 1494—109; 1917 c. 263 s. 14*]

28.12 Thirty years' exemption. After the exemption provided in this chapter has once been allowed it shall continue for the period specified therein unless canceled as provided in section 28.05. [*Stats. 1915 s. 1494—110; 1917 c. 263 s. 15*]

28.13 Corporations, etc., entitled to privilege. Any corporation, copartnership or other association of persons, as well as individuals, shall be entitled to the exemption rights and privileges herein provided, upon compliance with the conditions and requirements of this chapter. [*Stats. 1915 s. 1494—111; 1917 c. 263 s. 16*]

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CHAPTER 29.

WILD ANIMALS, AND THE REGULATION OF THE ENJOYMENT, DISPOSITION AND CONSERVATION THEREOF.

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GENERAL CONTROL AND REGULATION.

29.01 General definitions. The following terms, wherever used in this chapter, shall be construed to apply as follows:

(1) WILD ANIMAL. "Wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

(2) CARCASS. "Carcass" means the dead body of any wild animal to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof.

(3) GAME; GAME FISH; ROUGH FISH. "Game" includes all varieties of wild mammals or birds; "game fish" includes all varieties of fish except rough fish; and "rough fish" includes chubs, dace, suckers, carp, red horse, sheepshead, eelpout, dogfish, garfish, buffalo fish, hackelback sturgeon weighing more than one pound dressed, spoonbill sturgeon

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over thirty inches in length, catfish over twenty inches in length, and lawyers, in all waters.

(4) WATERS CLASSIFIED. All waters within the jurisdiction of the state are classified as follows: Lakes Superior and Michigan, Green Bay, Sturgeon Bay, Sawyer's harbor, and the Fox river from its mouth up to the dam at De Pere are "outlying waters." All other waters are "inland waters."

(5) HUNTING. "Hunt" or "hunting" includes shooting, shooting at, pursuing, taking, catching, or killing of any wild animal or animals. [*1917 c. 668 s. 3; 1919 c. 526 s. 1; 1919 c. 625 s. 1; 1921 c. 141 s. 1; 1921 c. 306*]

29.02 Title to wild animals. (1) The legal title to, and the custody and protection of, all wild animals within this state is vested in the state for the purposes of regulating the enjoyment, use, disposition, and conservation thereof.

(2) The legal title to any such wild animal, or carcass or part thereof, taken or reduced to possession in violation of this chapter, remains in the state; and the title to any such wild animal, or carcass or part thereof, lawfully acquired, is subject to the condition that upon the violation of any of the provisions of this chapter relating to the possession, use, giving, sale, barter, or transportation of such wild animal, or carcass or part thereof, by the holder of such title, the same shall revert, ipso facto, to the state. In either case, any such wild animal, or carcass or part thereof, may be seized forthwith, wherever found, by the state conservation commission or its deputies. [*1917 c. 668 s. 3*]

29.03 Public nuisances. The following are declared public nuisances:

(1) Any unlicensed net of any kind, or other unlicensed device, trap, or contrivance for fishing; or any licensed net or other device, trap or contrivance for fishing set, placed, or found in any waters where the same is prohibited to be used, or in a manner prohibited by law.

(2) Any unlicensed set line, cable, rope, or line, with more than one fish line attached thereto; or any licensed set line set, placed, or found in any waters where the same is prohibited to be used, or in a manner prohibited by law; or any fish line left in the water unattended, whether having one or more hooks attached.

(3) Any screen set in public waters to prevent the free passage of fish, or set in any stream which has been stocked by state authorities.

(4) Any building, inclosure, structure, or shelter placed, occupied, or used on the ice of any waters in violation of this chapter.

(5) Any unlicensed trap, snare, spring gun, set gun, net or other device or contrivance which might entrap, ensnare, or kill game; or any trap without a metal tag attached as required by law.

(6) Any boat, together with its machinery, sails, tackle and equipment, or any lamp, light, gun, pivot gun, swivel gun, or other firearm used in violation of this chapter; or any boat, floating raft, box, or blind set in open water and used in hunting game birds.

(7) Any decoys set in any water during the close season for waterfowl, or in excess of the number authorized to be used, or more than two hundred feet from the weeds, rushes, or other vegetation in which the hunter is concealed; and any decoys left in the water unattended.

(8) Any dog found running deer at any time, or used in violation of this chapter.

(9) Any ferret, rat, weasel, or guinea pig in possession or used while hunting. [*1917 c. 668 s. 3; 1917 c. 676 s. 3*]

29.04 Abandoned dams. (1) The state conservation commission may remove or cause to be removed, in such manner as they may deem fit, old and abandoned dams in streams in the state of Wisconsin, upon giving sixty days' notice in writing to the owner thereof, if he can be found. If the owner of such dam be unknown or cannot, by due diligence, be found, the commission shall publish notice once each week for four successive weeks in some newspaper published in the county in which such dam is situated.

(2) Whenever the conservation commission shall determine that the conservation of any species or variety of wild animals will be promoted thereby, the commission is authorized to maintain and repair any dam located wholly upon lands the title to which is in the state either as proprietor or in trust for the people; subject, however, to the powers of the railroad commission to fix the level and regulate the flow of the public waters. [*1917 c. 668 s. 3*]

29.05 Police powers; searches; seizures. (1) ARRESTS. The state conservation commission and its deputies are hereby authorized to execute and serve all warrants and processes issued by any justice of the peace or police magistrate or by any court having jurisdiction under any law relating to wild animals, in the same manner as any constable may serve and execute such process; and to arrest, with or without a warrant, any person de-

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tected in the actual violation, or whom such officer has reasonable cause to believe guilty of the violation of any of the provisions of this chapter, and to take such person before any court in the county where the offense was committed and make proper complaint.

(2) INVESTIGATIONS. Such officers shall, upon receiving notice or information that any provision of this chapter has been violated, as soon as possible make a thorough investigation thereof, and cause proceedings to be instituted if the proofs at hand warrant it.

(3) SEARCH WARRANTS. Upon complaint made to any magistrate who has authority to issue warrants in criminal cases, by any person that he knows or has good reason to believe that any wild animal, or carcass or part thereof, caught, taken, killed, or had in possession contrary to the provisions of this chapter, is concealed in any particular house or place, the magistrate shall examine such complainant on oath, reduce his complaint to writing, describing as particularly as may be the place where said wild animal, or carcass or part thereof, is alleged to be concealed, and cause the same to be subscribed by the person complaining. If it appears to the magistrate that there is reasonable cause to believe that the facts alleged in said complaint are true he shall immediately issue his warrant, reciting therein the substance of the complaint and the description of the premises described therein, and requiring the officer to whom it is directed to forthwith search such premises and seize any such wild animal, or carcass or part thereof, and bring the same when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other magistrate or court having jurisdiction of the case. The officer executing such warrant shall state in his return, as particularly as may be, the property seized, which shall be safely kept under the direction of the court or magistrate so long as necessary for the purpose of being used as evidence on any trial; and if such trial results in a conviction, the property so seized shall be confiscated.

(4) OPENING PACKAGES. The state conservation commission and its deputies may examine and open any package in the possession of a common carrier which they suspect or have reason to believe contains contraband wild animals, or carcasses or parts thereof, or is falsely labeled in violation of the provisions of this chapter; and every such common carrier, and every agent, servant, or employe thereof, shall permit any such officer to examine and open any such package. Any package so opened shall be restored to its original condition.

(5) ACCESS TO STORAGE PLACES. They shall be permitted by the owner or occupant of any cold storage warehouse or building used for the storage or retention of wild animals, or carcasses or parts thereof, to enter and examine said premises; and the said owner or occupant, or his agent, servant, or employe, shall deliver to any such officer any wild animal, or carcass or part thereof, in his possession during the close season therefor, whether taken within or without the state.

(6) SEIZURE AND CONFISCATION OF GAME, OR GAME FISH. They shall seize and confiscate in the name of the state any wild animal, or carcass or part thereof, caught, killed, taken, had in possession or under control, sold or transported in violation of this chapter; and any such officer may, with or without warrant, open, enter and examine all buildings, camps, vessels or boats in inland or outlying waters, wagons, automobiles or other vehicles, cars, stages, tents, suit cases, valises, packages, and other receptacles and places where he has reason to believe that wild animals, taken or held in violation of this chapter, are to be found; but no dwelling house or sealed railroad cars shall be searched for the above purposes without a warrant.

(7) SEIZURE AND CONFISCATION OF PROPERTY. They shall seize and forthwith confiscate or destroy any apparatus, appliance, or device declared by any provision of this chapter to be a public nuisance; and shall seize and hold subject to the order of the commission, any other apparatus, appliance, or any vehicle, or device, which they shall have reason to believe is being used in violation of this chapter, and if it be proven that the same is, or has been within six months previous to such seizure, used in violation of this chapter the same shall be confiscated.

(8) ENTIRE SHIPMENT AFFECTED. Confiscation of any part of a shipment under this section shall include the entire shipment.

(9) EXEMPTION FROM LIABILITY. Each commissioner and each deputy conservation warden, in the performance of his official duties, shall be exempt from any and all liability to any person for acts done or permitted or property destroyed by authority of law; and in any action brought against any such commissioner or warden personally, arising from alleged excess of his authority, the taxable costs awarded to either party shall include a reasonable attorney's fee, to be fixed by the court, provided the party has appeared therein by an attorney of a court of record. [*1917 c. 668 s. 3; 1921 c. 108*]

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29.06 Sales of confiscated game and apparatus. (1) All confiscated wild animals, or carcasses or parts thereof, and all confiscated apparatus, appliances, or devices shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the state conservation commission or its deputies, or by an agent on commission under the written authority and supervision of the state conservation commission or its deputies. The net proceeds of such sales, after deducting the expense of seizure and sale and any such commissions, shall be promptly remitted by the warden by whom or under whose authority and supervision the sales are made, to the state conservation commission and by it paid into the state treasury; the remittance to be accompanied by a complete and certified report of such sales, supported by proper vouchers covering all deductions made for expenses and commissions, to be filed for record in the office of the state conservation commission.

(2) On any such sales of wild animals, or carcasses or parts thereof, the warden or agent selling them shall issue to each purchaser a certificate, on forms to be prepared and furnished by the state conservation commission, covering such sales. The animals, or carcasses or parts thereof, so purchased shall be consumed or otherwise disposed of by the purchaser within five days thereafter, but shall not be resold, bartered, or exchanged, in whole or in part, to any other person, except as provided in subsection (3).

(3) Confiscated fish or game sold to the keeper, manager, or steward of any restaurant, club, hotel, or boarding house may be served to the guests thereof; but in such case the certificate covering the purchase shall be hung in public view in the place where the fish or game is served, and such fish or game shall at the time of sale be tagged by the warden or agent selling it, such tag to show the date of sale and be returned to said warden or agent within five days thereafter. [*1917 c. 668 s. 3*]

29.07 Assistance of police officers. All sheriffs, deputy sheriffs, coroners, and other police officers are ex officio deputy conservation wardens, and shall assist the state conservation commission and its deputies in the enforcement of this chapter whenever notice of a violation thereof is given to either of them by the commission or its deputies. [*1917 c. 668 s. 3*]

29.08 Interstate comity. (1) Whenever and so long as any other state confers upon the officers of this state reciprocal powers, any officer of such other state, who is by the laws of said state authorized or directed to enforce the laws of said state relating to the protection of wild animals, is hereby designated an agent of said state within this state. It shall be lawful for said officer to follow any wild animal, or carcass or part thereof unlawfully shipped or taken from his state into this state, seize and convey the same back to his own state; and so far as concerns any such wild animal, or carcass or part thereof, the laws of the state from which the same was brought into this state are hereby adopted as the laws of this state. Transportation companies shall deliver to such officer, upon submission of proper proof of his official capacity, any wild animal, or carcass or part thereof, so demanded or seized by him. Said officer may dispose of any such wild animal, or carcass or part thereof, within this state, in accordance with the laws of the state from which the same was taken or shipped, under the supervision of any conservation commissioner or deputy conservation warden of this state, whose expenses for his assistance shall be a lien upon such wild animal or carcass or part thereof, or the proceeds thereof.

(2) Except as provided in subsection (1), the state conservation commission or its deputies shall seize, hold and dispose, according to the laws of this state, of any wild animal, or carcass or part thereof, brought or shipped into or through this state, or attempted to be carried through this state, in violation of the laws of any other state.

(3) The state game warden of every other state, and his deputies and all other officers therein charged with the enforcement of the laws relating to wild animals are hereby designated agents of this state for the taking possession, seizing, holding and disposing, within such state, of any wild animal, or carcass or part thereof, protected by the laws of this state.

(4) Whenever and so long as any other state confers upon the officers of this state reciprocal powers, the state conservation commission is hereby authorized to appoint persons who shall have been appointed game wardens or deputy game wardens of such other state to act as and have all the powers of deputy conservation wardens of this state, but without compensation from this state. [*1917 c. 668 s. 3*]

GAME LICENSES.

29.09 General provisions. (1) HUNTING, TRAPPING OR FISHING WITHOUT A LICENSE PROHIBITED. Except as expressly provided, no person shall hunt with a gun any wild

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animal, or trap or fish any game or game fish unless a license therefor has been duly issued to him which shall be carried on his person at the time and shall be exhibited to the state conservation commission or its deputies on demand. Such licenses shall be issued only to natural persons, and not more than one of the same series to the same person in any year. No licensee shall transfer his license or deer tag to or permit the use thereof by any other person, nor shall any person while hunting, trapping or fishing use or carry any license, or guide's badge, issued to another. No hunting license shall be issued to any person who is less than fifteen years of age; nor to any person who is not a citizen of the United States. Indians hunting, fishing or trapping off Indian reservation lands are subject to all provisions of this chapter.

(2) FORM OF APPLICATION. The application for such license shall state the residence and post-office address of the applicant, a description of his person, and such other facts, showing him to be entitled to the license for which he applies, as may be required by the commission, and shall be verified by the affidavit of the applicant; but no written or verified application shall be required for any hook and line fishing license. Each such application shall be accompanied by the license fee prescribed for the license applied for.

(3) FORM OF LICENSE. Each license shall state for what year the same is issued and the date of expiration, and except as otherwise provided shall be effective only from the first day of May until the next succeeding thirtieth day of April, subject to the conditions, limitations and restrictions prescribed in this chapter. Each license issued shall further state the name and residence of the licensee, a description of his person, and such other matter as may be determined by the commissioner; shall bear upon its face a true signature of the licensee; and shall be signed by the officer who issues it.

(4) DUPLICATES. Whenever any such license is lost the person to whom the same was issued may present to the commission an affidavit proving such loss, together with a fee of fifty cents, whereupon the latter shall issue a duplicate license to such person.

(5) SUPPLY OF BLANKS. The commission shall prepare, procure the printing of, and supply all necessary blanks for such licenses and applications. The licenses shall be numbered consecutively, at the time of printing, in a separate series for each kind of license; and each license blank shall be provided with a corresponding stub numbered with the serial number of the license. Each requisition for the printing of such license blanks shall specify the serial numbers thereof.

(6) LICENSES ISSUED BY COUNTY CLERK. Of each license issued by a county clerk he shall retain the stub for record in his office. He shall also keep an alphabetical index of the names of all persons to whom he issues licenses, such names to be entered therein at the time the licenses are issued. The state conservation commission or its deputies may at any time examine such records.

(7) RETURN OF FEES BY COUNTY CLERK. Of the fees paid for such licenses the county clerk may retain ten per cent as compensation for his services to the state; the remainder he shall return to the state conservation commission on the first day of each month, with a report of the number of licenses issued by him during the preceding month and the amount of money thus remitted. All stubs of licenses issued and all unused license blanks shall be returned by the county clerk to the commission at the close of the year for which they are supplied.

(8) RECORD OF LICENSES ISSUED. A complete record of all licenses issued shall be kept by the commission, which shall also be accountable for all unused license blanks. [*1917 c. 668 s. 3; 1919 c. 671 s. 43; 1919 c. 696 s. 1; 1919 c. 703 s. 14*]

29.10 Resident hunting licenses. Resident hunting licenses and deer tags shall be issued subject to the provisions of section 29.09, by the county clerks of the several counties upon blanks supplied to them by the state conservation commission, to residents of each county duly applying therefor who have resided in this state for at least one year next preceding the application. The fee for each such license is one dollar. Such license does not grant the privilege of hunting deer unless the licensee is in possession of a deer tag which shall be issued to him by the county clerk on application and the payment of an additional fee of twenty-five cents. The commission may cause such tags to be issued through agents, but no commission to be allowed for the sale of such tags. [*1917 c. 668 s. 3; 1921 c. 364 s. 5*]

29.11 Settlers' hunting licenses. Settlers' hunting licenses subject to the provisions of section 29.09 may be issued by the state conservation commission in its discretion, to actual settlers in this state duly applying therefor who have resided in this state less than one year but not less than sixty days next preceding the application. A bona fide settler shall be a person who has either purchased or rented, or has negotiations in progress to purchase or rent farm or residence property in Wisconsin and who has moved to and settled in this state, or any member of his family of the age of fifteen years or

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over. Such licenses shall be in substantially the same form, subject to the same conditions and restrictions, and entitle the holder to the same rights, privileges and immunities as a resident hunting license. No nonresident hunting license shall be issued in the same year to any person to whom a settlers' hunting license has been issued, and no settlers' hunting license to any holder of a nonresident hunting license. [*1917 c. 668 s. 3; 1921 c. 530*]

29.12 Nonresident hunting licenses. (1) Nonresident hunting licenses shall be either general or limited, and shall be issued by the state conservation commission, subject to the provisions of section 29.09, to persons duly applying therefor who are not residents of this state or who have resided therein less than one year next preceding the application. The fee for each such general license is fifty dollars, and for each such limited license twenty-five dollars.

(2) Each such general license shall extend to the hunting of all wild animals during the open season therefor, respectively, and shall be accompanied by a deer tag, numbered to correspond with the license and to be supplied without additional fee.

(3) Each such limited license shall extend to the hunting of all wild animals during the open season therefor, respectively, except deer. The holder of such limited license may at any time before its expiration surrender the same for cancellation, and in lieu thereof, upon payment of an additional fee of twenty-five dollars, the commission shall issue to him a general license as prescribed in subsection (2). [*1917 c. 668 s. 3*]

29.13 Trapping licenses. (1) Trapping licenses, which shall authorize the use of traps for trapping fishers, martens, minks, muskrats, raccoons, and skunks, shall be issued by the state conservation commission, subject to the provisions of section 29.09, to persons duly applying therefor who have resided in this state for at least one year next preceding the application. The fee for each such license is two and one-half dollars. If a trapper employs any person in trapping, a license shall be required for each such person so employed. Any person under the age of sixteen years may secure from the county clerk of the county wherein he resides or from the conservation commission a boy's trapping permit which shall authorize the use of traps for the purposes herein named, upon payment of a fee of twenty-five cents. The holders of such permits shall also be subject to the provisions of subsections (2) and (3).

(2) All shipments of hides must be marked showing the number and kinds of hides in the package, the name and address of the shipper, and the number of his trapping license.

(3) On or before June first next after the expiration of his license, such licensee shall report to the state conservation commission, by affidavit, on blanks furnished by the commission, the number of his license, the number and value of each variety of animals taken, and such other information as may be required on the blanks furnished.

(4) In agricultural lands on which the owner or renter resides no person or party shall take any beaver or muskrat or mink without a written consent from the owner or occupant of said land. [*1917 c. 668 s. 3; 1921 c. 476, 565; 1921 c. 590 s. 109*]

29.135 Wholesale fish markets, license. (1) Every person who deals in fish by operating a wholesale fish market or fish house shall secure a license from the state conservation commission, subject to the provisions of section 29.09. Every such license shall expire on the thirty-first day of December, and the fee for such license is twenty-five dollars.

(2) No person holding a license issued under the provisions of subsection (1) of this section shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any fish or carcass or part thereof, unless the same is labeled in plain English on the address side of such package or parcel so as to disclose the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish contained in such package or parcel, and the number of his license.

(3) Any person licensed under the provisions of subsection (1) of this section who has illegal fish in his possession or who violates any of the provisions of subsection (2) of this section shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. [*1921 c. 376*]

29.14 Hook and line fishing licenses. (1) Any person, other than nonresident males over the age of sixteen years, may without a license take, catch or kill with hook and line fish of any variety, subject to all other conditions, limitations and restrictions prescribed in this chapter.

(2) Any male nonresident over the age of sixteen years shall have the rights of a resident to take, catch or kill fish of any variety with hook and line in outlying waters; but not in inland waters unless a license has been duly issued to him, subject to the provisions

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of section 29.09, by the state conservation commission. Each such license shall be provided with three coupons each of which shall entitle the licensee to make one shipment of game fish as provided in section 29.47, but no more. One coupon shall be attached to each shipment so made. The agent of any common carrier who shall accept any such shipment without a coupon attached shall be guilty of a violation of this chapter and shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars. The fee for each such license is two dollars, but such licenses shall not extend to catching or killing trout of any variety. The commission may cause such licenses to be issued through agents for a compensation of ten per cent of the license fees collected therefor; but no such compensation shall be paid to any of its regular deputies or other employes.

(3) No nonresident male over the age of sixteen years shall catch or kill any variety of trout with hook and line in inland waters unless a license has been duly issued to him subject to the provisions of section 29.09 by the state conservation commission. The fee for each such license is three dollars. [*1917 c. 668 s. 3; 1919 c. 507 s. 2, 3*]

29.15 Other licenses. Guiding licenses, net and set line licenses, and clamming licenses, shall be issued by the state conservation commission as provided in subsection (3) of section 29.22 and sections 29.33, 29.34, 29.35, 29.36, 29.37 and 29.38, respectively. [*1917 c. 668 s. 3*]

29.16 Interstate license privileges. Whenever and so long as the states of Minnesota or Iowa confer upon the licensees of this state reciprocal rights, privileges and immunities, any hook and line or other fishing license, or clamming license issued by such other state shall entitle the licensee to all the rights, privileges and immunities, in and upon the boundary waters between such state and this state, enjoyed by the holders of equivalent licenses issued by this state; subject, however, to the duties, responsibilities and liabilities imposed on its own licensees by the laws of this state. [*1917 c. 668 s. 3*]

29.17 Certificates to scientists. (1) The state conservation commission may grant, on satisfactory testimonials of well-known scientists only, a certificate to any member of an incorporated society of natural history, or to any professor of any university, school or college, or to any person properly accredited by any such institution, or to any custodian of a public museum, authorizing such person or institution to collect for scientific purposes only, any nests, eggs, or wild animals, except deer. Such specimens may be transported by any common carrier; but no person to whom such certificate is issued shall dispose of any such specimen except in exchange for scientific purposes. All such certificates shall expire on the first day of January following the date of their issue, and shall not be transferable.

(2) The application for such certificate shall be made upon blanks to be furnished by the state conservation commission, shall be accompanied by a fee of two dollars, and the applicant shall execute and deliver to the state conservation commission a bond running to the state of Wisconsin, in the sum of one hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this section, and the certificate issued thereunder, said obligation to be null and void, otherwise to remain in full force. Each said surety shall be worth and qualify in at least the sum of one hundred dollars, over and above all his debts and liabilities, in property within this state not exempt from sale on execution.

(3) The certificate of any person convicted of a violation of this section shall be forfeited and revoked, and such convicted person shall not be entitled to another certificate for the period of one year from and after the date of such conviction. [*1917 c. 668 s. 3*]

CLOSE SEASONS.

29.18 Close seasons for wild mammals and birds. A close season is established for each variety of wild animals and birds listed in the following table, extending during all the time in each year except the period embraced within the dates, both inclusive, set opposite the name of each variety or each locality, respectively, in the column headed "Open Season;" and, except as expressly provided in this chapter, no person shall hunt or trap any such wild mammal or bird at any time other than the open season therefor, nor in the open season in excess of the number designated opposite each variety or each locality, respectively, in the column headed "Bag Limit," nor wild birds of more than one variety except a mixed bag limit of twenty each day in the open season, but containing not more than the bag limit of any one variety. Wild ducks and American coots or mud hens shall be deemed, collectively, as one variety:

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KIND OF ANIMAL AND LOCALITY.	OPEN SEASON.	BAG LIMIT.
(1) Moose, elk	None	
(2) Deer:		
(a) Any deer in the velvet, or in the red or blue coat, in any county	None	
(b) Any deer in the counties of Adams, Brown, Buffalo, Calumet, Columbia, Crawford, Dane, Dodge, Door, Dunn, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, La Fayette, Manitowoc, Marathon, Marquette, Milwaukee, Monroe, Outagamie, Ozaukee, Pepin, Portage, Racine, Richland, Rock, Sauk, Sheboygan, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara and Winnebago	None	
(c) Any deer not specified in paragraph (a) in any county not specified in paragraph (b)	Nov. 13 to Nov. 22	One buck not less than one year old
(3) Otter and beaver:		
(a) In Ashland, Bayfield, Clark, Douglas, Oneida, Rusk, Sawyer, Iron, Washburn, Chippewa, Price and Taylor counties, as stipulated in subsection (5) of section 29.59	Feb. 1 to March 31, 1922 and 1923	No limit
(b) In all other counties	None	
(4) Mink	Nov. 1 to March 31	No limit
(4a) Muskrat:		
(a) In the counties of Manitowoc, Dodge, Sheboygan and Calumet	Feb. 1 to April 1	No limit
(b) In the counties of Winnebago, Waushara and Waupaca	Oct. 25 to April 1	No limit
(c) In all other counties	Nov. 1 to March 31	No limit
(5) Marten, fisher	None	
(6) Skunk	Oct. 15 to Jan. 31	No limit
(7) Raccoon	Oct. 15 to Jan. 31	Five each day
(8) Squirrels of any variety	Oct. 15 to Jan. 1	Five each day
(a) In Dodge, Kenosha, Racine, Waukesha, Washington, Ozaukee and Milwaukee counties	None	
(9) Rabbit:		
(a) In Crawford, Grant, Richland and Vernon counties	All year	No limit
(b) In Trempealeau county	None for jackrabbits until Oct. 15, 1923	No limit
(c) In any other place	Oct. 25 to Jan. 15	Five each day
(10) Wild swan	None	
(11) Wild goose, brant	Sept. 16 to Dec. 31	Eight each day
(12) Wild duck, including American coot or mud hen, but excepting wood duck	Sept. 16 to Dec. 20	Fifteen each day
(13) Wood duck, wood cock	None	
(14) Plover, snipe, rail, rice hen	Sept. 16 to Dec. 20	Fifteen each day
(15) Prairie chicken, grouse:		
(a) In the counties of Grant, La Fayette, Green, Rock, Walworth, Racine, Kenosha, Milwaukee, Waukesha, Jefferson, Dane, Iowa, Crawford, Richland, Sauk, Washington, Ozaukee, Vernon, La Crosse, Monroe, Fond du Lac, Manitowoc, Winnebago, Calumet, Portage, Waupaca, Oneida, Lincoln, Polk, Barron and Dunn	None	
(b) In all other counties	Sept. 20 to Sept. 24	Five each day or mixed bag of five
(16) Partridge, spruce hen:		
(a) In the counties of Calumet, Manitowoc and Winnebago	None	
(b) In all other counties	Oct. 4 to Oct. 8	Five each day or mixed bag of five
(17) Mongolian, Chinese, ring-neck or English pheasant, quail or bobwhite	None	
(18) Hungarian partridge:		
(a) In Jefferson and Waukesha counties	Sept. 7 to Sept. 11	Five each day
(b) In all other counties	None	
(19) Crows, English sparrows, blackbirds, sharp-shinned hawks, Cooper's hawks, great horned owls, kingfisher, American bittern, blue heron	All year	No limit
(20) Song birds, and all other wild birds not specified above	None	

[1917 c. 668 s. 3; 1919 c. 139, 297, 339, 340, 341, 654; 1919 c. 671 s. 44, 45; 1919 c. 688; 1919 c. 696 s. 1, 2, 3; 1919 c. 702 s. 18, 20, 21; 1921 c. 64, 165, 261, 324, 328, 476; 1921 c. 553 s. 1, 2, 3; 1921 c. 590 s. 3, 109]

29.19 Close seasons for hook and line fishing. A close season is established for each variety of fish listed in the following table, extending during all the time in each year except the period embraced within the dates, both inclusive, set opposite the name of each variety of each locality, respectively, in the column headed "Open Season;" and, except as expressly provided in this chapter, no person shall take, capture, or kill fish of any such variety with hook and line at any time other than the open season therefor, nor in the open season in excess of the quantity; or under the minimum length for each fish, designated opposite each variety or each locality, respectively, in the columns headed "Bag Limit." Such measurement of length shall be taken in a straight line from the tip of the nose to the utmost end of the tail fin.

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KIND OF FISH AND LOCALITY.	OPEN SEASON.	BAG LIMIT.	
		Quantity.	Minimum Length.
(1) Large-mouthed black bass (Oswego-green), small-mouthed black bass (yellow):			
(a) In Green Lake, Green Lake county	July 1 to March 1	Ten each day	10 inches
(b) In all other counties	June 15 to March 1	Ten each day	10 inches
(2) White bass:			
(a) In the Big Wolf river from Lake Poygan to New London	All year	Fifty each day	7 inches
(b) In all other waters	June 1 to March 1	Fifty each day	7 inches
(3) Strawberry bass, calico bass, silver bass, crappie	All year	No limit	No limit
(3m) Rock bass:			
(a) In Green Lake county	All year	No limit	No Limit
(b) In all other inland and outlying waters	June 1 to March 1	Thirty each day	6 inches
(4) Trout of any variety, except lake trout, in all waters	May 1 to August 31	Thirty-five each day	7 inches
(5) Pike of any variety	June 1 to March 1	Ten each day	13 inches
(a) In Sheboygan county	May 1 to March 1	Ten each day	13 inches
(6) Pickerel	June 1 to March 1	Fifteen each day	16 inches
(a) In Sheboygan county	May 1 to March 1	Fifteen each day	16 inches
(b) In Neahkora mill pond in Marquette county	All year	No limit	No limit
(7) Muskellunge	June 1 to March 1	Two each day	34 inches or 10 lbs.
(8) Rock sturgeon, and the spawn, eggs and fry thereof	None		
(9) Catfish	June 1 to March 1	Ten each day	15 inches
(a) On Mississippi river	June 1 to March 1	No limit	15 inches
(10) Bullhead:			
(a) In the Mississippi river, Lake Pepin, and Lake St. Croix	All year	No limit	7 inches
(b) In all other waters	All year	Thirty lbs. each day	No limit
(11) Perch:			
(a) In counties bordering on the Mississippi river and in Lakes Winnebago, Butte des Mortes and Poygan, Fox river and Wolf river and tributary streams within Winnebago county	June 1 to March 1	No limit	No limit
(b) In Lake Kegonsa, Dane County	All year	Twenty-five each day	No limit
(c) In all other waters	All year	No limit	No limit
(12) Sunfish; roach:			
(a) In counties bordering on the Mississippi river	June 1 to March 1	No limit	No limit
(b) In all other waters	All year	No limit	No limit

There shall be no close season for hook and line fishing, except for large and small-mouthed black bass, sturgeon and trout, in any of the following described waters: In the waters of the Mississippi river, Lower Lake St. Croix and up the St. Croix river to the Dells, the bays and bayous connected therewith and in the waters of Juneau, La Fayette, Iowa and Green counties, except in the Wisconsin river between Juneau and Adams, in the waters of Lake Winnebago in Fond du Lac, Calumet and Winnebago counties, in Buffalo lake, Marquette county, in Puckaway lake in Marquette and Green Lake counties, in Lake Poygan in Winnebago and Waushara counties, in Lakes Winneconne, Big and Little Buttes des Morts in Winnebago county, in the Fox river in Marquette, Columbia, Green Lake, Waushara and Winnebago counties, in the Wolf river in Winnebago county and in Waupaca county as far as the city limits of New London, in the Rock and Crawfish rivers and Lake Koshkonong in Rock, Jefferson and Dodge counties. During the period from March 1 to May 28, both dates inclusive, live or dead minnows shall not be used for bait in any of the above waters specified in Jefferson county. The open season in the Mississippi river for large and small-mouthed bass shall be June 15 to March 1. The open season for game fish in Lake Wisconsin in Columbia and Sauk counties shall be June 1 to December 1, except large and small-mouthed bass, which shall be under the provisions of the general law. [*1917 c. 668 s. 3; 1919 c. 138; 1919 c. 526 s. 1; 1919 c. 581; 1919 c. 671 s. 46; 1919 c. 696 s. 2, 3; 1919 c. 701 s. 1; 1921 c. 264, 280, 285; 1921 c. 306 s. 1; 1921 c. 351, 353, 426, 500; 1921 c. 590 s. 4, 88*]

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29.195 Rush lake, close season. There shall be no close season except from the first day of March to the succeeding twentieth day of May for any fish, except trout, in Rush lake or in the streams flowing into said lake, situate in Fond du Lac and Winnebago counties, and fish therein may be taken in any manner, except with explosives, during the open season, except trout; provided, that no person shall have more than fifty pounds of such fish, taken from said Rush lake or said streams flowing into said lake, in his possession or under his control in any one day. [*1917 c. 668 s. 3*]

29.196 Starkey's lake, close season. No person shall take, catch, or kill in Starkey's lake, township of Waterford, Racine county, between December first and April first of each year any sunfish or roach in excess of twenty each day. [*1921 c. 110*]

29.20 Close season for crawfish and frogs. No person shall take, catch, or kill, in any waters of this state, or have in possession, any crawfish or crab of any variety between the first day of March and the next succeeding first day of July; or any frog from March first to May first of each year; but nothing in this section shall prevent any person from having frogs in his possession who is in the business of propagating frogs, or where the same are used for scientific or educational purposes. [*1917 c. 668 s. 3*]

29.205 Lake Marinuka, close season for fish. No person shall take, catch, or kill, any fish, in that area in the waters of Lake Marinuka, Trempealeau county, located south of the place where trunk highway number eleven crosses Beaver creek to the dam of the Davis Milling Company, from March first to July first of each year. [*1921 c. 24*]

29.206 Smith creek, close season. No person shall take, catch or kill any fish in Smith creek, flowing through sections two, ten, fifteen, twenty-two, twenty-seven, twenty-eight and thirty-three, in township forty north, range one west, in Price county, until January 1, 1924. [*1921 c. 107; 1921 c. 9 s. 2*]

CONSERVATION COMMISSION.

29.21 Powers of commission. (1) The state conservation commission shall have power to issue orders determining in what manner, in what numbers, in what places and at what times the taking, catching, or killing of wild animals shall be inconsistent with the proper protection, propagation and conservation of fish, birds or mammals protected by law in this state, and the perpetuation of wild life. No such order providing protection or additional protection to any such wild animals shall be issued except upon petition filed with said commissioners, and after hearing thereon as hereinafter provided.

(2) Ten or more persons of any township or twenty-five or more persons of any county, may file with the state conservation commission a petition signed with their names and addresses, requesting the granting of protection or additional protection within such county, to one or more species of wild animals designated in said petition. And such petition shall state the extent such protection or additional protection is desired and the grounds therefor. If after hearing the petitioners, the conservation commission shall determine to entertain the petition it shall order a public hearing to be held thereon within the town or county described in the petition, within twenty days from the filing of said petition. At least ten days prior to such public hearing notice thereof containing a brief statement of the grounds upon which application is made therefor, and the time and place of hearing shall be published in a newspaper having a general circulation in the district to be affected, and a copy of such notice shall be mailed to each petitioner, at the address given in the petition.

(3) If upon such hearing the conservation commission find and determine that the protection or additional protection requested, is necessary for the proper protection, propagation and conservation of the designated wild animals within the designated territory, the commission shall issue an order prohibiting or regulating during the open season therefor, the taking of any or all species of fish, birds or mammals within such territory. At least thirty days before the date fixed for such order to take effect, copies of the same should be filed in the office of the clerk for each county containing a district or any part of a district in which such order or regulation shall apply, and cause the same to be published in a newspaper having general circulation in the town, county or district in which such regulation shall apply, or to cause the same to be published by means of at least five large notices posted in or near public buildings or on the highways within said territory, and when the territory affected is less than a township in area, in conspicuous places on the boundaries thereof.

(4) Any order issued by the state conservation commission pursuant to this section shall have the force of law, and the penalties prescribed for violations of the provisions of this chapter shall follow and be applicable to violations of any such order, to the same

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effect and extent, respectively, as though such order had been enacted a part of this chapter.

(5) Each member of the state conservation commission, for the purposes of this section, is empowered to administer oaths, certify to official acts, and issue subpœnas to compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony. In case of failure of any person to comply with any subpœna of the commission or to testify to any matter regarding which he may be lawfully interrogated, the circuit court of any county or the judge thereof upon application of the commission or any member thereof, shall issue an order requiring such person to comply with such subpœna and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(6) Each person appearing before the state conservation commission by its order shall receive for his attendance the fees and mileage provided by law for witnesses in civil actions in courts of record, which shall be audited and paid upon presentation of proper vouchers sworn to by such witnesses and certified by the chairman of the commission.

(7) The state conservation commission may issue pamphlets and bulletins from time to time, and may also issue a publication or magazine at such stated intervals as they may determine, all pertaining to fish and game, forests, parks and other kindred subjects of general information and may sell subscriptions thereto. Provided, however, that in case a publication or magazine is issued under the authority thereof, the same must be self-sustaining, and no moneys, except from the receipts therefrom, shall ever be used therefor; and provided further that in case said publication or magazine shall not be so self-sustaining, or shall cease so to be, the same shall thereupon cease to be issued. [*1917 c. 668 s. 3; 1919 c. 608 s. 1*]

METHODS OF HUNTING AND FISHING.

29.22 General restrictions on hunting. (1) PROHIB. METHODS. No person shall hunt game with any means other than the use of a gun held at arm's length and discharged from the shoulder; or place, spread or set any net, pitfall, snare, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching, or which might catch, take or ensnare game; or use or have in his possession or under his control any ferret, rat, weasel, or guinea pig while hunting; and no person shall carry with him in any vehicle or automobile, any gun or rifle unless the same is unloaded, and knocked down or unloaded and inclosed within a carrying case. No person while hunting or in possession of firearms shall have in possession or under control any light used for the purpose of shining deer. No person shall shoot with a rifle at wild ducks, coot, mud hens, wild geese or brant when any such birds are on the surface of the water or ice of any lake. No person shall have in possession any firearms in territory wherein there is an open season for deer for a period of five days prior to the opening date for deer hunting unless the gun or rifle is unloaded and knocked down, or unloaded and within a carrying case.

(2) POSSESSION OF FERRETS. No person shall have in his possession or under his control at any time any ferret unless a permit therefor has been issued to him by the state conservation commission; but such permit shall not authorize the use of any ferret for hunting game except in Door county.

(3) GUIDE LICENSES. No person shall engage, or be employed, for any compensation or reward, to guide, direct, or assist any other person in hunting, trapping, or fishing unless a license therefor, subject to the provisions of section 29.09, has been duly issued to him by the state conservation commission. The fee for each such license is one dollar. The applicant shall deliver to the state conservation commission an oath of office that he shall well and faithfully perform the duties of his office as a guide licensed by the state conservation commission to guide, direct and assist other persons in hunting, trapping and fishing, and observe and comply with all the requirements of chapter 29 of the statutes, and of his said guide license. But this subsection does not apply to the employment of labor by, or services rendered to, the licensee of any net fishing license.

(4) GUIDES AS SPECIAL DEPUTIES. Each licensed guide may be a special deputy conservation warden, appointed by the commission and shall execute the same oath of office and bond as required by regularly salaried wardens. Licensed guides may be employed for temporary service as a regular deputy conservation warden, for any period not exceeding fifty days in any one year, at a compensation to be fixed by the commission. [*1917 c. 668 s. 3; 1919 c. 696 s. 1; 1919 c. 701 s. 2; 1919 c. 702 s. 22; 1921 c. 530*]

29.23 Deer hunting. (1) PROHIBITED METHODS. No person shall hunt deer between one hour after sunset and one hour before sunrise, of the following morning; or in the water or on the ice of any stream, lake, or pond; or with a dog or dogs; or with the aid

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of artificial light; nor place any salt in any place for the purpose of enticing deer thereto, or construct, occupy, or use any elevated scaffold or other device for the purpose of hunting, watching for, or killing deer.

(2) DOGS IN CAMPS. During the period from November 10 to December 10, in the counties where there is an open season for deer, no person shall hunt any wild animal with a dog or dogs; nor have a dog or dogs in his possession or under his control in or about a hunting or logging camp, unless a permit therefor has been issued to him by the state conservation commission. [*1917 c. 668 s. 3*]

29.24 Fur-bearing animals; method of taking. (1) No person shall hunt any mink or muskrat with the aid of any spear, gun, or dog, disturb or molest any raccoon or skunk den or tree for the purpose of capturing the raccoons or skunks, or any muskrat house, beaver house or beaver dam; or set any trap or traps at any time within five hundred feet of any beaver house or beaver dam.

(2) The owner or occupant of any land, and any member of his family may without license hunt thereon rabbits at any time, and squirrels during the open season therefor.

(3) Except as provided in subsection (2), no person shall have in his possession or under his control, or use, for hunting rabbits, any ferret, snare, trap, or any device or contrivance designed or used for the purpose of driving rabbits out of their holes or dens. The owner or occupant or any person upon written request of the owner or occupant of any land in the county of Door may use a ferret thereon for hunting rabbits. [*1917 c. 668 s. 3; 1921 c. 530*]

29.25 Game birds; hunting. (1) PROHIBITED METHODS. No person shall hunt any game bird between sunset and thirty minutes before sunrise of the following morning; or by shooting it or at it from any boat, canoe, raft, blind, contrivance or device in open water, or from any boat or craft other than such as are propelled by paddle, oars, or pole or with the use of more than fifty decoys within, or any decoys beyond, two hundred feet from the blind or covering in which the hunter is located, or with any decoys left in the water unattended; or any game bird other than wild geese and brant with the use of a rifle.

(2) "OPEN WATER" DEFINED. "Open water" is any water outside or beyond a natural growth of vegetation extending over the water surface, and of such height as to offer partial or whole concealment for the hunter.

(3) LIVE DECOYS. The set of fifty decoys allowed for each hunter used on the water in hunting game birds may include not more than five live decoys; but each such live decoy so used shall be provided with a registration tag, which shall be issued by the state conservation commission to any holder of a hunting license on payment of a fee of ten cents for each tag.

(4) USE OF DOGS. No person carrying or being in possession of a gun shall run or use a dog or dogs in the field, or upon lands frequented by game birds or upon which game birds may be found, between the first day of August and the seventh day of September in each year. [*1917 c. 668 s. 3; 1919 c. 702 s. 23*]

29.26 Prohibited fishing under particular conditions. No person shall take, capture, or kill fish of any variety, or fish for fish during the close season for trout, in streams and creeks containing trout; or at any time in or from any spring hole or artificial well connected with any of the waters of this state; or by means of shutting or drawing off water for that purpose; nor shall any person take, capture or kill fish within two hundred feet of any fishway, lock or dam otherwise than with a hook and line. No fish of any variety shall be taken in any manner within five hundred feet below any fishway, lock or dam in the counties of Burnett, Washburn, Sawyer, Oneida, Florence, Vilas, Iron, Ashland, Bayfield, Douglas, and north of townships number 35 in Price and Forest counties, and within three hundred feet above and five hundred feet below the dam at Kilbourn on the Wisconsin river. No person shall take or catch fish from a boat or float in Flites pond on the Big Rush O'Cree creek in the town of Plainfield, Waushara county. [*1917 c. 668 s. 3; 1921 c. 131*]

29.27 Prohibited methods of fishing. (1) HOOK AND LINE FISHING; SPEARING. No person shall take, catch, kill, or fish for fish of any variety with more than five lines with one hook to a line or with more than three lines with two hooks to a line, or with any line equipped with more than two hooks or one trolling spoon or artificial bait, or with any fish line or lines and hooks left in the water unattended; or any game fish by any means other than angling or trolling, except as provided in subsection (2) of section 29.28 and section 29.30; nor shall any person use a spear for the purpose of taking, catching or killing any rough fish at any time in nonnavigable waters containing trout, or during the close season for trout in navigable waters containing trout, or at any time in Lake Mason,

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commonly known as Briggsville pond, or the inlet, outlet or marshes adjacent to the same, or in Pine lake, in the town of Hancock, and Fish lake, in the towns of Hancock and Deerfield, Waushara county, or in the Chain of Lakes, Mirror or Shadow lakes, in the towns of Farmington, Dayton, Waupaca, and the city of Waupaca, Waupaca county, or in Devil's lake, Sauk county, or in the waters known as Koenig's mill pond, situated in sections seven, eight, seventeen and eighteen of township nine north, of range six east, town of Prairie du Sac, or in the nighttime in any other inland waters.

(2) SNAG LINES. No person shall set, place, use, have, or control any snag line or snag pole, meaning any line, cable, or pole to which a number of fishhooks or clusters of fishhooks of any kind or description are attached, and designated to be placed in or drawn through the water for the purpose of catching or drawing such hooks into the body of fish. Violations of this subsection shall be punished by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than six months nor more than nine months, or by both such fine and imprisonment. [*1917 c. 668 s. 3; 1919 c. 406; 1921 c. 306 s. 1*]

29.28 Ice fishing. (1) No person shall take, catch, or kill fish of any variety through the ice on Pardeeville mill pond in the town of Wyocena, Columbia county; Pine lake, town of Hancock, and Fish lake, towns of Hancock and Deerfield; Pleasant lake in the town of Coloma, Waushara county, and in the town of Springfield, Marquette county; Lake Nocquebay in Marinette county; Lake Mason, commonly known as Briggsville pond, in the counties of Adams and Marquette; Shell lake in Washburn county; Silver lake in the town of West Bend, Washington county; Chain of Lakes in townships thirty-seven and thirty-eight north, of range twelve west, in Washburn county; Devil's lake and Mears lake, and tributary streams; the waters known as Koenig's mill pond in sections seven, eight, seventeen and eighteen of township nine north, of range six east, town of Prairie du Sac, and Mirror lake, in Sauk county; Pickerel and Rolling Stone lakes in Forest county; Twin lakes, in the town of Lincoln, and Pike lake in Polk county; any lake in the county of Langlade, except in Post lake, any lakes in the counties of Portage and Marquette, except in Buffalo lake. The bag limit for cisco in any lake in Waukesha county shall be twenty-five each day. No person shall set, use or operate any fyke net or drop net in any waters within two miles from the shore line of Door county, excepting in that portion south of Limekiln bluff. There shall be a close season for large and small-mouthed black bass from March first to June fifteenth in Sturgeon bay and Sawyer's harbor in Door county. The provisions of subsection (3) of section 29.14 shall not apply to Door county.

(2) Spears may be used for spearing pickerel through the ice of the Mississippi river, Lake Pepin, Lake St. Croix, and the lakes, bays, bayous and sloughs tributary thereto and connected therewith.

(3) Fish shanties or shelters may be used on the ice of the Mississippi river, Lake Geneva in Walworth county, Lakes Winnebago, Winneconne, Big and Little Butte des Morts, and Poygan; Beaver Dam lake; the Fox river in Brown county; the Oconto river within the limits of the city of Oconto; all lakes in Waukesha county, except Phantom and Howitt's lakes; and where there is not less than fifty feet of water in Big Green lake. Wind shields may be used on the ice of Mendota, Monona, Waubesa and Kegonsa lakes in Dane county. [*1917 c. 668 s. 3; 1919 c. 575; 1921 c. 306 s. 1; 1921 c. 514; 1921 c. 590 s. 89*]

29.29 Noxious substances. (1) EXPLOSIVES; STUPEFACTIVES. No person shall take, capture or kill fish of any variety in any waters of this state by means of dynamite or other explosives or poisonous or stupefying substances; or place in any waters of this state explosives which might cause the destruction of fish, except for the purpose of raising dead bodies whenever ordered by the public authorities, or for the purpose of clearing a channel or breaking a log jam; or have in his possession or under his control, upon any inland waters, any dynamite or other explosives for the purpose of taking, catching or killing fish. Violations of this subsection shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

(2) MEDICATED BAIT. No person shall use, set, lay or prepare in any of the waters of this state any lime, poison, medicated bait, fish berries, or any other substance deleterious to fish life or which might attract fish in unusual numbers; but the feeding of cisco with oatmeal for the purpose of catching such fish with hook and line through the ice, is lawful.

(3) DELETERIOUS SUBSTANCES. No person shall cast, deposit, or throw overboard from any boat, vessel or other craft into any waters within the jurisdiction of the state, or deposit or leave upon the ice thereof until it melts, any fish offal; or throw or deposit, or permit to be thrown or deposited, into any waters within the jurisdiction of the state any

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lime, tanbark, ship ballast, stone, sand, slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings, or any acids or chemicals or waste or refuse arising from the manufacture of any article of commerce, or any other substance deleterious to fish life other than authorized drainage and sewage from municipalities. [*1917 c. 668 s. 3*]

FISHING WITH NETS AND SET LINES.

29.30 Fishing with nets and set lines. (1) LICENSE REQUIRED. Nets and set lines may be used for the purpose of taking, catching, or killing rough fish and game fish, subject to the conditions, limitations and restrictions prescribed in this chapter; but no person shall set, place or use in any waters of this state any net, trap, snare, set hook, or set line, which is intended to or might take, catch or kill fish of any variety, other than a landing net, dip net, minnow seine or minnow dip net, unless a license therefor has been duly issued to such person.

(2) RESTRICTIONS ON THE USE OF LICENSED NETS AND SET LINES. The use of licensed nets and set lines is subject, further, to the following conditions:

(a) No apron or other device shall be used in any pound net, which might prevent the escape of small fish through the meshes of the net when it is set or raised.

(b) No net of any kind shall be set so as to shut off more than one-half of any channel or passageway of any stream, or set within one thousand feet of any other net in said stream.

(c) No licensee shall join his net to that of any other licensee.

(d) At each end of every licensed net or set line, when set in any waters, shall be placed and maintained a white flag of not less than sixteen inches square, with the upper end of the staff extending at least two feet above the water, and numbered with figures at least three inches in height corresponding with the number of the license authorizing the use of such net or set line.

(e) The licensees of licensed nets or set lines used in outlying waters shall, on their boats, carry the state conservation commission, or its deputies, to and from their nets or set lines when set and, on demand of such officer, shall raise the same for his inspection; and any such officer is authorized, in the presence or absence of the licensee, at any time, to raise any set line in any waters, with as little damage as may be, for inspection. If any such licensee shall refuse to carry any such officer as herein provided his license shall be revoked and canceled.

(f) No license net shall be drawn or lifted at any time between one hour after sunset and sunrise of the following morning, in any waters other than Lake Superior, Lake Michigan, Green Bay, the Fox river beyond a distance of five hundred feet below the dam at De Pere, and Sturgeon Bay.

(g) No fish of any kind shall be taken or retained in any net, when drawn or lifted, other than the kind or kinds expressly authorized to be taken or retained in such net, as provided in this chapter; and except as provided in paragraph (h) any such other kind or kinds of fish coming into or taken in such nets shall be immediately returned, carefully and with as little injury as possible, to the waters from which they were taken.

(h) All rough fish taken in net in inland water shall be brought to shore and buried, sold, or otherwise lawfully disposed of; but none of such fish shall be returned to any waters of this state.

(i) Whenever the size of mesh of any net is specified in this chapter it shall be the size of such mesh, stretch measure, at the time of its use. [*1917 c. 668 s. 3*]

29.31 Dip nets in inland waters. (1) No person shall set, use or operate any dip net in any of the inland waters of the state for taking, catching or killing of any variety of fish other than as specified in this section.

(2) Dip nets not exceeding eight feet in diameter with meshes of not less than three inches may be used for taking, catching or killing rough fish in the Fond du Lac river within three miles of its mouth; in Silver creek in the town of Ripon, Fond du Lac county, from the old Arcade dam to the Green Lake county line; in the Big Wolf river; in Butternut lake, Ashland and Price counties; in the Manitowoc river from its mouth up to Ripp's bridge in the town of Rockland, Manitowoc county; in the Milwaukee river from its mouth to a point twenty miles inland and in that part of the Rock river lying in Jefferson and Dodge counties; the Crawfish river from its mouth up to bridge number four in the town of Beaver Dam, Dodge county, and in all the streams and rivers flowing into Lake Michigan and Green Bay in that part of such streams beginning at the mouth and extending ten miles inland. Fyke nets may be used in Lake Koshkonong under section 29.62 between the fifteenth day of November and the following first day of October. [*1917 c. 668 s. 3; 1921 c. 37, 132; 1921 c. 590 s. 90*]

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29.32 Minnow nets. (1) USE LIMITED. No person shall set, use or operate any minnow seine or minnow dip net in any of the waters of this state for taking, catching or killing fish of any variety, other than as specified in this section.

(2) INLAND WATERS. Minnow seines not exceeding forty feet in length and five feet in depth, and minnow dip nets not exceeding six feet in diameter may be used in all inland waters for taking, catching or killing rough fish minnows for bait only; but not in any such waters, creeks or streams inhabited by trout or in which trout have been planted, or in Turtle creek in Walworth and Rock counties, unless supervised by the state conservation commission or its deputies.

(3) OUTLYING WATERS. Minnow seines not exceeding one hundred feet in length and five feet in depth and minnow dip nets not exceeding six feet in diameter may be used in Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, and the Fox river below the dam at De Pere, for taking, catching, or killing rough fish minnows for bait only. [*1917 c. 668 s. 3*]

29.33 Net and set hook fishing in outlying waters. (1) LICENSE AUTHORIZED. Net or set hook licenses which shall authorize the use of one or more of the kinds of nets or lines of set hooks named in this section, as limited herein, for the taking, catching, or killing of fish in the waters of Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, and the Fox river below the dam at De Pere, shall be issued, subject to the provisions of section 29.09, by the state conservation commission to any person duly applying therefor.

(2) FORM OF LICENSE. In addition to the facts required by section 29.09, each application for such license, and the license issued thereon, shall state the name and kind of vessel and whether with or without a steam lifter, and the number and kind of nets or set hooks to be covered by the license applied for.

(3) LICENSE PERIOD AND FEES. Each such license shall be effective only from the first day of January until the thirty-first day of December of the same year; and the fee for each license issued to any resident of this state is two dollars for a gill net or nets; five dollars for each seine; two dollars for each pound net and leader; five dollars for trap net or nets, fyke net or nets, drop net or nets, with leaders; and one dollar for each trammel net, or for set hooks. The fee for each license issued to any nonresident is the same as the resident fee, except for gill nets operated in conjunction with or from any vessel; and for gill nets so operated, two dollars for any vessel propelled by oars, paddle, or pole, fifty dollars for any other vessel propelled otherwise than by steam, one hundred dollars for any steam vessel without a steam lifter, and two hundred dollars for any steam vessel with a steam lifter.

(4) METAL TAGS. No such licensed net or set hooks shall be used until the same are equipped with metal tags stamped to designate the kind of net or set hooks and number of the license covering the same. One such tag shall be securely fastened to each two thousand lineal feet, or fraction thereof, of gill net or set hooks; one to each pound net; one to each five hundred lineal feet, or fraction thereof, of seine; and one to each fyke, drop, trap, submarine or trammel net. Such tags shall be furnished by the state conservation commission to the licensee at the time of issuing the license, on payment of a fee of twenty-five cents for each tag, except that tags for gill nets shall be fifty cents.

(5) RESERVE WATERS. The following waters are reserve waters, and no nets of any kind shall be set therein, namely: In Allouez bay, Superior bay, St. Louis bay, St. Louis river connected with Lake Superior; in Lake Superior within one-fourth mile from the entry of the channel between Wisconsin Point and Minnesota Point, or from any harbor, pier or breakwater, or from the mouth of any stream flowing into Lake Superior, or from the shore line of Douglas county, or within two miles from the shore line of Chequamegon bay from the commercial dock in the city of Washburn, Bayfield county, to the state line of Michigan. In Lake Michigan within one-fourth mile of any harbor, pier or breakwater, or from the mouth of any stream flowing into Lake Michigan or Green Bay, or within one mile from any harbor, pier or breakwater in Milwaukee county, or within one mile from the shore line of Milwaukee county. In the waters of Lake Michigan or Green Bay no gill net shall be set within one-fourth mile from the shore line of Door county, except south of Limekiln bluff in said county, and no net of any kind shall be used in the following bays or harbors in Door county, namely: Sturgeon Bay, Little Sturgeon Bay, Riley's bay, Egg harbor, Fish creek harbor, Eagle harbor, Bailey's harbor, Mud bay, North bay, Rowley's bay, and Washington harbor, Jackson harbor and Detroit harbor in Washington Island.

(6) CLOSE SEASONS. For the purpose of this subsection the waters of Green Bay shall be considered to include all that area south of a line drawn between Limekiln bluff in Door county and the mouth of the Menominee river in Marinette county, and including

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the Fox river as far as the dam at De Pere, and all the waters of Green Bay north of the above described line shall be subject to the law covering Lake Michigan.

(a) In Green Bay there shall be a close season on lake trout and whitefish from October 21 to November 21. A close season for pike and pickerel from March 10 to May 1. A close season for all varieties of fish, except lake trout, whitefish, carp and herring from the fifteenth day of April to the twentieth day of May, inclusive.

(b) In Lake Michigan there shall be a close season on lake trout and whitefish from October 21 to November 21.

(c) In Lake Superior there shall be a close season for lake trout and whitefish from October 1 to November 1.

(7) PROHIBITED NETS; MINNOW NETS. For the purpose of this subsection the waters of Green Bay shall be considered to include all that area south of a line drawn between Limekiln bluff in Door county and the mouth of the Menominee river in Marinette county and including the Fox river as far as the dam at De Pere. All the waters of Green Bay north of the above described line shall be subject to the law covering Lake Michigan.

(a) In Green Bay nets with a mesh not less than four inches may be used for the taking of lake trout and whitefish. Gill nets with a mesh not less than two and three-eighths inches may be used for taking herring, chub, bluefin, or perch. Seines with a mesh of not less than three inches, and pound nets with a mesh of not more than two inches in the pound may be used. No nets of any kind shall be set for the purpose of catching any variety of fish during the close season for such fish. During the period from January 1 to March 10 gill nets with a mesh of two and one-eighth inches may be used under the ice for the purpose of catching herring. No perch shall be caught or taken from the waters of Green Bay proper or Lake Michigan between April 15 and May 20 in each year.

(b) In Lake Superior gill nets with a mesh of not less than four inches may be used for the purpose of taking lake trout and whitefish. Gill nets with a mesh of not less than two and three-eighths inches may be used during the months of November and December for the purpose of taking herring. Seines with a mesh of not less than three inches and pound nets with a mesh of not more than two inches in the pound may be used. No nets of any kind shall be set or used for the purpose of taking any variety of fish during the close season for such fish.

(c) In Lake Michigan gill nets with a mesh of not less than four inches may be used for the purpose of taking lake trout and whitefish. Gill nets with a mesh of not less than two and one-half inches may be used for the purpose of taking herring, chub, bluefin and perch. Seines with a mesh of not less than three inches and pound nets with a mesh of not more than two inches in the pound may be used. No nets of any kind shall be set for the purpose of taking any variety of fish during the close season for such fish.

(d) In Green Bay and Lake Michigan minnow seines fifty feet long and five feet deep may be used for taking rough fish minnows for bait. Each set hook licensee may use not more than two thousand feet of gill net with a mesh of one and three-eighths inches, except in reserve waters, for the purpose of taking bloaters for bait. The provisions of subdivision (d) of subsection (7) of section 29.33, shall not take effect until January 1, 1918.

(e) All nets with a mesh other than such as above specified and all nets used in violation of this chapter are contraband nets and shall be seized and confiscated whenever found in the water or on any vessel, dock or reel. Any such contraband nets so found shall be deemed sufficient evidence of the use of such nets by the owner thereof.

(8) BASS, MUSKELLUNGE AND STURGEON. All black bass, muskellunge, sturgeon, rainbow trout, brook trout, brown trout, salmon or steelhead trout and all undersized lake trout and whitefish taken in any pound, fyke or trap net shall be immediately returned alive and without avoidable injury, to the waters from which taken.

(9) UNDERSIZE FISH. No licensee of any net or set hooks shall transport or cause to be transported, fish of any of the varieties mentioned in this subsection of a length less than that specified for each variety; and such measurement of length shall be taken in a straight line from the tip of the nose to the utmost end of the tail fin, except that the measurement of dressed fish be of the length of the carcass, namely:

Lake trout	12 inches
Whitefish	13 inches
Suckers	12 inches
Buffalo	18 inches
Suckers with head and tail off	9 inches
Perch	7 inches

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Perch with head and tail off	4 inches
Pike	13 inches
Pike with head and tail off	10 inches
Pickerel	16 inches
Pickerel with head and tail off	11 inches
Catfish	20 inches
Catfish with head off	17 inches
Any other variety	8 inches

All carp caught in any net by any commercial fisherman shall in no case be returned to the water.

(10) POSSESSION, SALE AND TRANSPORTATION. No such licensee and no other person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation or have in possession or under control any fish of the varieties mentioned in subsection (9) of a length less than that specified therein for each variety, respectively, whether lawfully or unlawfully taken within or without the state. Whenever such undersize fish are received by or offered to any person for transportation in the course of business, such person shall forthwith notify the state conservation commission, or its deputy, stating full particulars.

(11) PENALTY. Any violation of subsections (1), (5), (6), (7), (8), (9), and (10) of section 29.33 shall be punished by a fine of not less than one hundred fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than six months nor more than nine months, or by both such fine and imprisonment.

(12) REPORTS. On or before January 10 following the expiration of his license, each such licensee shall report to the state conservation commission in writing, on blanks furnished by the said commission, the number of his license, the kind, number and size of nets, the length of lines of set hooks used, number of lineal feet of gill nets, the number of pounds and value of each variety of fish caught; and such other information as may be required on the blanks furnished. Such report shall be subscribed to before a notary public or a justice of the peace. [*1917 c. 668 s. 3; 1919 c. 696 s. 1; 1921 c. 141 s. 2; 1921 c. 275; 1921 c. 590 s. 5*]

29.34 Net licenses; Mississippi river waters. (1) LICENSE AUTHORIZED. Net licenses which shall authorize the use of nets, as limited herein, during the period of time extending from the fifteenth day of June to the next succeeding fifteenth day of April, except that buffalo nets having meshes not smaller than four and one-half inches, stretched measure, to be used for taking rough fish only, may be used in the running waters of the Mississippi river at all times of the year, for taking, catching, or killing fish in the waters of the Mississippi river, Lake Pepin and Lake St. Croix, and the lakes, bays, bayous and sloughs tributary thereto and connected therewith, shall be issued subject to the provisions of section 29.09 by the state conservation commission to any resident of the state duly applying therefor.

(2) BOND. Before any such license is issued, the applicant shall execute and deliver to the state conservation commission a bond running to the state of Wisconsin, in the sum of two hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the provisions of this chapter, said obligation to be null and void, otherwise to remain in full force. Each said surety shall be worth and qualify in at least the sum of two hundred dollars, over and above all his debts and liabilities, in property within this state not exempt from sale on execution.

(3) LICENSE PERIODS; NETS SPECIFIED. Each such license shall expire on the fifteenth day of April next succeeding the date of its issue, and shall authorize the use of one or more of the following nets only: Seines not exceeding a total length of four thousand feet, and having meshes of not less than five inches on the wings or four inches in the center of the pot, the pot not exceeding one hundred and fifty feet in length; gill nets having meshes of not less than seven inches; pound or hoop nets having meshes of not less than six inches in the leaders, five inches in the hearts, or three inches in the hoops; and bait nets to be used without leads, having meshes of not less than three inches, and not more than a four-foot hoop front.

(4) LICENSE FEES. The fee for each such license is as follows: For seines, one dollar per hundred for the first five hundred lineal feet, two dollars per hundred for the second five hundred lineal feet, three dollars per hundred for the third five hundred lineal feet, four dollars per hundred for the fourth five hundred lineal feet, five dollars per hundred for the fifth five hundred lineal feet, and six dollars for each one hundred lineal feet over twenty-five hundred; for gill nets, five dollars for the first two thousand lineal feet, and five dollars for each additional one thousand lineal feet; for pound or hoop nets, five dol-

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lars for each seven hundred lineal feet of leader and one pound, and five dollars for each additional pound; for bait nets, one dollar each; for buffalo nets, five dollars each.

(5) METAL TAGS. No such licensed net shall be used until the same is equipped with metal tags stamped to designate the kind of net and number of the license covering the same. One such tag shall be securely fastened to each five hundred lineal feet, or fraction thereof, of seine; one to each two thousand lineal feet, or fraction thereof, of gill net; and one to each fyke, hoop, or bait net. Such tags shall be furnished by the state conservation commission to the licensee at the time of issuing the license, on payment of a fee of twenty-five cents for each tag.

(6) PROTECTED FISH. No such licensed net shall be used for taking, catching, or killing any of the following named fish: Catfish of any variety under fifteen inches in length in the rough, or twelve inches dressed with the head detached; pike of any variety, bass of any variety, crappies, sunfish, pickerel, rock sturgeon, or perch.

(7) RESERVE WATERS. No such licensed net shall be used for taking, catching, or killing fish of any kind in any of the following named waters: Rice lake, French lake, Mud lake, Round lake, Long lake, French slough, Spring creek, Spring slough, and Black river in La Crosse county; Courtois pond, Pickerel spring, Nigger and Frenchtown sloughs and Gordon bay, in Crawford county; the De Soto bay, Long slough, T slough, Green lake, Pick's lake, and all sloughs, lakes and bayous from De Soto bay to the main channel of the Mississippi river and as far north as Battle bar in Vernon county; Cassville sloughs from Glen Haven to Cassville; Daley lake, Wyalusing bay and Glen lake between Wyalusing and the Burlington railway bridge, Plondke and Harris sloughs, Crawford lake, Ferry lake, and Bertram lake, all in Grant county; Trention lake, Trention slough, Mud lake, and Mero slough in Pierce; and the Mississippi river within fifteen hundred feet of the mouth of the Chippewa river, except that during the period from September 20 to January 1 of each year not to exceed ten pound, pots not to exceed four feet fyke or hoop nets may be used by each licensee providing such fishing is done under the supervision of the conservation commission or one of its deputies, the licensee to pay for such supervision service at not to exceed four dollars per day.

(8) TEMPORARY PONDS; SHIPMENTS. Each such licensee may construct temporary fish ponds and keep his fish therein until they can be marketed; and a card shall be attached to each shipment thereof, on which shall be written "Shipped under section 29.34," the signature of the licensee, and the number of his license.

(9) REPORTS. Each such licensee shall keep a strict record and account as to each variety of fish and the number of pounds thereof taken by him in such licensed nets; and shall report thereon to the state conservation commission on or before the fifteenth day of May covering his operations during the preceding year. [*1917 c. 668 s. 3; 1919 c. 526 s. 1; 1921 c. 349*]

29.35 Net licenses; whitefish and cisco in inland lakes. (1) Net licenses which shall authorize the use of not exceeding one hundred lineal feet of gill net, with meshes not less than two and three-fourths inches, or dip nets with a diameter of not more than eight feet and with meshes not less than one and one-half inches, for taking, catching or killing whitefish in any of the inland waters of the state containing whitefish, or not exceeding one hundred lineal feet of gill net, with meshes not less than two inches, for the purpose of catching ciscos in any of the inland waters of the state containing cisco may be issued by the state conservation commission, subject to the provisions of section 29.09, to any resident of the state duly applying therefor. Such licenses may also be issued by the commission in its discretion, for the catching of whitefish or ciscos, respectively, in any other inland waters. The fee for each such license is one dollar.

(2) Each such license shall be limited to such period of ten days as shall be fixed by the state conservation commission, and no such whitefish licensee shall have in his possession or under his control at any time more than one hundred pounds of whitefish.

(3) No such licensed net shall be used until the same is equipped with a metal tag, stamped to designate the kind of net and number of the license covering the same, to be securely fastened to each net. Such tag shall be furnished by the commission at the time of issuing the license. Spears may be used in the waters of Vilas county during the period from October 15 to November 15 for the purpose of spearing cisco.

(4) Within five days of the close of the period of ten days for the use of such gill nets the owner of the same shall dry said net, roll it into a bundle, leave the tag attached, attach his license thereto and deliver or ship the same to the nearest conservation warden. The warden shall give a receipt for the net, shall be responsible for its safe-keeping, and shall deliver or ship the same back to the owner not more than five days before the opening of the next season for the use of said net; providing the owner has purchased a new license and tag. [*1917 c. 668 s. 3; 1921 c. 306 s. 1, 2*]

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29.36 [*Repealed by 1921 c. 352*]

29.37 Set line licenses; inland waters. (1) Set line licenses which shall authorize the use of one set line only, with not exceeding twenty-five hooks, for taking, catching or killing fish, shall be issued, subject to the provisions of section 29.09, by the county clerk of the county bordering on the waters where such set lines are intended and permitted to be used, to any person duly applying therefor.

(2) Each such license shall be limited to the period of time extending from the twenty-ninth day of May to the next succeeding fifteenth day of February. The fee for each such license is one dollar.

(3) No such licensed set line shall be used until the same is equipped with a metal tag, stamped to designate the number of the license covering the same, which shall be securely fastened to one end of the set line. Such tag shall be furnished by the state conservation commission to the county clerk, and by the latter to the licensee at the time of issuing the license, on payment of a fee of twenty-five cents. All fees received by county clerks for such metal tags shall be returned and reported in the same manner as are license fees, as prescribed in section 29.09, but without deduction.

(4) Such licensed set lines may be used only in the following waters: Big Wolf river in Waupaca and Outagamie counties; Lake Winnebago, Lake Butte des Morts, Little Butte des Morts, Lake Winneconne, Lake Poygan, Lake Puckaway, and the river connecting said lakes, Fox river, except below the dam at De Pere; Wisconsin river from the north line of Sauk county to its mouth; Black river from the north line of Jackson county to its mouth; the Chippewa river from its mouth to the dam at Jim falls, Chippewa county; Menomonee river bordering on Marinette county; the Pecatonica river in Green county; the Pecatonica river and the east and west branches of the Pecatonica river in La Fayette county; and the Mississippi river, Lake Pepin and Lake St. Croix.

(5) In the Big Wolf river in Waupaca and Winnebago counties; in the Fox river in Winnebago county and in Outagamie county as far as the dam at De Pere; in Lake Winnebago, Lake Winneconne, Lake Butte des Morts, Little Butte des Morts, Lake Poygan, three hundred hooks may be used but in such waters no frog, minnow or live bait shall be used. No licensed set line shall be equipped with any hooks smaller than 5/o.

(6) In the Mississippi river, Lake Pepin and Lake St. Croix, and Lake Winnebago not to exceed twenty lines with not to exceed one hundred hooks on each line may be used by each licensee, but no frog, minnow or live bait shall be used. Each such line shall be equipped with a metal tag issued in the same manner and at the same fee as provided in subsection (3). The license fee for each such line shall be one dollar. [*1917 c. 668 s. 3; 1919 c. 526 s. 1, 2; 1921 c. 116*]

CLAMMING.

29.38 Mussels, open season, closed areas, taking regulated. (1) Mussels, not less than one and three-fourths inches in greatest dimensions, including the pearly fresh water mussel or clam, or naiad and the shells thereof, may be taken and possesed in any quantity at any time, in the manner hereafter described, in any of the waters of this state except those duly closed by the conservation commission, provided a license so to do shall first be obtained from the conservation commission. Such mussels may be bought, sold or transported at any time.

(2) The conservation commission may, when in its judgment the conservation of the mussel resources of the state requires it, prescribe areas from which mussels may not be taken for a specified period of not to exceed five years, such closed areas not to exceed over one-half the mussel producing waters of the state at the same time. All orders of the conservation commission prescribing such closed areas shall be published once in a newspaper qualified to publish legal notices within each county having waters within its boundaries affected by such orders, and shall take effect at the time fixed therein, but not earlier than thirty days after publication. The conservation commission may, when in its judgment conditions warrant it, vacate, modify or extend any such order. No mussels shall be taken from waters included in any area so closed by the conservation commission.

(3) Such license shall be procured from the conservation commission and may be issued to a resident or nonresident. It shall be in such form as the commission may determine, but shall state what waters have been closed by the action of the conservation commission to the taking of mussels, and whether the licensee is a resident of this state. The applicant shall pay to the conservation commission as a license fee, if a resident, the sum of five dollars, and if not a resident, the sum of fifty dollars. All licenses shall expire on the thirty-first day of December following. Licensees, when taking mussels, shall exhibit their licenses to any conservation warden upon his request.

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(4) Not more than one boat or rig may be used for taking mussels. An additional boat for towing may be used when no mussel taking apparatus is attached thereto. Not more than four crow-foot bars, or bars having hooks attached thereto adapted for the taking of mussels, shall be had in possession by a licensee while taking mussels at any one time, and not more than two of such crow-foot bars shall be placed in the water by a licensee while taking mussels, at any one time. No crow-foot bar of more than twenty feet in length shall be used. Pitchforks may be used in gathering clam shells. Undersized mussels, except pig toes, shall be returned to the water without injury. No person shall take, catch or kill any mussels in any of the waters of this state at any time with the use of a dredge or by the use of any device except a crow-foot bar.

(5) Written reports shall be made to the conservation commission on blanks prepared by it on or before December thirty-first, by each person to whom a license to take mussels has been issued, stating the total weight of mussels taken under authority of such license, the names and locations of the waters from which such mussels were taken, and the total amount received for the mussels sold.

(6) Persons duly authorized by the state of Minnesota to take mussels from waters forming a common boundary between Wisconsin and Minnesota may take mussels from that portion of said waters within the jurisdiction of Wisconsin and not closed by action of the conservation commission, without having first procured a license therefor from the state of Wisconsin, provided that the laws of Minnesota extend a similar privilege to persons licensed by Wisconsin to take mussels.

(7) There shall be a close season for clams in all inland waters of the state, not including boundary waters, extending from March first to May twenty-ninth, in each year.

(8) There shall be a close season for clams in any and all waters in Rock county. [*1919 c. 623 s. 1, 2; 1919 c. 702 s. 24; 1921 c. 106*]

POSSESSION OF GAME.

29.39 Possession during close season, or in excess of bag limit. No person shall have in his possession or under his control, or have in storage or retention or as common carrier for any one person, any game, game fish, or other wild animal or carcass or part thereof, during the close season therefor, or in excess of the bag limit for one day or below the minimum size thereof at any one time during the open season, whether lawfully or unlawfully taken within or without the state. [*1917 c. 668 s. 3*]

29.40 Possession of deer; heads and skins. (1) DEER TAGS. Any person having lawfully killed a deer shall immediately attach and leave attached to the carcass, or part thereof, the deer tag corresponding to his license; and no person shall have in his possession or under his control, or have in storage or as a common carrier, any such carcass, or part thereof, without such tag attached.

(2) HOME CONSUMPTION. Any person residing in this state having lawfully killed a deer, may have in his possession and consume the meat thereof in his own family at any time, but must leave the tag attached thereto.

(3) HEADS AND SKINS. The head and skin of any deer lawfully killed, when severed from the rest of the carcass, are not subject to the provisions of this chapter; but no person shall have in his possession or under his control the green head or green skin of a deer between the first day of January and the succeeding fourteenth day of November of each year, or at any time a deer head in the velvet, or a deer skin in the red, blue or spotted coat. [*1917 c. 668 s. 3; 1921 c. 553 s. 3*]

29.41 Skins of fur-bearing animals. The skin of any fur-bearing animal lawfully killed, when separated from the rest of the carcass is not subject to the provisions of this chapter; but no person shall have in his possession or under his control the skin of any fisher, marten, mink, or muskrat showing that the same has been shot or speared, nor the green skin of any fur-bearing animal from the fifth day after the beginning of the close season for such animal until the ending thereof. [*1917 c. 668 s. 3*]

29.42 Possession of game birds. (1) WITHOUT LICENSE. No person, other than the holder of a hunting license or scientist's certificate duly issued to him and in force and carried by him on his person, shall have in his possession or under his control any game bird, or animal, or the carcass or any part thereof.

(2) NESTS AND EGGS. No person shall take or needlessly destroy, or have in his possession or under his control, except by virtue of a scientist's certificate, the nest or eggs of any wild bird for which a close season is prescribed in this chapter. [*1917 c. 668 s. 3*]

TRANSPORTATION OF GAME.

29.43 Transportation; general provisions. (1) DURING CLOSE SEASON. No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive

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for transportation, any game or game fish or carcass or part thereof during the close season therefor, whether lawfully or unlawfully taken within or without the state. Whenever any game or game fish or carcass or part thereof is offered to any person for transportation during the close season therefor such person shall forthwith notify the state conservation commission or its deputy, stating full particulars of such offer and by whom made.

(2) TRUNKS; VALISES. No person shall carry with him or under his control in any trunk, valise, or other package or inclosure, at any time, any game or game fish, or carcass or part thereof.

(3) TRANSPORTATION EMPLOYES. No employe of any railroad, express, or other transportation company, and no steward, porter, or other employe of any dining, parlor or sleeping car shall have in his personal possession or under his personal control, at any time while in such service, any game or game fish, or carcass or part thereof.

(4) LABELING GAME SHIPMENTS. No person shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any wild animal or carcass or part thereof, unless the same is labeled in plain letters on the address side of such package or parcel so as to disclose the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish or the number of each variety of other wild animals; or carcasses, or parts thereof, contained therein; and unless the consignor is the owner of such shipment and shall deliver to the common carrier therewith, either personally, or by agent, a writing signed by him personally, stating that he is the owner of the shipment. [*1917 c. 668 s. 3*]

29.44 Interstate transportation of game. No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, into or through this state, any game or game fish or carcass or part thereof from any other state in violation of the laws of such state relating to the transportation thereof; nor any game or game fish or carcass or part thereof lawfully transported from any other state, nor have the same in his possession or under his control, during the close season or in excess of the limitations prescribed for such animal in this chapter, unless a permit therefor has been duly issued to such person by the state conservation commission; but any person who has lawfully killed a deer in this state may, on his license only, take such deer into any adjoining state, if the laws thereof permit, and ship the same from any point in that state to any point within this state. [*1917 c. 668 s. 3*]

29.45 Transportation of deer. (1) No common carrier shall receive for transportation or transport or attempt to transport any deer, or carcass or part thereof, otherwise than as provided in this section.

(2) Each holder of a resident hunting license, settlers' hunting license, or nonresident general hunting license, may transport or cause to be transported one deer not less than one year old, between the fourteenth day of November and eleven o'clock P. M. of the twenty-fifth day of November of each year; but must accompany the same from the point of shipment to the point of destination.

(3) The place of delivery of any such shipment by a resident licensee shall be within the state, and by a nonresident licensee may be either within the state or at his residence without the state. [*1917 c. 668 s. 3; 1921 c. 553 s. 3*]

29.46 Transportation of game birds. (1) No common carrier shall receive for transportation or transport or attempt to transport any game bird, or carcass or part thereof, otherwise than as follows: Each holder of a hunting license may carry with him openly, in his personal possession, a mixed bag of not more than twenty such birds, but not more than the bag limit for one day of any one variety; but no such licensee resident within this state shall carry or convey any such bird beyond the borders of the state. [*1917 c. 668 s. 3*]

29.47 Transportation of fish. (1) TIME LIMITATION. No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game fish taken from inland waters, during the period extending from the first day of January to the last day of the close season for such fish, in each year.

(2) FROM INLAND WATERS. No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, at any time, any game fish taken from inland waters other than as follows:

(a) One shipment only of not more than one package, and containing not more than twenty pounds of game fish of any variety other than those named in paragraphs (c) and (d) of this subsection, but not more than the bag limit for one day, or containing in lieu thereof not more than two such fish of any weight, may be transported by any resident to any point within the state, or by any nonresident licensee to any point without the state in each period of seven days. Nonresident hook and line fishing licenses may be issued

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by the state conservation commission to any nonresident female over the age of sixteen years for the purpose of making shipment without the state, under the provisions of this section.

(b) Any shipment containing more than twenty but not exceeding fifty pounds of game fish of any variety other than those named in paragraphs (c) and (d) of this subsection may be transported only to a point within this state, and must be accompanied by the owner from the point of shipment to the point of destination.

(c) Thirty-five trout of any variety other than lake trout may be transported to any point within or without the state, when accompanied by the owner from the point of shipment to the point of destination.

(d) One shipment only, containing not more than twenty pounds of lake trout taken from inland waters, may be transported by any person in each period of seven days, to any point within or without this state, when accompanied by the owner from the point of shipment to the point of destination.

(3) FROM OUTLYING WATERS. The transportation of fish taken in outlying waters is subject to the following limitations:

(a) No green fish of any variety shall be shipped from any port located on outlying waters during the close season for such fish, except the first three days thereof.

(b) Pike and pickerel of lawful size and lawfully taken from outlying waters may be transported to points within or without the state without limitation as to quantity; but all such shipments shall be billed only from a port on outlying waters directly to their destination, and shall not be rebilled or reshipped from any other point within the state.

(4) SHIPMENTS FROM INLAND POINTS. Any shipment of game fish of any variety originating at any point in this state other than ports located on outlying waters is subject to the provisions of this section governing the transportation of game fish taken from inland waters.

(5) FOREIGN SHIPMENTS. Pike and pickerel in a frozen state, whether dressed or not dressed, legally taken or imported from any foreign country, are not subject to any of the provisions of this chapter except subsection (10) of section 29.33; but the person importing, transporting, dealing in, or selling such fish shall keep a separate record of all shipments and consignments thereof, containing the number of pounds, the date received, the name of the consignor, and the name of the carrier transporting the same, which shall be at all times open to inspection by the state conservation commission or its deputies.

(6) INJURIOUS FISH. Live carp minnows and dogfish minnows shall not be transported within the state. [*1917 c. 668 s. 3; 1919 c. 696 s. 1*]

COMMERCE IN GAME.

29.48 Sale of game. Except as provided by section 29.52 no person shall sell, purchase, or barter, or offer to sell, purchase, or barter, or have in his possession or under his control for the purpose of sale or barter, any deer, squirrel, game bird, black bass, muskellunge, or trout other than lake trout, or the carcass or part thereof, at any time; nor any other game fish taken from inland waters during the period extending from the first day of January to the next succeeding twenty-ninth day of May of each year; nor any other game or other wild animal, or carcass or part thereof, during the close season therefor. This section applies, whether such animals were lawfully or unlawfully taken within or without the state. [*1917 c. 668 s. 3*]

29.49 Serving of game to guests. (1) PROHIBITED. Except as provided by section 29.52 no innkeeper, manager or steward of any restaurant, club, hotel, boarding house, saloon, logging camp, or mining camp shall sell, barter, serve or give, or cause to be sold, bartered, served, or given to the guests or boarders thereof the meat of any deer, squirrel, game bird, or trout other than lake trout, or the carcass or part thereof, at any time; nor any other game fish taken from inland waters during the period extending from the first day of January to the next succeeding twenty-ninth day of May of each year; nor any frog or other game or other wild animal, or carcass or part thereof, during the close season therefor, except rabbits in counties containing a city of the first class. This section applies, whether such animals were lawfully or unlawfully taken within or without the state.

(2) FREE LUNCH. The giving, offering, or affording opportunity to take free lunch in any of the places named in the preceding subsection shall be held to be embraced within the prohibitions thereof.

(3) PENALTY. Violations of this section shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment. [*1917 c. 668 s. 3*]

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PROPAGATION OF WILD ANIMALS.

29.50 Propagation privileged. Nothing in the foregoing provisions concerning the protection of wild animals shall affect the operation of state hatcheries, the removal of fish which have died from natural causes or the removal of deleterious fish by the state conservation commission or under its authority; or the propagation or transportation, collecting and transplanting of fish or fish fry by state authority; nor the transportation of fish into or through this state or out of it by the commissioners of fisheries of other states or of the United States; nor the operation of private fish hatcheries, or the propagation of fish in private waters, or the transportation and sale of fish therefrom as hereinafter provided; but the state conservation commission, or its agents and employes, shall not furnish fish or fry from state hatcheries to private ponds, private clubs, corporations or preserves, and shall not plant them in waters where the general public is not allowed the rights and privileges enjoyed by any individual. [*1917 c. 668 s. 3*]

29.51 State propagation of fish. (1) STATE FISH HATCHERIES. The state conservation commission shall have general charge of the following matters, and all necessary powers therefor, namely:

(a) The propagation and breeding of fish of such species and varieties as they deem of value.

(b) The collection and diffusion of useful information in regard to the propagation and conservation of fish.

(c) The government and control, care, supply, and repair of the state fish hatcheries and the grounds used therefor, whether owned or leased, and the buildings, ponds, fish car and other apparatus, and all other property belonging to or held by the state for the propagation of fish.

(d) The purchase and establishment and control, in like manner, of new hatcheries when appropriations shall be made by law, and the establishment of such temporary hatching stations as they may deem necessary.

(e) The receiving from the commissioners of fisheries of the United States, and from the commissioners of fisheries of other states, or other persons, of all spawn, fry or fish donated to the state or purchased, and in the most practical ways, by exchange or otherwise, to procure, receive, distribute, and dispose of spawn and fish; to make contracts and carry on the same for the transportation of fish cars, cans, commissioners and employes by land or water as may be most advantageous to the state; and to take such other measures as in their judgment shall best promote the abundant supply of food fishes in the waters of the state.

(f) The commission shall keep an inventory of the property of the several hatcheries, with the cost of each article, and account in detail and separately of the expenses of each hatchery; also of the distribution of the fish, of maintaining and repairing property and of such improvements as may from time to time be ordered.

(2) TRANSPLANTATION OF FISH. The commission may take or cause to be taken fish at all seasons of the year from any waters of the state for stocking other waters, or for the purpose of securing eggs for artificial propagation in the state hatcheries. Such fish or eggs shall be taken only under a special permit issued by the commission, and then only in the presence of the commission or its deputies. Such permit shall specify the kinds of fish that may be taken and the manner in which they may be taken; and shall be subject to the conditions that the holder shall pay for the services of and furnish free transportation and meals on his boat to a competent person approved by the commission to spawn the fish and fertilize the eggs, and that such eggs shall be delivered at such place as may be designated by the commission and forwarded to some state hatchery for propagation.

(3) DELIVERY OF SPAWN. Any person fishing in any waters of this state shall deliver, on demand, to the state conservation commission or its deputies or authorized agents, all kinds of fish, during the spawning season, for the purpose of being stripped of their eggs and milt; and the person receiving them shall, immediately after having stripped the fish, return them to the person from whom received. Any such person shall permit the commission, or its deputies, or authorized agents to enter any boats, docks, grounds or other places where such fish may be, for the purpose of stripping the same while alive, and shall render such assistance as may be necessary to expedite the work of mixing the eggs and milt for proper impregnation.

(4) REMOVAL OF SPAWN OR FISH FROM STATE. No person shall remove any fish eggs or live fish from this state except as authorized by law, unless a permit therefor has been issued to him by the state conservation commission.

(5) UNLAWFUL FISHING BY EMPLOYES. No employe of the commission, and no other person, while engaged in catching wild fish from the public waters for purposes of arti-

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ficial propagation, shall take or have in his possession or under his control any kind of fish other than those he has been directed, by the commission or its deputy or agent, to take therefrom. [*1917 c. 668 s. 3*]

29.52 Private fish hatcheries. (1) No person shall stock any private fish hatchery with fish or fry obtained from any Wisconsin state fish hatchery, or from any waters of the state except when such fish have been taken in a lawful manner.

(2) The term "private fish hatchery," except as provided in paragraph (d) of this subsection, includes only private ponds with or without buildings, used for the purpose of propagating fish and located as follows:

(a) At the headwaters of or along a stream for a distance of not to exceed one mile, on private land possessed and controlled by the owner or owners of such hatchery.

(b) On private land where the supply of water for the hatchery is furnished by springs or artificial wells.

(c) On private land where the supply of water for the hatchery is obtained by the use of flumes, pipes, or ditches from flowing streams, provided that said flumes, pipes, or ditches, shall be properly screened so as to prevent fish from passing from such streams to the ponds of such hatchery.

(d) As to private fish hatcheries hereafter established, the term "private fish hatchery" shall include only private ponds, with or without buildings, used for the purpose of propagating fish and located on artificial ponds or artificial lakes.

(3) The owner or lessee of any private hatchery shall report to the state conservation commission the name, if any, and location of such hatchery, whereupon the commission shall inspect, and in its discretion number and register such hatchery and immediately inform the owner or lessee of the number given such hatchery; such owner or lessee shall, however, pay a registration fee of five dollars, and all expenses of inspection except the salary of the employe who inspects the hatchery.

(4) Each package or box containing fish propagated and raised in any private hatchery and shipped or offered for shipment shall be branded with an iron brand as follows: "Shipped from the private fish hatchery of (insert name of owner or lessee, location, and number of hatchery)" and such brands shall not be used on packages containing fish not taken from such private hatchery.

(5) Any person who shall, without permission of the owner, trespass or fish on the waters of a private hatchery or fish pond properly registered with the state conservation commission, shall be punished by a fine of not less than fifteen dollars nor more than twenty-five dollars and in default of payment thereof shall be imprisoned in the county jail for not less than ten days nor more than twenty days; provided, that the owner of such private fish hatchery or fish pond gives notice by maintaining signboards, at least one foot square, in at least two conspicuous places to every forty acres. Prosecutions under this subsection shall be by the owner of such private hatchery or pond. [*1917 c. 668 s. 3; 1921 c. 130, 347*]

29.53 Private hatcheries and fisheries. (1) The owner or lessee of all of the lands underlying, surrounding, or bordering upon any pond, lake or slough, natural or artificial, navigable or nonnavigable, meandered or not meandered, tributary to and connected with the Mississippi river, which pond, lake or slough does not exceed at low water one square mile in surface area, shall have the right, upon complying with the provisions of this section, to erect, establish, operate and maintain on, in or about such pond, lake, or slough, a private hatchery and fishery for the purpose of hatching, propagating and fishing therein rough fish, including buffalo fish and carp.

(2) Such owner or lessee desiring to erect, establish, operate and maintain a private hatchery and fishery in conformity with this section, shall file with the state conservation commission a verified declaration designating and describing the pond, lake or slough, which the declarant desires to use for the purpose of hatching, propagating and fishing rough fish therein, a description of all the lands underlying, surrounding, or bordering upon such water and the title or leasehold of the declarant therein. Such declaration shall also state in square miles and fraction of square miles the area of such pond, lake or slough, at low water.

(3) Upon the filing of such declaration, the state conservation commission shall forthwith examine and investigate the same and may require the declarant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the pond, lake or slough designated in the declaration does not exceed at low water one square mile in surface area and that the declarant is the owner or lessee of all of the lands underlying, surrounding, or bordering upon such water, and that the declarant intends in good faith to erect, establish, operate, and maintain a hatchery and fishery on, in and about such water for the propagation or fishing of rough fish therein, the commis-

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sion shall issue to the declarant a certificate under seal of the commission, which shall designate such pond, lake or slough, and certify that the declarant is lawfully entitled to use the same for the hatching, propagation and fishing of rough fish therein and to erect, establish, operate and maintain a private hatchery and fishery for the purpose of hatching, propagating and fishing therein of rough fish, including buffalo fish and carp.

(4) Such certificate of the commission shall be prima facie evidence in all courts and proceedings of the lawful right of the declarant therein named, his or its successors or assigns for the full term of twenty-five years from the date of issuance thereof, to erect, establish, operate and maintain a private hatchery and fishery in the pond, lake or slough therein designated and shall, unless and until sooner revoked as hereinafter provided, entitle the declarant therein named, his or its successors or assigns, to the exclusive right for and during said term to propagate and fish rough fish therein and to exclusive and sole ownership of and property in all rough fish caught or taken therefrom.

(5) If it shall be reasonably necessary to the successful operation of such hatchery and fishery that screens or other structures shall be erected and maintained in any brook, creek or stream flowing into or out of such pond, lake or slough, in order to prevent the escape from any such hatchery or fishery of rough fish, authority is hereby granted to erect, and maintain the same in such brook, creek or stream and upon the land owned or leased by the holder of such certificate, provided that the character and location of such screens or other structures for such purpose shall be determined by the commission in said certificate and, provided further, that if it shall at any time appear that such brook, creek or stream is used by the public for the purposes of navigation, the commission may, if such public use is substantial and reasonably necessitates the same, require locks or boatways to be erected and maintained in connection with and as a condition of the right to erect and maintain such screens or structures and may fix the character of such locks or boatways.

(6) The failure at any time for a period of two years to operate or maintain any such hatchery or fishery for which a certificate has been issued hereunder for propagating or fishing rough fish therein shall work a forfeiture of such certificate and of all right thereunder. Such certificate and all rights thereunder shall be assignable and shall pass with the title or leasehold stated in the declaration upon which the same was issued and, if issued upon a leasehold merely, shall terminate with such leasehold.

(7) Nothing in this section contained shall be construed to affect any public right of fishing or navigation, except as herein expressly provided. [*1919 c. 397; 1919 c. 671 s. 7*]

29.54 State propagation of wild mammals and birds. (1) The state conservation commission is authorized to take or purchase wild mammals and birds and their eggs for propagation. The distribution thereof shall be made throughout the various parts of the state under the supervision and direction of the commission, and according to such regulations as they shall prescribe.

(2) No person shall take, remove, sell, or transport from the public waters of this state to any place beyond the borders of the state, any duck potato, wild celery, or any other plant or plant product except wild rice native in said waters and commonly known to furnish food for game birds. [*1917 c. 668 s. 3*]

29.55 Wild animals for parks. (1) The state conservation commission may, on application of any park board, grant permit to take, have, sell, barter, or transport, at any time, live wild animals for park purposes.

(2) The state conservation commission may, on application of any person, grant a permit to such person to take and transport wild animals for propagation within the state, under the supervision of the commission or its deputies. [*1917 c. 668 s. 3*]

29.56 Forest county game refuge. Townships thirty-eight north, of range twelve and thirteen east, Forest county, shall be known as the "Forest County Refuge." No person shall at any time or in any manner, hunt any game within said refuge. [*1917 c. 668 s. 3*]

29.57 Wild life refuges. (1) ESTABLISHMENT. The owner or owners of any tract, or contiguous tracts, of land comprising in the aggregate not less than one hundred and sixty acres located outside the limits of any city or village, may apply to the state conservation commission for the establishment of said lands as a wild life refuge. The commission may thereupon employ such means as it may deem wise to inform itself regarding the premises; and if, upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of the commission that the establishment of said lands as a wild life refuge will promote the conservation of one or more useful species or varieties native within this state, it may by order designate and establish the said lands as a wild life refuge.

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(2) INCLOSURE. Within thirty days after the date of such order the owner or owners of the said lands shall inclose the same, wherever the same are not already inclosed by a fence, with a single substantial wire, and shall post and maintain along the said wire or fence, at each interval of twenty rods, signs or notices, furnished by the state conservation commission, proclaiming the establishment of said refuge.

(3) PUBLICATION. No such order shall be effective until at least thirty days after the date of its issue; nor unless the commission shall have caused notice thereof to be given by its publication, once in each week for three successive weeks next preceding the date of its effect, in at least one newspaper published in the county embracing the said lands. Thereupon the said lands shall be a wild life refuge, and shall so remain for a period of not less than five years, from and after the date of effect stated in said order.

(4) ABSOLUTE PROTECTION. No owner of lands embraced within any such wild life refuge, and no other person whatever, shall hunt or trap within the boundaries of any wild life refuge, state park, or state fish hatchery lands; nor have in his possession or under his control therein any gun or rifle, unless the same is unloaded and knocked down or inclosed within its carrying case; but nothing herein shall prohibit, prevent, or interfere with the state conservation commission, or its deputies, agents or employes, in the destruction of injurious animals.

(5) ANIMALS PROCURED BY COMMISSION. The state conservation commission may place within any such wild life refuge, for the purpose of propagation, wild animals of any species or variety. [*1917 c. 668 s. 3; 1921 c. 134*]

29.575 Application for and contents of muskrat farm license. (1) Muskrat farmers' licenses which shall authorize the licensee to engage in the business of breeding and selling muskrats shall be issued subject to the provisions of section 29.09 by the state conservation commission to any person duly applying therefor.

(2) In addition to the facts required by section 29.09 each such license, and the application therefor, shall state the description of the premises to be covered by the license, the number of acres comprised in said description, and that the applicant or licensee is the owner or lessee thereof. The minimum fee for each such license shall be five dollars per year, and an additional charge of one cent per acre shall be paid for all premises covered by the license in excess of five hundred acres.

(3) Any such licensee and his employes may take, trap, kill, possess, transport, or sell any muskrats found upon the premises covered by such license at any time during the open season therefor, and such muskrats may be taken on such premises by said licensee and his employes in any manner whatsoever, except by shooting and spearing, provided, however, that all such employes shall be required to take out the ordinary trappers' license.

(4) On or about the first day of June of each year each such licensee shall make a report to the state conservation commission covering the period from the first day of May to the thirtieth day of April next preceding, upon blanks furnished by the commission, stating the number of his license, the total number and value of muskrats killed, transported or sold during said period under the provisions of this section, the names of the persons to whom the same were transported or sold, and such other information as may be required on the blanks furnished. Each such report shall be verified by the affidavit of the licensee. [*1919 c. 344; 1919 c. 671 s. 6*]

DESTRUCTION OF INJURIOUS ANIMALS.

29.58 Muskrats injuring dams. The owner or lessee of any dam may in any manner capture or kill muskrats at any time when said muskrats are injuring or destroying such dams or the levees connected therewith; but shall not sell, barter, or give to any other person the skin of any muskrat captured or killed during the close season therefor. [*1917 c. 668 s. 3*]

29.59 Beaver causing damage. (1) COMPLAINT. Upon complaint in writing, by the owner or lessee of any lands, to the state conservation commission, that beaver are causing damage thereto the commission shall employ such means as it may deem wise to inquire into the matter; and if, upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of the commission that the facts stated in such complaint are true, it may, by written permit, authorize the said owner or lessee to capture and remove such beaver, as hereinafter prescribed.

(2) SUPERVISION. No beaver shall be captured or killed under such permit except only during such period of time, from and after the first day of January in each year, as

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may be limited by the commission, and then only under the direct supervision of a deputy conservation warden.

(3) DISPOSITION OF ANIMALS. The owner or lessee shall capture, alive and without avoidable injury, such number of beaver as may be designated by the commission, for delivery to zoological parks or collections or for transplantation to other localities within the state; all others shall be killed and skinned with care to conserve the value of the skins, which shall be shipped without delay to Madison, consigned to the state conservation commission.

(4) SALE AND DISPOSITION OF PROCEEDS. All such skins shall be sold by the commission, in the manner of a sale of confiscated game, and the proceeds paid into the conservation fund.

(5) LICENSES FOR KILLING BEAVER AND OTTER. (a) Licenses for the taking, catching or killing of beaver and otter in the counties of Ashland, Bayfield, Clark, Chippewa, Douglas, Iron, Oneida, Rusk, Sawyer, Taylor, Price and Washburn during the open season therefor, as provided in paragraph (a) of subsection (3) of section 29.18, may be issued by the conservation commission only to residents of this state who have resided herein for a period of not less than one year, upon application therefor, and no person shall take, catch or kill beaver or otter in said counties without procuring such a license. Application for such license shall be made on a blank form to be furnished and prescribed by said commission. Said license shall be in force during the months of February and March in the year for which the same was issued and the fee therefor shall be five dollars for each such license. No person shall take or kill beaver or otter at any time by shooting.

(b) Under such license no trap shall be set before the first day of February and all traps shall be taken up by not later than nine o'clock P. M. on March thirty-first. No skin of any beaver or otter taken, caught or killed under said license shall be delivered, transported or shipped or had in possession unless it has attached thereto a distinctive tag to be prescribed and furnished by the commission. The fee for each such tag shall be fifty cents. Unused tags shall be returned to the commission at the time of making the report provided for in paragraph (c) of this subsection, and for each such tag so returned the commission shall refund fifty cents. Such tags shall be attached to some part of the head skin of the beaver or otter immediately after the skin has been removed from the carcass, and shall remain attached thereto until the skin is made into a fur garment. All packages of beaver skins delivered, transported or shipped shall be plainly marked on the outside of the package showing the name and address of the licensee, the number of his license and the number of the beaver or otter skins in the package.

(c) Every licensee shall, not later than the first day of April following the date of the issuance of his license, return the same to the commission for cancellation together with a report on a blank to be furnished by the commission stating the number of beavers or otter taken, caught or killed, the name of the county in which the same were taken, caught or killed, the disposition, if any, of the hides and the amount received therefor, the number of hides on hand and the reasonable value thereof. Such report shall also include a statement by the licensee that he is returning with said report all unused tags to the commission for refund. Each such report shall be subscribed and sworn to before a notary public, justice of the peace, county clerk or any other person authorized to administer oaths.

(6) PENALTY. Violations of this section shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment. [*1917 c. 668 s. 3; 1919 c. 702 s. 19; 1921 c. 476*]

29.595 Deer causing damage. Upon complaint in writing by the owner or lessee of any lands, to the state conservation commission, that deer are causing damage therein the commission shall inquire into the matter; and if upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of the commission that the facts stated in each such complaint are true, it may capture or destroy such deer, and dispose of the same as provided in subsections (3) and (4) of section 29.59. [*1917 c. 668 s. 3*]

29.60 Bounties on wolves and foxes. (1) Any person who shall kill any wolf cub between the first day of March and the first day of November next following shall be entitled to a reward of four dollars, or any mature wolf at any time ten dollars, or any fox at any time two dollars, to be paid by the county wherein said wolf or fox was killed. By a majority vote at any annual meeting, the county board of any county may increase any of said rewards in said county, but no county shall pay more than six dollars for the killing of any wolf cub as above described. A reward for the killing of any wolf or fox shall be paid out of the state treasury equal to that paid by the county. The county board

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may also allow bounties for the destruction of lynxes and wild cats in their respective counties, to be paid out of the county treasury.

(2) Any person claiming such reward shall exhibit the carcass of the animal killed, not earlier than eight o'clock A. M., nor later than five o'clock P. M., of any day within six days after the killing thereof to the chairman of the town wherein it was killed, and shall sign and deliver to him in the presence of at least one subscribing witness, a statement in substantially the following form:

STATE OF WISCONSIN, }
County of ...., Town of .... } ss.

I, the undersigned, hereby declare and state that I did personally on the .... day of ...., 19.., in said town kill or cause to be killed the animal here exhibited to the chairman of said town and that it is the carcass of a ...., that I did not raise or rear or cause to be raised or reared for me and did not in any way harbor the said animal, and I make this statement for the purpose of procuring a reward therefor from the county and state, and a certificate from said chairman for a ....

Signed and delivered this .... day of ...., 19..

In the presence of: ...., Claimant.

....

....

Thereupon said chairman shall punch three holes through the base of the right ear of said hide not less than one-eighth inch in diameter, and may issue a certificate to said claimant in duplicate, in the following form:

STATE OF WISCONSIN, }
County of ...., Town of .... } ss.

I, ..., chairman of said town in said county, do certify that .... has this .... day of ...., 19.., at .... o'clock, .. M., exhibited to me the carcass of a .... which he claims to have killed in said town on the .... day of ...., 19.., and that I punched three holes through the base of the right ear of said hide not less than one-eighth inch in diameter and that he delivered to me the statement in writing required by law of him to be made.

Given under my hand and witnessed this .... day of ...., 19...

In the presence of: ...., Chairman of the Town.

....

....

Such statement and a duplicate copy of such certificate shall be filed and recorded in the office of the town clerk of said town within ten days after the same is issued.

(3) Thereupon such claimant shall take and subscribe before the chairman of the town, who is hereby authorized to administer the same, the following oath:

STATE OF WISCONSIN, }
County of ...., Town of .... } ss.

I, ..., do solemnly swear (or affirm) that the hide produced by me is the hide of a .... taken and killed by me in the town of .... in said county on the .... day of ...., 19..; that I made and delivered to the chairman of said town the statement required by law, and exhibited to him the carcass of such ....; that the certificate of said chairman herewith produced by me was signed in my presence and in the presence of ...., and that I have not spared the life of any wolf or fox within my power to kill, and that each and every declaration and statement made by me in the statement delivered to the chairman of said town is true.

...., Claimant.

Subscribed and sworn to before me this .... day of ...., 19..

...., Chairman of the Town of ....

Within twenty days after subscribing such affidavit, the claimant shall deliver or forward, charges prepaid, to the county clerk the entire hide of such animal with three holes punched through the base of the right ear of said hide not less than one-eighth inch in diameter, together with the certificate of the town chairman and the affidavit of the claimant, provided for in this section. Upon receipt thereof, the county clerk shall forthwith call into his office the register of deeds.

(4) Such clerk or register of deeds shall punch three holes in the base of the left ear not less than one-eighth inch in diameter, and the clerk shall issue an order on the county treasurer in favor of the claimant for the amount due from the county, giving his full name and post-office address and shall enter in a book the name of the claimant, date of oath and amount paid by said county to such claimant. The amount specified in such order shall be paid to the claimant by the treasurer, or shall be mailed to him as

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directed in such order. Within ten days the clerk shall transmit to the secretary of state such oath of the claimant together with a certificate on blanks furnished by the secretary of state in the following form:

STATE OF WISCONSIN, }
County of .... } ss.

I, ..., county clerk of said county, do certify that ...., who subscribed the foregoing affidavit, presented or forwarded to me and the register of deeds at said time the entire hide of a .... with three distinct holes punched in the base of the right ear not less than one-eighth inch in diameter; that we punched three distinct holes in the base of the left ear not less than one-eighth inch in diameter before the signing of this certificate; that the certificate of the chairman of the town of .... is on file in the office of the county clerk; that said county of .... paid the said ...., claimant, who subscribed to the said oath the sum of .... dollars for the killing of said .... mentioned in said oath.

In witness whereof I have hereunto set my hand and affixed my official seal at ...., this .... day of ...., 19..

...., County Clerk.

On receipt of such oath and certificate by the secretary of state, he shall audit such claim and issue his warrant for its payment.

(5) For the destruction of wolves, wildcats or lynxes it is lawful to put out baits containing poison between the first day of December and the first day of March, but the same shall not be placed within eighty rods of a dwelling house, and the person putting out such baits shall, before doing so, post in three public places in the town notice of putting out such baits, describing the land and location where such baits are placed and the date when put out, and within three days after the first day of March shall take up and effectively destroy the same. For the failure or neglect to so post such notices or to so take up and destroy said baits the person so putting out the same shall be liable for all damages resulting therefrom and shall be punished as provided in the last section of this chapter. The same reward shall be paid for any wolf so destroyed by poison as is herein provided for otherwise killing wolves. [*1917 c. 277, 502; 1917 c. 668 s. 3; 1917 c. 676 s. 2; Stats. 1917 s. 670 sub. (4); 1919 c. 695 s. 26; 1921 c. 268*]

29.61 Destruction of other injurious animals; rewards. (1) The governing body of any county, town, city or village may direct that every person who shall kill any crow shall be entitled to a reward of not to exceed fifteen cents, or any sharp-shinned or Cooper's hawk twenty-five cents, or any pocket gopher twenty-five cents, or any streaked gopher ten cents, or any English sparrow four cents, or any blackbird four cents, or any black, brown, gray or Norway rat, commonly known as the house rat or barn rat five cents, or any rattlesnake fifty cents.

(2) Any person claiming such reward shall exhibit the head or rattles of the animal so killed to an officer designated by such governing body in its ordinance or resolution providing for such reward and present an affidavit to such officer stating that said head or rattles are of the animal killed by him and that he has not spared the life of any such animal or bird within his power to kill. Such officer shall then issue a certificate in the following form:

STATE OF WISCONSIN, }
County of .... } ss.

I, ... (designation of officer), do certify that .... has this day exhibited to me the head (or rattles) of ...., which he claims to have killed in said (town, city, village), and that the head (or rattles) of said .... was (were) destroyed in my presence, and that the said .... is on presentation of this certificate to the (town, city, village clerk) within twenty days from the date hereof, entitled to an order on the (town, city, village) treasurer for the sum of .... dollars, to be drawn from the general fund of said (town, city, village).

Dated this .... day of ...., 19...

....,
(Designation of officer)

(3) The town, city or village clerk, respectively, shall on the production of the certificate of such officer, issue to the holder thereof an order on the town, city or village treasurer, respectively, for the amount stated in said certificate.

(4) Whenever any county has authorized the reward provided for in this section, the treasurers of the various towns, cities and villages shall, at the close of their accounts on the thirtieth day of October in each year certify to the county clerk the amount of money

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expended by their respective towns, cities and villages under the provisions of this section. Such treasurer shall attach to the certificate an affidavit stating that the account is just and that his town, city or village has actually expended the amount therein stated. The certificate and affidavit shall be placed on file in the office of the county clerk and the account shall be audited by the county board and the amount thereof paid to the treasurers of the respective towns, cities and villages from any money in the general fund of the county not otherwise appropriated. [*1917 c. 668 s. 3; 1921 c. 129*]

29.62 Removal of injurious rough fish. (1) The state conservation commission is authorized to take rough fish by means of seines only, or cause the same to be so taken, from any of the inland waters of this state other than those specified in subsection (2), whenever it shall find that such fish are detrimental to, retard the propagation of, or destroy game fish therein, except that fyke nets may be used in Rock and Jefferson counties.

(2) The authority granted to the commission by subsection (1) does not extend to Lake Koshkonong; any stream or river flowing into Green Bay or Lake Michigan except that part of the Fox river and its tributaries above the city of Appleton; the Mississippi river, Lake Pepin, Lake St. Croix, and the lakes, bays, bayous and sloughs tributary thereto and connected therewith; and any stream or river flowing into the Mississippi river, within a distance of forty miles above the mouth of such stream or river.

(3) All fish taken under the authority of this section, including rough fish and fish from which the spawn is removed, shall be disposed of by the commission to municipalities conducting public markets. Any surplus remaining after said municipalities are supplied may be disposed of by the commission to the best interests of the state; and temporary fish ponds may be created in the waters of this state for the purpose of keeping such fish until the same can be advantageously disposed of.

(4) (a) The state conservation commission shall cause rough fish to be taken from the waters of Lakes Winnebago, Winneconne, Poygan, Butte des Morts, Little Butte des Morts, Puckaway, and the Wolf and Fox rivers at any time of the year.

(b) The term "rough fish" as used in paragraph (a) hereof, shall mean and include buffalo fish, carp, eelpout, dogfish, sheepshead, billfish, red horse, suckers, lawyers and lizards.

(c) Whenever the state conservation commission takes rough fish under the provisions of this subsection it shall dispose of the same at cost to towns, villages and cities maintaining public markets whenever possible and the balance of said rough fish shall be disposed of as the commission sees fit. [*1917 c. 668 s. 3; 1917 c. 676 s. 3; 1919 c. 436; 1919 c. 625 s. 2; 1921 c. 321*]

PENALTIES.

29.63 General penalty provisions. (1) PENALTIES. Any person who, for himself, or by his agent, servant, or employe, or who, as agent, servant, or employe for another, violates any of the provisions of this chapter shall be punished, respectively, as follows:

(a) For the unlawful use of any gill net in taking, catching or killing fish of any variety in any waters, or for the use of any net in taking, catching or killing trout of any variety in inland waters, by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

(b) For hunting, trapping, fishing, or clamming without a license duly issued, whenever a license therefor is required by the provisions of this chapter, or for hunting, under a receipt or other evidence of having filed an application, in anticipation of the issuance and delivery of such license, or for the violation of any provision relating to deer, by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(c) For the violation of any provision relating to game birds, by a fine of not less than fifty nor more than one hundred dollars, and in addition thereto five dollars for each bird affected by such violation, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(d) For any violation for which no other penalty is prescribed, by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(2) "PERSON" DEFINED. The word "person" as used in this section includes natural persons, firms, associations, and corporations.

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(3) REVOCATION OF LICENSE. Upon conviction of any person for any violation under any license issued to such person, such license shall be immediately revoked and canceled, and no license shall be issued to such person for a period of one year thereafter.

(4) CONSTRUCTION OF PENALTY PROVISIONS. No penalty prescribed in any section of this chapter shall be held to be diminished because the violation for which it is prescribed falls also within the scope of a more general prohibition.

(5) PRESUMPTIONS. In any prosecution under this section it shall not be necessary for the state to allege or prove that the animals were not domesticated or were not taken for scientific purposes, or were taken or in possession or under control without a license or permit therefor; but the person claiming that such animals were domesticated, or were taken for scientific purposes, or were taken or in possession or under control under a license or permit duly issued, shall have the burden of proving such fact or facts.

(6) REWARD TO INFORMERS. Any person other than the regular employes of the state conservation commission, informing of the violation of any provision of this chapter and assisting in the prosecution of the offender to conviction shall receive one-third of any fine imposed and collected thereupon. [*1917 c. 668 s. 3; 1919 c. 696 s. 1*]

CHAPTER 30.

NAVIGABLE WATERS AND NAVIGATION.

NAVIGABLE WATERS.

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IMPROVEMENT AND REGULATION OF NAVIGATION.

30.02 Inner harbors.
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30.04 Government aid to improve inner harbors.
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30.15 Neglect and excessive charges.
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NAVIGABLE WATERS.

30.01 Declarations of navigability. (1) LAKES. All lakes wholly or partly within this state which have been meandered and returned as navigable by the surveyors employed by the government of the United States, and all lakes which are navigable in fact, whether meandered or not meandered, are hereby declared to be navigable and public waters, and all persons shall have the same rights therein and thereto that they have in and to any other navigable or public waters.

(2) STREAMS. All rivers and streams which have been meandered and returned as navigable by the surveyors employed by the government of the United States, and all rivers, streams, sloughs, bayous and marsh outlets, whether meandered or nonmeandered which are navigable in fact for any purpose whatsoever are hereby declared navigable to the extent that no dam, bridge, or other obstruction shall be made in or over the same without the permission of the legislature.

(3) ENLARGEMENTS OR CREATIONS BY IMPROVEMENTS. All inner harbors, turning basins, waterways, slips, and canals created by any municipality to be used by the public for purposes of navigation, and all outer harbors connecting interior navigation with lake navigation, are declared navigable waters and shall be subject to the same control and regulation that navigable rivers are subjected to as regards improvement, use and bridging.

(4) INTERPRETATIONS. (a) This section does not impair the powers granted by law to towns, counties or cities to construct bridges over rivers and streams.

(b) The word "municipality" wherever used in this chapter means any town, village, city or county in the state.

(c) The boundaries of lands adjoining waters and the rights of the state and of individuals in respect to all such lands and waters shall be determined in conformity to the common law so far as applicable. [*Stats. 1915 s. 1596, 1597, 1607a; 1917 c. 335 s. 2–5, 20, 21; Stats. 1917 s. 30.10, 30.11; 1919 c. 247 s. 1*]

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IMPROVEMENT AND REGULATION OF NAVIGATION.

30.02 Inner harbors. (1) DOCK LINES. Every municipality, except every county wherein there is an incorporated city or village, may, by ordinance, resolution or by-law establish, and from time to time may change and re-establish, dock or wharf lines upon existing navigable waters, or upon such waters thereafter to be created, within their respective boundaries; but counties shall have power to alter or discontinue such dock or wharf lines only upon the petition of an owner or lessee of property fronting on such navigable waters and affected by such dock or wharf lines, and upon such notice by such petitioner as is required in vacating town, city or village plats in the circuit court. All such lines shall conform as nearly as practicable to the original meander lines and surveys of such waters.

(2) TURNING BASINS, SLIPS, CANALS, ETC. Every municipality having navigable waters within or adjoining its boundaries may by proper filling or excavation or dredging and docking create or improve any inner or outer harbor and such turning basins, slips, canals and other waterways within its boundaries as it may determine are necessary, may keep the same in repair and may from time to time change, alter, extend, enlarge or discontinue any such improvement. Whenever any such dredging shall be subject to the direction of any officer of the United States government the same shall be done in a manner and to the depth conforming it to such direction.

(3) PROCEDURE, ACQUISITION OF LANDS, EXPENSE. In exercising the powers granted by this section, either in original construction or in repairs, changes, extensions, or discontinuance, every municipality may proceed and shall be governed by the law governing it in the location, laying out, improvement and repair of streets and bridges, so far as applicable, except that no petition of property owners for doing any such work shall be necessary. Any lands needed for any of the purposes specified in this chapter may be acquired by gift or purchase, or by condemnation in the manner provided by law for condemning lands for street purposes in such municipality. The expenses of any such work in a city may, in the discretion of the common council, be paid by the city in whole or in part out of any permanent harbor improvement fund of such city.

(4) REMOVAL OF OBSTRUCTIONS. The common council of every city, or board of trustees of every village, in this state, are hereby authorized to remove to a convenient and safe place any boat, water craft or float obstructing or interfering with the free navigation of any river, canal, water channel or slip within its harbor after having given reasonable notice to the master, the owner or his agent, if known and a resident of the state, or to the person in charge thereof, to so remove such boat, water craft or float; and may by ordinance or resolution authorize and empower the harbor master, or other public officer to remove such obstruction; may designate and prescribe his duties, and the mode of carrying into effect the powers hereby granted; and may prescribe penalties for violations of such ordinance or resolution.

(5) LIEN ON BOAT; OWNER PERSONALLY LIABLE. All costs, charges and expenses of such removal shall be a first lien on said boat, water craft or float, which may be enforced in the manner provided by law. The owner or owners of any such boat, water craft or float shall also be personally liable for such costs, charges and expenses, to be recovered by such city or village by a personal action.

(6) WORK IN CHARGE OF MUNICIPAL BOARD. The town or village or county board, or the city council, as the case may be, of any municipality exercising the powers granted to it by this section, shall have charge of the work of construction and maintenance, except that the board of public works shall have such charge in cities having such a board, unless such powers are vested by law in some other board, body or department.

(7) RIPARIAN OWNERS. Every city may require riparian owners to build and maintain docks for the protection of the banks of navigable waters within such city; and upon the failure of such owners to perform such work as directed may cause the same to be done and the expense thereof charged to the abutting lot or lots. [*Stats. 1915 s. 959—90, 959—91; 1917 c. 335 s. 8, 9; 1917 c. 671 s. 9; 1919 c. 247 s. 2-6; 1921 c. 422 s. 8*]

30.03 Regulations. (1) SPECIAL ASSESSMENTS. Special assessments for benefits to lands may be made on account of any harbor, dock, wharf or other improvement of navigable waters in the cases specified in section 30.05 and also where the owners of property to be benefited thereby consent in advance to such assessments, and in no other case. All such assessments shall be made and enforced in the manner provided by section 30.05.

(2) WORK, WHEN AND WHEN NOT TO BE BY CONTRACT. Whenever it shall be necessary for the construction or maintenance of a harbor that any lake, bay, slough, pond, river or creek shall be dredged or otherwise deepened the work may be done by contract with the

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lowest bidder as in the case of other public works, except as otherwise provided by law for cities of the first class, or the city may purchase and maintain for its use the necessary dredges and other apparatus for such work and provide funds for the purchase, use and maintenance of such apparatus by appropriations made from the general fund, to be charged to the harbor account, the money for that purpose to be raised by taxation or loan as other moneys in the general fund are raised. [*Stats. 1917 s. 925—247; 1919 c. 247 s. 8, 9*]

30.04 Government aid to improve inner harbors. (1) PLAT. Whenever the United States government indicates its intention to aid in the improvement of any inner harbor, situated within the limits of any city, the common council thereof shall cause to be prepared a plat presenting a complete system of waterways, canals, slips, revetments, docks and bridges intended to be constructed or improved, showing the exact location of all docks and bridges then built and encroachments upon the harbor lines, if any, and plainly indicating the changes and improvements which it deems necessary or advantageous in the interest of navigation or the community at large.

(2) EXISTING LINES AND STRUCTURES TO BE CONSIDERED. In preparing such plat and adopting such system due regard shall be paid to harbor lines previously established and to the location of turning basins recommended by the government; also to existing docks of modern construction and to all valuable improvements bordering on the waterways, which are not a serious impediment in straightening, regulating and establishing the channel at an approximately uniform width. Such plat and such system shall contemplate and provide for adapting such inner harbor to modern demands, to dredging everywhere to a depth of not less than twenty-one feet and to the eventual substitution of lift bridges in place of the bridges now in use.

(3) PLAT SUBMITTED TO UNITED STATES; FILING. The plat thus prepared when favorably acted upon by the common council shall be forthwith submitted for approval or correction to the United States government and shall be open to changes and modifications as circumstances may require; but, when finally perfected and approved, the common council shall cause such plat to be filed in the office of the board of public works or other appropriate department and a duplicate shall also be recorded with the register of deeds of the county; and thereupon the common council shall promptly and permanently locate by ordinance all dock lines and revetments in conformity thereto.

(4) TURNING BASINS, WATERWAYS, CANALS AND SLIPS. After the establishment of such a system and the permanent location of dock lines as aforesaid, it shall be the duty of the city from time to time, and in the manner herein provided, to order the construction of the turning basins and the straightening, docking and dredging of the waterways, canals and slips as public interest may require.

(5) WORK SAME AS STREET IMPROVEMENT. All work shall be ordered and done in substantially the way now provided by law in case of streets, and all charter provisions whether general or special shall be applicable thereto, with the exception that a petition of property owners for doing any of such work is dispensed with, whenever the common council by resolution of two-thirds of its members declare that necessity requires the same to be done.

(6) ACQUISITION OF LANDS. Any land needed for any of the purposes contemplated by this section may be taken or acquired by gift, grant, purchase or condemnation. The title to any lands thus taken or acquired by any city may be donated or transferred by such city to the government of the United States for use in improving the inner harbor of such city.

(7) SPECIAL PROVISIONS FOR FIRST CLASS CITIES. The provisions of subsections (1), (2), (3), (4), (5) and (6) of this section shall not be mandatory upon cities of the first class, but such cities may also at all times exercise the powers specified in subsections (1), (2) and (3) of section 30.02. [*Stats. 1915 s. 926—108 to 926—113; 1917 c. 335 s. 11*]

30.05 Breakwaters and protection piers. (1) IN ALL MUNICIPALITIES. Every municipality, except cities of the first class, may by ordinance or resolution authorize the construction, maintenance or repair of suitable breakwaters and protection piers along the shore of any lake or river adjoining or within the limits of such municipality, and may locate such structures within or without such limits.

(2) PLANS AND SPECIFICATIONS. When it shall be deemed necessary to construct or repair any such breakwater or protection piers, a plan of such work with specifications and estimates of the costs of the work shall be prepared and presented to the county board of the county or the supervisors of the town, or trustees of the village or common council of the city, and when adopted shall, where required, be submitted to the proper officer of the United States for consent to construct such protection. Every town and every village needing any such plans, specifications and estimates may, at its option, apply to the state chief engineer for them and it shall thereupon be his duty to supply them

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promptly and at the same cost that he furnishes similar work to state officers or departments. No work shall be done upon any such breakwater or pier except in pursuance of a plan and specifications prepared and approved as aforesaid.

(3) ACQUISITION OF PROPERTY; CONDEMNATION. For the purpose of this section each such municipality may purchase or condemn lands within, and when necessary without, its limits in order to protect any property situated within such limits.

(4) SPECIAL ASSESSMENT DISTRICT. Before letting the contract for such improvement the municipality shall, by ordinance create a special assessment district containing all such parts or parcels of land as will, in its judgment, be benefited by the proposed improvement.

(5) SPECIAL ASSESSMENT. After the adoption of such plans, specifications and assessment district, the board of public works in cities having such a board, and where no such board exists, the officers performing the duties of such board, the county board of the county, supervisors of the town or village trustees, shall in the same manner and with like effect proceed to assess benefits and damages upon property in the assessment district as provided in section 62.16 subsection (6) paragraphs (a) to (j), inclusive, so far as the same are applicable, and the owner shall have the remedy provided for in sections 62.16 subsection (6) paragraphs (k) and (l).

(6) BALANCE OF BENEFITS AND DAMAGES. If the excess of benefits over damages accruing to property within such assessment district shall not be sufficient to pay the cost of the improvement, the balance shall be paid by the municipality out of its general fund or out of any special fund created for that purpose; and such municipality may issue its negotiable bonds to pay for such improvement in the manner provided by chapter 67 of these statutes. The cost of protecting the ends of streets, roads and public highways or other public grounds or places shall be paid wholly out of the general or special funds of such municipality.

(7) CO-OPERATION OF MUNICIPALITIES. The erection of such breakwater or protection piers may be done by any county, town, village or city, separately, or by two or more acting together. When two or more municipalities propose so to co-operate, their governing boards or bodies shall first meet and adopt a method of procedure and apportion to each its share or portion of the entire cost, which plan and apportionment shall be embodied in a resolution adopted by the joint board and later such resolution shall be adopted by each board separately. [*Stats. 1915 s. 959—71 to 959—77; 1917 c. 335 s. 13; 1921 c. 576 s. 7*]

30.06 Safety regulations for boats. (1) BOW AND STERN LIGHTS. Every boat, launch, vessel or other water craft propelled in whole or in part by steam, gas, gasoline, petroleum, naphtha fluid, electricity, or by other engine power, and operated upon any waters under the exclusive jurisdiction of the state of Wisconsin, shall, from one hour after sunset to one hour before sunrise, carry and keep continuously lighted the following lights: On the bow or fore part of such boat a red and a green light, so placed and screened that they will both be visible from a head-on view and so that neither can be seen across the bow or from the rear; and on the rear or stern of such boat, a white light.

(2) SEARCHLIGHTS. All vessels described in subsection (1) that travel at a speed in excess of fifteen miles an hour shall, in addition to the lights above prescribed carry a searchlight of sufficient candle power to make visible an object the size of a rowboat or canoe at a distance of two hundred feet upon the water; and all boats may carry a searchlight on the bow thereof.

(3) TURN TO THE RIGHT. Each such vessel shall pass to the right of every other vessel whenever they are approaching; and in immediate danger of collision. Vessels leaving or departing from a dock, pier, or wharf shall have the right of way over all other vessels approaching such dock, pier or wharf.

(4) LIFE PRESERVERS. All such boats carrying passengers for hire, shall be equipped with one life preserver for each such passenger, and also provided with good and sufficient fire extinguishers.

(5) LIGHTS PROHIBITED, NEGLIGENCE. No light not authorized by this section, except cabin lights, shall be carried on any such boat. Nothing in this section shall excuse or exonerate any owner or pilot of any such boat from the consequences of any neglect or failure to give the proper signals, or to keep a proper lookout.

(6) INSPECTION. Every city, town and village is hereby empowered to inspect at least once in every year the hull, boiler and machinery of every vessel propelled by steam, gasoline, naphtha, electricity or any other power other than hand power, which is used within its boundaries upon inland waters of the state and is not subject to the laws of the United States.

(7) MUNICIPAL ORDINANCES. All cities, towns and villages of this state are hereby empowered to make reasonable safety regulations relating to such vessels and the equip-

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ment thereof and to provide and enforce proper and reasonable penalties for the violation or neglect of any such provisions or regulations or ordinances. [*Stats. 1915 s. 959—92, 959—93, 959—94, 1636—59 sub. 1-5; 1917 c. 335 s. 10, 14; 1919 c. 247 s. 7*]

FLOATS.

30.07 Lodgment, removal. (1) LODGMENT. Whenever any logs, timber, boards, plank or other movable property which has been, or is being, floated upon navigable waters within or bordering the state, shall have drifted over and lodged upon any island within any waters of this state, or upon the shore or bank of any such waters, or upon any lands, adjacent to such shore or bank the removal and disposition thereof, if not effected by mutual agreement of the parties interested, may be effected as provided in this section.

(2) NOTICE AND REMOVAL BY LANDOWNER. The owner or occupant of the land upon which any such float shall have lodged, shall, within thirty days after he becomes aware of such lodgment, give to the owner of the float, if known, written notice of its location and contents, with a description of the marks thereon, if any; and if such owner is unknown the notice shall be published once each week for six successive weeks in some newspaper published in the county. At any time after the expiration of six months immediately following the delivery or the full publication of said notice, the owner or occupant aforesaid may remove the float to some other safe locality in his possession or under his control, if he desires to make use of the land then occupied by it.

(3) TEMPORARY HIGHWAY. A temporary highway may be laid out for such removal in the manner provided by section 1299*i*.

(4) LIEN. The owner or occupant of the land upon which any such float may be found shall have a first lien thereon to secure payment:

(a) Of all damages to the land caused by its lodgment thereon and all that have resulted or that will result from the removal thereof;

(b) Of the value of the use and occupation of land thereby until such float can be removed;

(c) Of the cost of all notices, advertising and other proceedings required by law;

(d) And of the cost of removal when the owner or occupant of the land effects such removal.

Whenever a temporary highway is laid out damages to land by the removal shall not be secured by such lien nor be recoverable by action, but shall be assessed by the supervisors laying out such highway.

(5) ACTION. Said lien may be enforced by an action at law to recover the damages aforesaid and to declare the lien, and by an execution sale of the property pursuant to the judgment. If the owner of the float be unknown, he may be proceeded against as the unknown owner of the property, describing it.

(6) TENDER OF DAMAGES. The owner of such float may at any time prior to the commencement of an action to enforce such lien tender to the owner or occupant of the land upon which it has become lodged such sum of lawful money as he believes will make full compensation and payment for all damages and demands secured by said lien; and, if the tender be not accepted, he may deposit the money tender with the clerk of the circuit court of the county in which such float is located, take duplicate receipts therefor stating the purposes of the deposit and the name of the person or party to whom the depositor desires the money to be paid, if such person or party will receive it, and deliver one of said duplicates to the person or party to whom the tender was made. Unless the party to whom such tender was made shall bring an action under this section to recover his damages and enforce his lien within twenty days after receiving such duplicate receipt he shall be deemed to have waived his lien and his right of action for damages and to have accepted the money deposited as aforesaid for his benefit.

(7) BOND IN LIEU OF LIEN. At any time after the commencement of such action the defendant may apply by motion to the court or to the judge thereof for leave to file a bond conditioned for the payment of any judgment that the plaintiff may recover in the action in lieu of said lien. Upon the hearing of such application the court or judge shall fix the amount or penal sum of the bond and determine the sufficiency of the sureties thereof. The filing of such a bond approved by the court or judge shall extinguish the lien, permit the immediate removal of the property affected thereby and entitle the defendant to withdraw any deposit he may have made under subsection (6).

(8) COMMISSIONERS TO ASSESS DAMAGES. The parties to any such action may stipulate in writing that in lieu of a trial and assessments of damages by a jury the court may by order appoint three commissioners to view the premises and property affected and

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appraise the damages recoverable in the action, and that judgment shall be entered for the recovery of the damages so assessed. Upon the filing of such a stipulation the court shall make a list of nine competent and disinterested men, residents of the county, from which each party shall strike three and the remaining three shall be appointed commissioners to make the appraisal. The order shall require the commissioners to appear before the judge at a specified time and place to be sworn and within ten days thereafter to appraise the damages specified in the stipulation. Said order may be served by the sheriff or any constable of the county by reading the same to each of the commissioners. The appraisement shall have the same force and effect as the verdict of a jury and judgment shall be entered thereon accordingly.

(9) MISCELLANEOUS PROVISIONS. The action given by this section must be commenced before and not after the expiration of two years immediately following the acquisition by the plaintiff of knowledge that the lodgment of a float has given him the right to bring such action. Every tender made and deposited which shall not have been accepted by the party to whom it was made prior to the expiration of two years immediately following notice to him of the deposit of such tender, shall be restored to the depositor upon his application therefor. Costs in such actions shall be affected by tenders and deposits thereof as provided by section 4268. The owner or occupant of the land upon which any float is lodged shall become the owner of the float also at the expiration of two years immediately following its lodgment if in the meantime no proceedings have been had to remove the same or to appraise damages as provided in this section and no mutual agreements have been had respecting such float. [*Stats. 1915 s. 1600, 1600a, 1600b; 1917 c. 335 s. 16*]

30.08 Wrongful conversion, salvage. Whoever shall convert to his own use, without the consent of the owner thereof, the whole or any part of any float, shall be liable to such owner in treble the amount of damages caused thereby; and whoever shall rescue any float from danger of loss or destruction and restore or offer to restore the same to its owner shall be entitled to full compensation for his services in that behalf, not exceeding in amount the value of the float, and shall have a lien thereon enforceable in the manner provided in subsection (5) of section 30.07 to secure such compensation. [*Stats. 1915 s. 1600; 1917 c. 335 s. 17*]

BOARD OF HARBOR COMMISSIONERS.

30.085 Harbor improvement. (1) CREATION OF BOARD. Any city of the first, second or third class, whether organized under general or special charter, situated on a navigable waterway may, by resolution of its common council, create a board of harbor commissioners composed of not less than three nor more than nine persons.

(2) NUMBER AND TERM OF MEMBERS. (a) Such resolution shall state the number of persons to compose said board and the length of term of each member of the first board to be appointed, so that the term of one or more members of said first board shall expire in one year, one or more in two years and one or more in three years, and thereafter at the expiration of the term of any member a successor shall be appointed for a three-year term.

(b) As soon as possible after the passage of the resolution creating such board, the mayor of such city shall, subject to confirmation by the common council of such city, appoint the members of said board and designate the length of term of each member thereof in compliance with said resolution. No person shall be appointed to said board unless he be a qualified elector and a resident for at least three years of such city. Any vacancy occurring in said board shall be filled for the unexpired term in the same manner as the original appointment. The members shall serve without compensation and until their successors are appointed.

(c) At the first meeting of said board the members thereof shall elect from among their number a president, who shall preside over the meetings of said board, and a vice president, to preside in the absence of the president.

(3) CIVIL SERVICE. Said board shall, subject to the civil service law applicable to such city, appoint a secretary, not a member of said board, and fix his salary at a sum not exceeding three thousand dollars per year, and may also employ such engineers, draftsmen, surveyors, experts, clerks and other help as they may deem necessary for the proper performance of their duties, and fix their compensation.

(4) BOARD MAY ACT THROUGH ANY OTHER BOARD OR DEPARTMENT. Said board shall have authority, whenever it shall deem it necessary, to act or proceed in any manner whatsoever relating to its powers and duties under this act by or through any other department of such city. When said board shall make written requests of any such department for the performance of any such act or acts, it shall be the duty of such department there-

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upon to act as required, provided the act or acts required to be done have reference to the powers and duties of such department. If any differences shall arise between such board and any of the other departments of such city in the performance of any such act or acts requested by said board, as to whether said act or acts have reference to the powers and duties of such department, the ruling of the common council in the matter shall be final.

(5) MAY PLAN IMPROVEMENT OF WATERWAYS. (a) Said board shall have power to make plans for the improvement of all waterways of the harbor of such city, providing for the construction of such docks, wharves, warehouses, piers, slips, basins or other structures to care for the needs of commerce and shipping, as it may deem necessary, and also to make plans for railway tracks and belt railways connecting such docks, wharves, warehouses, piers, slips, basins or other structures and the harbor facilities with all railway lines in such city, and also to make plans for such cranes, dock apparatus and other wharf and harbor machinery and equipment as may be necessary for the efficient handling of all freight and passenger traffic between the said waterways and railways or between said railways and waterways.

(b) Before any of said plans shall be carried out by said board, they shall be submitted to the common council of such city for approval or modification. If said common council shall approve of any of said plans, said board shall have power to proceed to carry them out and for that purpose shall proceed in the manner hereinafter provided.

(6) CONTRACTS, LOWEST BIDDERS, PATENTED ARTICLES, LIQUIDATED DAMAGES. (a) All work done or supplies or material purchased in carrying out the purposes of the statutes relating to the board of harbor commissioners when involving the expenditure of five hundred dollars, or more, shall be by contract awarded to the lowest competent and reliable bidder, in accordance with the laws of this state and ordinances then applicable to any city having a board of harbor commissioners having reference to the letting of public work by and through the board or commissioner of public works, or other officer or officers, or department of such city, except that said board of harbor commissioners shall discharge the duties imposed by such laws upon the board or commissioner of public works, or other officer or officers, or department of such city; but said board of harbor commissioners shall have power to purchase without public advertisement or first receiving competitive bids, or the intervention of a formal contract, any patented article, appliance, apparatus, material or process, or any article, appliance, apparatus, material or process made or manufactured by one party only.

(b) Whenever any bidder for any work to be let by the board of harbor commissioners shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work for which he bids, the said board may accept the bid of the person who, in its judgment, is the lowest competent and reliable bidder for said work, stating its reasons therefor, or relet the same anew. The board of harbor commissioners may permit a sum of money or a certified check payable to the order of the board to be filed with any bid or proposal in such an amount as in the judgment of the said board will save the city from any loss if the bidder shall fail to execute a contract pursuant to law, in case his bid is accepted and the contract awarded to him.

(c) Every contract made by the board of harbor commissioners shall contain an agreement on the part of the contractor and his sureties that in case such contractor shall fail to fully and completely perform his contract within the time therein limited for the performance thereof, such contractor shall pay to the city as liquidated damages for such default, a certain fixed sum to be named in the contract, which shall be such a sum as in the judgment of said board will save the city from any loss on account of such default and insure the prompt completion of the contract, or in lieu of such an agreement contain an agreement on the part of the contractor and his sureties that in case such contractor shall fail to fully and completely perform his part of the contract within the time therein limited for the performance thereof, such contractor shall pay to the city as liquidated damages for such default a definite sum, to be named in the contract, for each day's delay in completing said contract after the time therein limited for its completion, which daily sum shall be such an amount as in the judgment of said board will save the city from loss in case of such default and insure the prompt completion of the contract.

(d) Every contract shall also be executed by at least two sufficient sureties, or a surety company, to be approved by the board of harbor commissioners, who shall guarantee the full performance of the contract by the contractor to the satisfaction of the said board, according to the plans and specifications of the said board, and be liable for such performance of the contract, as sureties, in an amount equal to the said board's estimate of the aggregate cost of the work. When a contractor shall proceed properly and with due

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diligence to perform and complete a contract, the said board may, in its discretion, from time to time as the work progresses, grant to said contractor an estimate of the amount already earned for the work done, withholding in all cases until final completion and acceptance of the contract fifteen per cent of said estimate when said estimate is less than one hundred thousand dollars, and ten per cent of said estimate when said estimate is one hundred thousand dollars or over, which shall entitle the contractor to receive said estimate less the amount withheld.

(e) Said board shall be empowered, if it see fit, to insert in the specifications of any such work reasonable and lawful conditions as to hours of labor, wages and the residence and character of workmen to be employed by the contractor, and especially so far as may be practicable in the judgment of said board, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of the state of Wisconsin; and provided, however, also that said board may do any part or parts of any such work under such conditions in every respect as it may prescribe by day labor. Any and all bids or parts of bids for any such work or supplies or materials may be rejected by said board. The said board shall have the power to demand of such bidders and contractors that all contracts shall be let subject to the provisions of section 2394—1 to section 2394—95, inclusive, of the statutes, and all acts amendatory thereof and supplemental thereto, to the end that said board and such city shall be held harmless.

(7) EXCLUSIVE CONTROL OF ALL HARBOR FACILITIES. Said board shall have exclusive charge and control over such docks, wharves, warehouses, piers, slips, basins or other structures and harbor facilities and waterways adjacent thereto and all railway tracks and belt railways connecting with them, belonging to such city, and also of the building, alteration, repair, operation and maintenance of the same and all the cleaning, grading, dredging and deepening in and about the same.

(8) MAY FIX CHARGES FOR HARBOR SERVICES. Said board shall have power to fix and regulate the tolls, dockage, wharfage, craneage, shedage, storage, rates and rental or other charges which it shall deem necessary to make for the use of all publicly owned docks, wharves, warehouses, piers, slips, basins and other harbor facilities and railway tracks and belt railways, subject, however, to the prior approval of the same by the common council of such city.

(9) ACQUISITION OF NECESSARY LAND. (a) Such city shall have the power, upon the recommendation of said board, to acquire by gift, purchase, lease or other methods of acquisition, or by condemnation, any lands or interests therein deemed necessary to carry out any harbor plans adopted as aforesaid.

(b) Such purchase may be made by land contract, with the privilege of paying the purchase price in not more than ten years and at not more than six per cent interest per annum on all deferred payments, with the privilege of creating a lien on said lands or interests for the purchase price and interest thereon, but without creating any liability against such city therefor.

(c) In the condemnation of any lands and interests therein, such city may follow any procedure by which it may be authorized to condemn lands for public grounds or streets.

(10) FUNDS FOR IMPROVEMENTS AND MAINTENANCE. For the repair, maintenance, operation and administration of all the aforesaid harbor facilities and for the redredging of any of said waterways, said board may use any funds provided by said city under any authority to raise a fund for harbor maintenance, repairing docks and necessary redredging. In addition to the aforesaid funds, such city may provide for a sufficient fund for the construction of said harbor improvements, except the aforesaid repair, maintenance, operation and administration and redredging, out of any taxes or bonds which said city may be authorized to levy or issue for permanent harbor improvements.

(11) HARBOR MASTER NOT SUPERSEDED. (a) Nothing in this act shall prevent the appointment and definition of the duties of a harbor master in such city as provided by any other law applicable to such city, nor prevent the common council of such city from enacting any ordinance to preserve the harbor and the peace and good order therein and on all property under the control of said harbor board; to prevent any use of said harbor or harbor property, or any act in relation thereto, inconsistent or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes, or other substance or filth, logs or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof; to regulate and prescribe the mode and speed of entering and leav-

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ing the harbor, of passing the bridges, and of coming to and departing from the wharves, docks and streets of such city by vessels or water craft of any kind whatsoever; to regulate through a harbor master or other authorized official the location of any vessel or water craft whatsoever, and such changes of station in and use of the harbor as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all vessels and water craft whatsoever; and to impose penalties for any violation of such ordinance.

(b) This act shall not amend or repeal any law applicable to such city regarding the construction and repair of docks abutting private property, but shall apply to all publicly owned docks and public lands abutting on public waterways. Said board shall have no jurisdiction over public bridges.

(c) Hereafter no dock line shall be established by the common council of such city until the proposed line shall have been submitted to and approved by said board.

(d) It shall not be mandatory upon such city to follow section 30.04 of the statutes after the establishment of a harbor board under this act. [*1919 c. 289; 1919 c. 679 s. 5; 1921 c. 44*]

30.09 [*Stats. 1917 s. 30.09; transferred to the Session Laws by 1919 c. 247 s. 12*]

FERRIES.

30.09 County board may license. The several county boards may grant licenses for keeping ferries in their respective counties, to continue in force for a time therein specified, which shall not exceed ten years on the St. Croix and Mississippi rivers, and for steam ferries on the Chippewa river not to exceed five years, nor three years on other waters. The licensee may be one or more persons, and any railroad company may be licensed to keep a ferry on waters crossed by, or at any terminus of, its road. But no license shall be granted to keep a ferry on the Wisconsin river within one mile from the points designated for landing in any ferry charter or license then in force, unless the person owning such existing ferry shall fail to sufficiently and properly accommodate the public. [*Stats. 1917 s. 1348; 1919 c. 247 s. 13*]

30.10 Rates of ferriage. Every such license shall specify the rates of ferriage which the licensee may receive and the hours of each day during which the ferry shall be operated; and the county board may from time to time thereafter, during the continuance of such license, alter such rates and hours. [*Stats. 1917 s. 1349; 1919 c. 247 s. 14*]

30.11 Who may be licensed. No such license shall be granted to any person other than the owner or owners of the land through which the highway adjoining the ferry shall run unless such owner or owners shall consent thereto in writing or shall neglect to apply for such license after notice as hereinafter provided. [*Stats. 1917 s. 1350; 1919 c. 247 s. 15*]

30.12 Notice of application. Whenever application for a license to keep a ferry shall be made by any person other than such owner the applicant shall make satisfactory proof to the county board that a notice in writing of his intention to make such application was given such owner at least eight days previous to the meeting of such board at which such application is made. [*Stats. 1917 s. 1351; 1919 c. 247 s. 16*]

30.13 Licensee's bond. Every party applying for such license shall, before the same is granted, give a bond to the county in a sum and with sureties approved by the board, conditioned that he will use only a safe and good boat or boats kept in good repair and adapted to the waters where they are to be used, and that he will faithfully operate the ferry in accordance with his license, and in conformity with law. Such bond shall be filed with the county treasurer; and any person injured by a breach thereof may maintain an action thereon in the manner provided in chapter 19. [*Stats. 1917 s. 1352; 1919 c. 247 s. 17*]

30.14 Record of license. Every such license shall be recorded by the county clerk, and a copy of such license attested by such clerk shall be delivered to the person licensed. [*Stats. 1917 s. 1353; 1919 c. 247 s. 18*]

30.15 Neglect and excessive charges. If any person having a license to keep a ferry shall neglect to perform any of the duties enjoined upon him by this chapter he shall forfeit for every such offense not exceeding twenty-five dollars and shall also be liable on his bond to the party injured; and if any keeper of a ferry shall demand or receive a higher rate of ferriage than shall be allowed by the county board he shall forfeit for every such offense not exceeding ten dollars. [*Stats. 1917 s. 1354; 1919 c. 247 s. 19*]

30.16 Jurisdiction. Whenever the waters over which any ferry may be used shall divide two counties a license obtained in either of the counties shall be sufficient to authorize the person obtaining the same to keep such ferry, and the person keeping such ferry may

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be prosecuted in either of such counties for a violation of any of the provisions of this chapter. [*Stats. 1917 s. 1355; 1919 c. 247 s. 20*]

30.17 Unlicensed ferry. If any person shall keep or use any ferry for transporting persons or property for profit or hire, unless authorized in the manner provided in this chapter, he shall forfeit not exceeding twenty dollars for each offense. [*Stats. 1917 s. 1356; 1919 c. 247 s. 21*]

30.18 List of rates. The county clerk shall furnish to every person to whom a license shall be granted to keep a ferry a list of the prescribed rates of ferriage, which list the keeper of the ferry shall post up at the door of the ferryhouse or in some conspicuous place near by. [*Stats. 1917 s. 1357; 1919 c. 247 s. 22*]

CHAPTER 31.

WATER POWERS, AND MILLS AND MILLDAMS.

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31.01 Definitions. Terms used in this chapter are defined as follows:

(1) "Commission" means the railroad commission of Wisconsin.

(2) "Navigable waters" means all waters declared navigable by chapter 30 of these statutes.

(3) "Permit" means legislative permission granted under section 31.06 to construct, operate and maintain a dam in or across navigable waters, or under section 31.08 to continue the operation and maintenance of any dam so situated which was constructed before such legislative permits were required.

(4) "Grantee" means the person, firm, corporation or municipality to whom a permit is granted, and all subsequent owners of the grant.

(5) "Corporation" means a private corporation organized under the laws of this state.

(6) "Municipality" means any town, village, city or county in the state. [*Stats. 1915 s. 1596—1; 1917 c. 474 s. 2*]

WATER POWERS ON NAVIGABLE WATERS.

31.02 Powers of the railroad commission. (1) The commission, in the interest of public rights in navigable waters or to promote safety and protect life, health and property is empowered to regulate and control the level and flow of water in all navigable waters and may erect, or may order and require bench marks to be erected, upon which shall be designated the maximum level of water that may be impounded and the lowest level of water that may be maintained by any dam heretofore or hereafter constructed and maintained in navigable waters; and shall establish and maintain gauging stations upon the various navigable waters of the state and shall take other steps necessary to determine and record the characteristics of such waters.

(2) The commission is vested with authority and power to investigate and determine all reasonable methods of construction, operation, maintenance, and equipment for any dam so as to conserve and protect all public rights in navigable waters and so as to pro-

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tect life, health and property; and the construction, operation, maintenance and equipment, or any or all thereof, of dams in navigable waters shall be subject to the supervision of the commission and to the orders and regulations of the commission made or promulgated under the provisions of this chapter of the statutes.

(3) The commission or any member or any agent or employe thereof shall at all times be accorded free access to any and all parts of any dam and appurtenances constructed or maintained in navigable waters.

(4) The commission may order and require any dam heretofore or hereafter constructed to be equipped and operated, in whole or part, as follows:

(a) With slides and chutes for the passage of logs and timber products.

(b) With a lock, boat hoist, marine railway or other device of a size and construction sufficient to accommodate navigation.

(c) With good and sufficient fishway or fishways.

(d) With spillways or flood gates capable of permitting the passage through or over the same of freshets and floods during all seasons of the year.

(e) With booms, piers or other protection works ample to safeguard flood gates from trash or other floating material. [*Stats. 1915 s. 1596—2; 1917 c. 474 s. 3*]

31.03 Public utilities law applicable. In exercising its powers and performing its duties under this chapter the commission shall be guided and controlled also by the powers with which it is invested by sections 1797*m*—1 to 1797*m*—109, inclusive, so far as such sections are applicable. [*Stats. 1915 s. 1596—3; 1917 c. 474 s. 4*]

31.04 Permits to develop power. Permits may be granted to persons and corporations under the provisions of this chapter to develop hydraulic power for the purpose of converting it into hydroelectric energy for sale or service to the public, or for any lawful private purpose; also to any municipality to enable it to create power within or without its corporate boundaries to be used for lighting, heating, pumping, or any other purpose for which it may lawfully use power. [*Stats. 1915 s. 1596—4, 1596—5; 1917 c. 474 s. 5*]

31.05 Applications for permits to construct. Any person, firm, corporation or municipality desiring a permit to construct, operate and maintain a dam shall file with the commission a written application therefor, setting forth:

(1) The name of the navigable waters in or across which a dam is proposed to be constructed and a specific description of the site for the proposed dam.

(2) The purpose or purposes for which the proposed dam is to be constructed, operated and maintained.

(3) In case the application is for a permit to construct, operate and maintain a dam for a private purpose or purposes, evidence that the described dam site is owned by the applicant.

(4) A general description of the proposed dam, of the material to be used in the construction thereof, and a general description of all booms, piers, and other protection works to be constructed in connection therewith.

(5) The approximate amount of hydraulic power that will be developed by the proposed dam.

(6) The location of the nearest city or village and of the nearest existing dam above and below the site of the proposed dam.

(7) A map on the scale of not less than four inches to the mile showing the lands that may be affected by the construction, operation or maintenance of the proposed dam, or by any flowage that may be caused thereby and approximately the outline of such flowage, which map shall indicate the ownership of each tract of land within the flowage.

(8) Such additional information of any nature that may be required by the commission. [*Stats. 1915 s. 1596—6; 1917 c. 474 s. 6*]

31.06 Hearing. (1) Upon receipt of an application for a permit the commission shall fix a time, not more than eight weeks thereafter, and a convenient place, for a public hearing thereon; it shall also give notice of such time and place to the applicant who shall cause the same to be published once each week for three successive weeks before such hearing in at least one newspaper, designated by the commission, in each county in which riparian lands will be affected by the proposed dam.

(2) In addition to such publication the applicant, not less than twenty days prior to such hearing, shall mail to every person interested in any lands that will be affected by the proposed dam and whose post-office address can by due diligence be ascertained, notice of the time and place set for such hearing. This notice shall be accompanied by a general statement of the nature of the application and shall be forwarded to such persons by registered mail in a sealed and postpaid envelope properly addressed. Proof of such publication and notice shall be filed, with the commission.

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(3) At such hearing or any adjournment thereof the commission shall consider the application, and shall take evidence offered by the applicant and other persons in support thereof or in opposition thereto, may require the amendment of the application, and if it shall appear that the construction, operation or maintenance of the proposed dam will not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property, the commission shall so find and a permit is hereby granted to the applicant. [*Stats. 1915 s. 1596—7; 1917 c. 474 s. 7*]

31.07 Applications for permits to operate and maintain existing dams. Any person, firm, corporation or municipality desiring a permit to operate and maintain a dam constructed in or across navigable waters without legislative permission prior to the tenth day of July, 1915, shall file with the commission a written application therefor setting forth:

(1) The name of the navigable waters in or across which such dam was constructed and a specific description of the dam site.

(2) The year in which the construction of the dam was completed, and a detailed description of the dam and equipment, including the maximum height or head of water that may be maintained thereby and the kind and character of material of which the dam is constructed.

(3) The purpose for which the dam was theretofore operated and is operated at the time application hereunder is made, and the purpose for which it is proposed to operate and maintain the dam.

(4) The approximate amount of hydraulic power developed thereby.

(5) The location of the nearest city or village and of the nearest existing dam above and below the dam site.

(6) Such additional information of any nature whatsoever as may be required by the commission. [*Stats. 1915 s. 1596—8; 1917 c. 474 s. 8*]

31.08 Hearing. Upon receipt of an application under section 31.07 procedure shall be had substantially as required by section 31.06, and if the commission shall find that such operation and maintenance does not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property, a permit is hereby granted to the applicant. [*Stats. 1915 s. 1596—9; 1917 c. 474 s. 9*]

31.09 Proposals to accompany applications. In addition to the requirements of section 31.05 or section 31.07 as the case may be each applicant shall file with his application for a permit the following proposals:

(1) That the commission prior to the time the permit is granted shall value the dam site and all flowage rights and other property necessary for the purposes set forth in the application for the permit, whether the same or any part thereof are owned by the applicant or not.

(2) That the commission shall audit all outlays for property and for the construction of the dam, buildings, and other structures and works constructed, maintained, and operated and used and useful under the permit.

(3) That the permit, if granted, shall be granted and accepted subject to the express condition that the state of Wisconsin, if it shall have the constitutional power, or any municipality, on not less than one year's notice, at any time after the expiration of thirty years after the permit becomes effective, may acquire all of the property of the grantee, used and useful under the permit, by paying therefor, the cost of reproduction in their then existing condition of all dams, works, buildings, or other structures or equipment, used and useful under the permit, as determined by the commission, and by paying in addition thereto the value of the dam site and all flowage rights and other property as determined by the commission prior to the time the permit was granted, as provided in subsection (1), plus the amounts paid out for additional flowage rights, if any, acquired after the valuation made by the commission as provided in subsection (1); and that the applicant waives all right to any further compensation. [*Stats. 1915 s. 1596—9m; 1917 c. 474 s. 10*]

31.10 Permit not to be valued. Each and every permit is granted, and shall be conclusively deemed to be accepted, subject to the condition that no element of value whatever shall ever attach to or be allowed for such permit in and of itself in the sale or acquisition of the property used and useful under such permit or otherwise. [*Stats. 1915 s. 1596—10; 1917 c. 474 s. 11*]

31.11 Certificate of terms and forfeiture of permits. The commission shall issue to every grantee of a permit a certificate evidencing a grant of the permit allowed by law. Every permit, and every franchise heretofore granted by the legislature, to construct, maintain and operate a dam shall become null and void, unless the dam thereby authorized be completed within five years from the time when the permit or the franchise

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was granted; but the commission, for good cause, may extend such time for a period not exceeding two years. [*Stats. 1915 s. 1775c; 1917 c. 474 s. 11*]

31.12 Map, profile and plans. (1) The grantee of a permit under section 31.06, to construct, maintain and operate a dam, before commencing any work of construction authorized by the permit, shall submit to the commission a complete map and profile on the scale of not less than one inch per thousand feet showing the land that may be affected by the construction and maintenance of the dam, or by any flowage that may be caused thereby, and the outline of the flowage, and such other hydrographic and topographic data as the commission may prescribe, and shall also file complete detailed plans and specifications for the proposed dam, including all booms, piers, or other protection works.

(2) The commission shall examine the map, profile, plans and specifications; shall hear the grantee thereon and may reject the same or any part thereof, if unsatisfactory or incomplete, or may suggest and require modifications thereof. If the map, profile and plans and specifications are satisfactory and complete, or, if the same shall be modified as suggested and required, the commission shall so find and approve the same, and thereupon the grantee shall have authority to construct the proposed dam in accordance therewith, but the commission may, at any time during the construction of any dam and in the interest of the public safety, or of any public rights in navigable waters, authorize, order or require such changes in the plans and specifications and the construction of the dam as shall be necessary.

(3) If the commission, in the case of an application for a permit to construct a dam with a capacity of less than two hundred fifty hydraulic horse power at ordinary stage of water, shall find that the information and data furnished in the original or amended application is sufficient, the applicant shall not be required to furnish the additional or more detailed information or data specified in subsections (1) and (2) of this section. The commission may, however, at any time during the construction of any such dam authorize, order or require changes in the construction or the method or plan of construction thereof, as provided in subsection (2) of this section.

(4) Within ten days after the completion of any dam the grantee shall file with the commission a verified statement that the same was constructed in accordance with the plans and specifications approved by the commission; or in case no plans and specifications were required to be filed, then that the dam was constructed in accordance with the description contained in the application. [*Stats. 1915 s. 1596—11; 1917 c. 474 s. 12*]

31.13 Raising or enlarging existing dams. (1) If the owner of any existing dam wishes to raise or enlarge the same, he may apply to the commission for permission so to do, but the permission granted under this section shall be in amendment of any existing franchise, license, or permit previously granted authorizing the construction or maintenance of such dam only to the extent of giving the right so to raise or enlarge such dam, and shall in no way enlarge, alter, abridge or nullify property rights, privileges or obligations as to such dam, or the maintenance or operation thereof theretofore acquired or incurred. In addition to the requirements of subdivisions (1), (6) and (7) of section 31.05, his application shall state:

(a) The year in which his dam was completed.

(b) If constructed by legislative permission, a statement of the act of the legislature authorizing the same.

(c) A detailed description of the dam, including the maximum height or head of water that may be maintained thereby and the kind and character of material of which the same is constructed.

(d) The purpose for which such dam has been and is now used and the purpose for which it is proposed to use the same.

(e) The approximate amount of hydraulic power developed thereby.

(f) Such additional information of any nature whatsoever as the commission may require.

(2) Upon receipt of an application under this section procedure shall be had substantially as required by section 31.06; and if the commission shall find that the dam, raised or enlarged or rebuilt, or rebuilt, enlarged and raised in accordance with the application, will not materially obstruct existing navigation or violate other public rights, and will not endanger life, health or property, permission is hereby granted to raise or enlarge or rebuild, or rebuild, enlarge and raise the same in accordance with the application. [*Stats. 1915 s. 1596—12; 1917 c. 474 s. 13*]

31.14 [*Repealed by 1919 c. 571 s. 3*]

31.15 Acquisition of existing dams. (1) Every domestic corporation lawfully engaged in the business of producing, transmitting, delivering or furnishing heat, light, water, power, or street or interurban electric railway service to or for the public may,

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for the purpose of developing power and generating energy for public use in and about such business, acquire any dam in or across any navigable waters of this state and all flowage and other rights and property necessary to the maintenance thereof, or any undeveloped water power or dam site upon any such waters within this state, except as provided otherwise in subsection (2).

(2) No award in any condemnation proceedings authorized by subsection (1) shall be effective, and no corporation shall purchase or otherwise acquire any such property until it shall have obtained from the commission a certificate that public convenience and necessity require the acquisition of the same, at the amount fixed by such award or agreed upon with the owner thereof. [*Stats. 1915 s. 1596—14; 1917 c. 474 s. 15; 1919 c. 571 s. 2*]

31.16 Certificate of convenience and necessity; notice of hearing. (1) Any such corporation desiring to purchase or acquire any property pursuant to section 31.15 shall apply to the commission for a certificate of public convenience and necessity. Such application shall state the name of the owner or owners of the property sought to be acquired; the business in connection with which it is desired to utilize said property; the specific public purpose or purposes for which it is proposed to use the same; the compensation or price to be paid therefor, and such other information as the commission may require; and shall contain a statement to the effect that the said corporation agrees to cancel all contracts for the sale of hydroelectric power outside this state, which shall at any time be found by the commission to interfere with adequate service and reasonable rates to the people of this state.

(2) Upon receipt of such application the commission shall fix a convenient time and place for a public hearing thereon, which time shall not be more than eight weeks from the date of filing such application. Notice of the time and place so fixed shall be given to the applicant, who shall cause the same to be published at least once each week for three successive weeks preceding such hearing in a newspaper designated by the commission, and the applicant shall also, not less than twenty days prior to said date, serve notice thereof upon the owners of such property personally, or by registered mail, if the post-office address of such owners, can by due diligence be ascertained. Proof of such publication and service of such notice shall be filed with the commission. [*Stats. 1915 s. 1596—15; 1917 c. 474 s. 16*]

31.17 Hearing and determination. (1) At such hearing or any adjournment thereof, the commission shall consider such application and shall receive the evidence offered by the applicant and others, in person or by agent, in support thereof and in opposition thereto.

(2) If the commission shall find that the acquisition and use of such property in connection with the business of the applicant for the purpose or purposes and at the price or compensation set forth in the application would be a public convenience; that the applicant possesses the financial ability to utilize the property for such purpose or purposes, and that a public necessity requires such acquisition and use, the commission shall grant and issue a certificate that public convenience and necessity require the utilization of such property as proposed by the applicant.

(3) The provisions of section 31.15 shall not apply to the acquisition of flowage rights necessary for the improvement or development of dams or dam sites previously acquired. [*Stats. 1915 s. 1596—16; 1917 c. 474 s. 17*]

31.18 Obligations of owners of bridges and dams. (1) The grantee of any permit, the owner of any dam constructed before permits were required by law, and the owner of any bridge at the city of Portage or at any point above that city, over the Wisconsin river, shall maintain and operate all such dams, slides, chutes, piers, booms, guide booms, weirs, tunnels, races, flumes, sluices, pits, fishways, locks, boat hoists, marine railways and all other equipment required by the commission for the protection of public rights in such waters, and for the preservation of life, health and property, in good repair and condition, and shall not wilfully, or otherwise, injure, remove or destroy the same, or any part thereof, unless the commission shall have approved such removal or destruction in writing.

(2) The owner of any such dam shall open such slide or chute for the passage of any craft or material lawfully navigating the stream, whenever requested so to do by the person in charge of such navigation, without charge or toll therefor. But such owner shall be under no obligation to otherwise aid passage through the slide or chute.

(3) Except when emergency shall require the same for the protection of life, health or property, no substantial alteration or addition shall be made to any dam heretofore or hereafter constructed without obtaining an order therefor from the commission, which order may be issued only after an investigation and upon a finding that the proposed alterations or additions will not impair the sufficiency of such dam or any existing public rights in such waters.

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(4) The railroad commission may in the interest of public rights in navigable waters, or to promote safety and protect life, health and property, require the grantee of any permit, prior to flowing any lands by the construction of a dam thereunder, to remove from such lands all or any portion of the standing and fallen timber and all or any portion of the brush. [*Stats. 1915 s. 1596—17, 1601, 1602, 1605; 1917 c. 339; 1917 c. 474 s. 18, 18a*]

31.19 Complaint of insufficiency of dam; inspection. The railroad commission shall examine at least once in each year each dam having a theoretical horse power capacity of seven hundred fifty horse power or more and which is maintained or operated in or across navigable waters, and in addition thereto and upon complaint in writing from the mayor of any city, supervisor of any town, or the president or trustee of any village, that any dam maintained or operated in or across any waters whether navigable or nonnavigable, or any reservoir is in an unsafe condition, or from any person that his property or any property under his control is endangered by a dam or reservoir, the commission shall investigate or cause an investigation to be made of such complaint, or the commission may, upon its own motion, examine any dam or reservoir, and, in any case, if it shall find that any dam or reservoir is not sufficiently strong, or is unsafe, and dangerous to life or property, it shall determine what alterations, additions or repairs are necessary to be made and shall order the owner, or person having control of such dam or reservoir to cause such alterations or repairs to be made within a time to be limited by the order; and the commission may cause to be drawn off, in whole or in part, the water in said reservoir or impounded by said dam, when it shall determine that such action is necessary to prevent impending danger to persons or property. [*Stats. 1915 s. 1596—18; 1917 c. 109; 1917 c. 474 s. 19; 1917 c. 538 s. 1*]

31.20 Inspection fee. Every owner, excepting municipalities, of a dam heretofore or hereafter constructed in or across navigable waters shall pay to the commission annually, on or before the first day of February, for the purpose of defraying the actual expenses of the commission incurred in inspecting and supervising the construction or maintenance, or both, of such dam and equipment, an inspection fee of not to exceed ten cents per theoretical horse power capacity of such dam at an ordinary stage of water, said fee however, not to be less than twenty-five dollars in any case, if such actual expenses of the commission shall equal that amount. The amount of such fee shall be determined annually by the commission, and notice of the amount due shall be forwarded by mail to each such owner, or the agent thereof, not later than December first of each year. Inspection fees received by the commission shall be paid into the state treasury. [*Stats. 1915 s. 1596—19; 1917 c. 474 s. 20; 1917 c. 538 s. 2*]

31.21 Transfer of permit. (1) No transfer or assignment of any permit granted under section 31.06 or section 31.08 shall be valid or of any effect whatsoever unless the same shall be in writing and a certified copy thereof shall, within ten days after the execution thereof, be filed with the commission and unless such transfer or assignment is approved in writing by the commission; and no such transfer or assignment shall be approved by the commission except after an investigation and a finding that the transfer or assignment is not made or intended to be made for a purpose or to create a condition prohibited by section 31.22. No permit shall be transferred or assigned to a foreign corporation, nor shall any permit granted to a municipality be assigned or transferred to any person, firm, or corporation, otherwise than as security for a loan made in good faith and concurrently with and as consideration for such transfer or assignment, and no foreign corporation shall have power to acquire title to any such permit, nor shall any person, firm or corporation have power to acquire title to a permit granted to or acquired by a municipality, otherwise than in the enforcement of such security, and in no case shall any such foreign corporation hold title to or operate under any such permit for a period longer than three years.

(2) No municipality shall make or execute any lease or other contract with any person, firm, or corporation for the sale or use of hydraulic or hydroelectric power developed or generated by such municipality under a permit granted under section 31.06 or section 31.08 for a period longer than ten years, unless the same shall be first approved by the commission, after investigation and upon a finding that such lease or contract will not impair or interfere with the purpose or uses for which such dam was acquired or constructed by the municipality. [*Stats. 1915 s. 1596—20; 1917 c. 474 s. 21*]

31.22 Unlawful combinations, trusts. If any dam maintained under a permit,

(1) Shall be owned, leased, trusteed, possessed or controlled in any manner whatsoever that makes it form a part of or in any way effect an unlawful combination;

(2) Or shall be in any wise controlled by any combination in the form of an unlawful trust;

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(3) Or forms the subject of any contract or conspiracy to limit the output of any hydraulic or hydroelectric power derived therefrom, or to restrain unlawfully trade in the generation, sale or distribution of hydraulic or hydroelectric power derived therefrom.

The state may take possession thereof by proceedings instituted by the commission, as in cases of receivership, and in such proceedings the members of the commission shall be appointed to act as receivers during such period as the court may determine. [*Stats. 1915 s. 1596—21; 1917 c. 474 s. 22*]

31.23 Forfeitures. (1) Every person or corporation that shall obstruct any navigable waters and thereby impair the free navigation thereof, or shall place therein or in any tributary thereof any substance whatever that may float into and obstruct any such waters or impede their free navigation, or shall construct or maintain, or aid in the construction or maintenance therein of any bridge, boom or dam not authorized by law, shall forfeit for each such offense, and for each day that the free navigation of such stream shall be obstructed by such bridge, boom, dam or other obstruction, a sum not exceeding fifty dollars. But the floating or movement of logs or timber in navigable waters, or the necessary use of temporary booms in the course of such floating or movement shall not incur such forfeiture.

(2) Every person or corporation violating any of the provisions of this chapter, other than those mentioned in subsection (1) of this section, or violating any order made by the commission pursuant to any provision of this chapter, shall forfeit for each such violation not more than one thousand dollars. [*Stats. 1915 s. 1596 sub. 3, 1596—22 sub. 1, 1598; 1917 c. 474 s. 23*]

31.24 Enforcement of forfeitures. (1) It shall be the duty of the commission to report to the governor every forfeiture incurred under subsection (1) of section 31.23 and every nuisance committed in violation of section 31.25 and the governor shall thereupon cause the attorney-general, or some other person duly authorized by the governor to act instead of the attorney-general, to institute proceedings to recover such forfeiture or abate such nuisance.

(2) It shall be the duty of the attorney-general, when so requested by the governor, and otherwise the duty of the district attorney of the proper county, to institute proceedings to recover any forfeiture incurred under this chapter other than those specified in subsection (1) of section 31.23.

(3) All such forfeiture shall be recovered by civil action as provided by chapter 142 of the statutes and when collected shall be paid directly into the state treasury. [*Stats. 1915 s. 1596 sub. 4, 1596—22 sub. 2; 1917 c. 474 s. 24*]

31.25 Nuisances, abatement. Every dam, bridge or other obstruction constructed or maintained in or over any navigable waters of this state in violation of the provisions of this chapter, and every dam not furnished with a slide, chute or other equipment prescribed by the commission, is hereby declared to be a public nuisance, and the construction thereof may be enjoined and the maintenance thereof may be abated by action at the suit of the state or any citizen thereof. [*Stats 1915 s. 1596 sub. 2, 1603; 1917 c. 474 s. 25*]

31.26 Civil liabilities. (1) The owner of any dam or of any privately owned bridge across the Wisconsin river or the Black river or any of their tributaries shall be liable for all damages occasioned to property by a failure to provide such dam or bridge with slides, booms and chutes as required by subsection (1) of section 31.18. The person or party suffering any such damage shall have a lien upon the dam and all mills, machinery and appurtenances of such owner erected thereon, or served with water thereby, and on the lands adjoining, not exceeding forty acres; or, as the case may be, a lien upon such bridge and its approaches.

(2) The claimant of such lien shall file a notice thereof in writing in the office of the clerk of the circuit court of the county in which the dam or bridge is located within sixty days after sustaining such damages and shall commence an action to enforce the lien within six months after filing such notice. Such lien shall accrue upon the filing of such notice and failure to file the same or to commence such action within the times specified therefor respectively shall operate as a waiver of the lien. Judgment for the plaintiff for the recovery of damages and declaring such lien may be enforced by an execution sale of the property affected as in ordinary actions at law, and upon such sale all rights to maintain such dam or bridge shall pass to the purchaser.

(3) In case of any personal injury by reason of any such neglect or failure the damages sustained thereby may be recovered and a lien and judgment enforced in like manner; and if death results an action may be maintained by the representatives of the deceased in the manner provided in other cases of death resulting from negligence or wrong.

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(4) No common law liability, and no statutory liability provided elsewhere in these statutes, for damage resulting from or growing out of the construction, maintenance or operation of any dam is released, superseded, or in any manner affected by the provisions of this chapter; and this chapter creates no liability on the part of the state for any such damages. [*Stats. 1915 s. 1596—23, 1604, 1606; 1917 c. 474 s. 36*]

31.27 Adequate service; reasonable rates. Upon complaint by any party affected, setting forth that any grantee of a permit to develop hydraulic power and generate hydroelectric energy for sale or service to the public is not furnishing citizens of this state with adequate service at a reasonable rate in consequence of sales of such energy outside of the state, the commission shall have power to declare any or all contracts entered into by said grantee for such sales null and void in so far as they interfere with such service or rate. Such declaration shall be made only after a hearing and investigation and a recorded finding that convenience and necessity require the sale of a specified part or all such energy within this state. [*Stats. 1915 s. 1596—24; 1917 c. 474 s. 27*]

31.28 Court review of commission orders. The state or any party to a proceeding authorized by this chapter to be had before the commission may have a review in the circuit court for Dane county of any order, finding or determination made therein by the commission, and all of the provisions of sections 1797*m*—1 to 1797*m*—109, inclusive, so far as applicable, shall apply to the review herein provided for, including the right of appeal to the supreme court. Upon such review and appeal, the findings and determination of the commission shall constitute prima facie evidence of the facts therein found. [*Stats. 1915 s. 1596—25; 1917 c. 474 s. 28*]

31.29 May employ hydraulic engineer and assistants. The commission is authorized to employ and fix the salaries of a competent hydraulic engineer and other assistants necessary to carry out the provisions of this chapter. [*Stats. 1915 s. 1596—27; 1917 c. 474 s. 32*]

31.30 Dams on Brule river prohibited. It is declared to be the policy of the state to prohibit forever the building or maintaining of any dam or dams across the Brule river or any of its tributaries in Douglas county; and all rights, privileges and franchises granted prior to June 26, 1905, to any person or corporation to improve said Brule river or any of its tributaries in said county for any purpose whatever, are repealed and annulled. No domestic corporation organized subsequent to the date aforesaid shall exercise any of the powers or privileges authorized or conferred by sections 1777 to 1777*f*, inclusive, in, across or along said river or any of its tributaries in the county of Douglas. [*Stats. 1915 s. 1596m; 1917 c. 474 s. 33*]

MILLS AND MILLDAMS ON NONNAVIGABLE STREAMS.

31.31 Who may construct and maintain. Any person may erect and maintain upon his own land, and, with the consent of the owner, upon the land of another, a water mill and a dam to raise water for working it upon and across any stream that is not navigable in fact for any purpose whatsoever upon the terms and conditions and subject to the regulations hereinafter expressed; and every municipality may exercise the same rights upon and across such streams that they may exercise upon or across streams navigable for any purpose whatsoever. [*Stats. 1915 s. 3374, 3374a; 1917 c. 474 s. 34*]

31.32 Dams not to injure other dams or sites. No such dam shall be erected to the injury of any mill lawfully existing, either above or below it on the same stream; nor to the injury of any mill site on the same stream on which a mill or milldam shall have been lawfully erected and used or is in the process of erection, unless the right to maintain a mill on such last-mentioned site shall have been lost or defeated by abandonment or otherwise; nor to the injury of any such mill site which has been occupied as such by the owner thereof, if such owner, within a reasonable time after commencing such occupation, completes and puts in operation a mill for the working of which the water of such stream shall be applied. [*Stats. 1915 s 3375; 1917 c. 474 s. 35*]

31.33 Under jurisdiction of railroad commission. (1) ALL HERETOFORE OR HEREAFTER CONSTRUCTED—ACTION FOR DAMAGES. All mills and milldams lawfully erected or constructed, on streams not navigable at the time, under and pursuant to the provisions of chapter No. 48 of the territorial laws of 1840, chapter 62, laws of 1857, chapter 56, R. S. 1858, chapter 146, R. S. 1878, chapter 146, R. S. 1898, chapter 146, Wisconsin Statutes of 1911, 1913 or 1915 or under and pursuant to any special, private or local act, or under any other act whatsoever, which are not now abandoned but are still in existence and use, and all mills and milldams heretofore or hereafter erected or constructed on streams not navigable in fact for any purpose whatsoever, shall be subject to and regulated and controlled by the provisions, so far as applicable, of sections 31.02, 31.03, 31.12, 31.18, 31.19, 31.20, 31.22, 31.25, 31.26 and 31.28 of the statutes, except that the provisions

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of said sections shall not prevent the owner of any land flooded or otherwise injured by any such milldam from recovering, by action at law, full compensation for all damages resulting to him in times past and that will result to him in the future in consequence of such flooding and injury; provided that no damages suffered more than three years before the commencement of such action shall be recovered. The amount recovered shall constitute a first lien upon the milldam and upon the mill, if any, and such lien may be enforced by execution sale of the property affected. In every such action the amount paid or secured to be paid under prior laws as damages shall be considered and proper allowance made therefor. The authority hereby granted to bring such action shall not be construed as precluding the owner from proceeding under the provisions of chapter 32. Such owner may not exercise his option to bring such action after condemnation proceedings have been commenced against his property under the provisions of said chapter 32.

(2) LICENSE. A license is hereby granted to each owner of any such milldam now in existence and use, and to each owner of any such milldam hereafter constructed, to maintain and use the same to operate mills or machinery, or for any other lawful private or public purpose, but subject, however, to the supervision of the commission acting under the sections of the statutes enumerated in subsection (1). The right created by such license shall follow the title to the milldam and a conveyance of the latter shall transfer such right to the grantee.

(3) INTERPRETATION. Whenever the sections of the statutes so enumerated are applied to mills or milldams specified in subsection (1) every reference in any of them to a "permit" or to a "grantee" of a permit shall be regarded as referring respectively to a license granted by this section and to the owner of such a mill or milldam.

(4) HEIGHT. The height to which water may be raised by any such milldam and the length or period of time for which it may be kept up each year, may be restricted and regulated by the orders of the commission.

(5) VIOLATION OF ORDERS, PENALTIES. Every person, firm or corporation violating any of the orders respecting any such mill or milldam made by the commission shall forfeit for each such violation a sum not exceeding five hundred dollars which may be recovered by civil action as provided by chapter 142 of the statutes. [*1917 c. 474 s. 36; 1919 c. 702 s. 25; 1921 c. 422 s. 10*]

CHAPTER 32.

EMINENT DOMAIN.

32.01 Definitions.
32.02 Who may condemn; purposes.
32.03 When condemnation not to be exercised; railroads.
32.04 Petition.
32.05 Notice of hearing.
32.06 Guardians ad litem.
32.07 Necessity, determination of.
32.08 Commissioners.
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32.10 Appraisal, hearing on.
32.11 Appeal.
32.12 Report to be recorded; possession.
32.13 Trial of title.
32.14 Use, when to vest.
32.15 Proceedings to perfect title, owner may bring.
32.16 Proceedings when land mortgaged.
32.17 Amendments; vacancies.
32.18 How title in trustee acquired.
32.19 Abandonment of proceedings.
32.20 General provisions.

32.01 Definitions. In this chapter unless the context or subject matter otherwise requires:

"Person" includes the state, a county, town, village, city, school district or other municipal corporation, a board, commission or corporation.

"Property" includes estates in lands, fixtures, and personal property directly connected with lands. [*1919 c. 571 s. 1*]

32.02 Who may condemn; purposes. The following municipalities, boards, commissions, public officers and corporations may acquire by condemnation any real estate and personal property appurtenant thereto or interest therein which they have power to acquire and hold, for the purposes specified, in case such property cannot be acquired by gift or purchase at an agreed price:

(1) Any county, town, village, city including villages and cities incorporated under general or special acts, school district, the state board of control, the regents of the University of Wisconsin, the board of regents of normal schools, or any public board or commission, for any lawful purpose.

(2) The governor and adjutant general for land adjacent to the Wisconsin state military reservation at Camp Douglas for the use of the Wisconsin national guard.

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(3) Any railroad corporation, any street or interurban railway corporation, any grantee of a permit to construct a dam to develop hydroelectric energy for sale to the public or for the operation of a street or interurban railway, any Wisconsin plank or turnpike road corporation, any drainage corporation, any interstate bridge corporation, or any corporation formed under chapter 288, laws of 1899, for any public purpose authorized by its articles of organization.

(4) Any Wisconsin telegraph or telephone corporation for the construction and location of its lines.

(5) Any Wisconsin corporation engaged in the business of transmitting or furnishing heat, power or electric light for the public, for the construction and location of its lines or for ponds or reservoirs or any dam, dam site, flowage rights or undeveloped water power.

(6) Any Wisconsin corporation furnishing gas, electric light or power to the public, for additions or extensions to its plant.

(7) Any Wisconsin corporation formed for the improvement of any stream and driving logs therein, for the purpose of the improvement of such stream, or for ponds or reservoir purposes.

(8) Any Wisconsin corporation organized to furnish water or light to any city or village or the inhabitants thereof, for the construction and maintenance of its plant. [*1919 c. 571 s. 1; Stats. 1919 s. 927—1 part sub. (1); 1921 c. 396 s. 95*]

32.03 When condemnation not to be exercised; railroads. (1) The general power of condemnation conferred in this chapter does not extend to property owned by the state, a municipality, public board or commission, nor to the condemnation by one railroad or public utility of the property of another, unless such power is specifically conferred by law. This chapter does not apply to the acquisition by municipalities of the property of public utilities used and useful in their business, nor to any city of the first class, except that every such city may conduct any condemnation proceedings either under this chapter or, at its option, under other laws applicable to such city.

(2) Any railroad corporation may acquire by condemnation lands which any other railroad corporation has previously acquired in any manner. No such land shall be taken so as to interfere with the main track of the railroad first established except for crossing. [*1919 c. 571 s. 1*]

32.04 Petition. Any person desiring to acquire any property by condemnation shall present a verified petition therefor to the county or circuit judge of the county where such property is situated. Such petition shall contain a description of the property desired to be condemned; the purpose for which it is intended to be used; the names of the parties who own or occupy it or have any interest therein, as near as may be, and if any such persons are infants, their ages as near as may be, and if any are persons of unsound mind or unknown, these facts shall be stated. In case such petition is made by a corporation it shall also state that the petitioner is duly incorporated; that the property described is required for the purposes of such corporation and that it is the intention of the corporation in good faith to use it therefor. If such petition is made for the right of way of a railroad or street railway or interurban railway corporation, it shall also state that the right of way sought to be acquired has been located as required by law and that it has been duly surveyed and staked out, and if a width of more than one hundred feet is desired to be taken across any track it shall specify the width desired across said track and the reasons therefor; and a map showing the route of the line and the lands desired to be taken shall be attached to the petition. If the certificate of the railroad commission is required before the property may be acquired the petition shall state that such certificate has been obtained. If any owner of property desires to institute condemnation proceedings, he shall present his verified petition therefor to the county or circuit judge of the county where the land is situated. Such petition shall describe the land, state the board, commission or corporation against which the condemnation proceedings are instituted, and use to which it has been put or is designed to have been put by the board, commission or corporation against which the proceedings are instituted. [*1919 c. 571 s. 1*]

32.05 Notice of hearing. Upon the filing of such petition the judge shall fix a time and place for the hearing thereon. Notice of such hearing shall be served upon all interested at least twenty days before said hearing or if any party cannot be found then by publication once a week for three weeks in a newspaper to be designated by the judge. [*1919 c. 571 s. 1*]

32.06 Guardians ad litem. If any party interested is an infant or under disability, the judge shall, upon notice to the general guardian, if any, appoint a guardian ad litem for such party. The judge may require security from such guardian ad litem. [*1919 c. 571 s. 1*]

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32.07 Necessity, determination of. The necessity of the taking shall be determined as follows:

(1) If the application be by a municipal corporation, the filing of the petition under section 32.04 shall be deemed the commencement of an action for the determination of the necessity of the taking. Within twenty days after the service of notice, as provided in section 32.05, any person owning or interested in any property proposed to be condemned, may serve and file an answer. After the expiration of the time for answering the action may be brought on for hearing on a three days' notice to all parties who have answered and shall have precedence over all other matters not on trial. The court shall thereupon impanel a jury under section 2544*i*, and the question of the necessity of the taking shall thereupon be tried as a question of fact. If no answer to the petition is interposed the trial by jury shall proceed ex parte. Costs in such proceedings shall be paid by the municipality. The court may, in its discretion, submit to a single jury the determination of such necessity as to one or more than one or all of the parcels of land sought to be taken for the same purpose. If the jury find that the taking of such lands is not necessary the owner thereof shall recover from the municipality his necessary disbursements and taxable costs not to exceed twenty-five dollars.

(2) If the application be by a town or county, or by a board, commission or public officer; or for the right of way for a railroad or a street or interurban railway up to one hundred feet in width, or a telegraph, telephone or electric line, the petitioner shall determine the necessity.

(3) In all other cases, the judge shall determine the necessity. [*1919 c. 571 s. 1; 1919 c. 702 s. 26*]

32.08 Commissioners. If the petitioner be entitled to condemn the property or any portion thereof the judge shall appoint three freeholders, residents of the county, or some adjoining county, commissioners to ascertain the compensation to be made for the property taken, fix the time and place for their first meeting, and may limit the time of their appointment, which shall not in any case exceed one year. [*1919 c. 571 s. 1*]

32.09 Appraisal, notice of. Such commissioners shall, before entering on their duties, take and subscribe an oath that they will faithfully and to the best of their ability examine the property and impartially estimate and appraise the value of the same. Whenever requested in writing by the petitioner or any party interested they shall proceed to appraise the property mentioned in the request. They shall give notice of the time and place of meeting to each person interested, which notice shall be served personally or upon the attorney of the party at least ten days before the hearing, or if a party cannot be found and has not appeared in the proceedings then by publication once a week for three weeks in such newspaper as the judge appointing the commissioners shall direct. [*1919 c. 571 s. 1*]

32.10 Appraisal, hearing on. (1) The commissioners shall view the property described in the request and hear the evidence produced by the parties and shall determine the value of each parcel, with the improvements thereon, and of each separate estate therein and the damages sustained by the taking, and fix the compensation to be made to each such owner therefor. In fixing the compensation, except in the case of streets or highways, they shall not make any deduction because of any benefit which the parties may derive from the construction of the improvement for which the property is taken, but special benefits to lands adjoining the lands so taken may be allowed in deduction of any damages sustained by the owner to such adjoining land.

(2) In the case of streets or highways, damages and benefits shall be assessed as to each parcel of land and the excess of benefits over damages or damages over benefits shall be stated. Damages and benefits shall be similarly assessed as to the adjoining property of the same owner. No benefits shall be assessed against any lot, parcel or subdivision, every part of which shall be one thousand feet or more distant from the nearest land condemned, and no benefits exceeding five per cent of the assessed value thereof according to the last assessment roll shall be assessed against any lot, parcel or subdivision by reason of any one condemnation proceeding, and no benefits exceeding three per cent of the assessed value thereof according to said assessment roll shall be assessed against any lot, parcel or subdivision the whole of which is more than five hundred feet distant from the nearest land condemned by reason of any one condemnation.

(3) A majority of the commissioners may adjourn from time to time, but not more than twice or for more than sixty days, unless allowed further time by the judge. A majority of the commissioners, all being present, may determine all matters.

(4) They shall, within twenty days after last viewing any of the property so taken, unless the time be extended by the judge, file in the office of the clerk of the circuit court of the county, separate reports as to the property of each owner showing the award made

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for each parcel or separate estate therein. They shall file with the report, proof of the service of notice of hearing or appearance of each party.

(5) They shall be paid such compensation as the judge shall direct, by the party by whom the property is taken. [*1919 c. 571 s. 1*]

32.11 Appeal. Any party to a condemnation proceeding may appeal from the award of the commissioners to the circuit court of the county by filing a notice of appeal in the office of the clerk of such court. Such notice must be filed within thirty days from the filing of the report of the commissioners. The clerk shall thereupon enter the appeal as an action pending in said court with the owner or owners of the property for which the award was made and who are parties to the appeal as plaintiffs and the party by whom the property is taken as defendant. It shall thereupon proceed as an action in said court subject to all the provisions of law relating to actions originally brought therein. It shall be tried by jury unless waived. Costs shall be allowed to the successful party on the appeal. If in favor of the plaintiff they shall be added to the verdict. If in favor of the defendant, they shall be deducted therefrom. [*1919 c. 571 s. 1*]

32.12 Report to be recorded; possession. The report of the commission shall be recorded by the clerk in the judgment book of such court. The person by whom the property is taken may pay to the owners of the property taken or to the clerk of the court for the use of such owners the amounts awarded by the commissioners and thereupon may enter upon, take and use the property for the purposes for which it was condemned. A writ of assistance may be granted by the court or a judge thereof upon twenty-four hours' notice to put such person in possession of the land. If a corporation applies for said writ the court or judge may require security in such additional amount as may be deemed necessary to pay any judgment that may be recovered on appeal. If the person be in possession or be put in possession of the property pending an appeal the owners or parties entitled thereto shall receive the money paid into court on account of the award appealed from without prejudice to the appeal. If the person condemning the property appeals, the money shall only be so withdrawn upon filing a bond to be approved by the court or judge to repay the amount by which such award may be abated on such appeal with costs. [*1919 c. 571 s. 1*]

32.13 Trial of title. If any defect of title to or incumbrance upon any parcel of land is suggested upon any appeal, or if any person petitions the court in which an appeal is pending setting up a claim adverse to the title set out in said petition to said premises and to the money or any part thereof to be paid as compensation for the property so taken, the court shall thereupon determine the question so presented. Judgment shall be entered on such determination, with costs to the prevailing party. An appeal from such judgment may be taken as from a judgment in an action. [*1919 c. 571 s. 1*]

32.14 Use, when to vest. When no appeal is taken from any award by the commissioners within the time provided by law, the party condemning the property shall pay the amount thereof into court, or file a receipt therefor in the office of the clerk of the court duly signed by the owners and acknowledged before an officer authorized to take acknowledgments of deeds. After the determination of an appeal, the person condemning the property shall pay into court the amount of the judgment rendered thereon or file a receipt therefor as aforesaid. Upon such payment or the filing of such receipt, the clerk of the said court shall make a minute of such payment or the filing of such receipt at the foot of the record of the report of such commissioners in the judgment book of said court. If the condemnation be for streets, boulevards or highways, an easement for the purpose for which the condemnation was instituted shall thereupon vest in the person condemning without any other or further act, deed or conveyance. In other cases if the person condemning be a municipality, board or commission with power to take and hold real property, the exclusive use of said property shall so vest in such municipality, board or commission in fee simple. If the condemnation be by a public officer or by a board or commission not authorized to take and hold real property such use shall so vest in the state, county, town or municipality under whose jurisdiction said officer, board or commission is acting. If the person condemning be a corporation the use of such property shall so vest in such corporation, its successors and assigns so long as used for purposes for which condemnation might be instituted. Said record or a verified copy thereof shall be prima facie evidence of such title in all courts and places. [*1919 c. 571 s. 1; 1919 c. 702 s. 27*]

32.15 Proceedings to perfect title, owner may bring. (1) If any person having the power to acquire property by condemnation has entered into the possession of any property and is using the same for a purpose for which condemnation proceedings might be instituted but has not acquired title thereto, or if such title is defective, such person may proceed to acquire or perfect such title in the manner provided in this chapter. At any stage of such proceedings the court in which they are pending or the judge thereof may

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authorize such person, if in possession, to continue in possession, and if not in possession, to take possession and have and use such lands during the pendency of such proceedings and may stay all actions or proceedings against such person on account thereof on the paying in court of a sufficient sum or the giving of such securities as such court or judge may direct to pay the compensation therefor when finally ascertained. In every such case the party interested in such property may institute and conduct at the expense of such person the proceedings to a conclusion if such person delays or omits to prosecute the same.

(2) No injunction to restrain such person in his possession of said lands or his use thereof or the operation thereon of any plant, line, railroad or other structure, shall be granted until such compensation has been fixed and determined.

(3) In case such person or the person through or under whom he claims title has paid to the owner of such lands or to any former owner thereof, or to any other person having any valid mortgage or other lien thereon, any sum of money on account of such lands, such sum with interest thereon from the date of such payment at the rate of seven per cent per annum shall be deducted from the award made by said commissioners to such owners or other person.

(4) In case there shall be a dispute in relation to the payment of any sum as aforesaid or the amount or date of any payment that may have been made, the court or judge thereof shall at the request of any party, award an issue which shall be tried in the same manner of issues of fact in said court and an appeal from the judgment thereon may be taken in the same manner as from any judgment. [*1919 c. 571 s. 1*]

32.16 Proceedings when land mortgaged. Whenever any person has acquired title to any property for which it could institute condemnation proceedings and said property is subject to any mortgage or other lien and proceedings have been afterwards commenced by the holders of any such mortgage or lien to enforce the same, the court in which such proceedings are pending may on due notice appoint three commissioners to appraise and value said property in the manner prescribed in this chapter as of the time when such person acquired title. Such appraisal shall be exclusive of the improvements made by such person or his predecessors. Said appraisal, with interest, when confirmed by said court shall stand as the maximum amount of the incumbrance chargeable to the property so taken and judgment shall be rendered according to equity for an amount not exceeding such appraisal, with interest, against such person and may be enforced as in other cases. On the payment of such amount such person shall hold said property free and discharged from said mortgage or lien. An appeal may be taken from the award of such commission by the plaintiff and tried and determined as an appeal from the commissioners under this chapter and the action to enforce such mortgage or lien shall in the meantime be stayed. [*1919 c. 571 s. 1*]

32.17 Amendments; vacancies. The court may at any time amend any defect or informality in any of the proceedings authorized by this chapter and may cause new parties to be added and direct such notice to be given to any party of interest as it deems proper and appoint other commissioners to fill any vacancies which may occur. [*1919 c. 571 s. 1*]

32.18 How title in trustee acquired. In case any title or interest in real estate lawfully required by any person having the power of condemnation is vested in any trustee not authorized to sell, release and convey the same or in any infant, idiot or person of unsound mind, the circuit court may in a summary proceeding authorize and empower such trustee or the general guardian of such infant, idiot or person of unsound mind to sell and convey the same for the purposes required on such terms as may be just. If such infant, idiot or person of unsound mind has no general guardian, the court may appoint a special guardian for such sale, release or conveyance. The court may require from such trustee or general or special guardian, such security as it may deem proper before any conveyance or release herein authorized is executed. The terms of the same shall be reported to the court on oath. If the court is satisfied that such terms are just to the party interested in such real estate, it shall confirm the report and direct the conveyance or release to be executed. Such conveyance or release shall have the same effect as if executed by one having legal power to sell and convey the land. [*1919 c. 571 s. 1*]

32.19 Abandonment of proceedings. If any person instituting condemnation proceedings, shall deem it inadvisable to take the real estate at the price fixed by the commissioners or by a jury upon appeal, it may, within sixty days after filing the award of the commissioners or within sixty days after assessment of damages by the jury, discontinue the proceedings upon such terms as to the court shall seem just. [*1919 c. 571 s. 1; 1921 c. 63*]

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32.20 General provisions. (1) Where power of condemnation is given to a state officer or officers the title acquired shall be in the name of the state. Payments of the costs and expenses of such condemnation shall be paid from the appropriation covering the purpose for which the property is acquired.

(2) Any condemnation proceedings authorized under any local or special law of the state, except those applicable to cities of the first class shall be conducted under the procedure provided in this chapter. [*1919 c. 571 s. 1; 1919 c. 702 s. 28; 1919 c. 703 s. 34*]

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TITLE V.

Public Buildings and Grounds and Movable Public Property.

CHAPTER 33.

SUPERINTENDENT OF PUBLIC PROPERTY.

33.01 Definitions and interpretation.
33.02 Appointment, term, oath and bond.
33.03 Powers and duties.
33.04 Method of purchases; institutional manufactures.

33.01 Definitions and interpretation. Some of the terms and provisions of this chapter are defined as follows:

(1) The term "office" includes both houses of the legislature and any department, board, commission or body connected with the state government.

(2) The term "officer" includes each requisitioning officer of the legislature and the person or persons at the head of any such department, board, commission or body, by whatever title any such person or persons may be elsewhere designated.

(3) The words "permanent property" include furniture and furnishings, typewriters, calculating, numbering and adding machines, apparatus, library and other books, and any and all property which in the opinion of the superintendent will have a life of more than one year.

(4) The provisions of this chapter do not authorize the said superintendent to interfere with arrangements made by the legislature for the use of any portion of the capitol as an office for any state office or officer; nor limit the power of the printing board to purchase by contract or otherwise; nor limit the power of any state office or officer to hire employes or incur state liability for traveling or other incidental expense necessary for such office or officer to carry out the powers, duties and functions imposed by law upon such office or officer. [*Stats. 1915 s. 288, 289, 290, 296; 1917 c. 177 s. 3; 1917 c. 204 s. 3*]

33.02 Appointment, term, oath and bond. (1) The governor shall appoint an officer to be known as "Superintendent of Public Property;" whose term shall commence as soon after his appointment as he shall have qualified in the manner provided by this section and shall terminate when his successor is appointed and qualified.

(2) Said officer shall take and file the official oath and execute and file an official bond in the sum of fifteen thousand dollars with not less than four sureties, who shall be resident freeholders of this state. Said bond shall be approved by the governor. [*Stats. 1915 s. 286; 1917 c. 177 s. 4; 1919 c. 93 s. 11; 1919 c. 362 s. 19, 32*]

33.03 Powers and duties. Said superintendent is empowered and it is his duty:

(1) To have charge of the capitol, the executive residence, and the public grounds surrounding the capitol, the executive residence and the light, heat and power plant; also to have general supervision of the operation and maintenance of said properties and to keep all of them in a proper state of cleanliness and repair. He may hire, purchase or maintain an automobile to be used for general state purposes.

(2) To have charge of all movable properties belonging to the state, not placed by law in the charge of any other officer.

(3) To appoint such number of policemen as may be necessary to safeguard all public property placed by law in his charge, and, personally or by any such policeman, to arrest, with or without warrant, any person violating any law within or around any of said properties. Policemen and other subordinates shall, at their own cost, provide themselves with uniforms approved by the superintendent.

(4) Acting with the governor and the chief engineer, to assign each state officer entitled by law to be supplied with office room to a suitable room or rooms in the capitol so long as rooms for that purpose are available; and to lease suitable rooms elsewhere in the city of Madison for such officers when rooms for them in the capitol are not available.

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In assigning officers to rooms in the capitol, preference shall be given to those expressly entitled by law to such rooms over those not so expressly entitled to them. But applications for temporary quarters for committees or other bodies shall be made to said superintendent, who shall have authority to make assignments therefor.

(5) To purchase all necessary permanent personal property, furniture, janitor and other service, telegraph and telephone service, postage and postal service, express, freight and drayage service, paper, except paper required by law to be furnished by the printing board, and all other necessary materials, supplies and expense, except light, heat, power and water, required for state use in or about the repair, maintenance or operation of the executive residence, the capitol building and the public grounds surrounding the capitol, the executive residence and the light, heat and power plant and in or about the necessary preparation for occupancy of all office rooms wherever located to which state officers have been lawfully assigned as occupants, or in or about the proper maintenance of such rooms and supplying them with suitable furniture and other necessary office supplies.

(6) To furnish the executive residence, the capitol, the public grounds surrounding the capitol, the executive residence and the light, heat and power plant and every office room to which a state officer has lawfully been assigned as occupant, with necessary permanent property, furniture, janitor service, telegraph and telephone service, postage and postal service, express, freight and drayage service, paper, except paper required by law to be furnished by the printing board, and with all other necessary materials, supplies, and expense of a consumable nature, except light, heat, power and water, for which he shall have received a requisition signed by such officer or by some other person designated by such officer for that purpose; and to furnish upon like requisitions to every officer or agent of the state all supplies, of whatever kind, which he is entitled by law to receive. It shall be his duty to furnish and perform all mimeograph and multigraph work for all said offices or officers and the expense thereof shall be charged to the proper appropriation as provided in section 20.10 of the statutes.

(7) To occupy rooms in the capitol suitable for his office and for such storage as he may need and to keep in store therein a suitable stock of such materials and supplies as are generally used and consumed by state officers; also to make and file with the governor at the close of each fiscal year an inventory of all property so kept by him in store.

(8) To dispose of and sell at public sale any chattel property of the state in his official custody which has become deteriorated, or unsuitable, or is no longer required for the use of the state; such sale to be conducted and the proceeds to be applied as follows:

(a) Notice of the time and place of such sale and of the property to be sold shall be given in such manner as he believes will be most likely to attract the attention of probable purchasers.

(b) At least ten days before such sale a written notice containing a brief description of the property, its location, and an estimate of its value, shall be given to each principal officer of the state including the board of control, the board of normal regents and the board of regents of the University of Wisconsin. If any such officer or institution can use any such property to advantage, he or it shall be allowed to purchase the same or any part thereof at any price deemed reasonable by the superintendent.

(c) The superintendent shall make and preserve an accurate account of each sale which shall be subscribed by the vendee; and the proceeds shall be paid to the state treasurer within one week after the receipt thereof, and be added to the general fund of the state treasury, except as otherwise provided by subsection (2) of section 20.10.

(9) To provide and equip a room or rooms in the capitol as a sterilizing chamber or chambers to be used for thoroughly cleansing and disinfecting cuspidors substantially according to the Manning system now established and used in the government printing office at Washington, District of Columbia, and for cleansing and disinfecting such other material and appliances used in the capitol as may require it.

(10) To purchase from time to time so many copies of the latest digest of the Wisconsin reports, and such volumes of said reports, as may be required to complete such sets of said reports as may be called for to supply new courts and new counties; and also such volumes of said reports as may be required by the state librarian to make the exchanges provided for by law with other states and territories.

(11) To let concessions for periods not exceeding two years for the operation of a restaurant in the capitol under such terms and conditions as will in his judgment be most favorable to the state, and secure efficient and economical service.

(12) To keep full and correct accounts of all official receipts and expenditures and make all such charges and credits as are contemplated by section 20.10. [*Stats. 1915 s. 287, 288, 288b, 290, 292 to 296; 1917 c. 14 s. 15; 1917 c. 177 s. 5; 1917 c. 204 s. 4*]

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33.04 Method of purchases; institutional manufactures. All materials, supplies, fixtures, apparatus or equipment required to be furnished by the superintendent which are manufactured at the state prison or at any of the other public institutions of the state shall be purchased by the said superintendent from said prison or institution. When such supplies, materials, fixtures, apparatus or equipment cannot be purchased at the state prison or any of the other public institutions of the state and the cost thereof exceeds one hundred dollars, the said superintendent shall, in such manner as he shall deem best to secure the attention of probable bidders, invite proposals to furnish the same and shall purchase from the lowest responsible bidder. [*Stats. 1915 s. 291; 1917 c. 177 s. 6*]

CHAPTER 34.

STATE DEPARTMENT OF ENGINEERING.

34.01 Creation of department.
34.02 Chief engineer, powers and duties.
34.03 Duties of assistant engineers.
34.04 Superintendents of state utilities to keep records and make reports.
34.05 Contract work, how authorized, audited and paid.
34.06 To what appropriations expenditures chargeable.
34.07 No other architects or engineers to be employed or paid.
34.08 Civil service not applied.
34.09 Rooms, furniture, supplies.
34.10 Cement purchases by the state.

34.01 Creation of department. A state department of engineering and the office of state chief engineer are created by this chapter; and the railroad commission, subject to the approval of the governor, shall appoint and fix the compensation of a state chief engineer. The term of such officer shall continue until his successor has been appointed and has qualified. [*Stats. 1915 s. 1636—250; 1917 c. 99 s. 2; 1919 c. 362 s. 19, 32*]

34.02 Chief engineer, powers and duties. The state chief engineer shall exercise the powers and perform the duties prescribed by this chapter:

(1) To take charge of and supervise all engineering or architectural service or construction work performed by, or for, the state, or any department, board, commission, or officer thereof.

(2) To furnish engineering and architectural services whenever requisitions therefor are presented to him by any such department, board, commission or officer.

(3) To act and assist any such department, board, commission or officer requesting such co-operation and assistance, in letting contracts for engineering or architectural work authorized by law and in supervising the work done thereunder.

(4) To examine and inquire into the manner of operating all state-owned power and electric plants and pumping and heating stations; and to direct such changes in the methods or processes employed as will result in the most economical and efficient operation thereof.

(5) On July 1, 1917, all of the powers, duties and functions heretofore conferred and imposed by law upon the capitol commission by chapter 399 of the laws of 1903; chapter 516 of the laws of 1905, as amended by chapter 15, laws of the special session of 1905; chapter 19, laws of 1907; chapter 537 laws of 1907, as amended by chapter 316 laws of 1909, chapter 451 laws of 1911, chapter 760 laws of 1913, and chapters 91 and 215 laws of 1915; and chapter 465 laws of 1915, are hereby transferred to and conferred upon the department of engineering, except as expressly provided in this act.

(6) To appoint, subject to approval of the governor, such expert assistants as shall be necessary to enable him to discharge all of his official duties.

(7) To appoint, subject to the approval of the department, board, commission or officer applying therefor, one or more assistant state engineers for continuous engineering or architectural service with such applicant, whenever such continuous service is needed. Such assistants may be designated by such official titles as will suitably describe or indicate the character of the work to which they are assigned, such as highway engineer, state architect or university architect.

(8) To keep accurate records of the work done by his department and of the expenditures connected therewith.

(9) To prepare an annual report to the governor showing the expenditures of his department and the expenditures on behalf of each department, board, commission or officer for which work has been done; and showing in tabular form the cost of operation per unit of product or service of each power or electric plant, heating or pumping station, operated by any state institution and a summary of the engineering or architectural work performed for the state during the period covered by the report.

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(10) To file from time to time in the office of the secretary of state a written appointment of an assistant state engineer to become acting state chief engineer, and to recall such appointment at pleasure. Every such recall shall be in writing and filed with the appointment. During any temporary disability on the part of the state chief engineer or his absence from the state his functions may be performed by such acting officer.

(11) It shall be the duty of the governor, the chief engineer and the superintendent of public property to assign to each state officer entitled by law to be supplied with office room, a suitable room or rooms in the capitol, so long as rooms for that purpose are available; and to lease suitable rooms elsewhere in the city of Madison for such officers when rooms for them in the capitol are not available. In assigning officers to rooms in the capitol, preference shall be given to those expressly entitled by law to such rooms over those not so expressly entitled to them.

(12) To rebuild and repair discarded machinery of the several state institutions where found advisable, and put the same back into service.

(13) The state chief engineer shall make a general inspection of each building of the state at each state institution, such inspection to be made before the first day of July of each year. Such inspection shall cover the general condition of all buildings and equipment connected with the same, and the necessity or desirability of any repairs or improvements upon the same. Upon the completion of such investigation, he shall report his findings to the board, commission or officer in charge of such institution.

(14) (a) The state chief engineer is exclusively authorized to and he shall:

First, select, purchase and test all coal and other solid fuel necessary to properly and efficiently operate each state owned or operated heating or heating and power plant wherein the annual requirement is in excess of fifty tons of such fuel.

Second, direct the quantity and time of shipments, and supervise the methods of receiving, handling, storing and use of such fuel at or in such plants.

Third, make such rules and regulations as he may deem necessary, not inconsistent with this subsection, to promote efficiency and economy in the purchasing, testing, handling, storing and use of such fuel.

Fourth, annually, on or before November first, furnish the state board of public affairs an estimate of the number of tons of such fuel necessary for each such state owned or operated plant for the ensuing fiscal year and the estimated delivered cost thereof.

(b) All contracts for the purchase of such fuel shall be on a competitive basis according to specifications prepared and publicly advertised by the state chief engineer, and no such contract shall be binding upon the state unless signed by the state chief engineer and approved by the governor. No payment for any such fuel delivered to any such plant, or for freight, switching or hauling charges thereon, shall be made unless the written claim therefor is first approved by the state chief engineer. When such a claim is so approved it shall be audited and paid as are other claims against the state and shall be charged against the proper appropriation to the officer, department, board or commission charged with the control of the plant to or for which such coal was delivered. [*Stats. 1915 s. 1636—250; 1917 c. 99 s. 3; 1917 c. 195 s. 1, 3; 1919 c. 389 s. 3, 4; 1919 c. 594; 1919 c. 702 s. 29; 1921 c. 302*]

34.03 Duties of assistant engineers. The assistants appointed pursuant to subsection (6) of section 34.02 shall have charge and supervision of the work of the department, board, commission or officer upon whose application his appointment was made, subject, however, to the general direction of the chief engineer and the immediate direction of such applicant. [*Stats. 1915 s. 1636—250; 1917 c. 99 s. 4*]

34.04 Superintendents of state utilities to keep records and make reports. The superintendent or other person having charge of the operation of any power or electric plant, or any heating or pumping station, operated by the state or by any state institution shall keep accurate records and accounts showing completely and in detail the result of operation of the plant and the cost per unit of its product or service to the state. He shall report to the governing board, body or officers of such department or institution in such manner and at such times as the said chief engineer shall require, the details of the records and accounts so kept; and the said governing board, body or officers shall transmit these records to the chief engineer who shall cause the information and data reported to him to be compiled in his annual report. [*Stats. 1915 s. 1636—250; 1917 c. 99 s. 5*]

34.05 Contract work, how authorized, audited and paid. Every contract for engineering or architectural service or for construction work to be done for, or furnished to the state, or any department, board, commission or officer thereof, shall, before it becomes valid or effectual for any purpose, have indorsed thereon in writing the approval thereof of the chief engineer and the governor; and no payment or compensation for work done under any such contract shall be made unless the written claim therefor shall be audited

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and approved by said chief engineer. [*Stats. 1915 s. 1636—250; 1917 c. 99 s. 6; 1919 c. 389 s. 3*]

34.06 To what appropriations expenditures chargeable. (1) The cost of services furnished pursuant to subsections (2), (3) and (4) of section 34.02 shall be charged to and paid out of the respective appropriations to the departments, boards, commissions or officers receiving such services, whenever in the judgment of the chief engineer the cost of the service to each can be separately ascertained with reasonable accuracy; and the salaries and compensation of all persons appointed under the provisions of subsection (6) of said section 34.02 shall be charged to and paid out of the appropriation to the department, board, commission or officer applying for the appointment.

(2) All other salaries, compensation and expense incurred in the due administration of the department of engineering shall be paid out of and charged to the appropriation to that department. [*Stats. 1915 s. 1636—250; 1917 c. 99 s. 7*]

34.07 No other architects or engineers to be employed or paid. No department, board, commission, officer or agent of the state, shall employ engineering or architectural service, or expend money for construction purposes on behalf of the state, except as provided in this chapter. But this chapter shall not impair or affect the power of the governing board or body of any state department or institution to employ superintendents of buildings and grounds, assistants of superintendents, and operatives of any power or electrical plant, or of any pumping or heating station operated by such department or institution, and fix their compensation. No repair or improvement shall be authorized or undertaken by any board, commission or officer in charge of any institution prior to the completion of the report of the state chief engineer, except in cases of emergency, which shall be first reported to the state chief engineer before any work thereon is commenced. [*Stats. 1915 s. 1636—250; 1917 c. 99 s. 8; 1919 c. 389 s. 3*]

34.08 Civil service not applied. All persons appointed pursuant to subsections (5) and (6) of section 34.02 shall be exempt from the operation of chapter 16 of these statutes. [*Stats. 1915 s. 1636—250; 1917 c. 99 s. 9*]

34.09 Rooms, furniture, supplies. The superintendent of public property shall provide said state chief engineer with suitable rooms, and with furniture, materials, stationery and other supplies with which to perform the duties of his office. [*Stats. 1915 s. 1636—250; 1917 c. 99 s. 10*]

34.10 Cement purchases by the state. (1) There is created a commission to be known as the "State Cement Purchasing Commission," to consist of the state chief engineer, to be ex officio chairman of the commission, the superintendent of public property, and the state highway engineer. The members of the commission shall serve without compensation other than that provided for their customary work. The office of the cement purchasing commission shall be in the state capitol in the quarters assigned to the state chief engineer.

(2) The cement purchasing commission shall on or before December thirty-first of each year, or of each second year, circularize all state departments, boards and commissions, collecting information from them as to the probable amount of cement required in the succeeding calendar year or years for use in state or state aid construction under their direction.

(3) The state cement purchasing commission shall once each year, or in their discretion, once every two years, request bids from all companies producing or supplying cement for supplying the above estimated requirements. Bids are to be received for cement delivered f. o. b. cars at such points as the commission shall determine, and the company which agrees to deliver cement, at such point at the lowest price, shall, if the bids are considered satisfactory, be considered the low bidder and shall be awarded the contract for all cement used in state or state aid construction in Wisconsin during the period covered by the request for bids. If there shall be evidences of a combination to fix prices, all bids showing such evidence may be thrown out. If no satisfactory bid can be had in any year, cement may be purchased on the open market for state or state aid construction in the usual manner.

(4) The state cement purchasing commission is authorized to enter into a contract with the successful bidder under suitable terms and under proper bonds to furnish all cement used in the state during the succeeding calendar year or years on work paid for in whole or in part with state funds. Cement so purchased may be furnished f. o. b. cars to any contractor or may be sold to any contractor on state or state aid construction.

(5) The price to be paid the contracting company for cement furnished f. o. b. cars at any railroad station in Wisconsin shall be the price bid furnished f. o. b. the most advantageous point at which a price was obtained plus or minus the difference between the

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freight from the plant supplying the cement to said point and the freight from the plant to the railroad station at which delivery is desired.

(6) Nothing in this section shall involve the state in any obligation to pay any claim for damages made by the contracting company because of the nonuse of the estimated amount of cement. The contracting company shall furnish the amount of cement actually demanded for use in state or state aid construction performed during the term of the contract, be it a greater or less amount than the originally estimated quantity and at the prices f. o. b. the required point of delivery, which prices shall be determined in accordance with the provisions of subsection (5) of this section. Nothing in this section shall require the contracting company to supply cement in less than carload lots.

(7) The state cement purchasing commission shall make the proper and necessary arrangements for the testing of all cement delivered in the state under the agreement with the contracting company. The cost per barrel of this testing shall be a proper charge against the consumer and shall be added to the contract price of the cement, shall be collected by the company furnishing the cement and shall be paid over by said company to the testing agency or agencies selected by the state cement purchasing commission to do the testing. Every bag of cement purchased under this section shall have attached to it a tag bearing the words "State Tested Cement" in addition to the special sampling tags of the testing agency.

(8) It shall be unlawful for any person, board, commission, or unit of government to resell any cement purchased under this section for use in other than state or state aid construction, and the contracting companies may collect from any person, board, commission, or unit of government, illegally reselling cement in defiance of the provisions of this section, the full commercial price of cement at the time such resale was made plus the necessary legal or other costs of collection. Provided, that any reasonable amount of cement furnished for any work and not used, may, upon the completion of said work, be resold at a fair price.

(9) Payment for all cement purchased under this section shall be made in the same manner as payments are made for labor or other materials furnished on the same state or state aid construction.

(10) The officials of any town, village, city, or county may upon application to the state cement purchasing commission, be given the advantage of the state cement price for cement used in public work to be paid for in whole or in part by public funds, and the state cement purchasing commission shall make the necessary regulations to make it possible for said units of government to obtain the required cement in accordance with the general provisions of this section. [*1917 c. 598; 1919 c. 679 s. 5*]

CHAPTER 35.

PUBLIC PRINTING AND THE DISTRIBUTION OF LAWS AND PUBLIC DOCUMENTS.

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GENERAL PROVISIONS.

35.01 Definitions and classification. The public printing is all the printing and binding for which payment may lawfully be made out of the state treasury, together with all necessary material therefor, except the paper used by state printers, which will be furnished by the state, at the discretion of the printing board. It is divided into seven classes: First. All legislative printing. Second. Wisconsin session laws, town laws, statutes, annotations and blue book. Third. Governor's messages, official reports, pamphlets and magazines, bulletins and transactions of officers and societies, all books not otherwise classified, all printing, except job work, for the state historical society, Wisconsin academy of sciences, arts and letters, Wisconsin archæological society, University of Wisconsin, state normal schools, Wisconsin branch of the American institute of criminal law and criminology, and board of circuit judges. Fourth. All job printing and all printing not otherwise classified. Fifth. Newspaper publications. Sixth. Supreme court reports. Seventh. Printing for state institutions and departments located outside of the city of Madison. [*Stats. 1915 s. 20.01; 1917 c. 336 s. 2; 1919 c. 271; 1919 c. 679 s. 7*]

35.02 Constitution of printing board, state printers and state paper. (1) The governor and the superintendent of public property, ex officio, and an editor of public printing, who shall be appointed by the governor, shall constitute the printing board. The editor of public printing shall hold his office for the term of two years, and shall receive an annual salary of two thousand five hundred dollars, and necessary expenses incurred in the performance of his official duties.

(2) State printers are the persons under contract to do public printing, other than printing of the fifth, sixth or seventh class. Wherever in this chapter the words "the state printer" are used, they are intended to designate the person who by contract is required to do the particular printing there considered.

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(3) The state paper is the newspaper which is made the official paper of the state for newspaper publication of laws, proclamations, legal notices and advertisements. [*Stats. 1915 s. 20.02; 1917 c. 336 s. 3*]

35.03 Powers and duties of board. The printing board is empowered and required:

(1) To let contracts for public printing and for the purchase of paper in the manner provided in this chapter;

(2) To receive printer's copy and requisitions for public printing from parties authorized by law to present them;

(3) To deliver such copy to the state printer with written orders that the copy be printed;

(4) To issue orders for any other public printing required by law, except printing of the first, fifth, sixth and seventh classes;

(5) To direct the manner, form, style, quantity and method, when these are not expressly prescribed by law, of all public printing except printing of the first class and of the seventh class;

(6) To prescribe rules, not inconsistent with law, for the conduct of its business;

(7) To keep a record of all its meetings, actions and proceedings;

(8) To make biennial reports to the legislature setting forth the cost of the public printing during the preceding fiscal term, with recommendations of any retrenchments that can be made therein.

In advertising for bids said board may subdivide classes two, three and four, creating additional classes or may change printing from one class to another class in such advertisement, whenever it shall determine that further or different classification will benefit the state. [*Stats. 1915 s. 20.03; 1917 c. 336 s. 4*]

35.04 Proof readers. (1) The printing board shall appoint such assistants, proof readers, clerks and other employes as it shall find necessary to perform the duties imposed upon it, and, when not otherwise provided by law, shall prescribe their duties, designate their respective titles and fix their salaries or compensation. The offices and positions created by this section are hereby placed in the competitive class of the civil service.

(2) It shall be the duty of proof readers:

(a) To examine critically all printer's copy presented to said board, and before the same shall be delivered to the state printer, report to said board all failures to eliminate matter unsuitable for public printing, and all failures to properly consolidate statistical tables, and make such copy comply with law; provided, that the power of eliminating matter from any public printing shall not be construed to include the power to change the thought or findings of any book, catalogue, bulletin, report or other public printing;

(b) To read and correct proof sheets of all matter printed by state printers, except that done for the university, normal schools, state historical society, Wisconsin academy of sciences, arts and letters, Wisconsin archæological society, board of commissioners of the geological and natural history survey, railroad commission, insurance commissioner and attorney-general;

(c) To require state printers to use, in all cases not otherwise prescribed by law, such style, size and arrangement of type, such spacing of lines and such widths of borders and margins as will insure the largest measure of economy possible with good work;

(d) To perform such other duties as said board may direct. [*Stats. 1915 s. 20.04; 1917 c. 336 s. 5; 1917 c. 591*]

PRINTING OF THE FIRST CLASS—LEGISLATIVE PRINTING.

35.05 Legislative directory and manual. Immediately after the completion of the state canvass of the votes at any general election in each even-numbered year, the secretary of state shall prepare and deliver to the printing board printer's copy of a legislative directory and manual, containing the sections of the constitution and statutes relating to the work of the legislature, the rules adopted for its government at the last preceding session thereof, and a list of the senators and members-elect of the next legislature, showing the district represented, post-office address, occupation and political affiliation of each. Said board shall immediately order the state printer to print and deliver, within one week after receiving the order, five hundred copies printed in nonpareil, pages measuring four and three-quarters by two and one-quarter inches, wire-stitched, two hundred fifty copies bound in paper and the remainder in American morocco. Either house may have printed as many copies as it deems necessary of legislative directories or manuals, at any time during the session. [*Stats. 1915 s. 20.05; 1917 c. 336 s. 6*]

35.06 Budget estimates. The board of public affairs may in its discretion requisition and procure the printing of such portions of its recommendations to the legislature,

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made under section 15.11, as it shall deem proper for general distribution. [*Stats. 1915 s. 20.06; 1917 c. 336 s. 6; 1917 c. 671 s 11*]

35.07 Printing in general, how ordered and executed. (1) Each house of the legislature may order public printing for its own exclusive use, except that it shall not procure for such use the printing of extra copies of any book, pamphlet, or other document printed by authority of law. Whenever either house requires any printing for its exclusive use its chief clerk, and whenever any joint action of both houses is taken requiring any printing to be done, the chief clerk of the house where such action originates, shall deliver to the state printer printer's copy therefor, with an order signed by such clerk for such printing, and the state printer shall do such printing and deliver the same in the shortest possible time.

(2) At the opening of the session, each chief clerk shall be provided by the printing board with a printing order book containing blank orders and stubs, numbered in duplicate, and whenever such chief clerk delivers to the state printer an order for printing, he shall immediately transmit to the printing board a carbon copy of such order upon the corresponding duplicate order blank.

(3) All bills, except bills of extraordinary length, all resolutions, joint resolutions, memorials and daily calendars, for which copy is delivered to the state printer by the respective chief clerks, shall be printed at such time as will permit their delivery to the chief clerk making the order therefor by nine o'clock of the morning, except Sunday, next succeeding the day on which the order for such printing is delivered.

(4) Revision bills prepared by the revisor of statutes may be ordered printed by the revisor when the legislature is not in session. Bills printed pursuant to such orders shall be delivered by the state printer to the chief clerk of the senate at the opening of such session, and shall be, by such clerk, received, distributed and in all respects treated the same as if printed during the session. No further printing of revisor's bills shall be required.

(5) Any legislative printing for the use of either or of both houses of the legislature may be authorized by joint resolution. All printing of the first class shall be done at the seat of government. [*Stats. 1915 s. 20.07; 1917 c. 336 s. 7; 1921 c. 1*]

35.08 Bills, etc., how printed. (1) One thousand copies of each bill, resolution, joint resolution and memorial shall be printed in bill form with small pica type, on book paper that may be cut without waste; provided, that privileged resolutions and privileged joint resolutions shall not be printed in bill form unless ordered by the house in which such resolutions originate. Each page shall be seven and three-quarters inches wide and eleven inches high; shall contain not less than twenty-five lines, five inches long, of printed matter spaced by a pica slug or reglet between adjacent lines, and be punched on the inner margin with two holes seven inches apart; and, in case of a bill or joint resolution, on the first page thereof shall be printed the following matter which shall not occupy more than the upper one-third of the page: The house in which such bill originated, its number, its date of introduction with the name of the person or committee by whom it was introduced and the order of reference, its title and enacting clause, which shall be immediately followed by the first line of the first section. Upon each page of such bill or resolution, at the upper outer corner, shall be printed the number thereof. All such numbers and all section numbers shall be printed in black face type. Each line of each section shall be numbered consecutively.

(2) Except as otherwise provided in subsection (3) any bill or resolution proposing an amendment to any existing statute or to the constitution shall have matter to be stricken out printed with a line drawn through the same and new matter printed in italics. The provisions of this section shall govern the printing of amendments to bills, resolutions, joint resolutions and memorials, so far as applicable.

(3) Revision bills mentioned in subsection (4) of section 35.07 may contain explanatory notes which shall be printed in eight-point solid type immediately following the sections to which they respectively relate, but such notes shall not constitute any part of the bill nor of the act if the bill shall be enacted. [*Stats. 1915 s. 20.08; 1917 c. 336 s. 8*]

35.09 Printing for enrollment. Immediately after any bill, or any joint resolution amending the constitution, shall have been finally passed, and, in the case of a bill, before it shall be presented to the governor for approval, the chief clerk of the house where such bill or resolution originated shall present printer's copy thereof to the state printer, and the state printer shall, within one day, print and deliver ten copies thereof upon forty-pound ledger medium paper, measuring nine by eleven and one-half inches, with printed page six by eight and one-half inches, set in fourteen-point Roman type, or in monotype known as 150A twelve point, one of which printed copies shall be used as the enrolled bill, or the enrolled resolution, as the case may be, another copy shall be delivered to the revisor and four copies to the secretary of state. Nine hundred and ninety additional copies shall be printed on the kind of paper used for bills. Any bill or resolution so

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printed except bills proposed by the revisor, shall, when amendatory, indicate omissions by asterisks and new matter by italics. [*Stats. 1915 s. 20.09; 1917 c. 336 s. 9; 1921 c. 518*]

35.10 Senate and assembly calendars. Two hundred and fifty copies of the daily calendar of each house shall be printed on calendared paper of medium octavo size, with long primer type, and shall be punched at the left margin with two holes five and one-half inches apart. The figures indicating numbers of resolutions and bills shall be set in a separate column at the left, in black face type, arranged in numerical order under the several orders of business, spaced with a pica reglet or slug between adjacent lines. [*Stats. 1915 s. 20.10; 1917 c. 336 s. 10*]

35.11 Daily journals. The journal of the senate and assembly shall correspond with the journals of the congress of the United States as nearly as may be, as to subject matter and form. The chief clerk of each house shall prepare and deliver to the state printer immediately after the close of each daily session printer's copy of its daily journal with matter relating to bills, resolutions and petitions arranged as nearly as practicable in numerical order under the several orders of business, with reference to bills, resolutions and petitions, by numbers only, except when the yeas and nays are called; provided, that privileged resolutions shall be printed in full at the time of their introduction. Other resolutions and amendments to bills and resolutions (except to privileged resolutions) shall not be printed in the journal. Either house may order any other of its proceedings printed in the journal. Printed pages shall be seven and one-quarter inches high and four inches wide, be printed with long primer type, have bill numbers set in black face type, composition in compact order without unnecessary broken lines, a separate paragraph for each distinct subject and page numbers consecutive and continuous from day to day. Two hundred and fifty copies of the daily journal of each house shall be printed on tinted paper for examination and correction, and delivered by eight o'clock and forty-five minutes of the morning, excepting Sunday, next following the session whose proceedings are printed; and after all the errors have been corrected eight hundred and fifty copies of each shall be printed on good white printing paper, folded without stitching, and punched at the inner margin with two holes five and one-half inches apart, for filing purposes. Four hundred and ninety-five further copies of each shall be printed from day to day, and be preserved for binding in book form at the end of the session, using best quality S. and S. C. book paper, weighing fifty pounds per ream of sheets twenty-five inches by thirty-eight inches; and five further copies of each shall be printed from day to day on bond paper, four of them for the use of the chief clerks and one for binding in the official journal of the houses. [*Stats. 1915 s. 20.11; 1917 c. 336 s. 11; 1921 c. 4*]

35.12 Journals in book form. Within sixty days next following the close of any session of the legislature, the chief clerk of each house shall prepare and deliver to the state printer printer's copy of all matter not already printed in its daily journal, which is required by law or by the order of such house to be printed therein; and printer's copy of matter, not already printed in either journal, which is required to be printed by joint action of the legislature, shall be prepared and delivered by the chief clerk of the house where such action originated. If copy for any matter that either house has ordered printed in its journal cannot be delivered within sixty days after the adjournment of the legislature, such copy shall be delivered by the secretary of state to the state printer before the organization of the next succeeding legislature, and shall be printed in a separate volume of the journal. Five hundred copies of said matter shall be printed as an appendix to the respective journals, using the kind of paper, type and size of pages prescribed in section 35.11 for copies of the journal intended for binding. The journals for both houses shall be bound with sheep backs and corners in separate volumes, except the copies printed on bond paper which shall be bound in full sheep. The journals of regular and extra sessions may be bound together in the same volume whenever the extra session is called before the journals of the regular session have been bound; if not so bound the journals of both houses for the extra session shall be bound together. [*Stats. 1915 s. 20.12; 1917 c. 336 s. 12*]

35.13 Journal index. Along with the printer's copy mentioned in section 35.12 shall be prepared and delivered by the chief clerk of each house to the state printer printer's copy of the following matter to be incorporated in the indexes to their respective journals: An alphabetical index of the subject matter of such journal and a numerical table of all statutes, session laws and constitutional provisions affected by any proceeding therein referred to, designating by number the affecting bill, resolution or memorial. Seven hundred and fifty copies of the index matter so furnished by said chief clerks shall be separately printed with nonpareil type and on paper corresponding with the book-form journals and, when printed, shall be annexed to the seven hundred and fifty copies of the final bulletins reserved for binding pursuant to section 35.14; and the whole shall be

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bound as a separate volume in the same style as the journals, as an index thereto. [*Stats. 1915 s. 20.13; 1917 c. 336 s. 13*]

35.14 Weekly bulletins. As soon as possible after the close of the last session of each week, beginning with the third week of the session, all the entries during that week in the journal of each house shall be abstracted by the chief clerk thereof, whereupon each chief clerk shall deliver to the other a copy of so much of his abstract as relates to matters originating in the other house, for incorporation in the other's abstract. Such abstracts shall contain such matter as will, when incorporated and printed with all similar matter previously printed, constitute a separate bulletin to date for each house of the following schedule and lists: A schedule of all bills originating in such house, arranged numerically, setting forth immediately after each bill number its title, the name of the member or committee introducing it, all proceedings affecting it arranged chronologically with the date of each; separate similar schedules for all joint resolutions, for all resolutions, and for all memorials originating in said house; a list of its officers; an alphabetical list of its members with the district represented by each, his place of residence, Madison address, committee assignments and the numbers of bills, resolutions and memorials introduced by him; an alphabetical list of its committees with membership and the numbers of all bills, resolutions and memorials introduced by each and referred to each; and a numerical list of all bills, originating in such house which have been enacted into laws with chapter numbers, and such other matter as either chief clerk shall deem necessary. Said abstracts shall be delivered to the state printer as soon as completed, and the state printer shall incorporate the same with matter previously published as aforesaid, and print and deliver not later than two hours before the time fixed for reassembling of the legislature, seven hundred fifty copies of a wire-stitched pamphlet containing both bulletins, using white print paper, brevier type, black face type for numbers, black face capitals for the names of members, and the names of committees, and making the printed pages correspond in size with the printed journals of the houses. The last issue of the weekly bulletin after final adjournment of the legislature shall be distributed as nearly as practicable as were the former issues. Within ten days after final adjournment of the legislature, the chief clerks shall deliver to the printer, copy for insertion after each action recorded in the bulletin, of the number of the page of the journal upon which the record of such action appears, and such page numbers shall be inserted by the state printer. Seven hundred and fifty copies of such bulletin shall then be printed, using the same style of type as provided for the journal index and the kind of paper used for the bound copies of the journals, to be bound as a part of the journal index. [*Stats. 1915 s. 20.14; 1917 c. 336 s. 14*]

35.145 Bids for public printing, basis for. As a basis for bids for public printing by state printers maximum prices for work and materials, exclusive of paper, are fixed as follows for first class printing:

(1) Composition, per thousand ems, one dollar.

(2) Interpretation: In computing composition in the first class, type shall be measured as if it had been set solid; necessary fractions of pages may be counted as full pages, but no blank pages shall be charged for.

(3) All composition shall be measured as plain work of this class and no extra allowed on account of a variance from plain composition.

(4) Prices for all other work in this class shall be the same as for second, third and fourth class printing as set out in the schedule in section 35.43. [*1921 c. 567 s. 2*]

PRINTING OF THE SECOND CLASS—STATUTES AND BLUE BOOK.

35.15 Wisconsin session laws. Immediately after the end of each general and each special session of the legislature, it is the duty of the secretary of state to prepare printer's copy for a volume denominated "Wisconsin Session Laws," which shall contain all acts in full passed by the legislature during such general or special session, numbered in consecutive chapters in the order in which they were received by him from the governor, all memorials and important resolutions of the same session, and an alphabetical index confined to the subject matter of the volume, which index shall be prepared by the revisor. Said printer's copy shall show the date of approval and of publication of each act, resolution and memorial, the number of the bill or other document from which it was enacted or derived, and the house in which it originated; but shall omit the signatures of the officers affixed to the enrolled act, resolution or memorial. Such printer's copy shall be delivered to the printing board and by said board to the state printer, who shall thereupon print and deliver, within sixty days, an edition of one thousand copies. After making the necessary comparison, the secretary of state shall annex at the end of one of the copies, which shall be filed in his office as a public record, his certificate that he has com-

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pared the printed copies therein with the original acts approved by the governor, and that they appear to be correctly printed. All other copies shall contain a printed copy of such certificate. [*Stats. 1915 s. 20.15; 1917 c. 336 s. 15*]

35.16 Reprints of session laws. The state printer is required to reprint and deliver an edition of six hundred copies of those session laws of the state of Wisconsin, the original editions of which are substantially exhausted, when so ordered to do by the printing board; but said board shall make such orders only upon the request of the justices of the supreme court. The secretary of state shall annex to each copy his printed certificate, stating that the laws published in said book have been compared by him with the original session laws of which they appear to be reprints, and that they are found to be correct reprints. [*Stats. 1915 s. 20.16 sub. 1; 1917 c. 336 s. 16*]

35.17 Pamphlet laws. The state printer is required to print and deliver in pamphlet form, such editions of parts of the statutes, other than those required by section 35.20, as may be ordered by the printing board for the use of public officers. Such orders shall be discretionary, shall be limited to actual needs as shown by experience or other competent proof, and the printing shall be done from the plates from which the statutes have been printed, so far as that can be done. [*Stats. 1915 s. 20.16 sub. 2; 1917 c. 336 s. 17*]

35.18 Wisconsin statutes. Immediately after the end of each general session of the legislature, it is the duty of the revisor to prepare and deliver to the printing board printer's copy for a volume to be denominated, "Wisconsin Statutes," which shall contain all the general statutes in force, a table of the chapters that have been revised since the year 1909, all memorials and important resolutions adopted by the legislature since the last preceding general session, a table of the terms of the circuit court, a list of all court commissioners, an alphabetical index to said general laws, and such other useful matter as the revisor shall determine is desirable and practicable to be included. Said printer's copy shall be delivered at once, together with a proper printing order, to the state printer who shall, pursuant thereto, print and deliver, within sixty days after receiving the copy, an edition of four thousand copies. After making the necessary comparison, the revisor shall annex, at the end of one copy of each volume, which shall be filed in the office of the secretary of state as a public record, his certificate certifying that he has compared each printed section therein with the original section of the statutes, or, as the case may be, with the original section contained in the enrolled act from which the section was derived, together with all amendments of such original section, if any, and that all the sections appear to be correctly printed. All other copies of the volume shall contain a printed copy of such certificate. [*Stats. 1915 s. 20.17; 1917 c. 336 s. 18*]

35.19 Chapter and section numbers and titles. All chapters and sections of Wisconsin statutes shall retain their present numbers and titles until and except as changed by revision. In revised chapters the word "section" at the beginning of each section shall be omitted, and in lieu thereof a whole number followed by a decimal fraction shall be printed with black faced type, so arranged that the whole number will indicate the chapter number and the fraction will indicate the section number; and following such section numbers shall be printed in black face type suitable section titles. Subsections shall be indicated by numbers inclosed in parentheses; and paragraphs, by letters. At the end of each section shall be printed in italics notes of its history. But subchapter titles, section, subsection and paragraph titles, and notes of history constitute no part of the section. At the bottom and in the middle of each page shall be printed the proper page number; at the upper right-hand corner, the chapter title; and at the upper left-hand corner the chapter number and the number of the section first commencing on the page. [*Stats. 1915 s. 20.18; 1917 c. 336 s. 19*]

35.20 Wisconsin town laws. Simultaneously, as nearly as may be, with each issue of Wisconsin statutes, the state printer, under the supervision of the revisor, shall print an edition of two thousand five hundred copies, more or less as may be determined to be necessary by the printing board, of a volume to be designated "Wisconsin Town Laws," to be printed from type or plates used in printing Wisconsin Statutes and to contain the following chapters of the statutes, to wit: Chapters 5 to 12, inclusive, relating to nominations, elections and corrupt practices; and the several chapters relating to common schools, the county board, the powers, duties and liabilities of towns, town officers, the assessment of taxes, highways and bridges, drains, and fences; and such further sections of the statutes as the revisor shall determine are desirable and practicable to be included, together with an appendix containing suitable forms for use in the administration of such laws and a suitable index. [*Stats. 1915 s. 20.185; 1917 c. 336 s. 20*]

35.21 Correcting typographical errors. In all official publications of Wisconsin session laws, the secretary of state shall cause all words and names to be correctly spelled in the same as printed, and shall also correct such errors as "previous" for "previously,"

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"subsequent" for "subsequently," "is" for "are," "affect" for "effect," and the like, where such errors occur in any enrolled act, memorial or resolution; and no such correction shall be deemed an alteration of or departure from the enrolled copy. On questions of orthography Webster's New International Dictionary shall be taken as the standard. [*Stats. 1915 s. 20.20; 1917 c. 336 s. 21*]

35.22 Evidence. Wisconsin statutes shall be prima facie evidence in all courts and proceedings as provided by section 4135 of the statutes; but they shall not preclude reference to, nor control, in case of any discrepancy, any original act of the legislature; and the certified reprints of general laws provided for by section 35.16 shall also and in the same degree be prima facie evidence in all courts and proceedings. [*Stats. 1915 s. 2021; 1917 c. 336 s. 22*]

35.23 Wisconsin annotations. It is the duty of the revisor to prepare from time to time such annotations as will keep the annotations contained in the volume known as "Wisconsin Annotations," and issued in May, 1914, down to date, and to print such continuations in the appendix of each biennial issue of Wisconsin Statutes. [*Stats. 1915 s. 20.22; 1917 c. 336 s. 23*]

35.24 Blue book. It is the duty of the printing board to compile and prepare biennially printer's copy for a book to be denominated "Wisconsin Blue Book," which shall contain lists of senators and assemblymen and employes of each house, and statistical and other information of the same general character as that heretofore published in the blue book of Wisconsin, but so selected and condensed as will limit the number of pages to eight hundred or less. In making such selection of matter the board is directed to consult freely with the state superintendent and the superintendent of the state historical society. The board shall deliver said printer's copy to the state printer not later than the thirtieth day of January in each odd-numbered year, together with a proper order for the printing of an edition thereof, to be printed and delivered not later than the fifteenth day of July of the same year. [*Stats. 1915 s. 20.23, 2394—96; 1917 c. 336 s. 24; 1917 c. 549; 1917 c. 628 s. 9, 10; 1921 c. 418 s. 2; 1921 c. 567 s. 1*]

35.25 Second editions. (1) Whenever any original edition of Wisconsin session laws, of Wisconsin town laws, of Wisconsin statutes, or of the Wisconsin blue book proves inadequate to meet the estimated future demands therefor, the printing board is thereupon empowered and directed, at any time before the linotype from which such original edition was printed shall have been distributed or rearranged, to order printed such further editions as may be adequate to supply such demands.

(2) If actual experience shall demonstrate that the number of copies of session laws, town laws, statutes, or blue books authorized by sections 35.15, 35.18, 35.20 and 35.24 is more than is required to supply the actual demand therefor, the printing board is empowered and directed to make an order reducing the copies to be printed to a number that will supply such demand and no more. [*Stats. 1915 s. 20.19; 1917 c. 336 s. 25*]

PRINTING OF THE THIRD CLASS—REPORTS, PAMPHLETS AND BOOKS.

35.26 Official reports. (1) All reports of state officers, departments, boards, commissions and commissioners shall be made biennial, except those required by law to be made annually. Biennial reports shall cover the two years next preceding the first day of July of each even-numbered year, except the reports of the department of agriculture, and of the state superintendent, which shall cover the two years next preceding the first day of January of each odd-numbered year; and annual reports shall cover one year next preceding the first day of July of every year.

(2) Every such report shall set forth all receipts and disbursements in full and in detail, and be filed with the governor within sixty days next following the period covered. A duplicate of each report shall at the same time be presented by its author to the printing board. No report shall contain any advertising matter nor any copying of the Wisconsin session laws or statutes, except minor extracts explanatory of and incorporated in the text. The detailed tables of purchases in the report of the board of control shall not be printed.

(3) Before filing any report its author shall carefully edit the same and strike therefrom all journals and minutes of proceedings and all correspondence, petitions, orders and other documents or writings whose substance can be briefly stated, consolidate, so far as practicable, statistical tables and strike out all matter which is of interest to individuals chiefly and not important information concerning public affairs. The printing board shall order each duplicate report, ascertained upon careful examination to be in compliance with law, to be printed. Any duplicate report failing to comply substantially with this section shall be returned to its author for correction, and until made so to comply, shall not be printed. [*Stats. 1915 s. 20.24; 1917 c. 336 s. 26*]

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35.27 Limitation of editions of governor's messages and official reports. Within sixty days after receiving printer's copy therefor, the state printer shall print and deliver two thousand copies of every general message addressed by the governor to any general or special session of the legislature, and once a year a complete reprint of all proclamations issued during the preceding twelve months, and editions of the reports mentioned in section 35.26, and of any report now or hereafter required by law to be made to the governor or to the legislature not enumerated in this section nor otherwise limited, of such number of copies containing such number of pages each as may be ordered by the printing board, not exceeding, however, for any report herein mentioned the following limitations:

Report.	Maximum Number of copies.	Maximum Number of pages.
Of the adjutant general	1,000	48
Of the attorney-general, exclusive of opinions	1,200	48
Of the Milwaukee hospital for the insane	500	48
Of the quartermaster-general	1,000	24
Of the secretary of state	2,000	736
Of the printing board	1,000	24
Of the superintendent of public property	1,000	48
Of the state supervisor of inspectors of illuminating oils	800	24
Of the state superintendent of public instruction	4,000	240
Of the state treasurer	1,000	96
Of the department of agriculture	5,000	448
Of the state board of control	2,000	480
Of the Wisconsin state tuberculosis sanatorium	1,000	48
Of the state board of health	5,000	480
Of the board of regents of normal schools	1,000	48
Of the board of regents of the university	3,000	400
Of the board of commissioners of the geological and natural history survey	500	96
Of the commissioner of banking, relating to banks	1,500	No page limitation
Of the commissioner of banking, concerning building and loan associations	500	No page limitation
Of the civil service commission	500	144
Of the dairy and food commissioner	5,000	352
Of the conservation commission	2,500	192
Of the free library commission	1,000	48
Of the insurance commissioner	2,500	No page limitation
Of the commissioners of public lands	500	48
Of the railroad commission, exclusive of its decisions	2,500	No page limitation
Of the industrial commission	5,000	No page limitation
Of the tax commission	6,000	No page limitation
Of the commissioners for the promotion of uniformity of legislation in the United States	500	48
Of the Wisconsin agricultural experiment association	3,000	304
Of the state department of engineering	200	24
Of the state highway commission	4,500	500

[*Stats. 1915 s. 20.25; 1917 c. 336 s. 27; 1917 c. 591; 1919 c. 346 s. 4; 1919 c. 593 s. 1, 2; 1921 c. 422 s. 11; 1921 c. 567 s. 3; 1921 c. 590 s. 43*]

35.28 Parts of official reports. The printing board is empowered in its discretion, to order printed by the state printer from time to time, as leaflets or folders or in pamphlet form, in such numbers as said board shall deem reasonable, copies of the opinions and briefs of the attorney-general; separate copies of the decisions of the railroad commission; and in pamphlet form special editions of parts of official reports. Parts of reports so printed shall be counted as a part of the aggregate number thereof allowed by law to be printed. [*Stats. 1915 s. 20.26; 1917 c. 336 s. 28*]

35.29 Pamphlets and magazines. The printing board is empowered, in its discretion, to order printed by the state printer such catalogues, book lists, courses of study, schoolhouse plans, reports, directories, circulars and folders and other pamphlets as may appear to be necessary for the proper administration of the offices of the state superintendent, the department of agriculture, the conservation commission and the free library commission; also such literature in magazine form as may be suitable to promote the due observance of arbor, bird and memorial days. [*Stats. 1915 s. 20.27; 1917 c. 336 s. 29*]

35.30 Bulletins and transactions of officers and societies. Upon receiving the necessary printer's copy the printing board is empowered, in its discretion, to order printed by the state printer the following bulletins, transactions or proceedings:

(1) Of a quarterly or semiannual bulletin to be issued by the dairy and food commissioner, not more than fifteen thousand copies;

(2) Of the annual transactions of the state horticultural society, not more than two thousand five hundred copies, containing not more than two hundred and fifty pages each;

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(3) Of the annual transactions of the state dairymen's association, not more than three thousand copies, containing not more than two hundred pages each;

(4) Of the annual transactions of the state conference of social work, not more than two thousand copies, containing not more than two hundred fifty pages;

(5) Of the annual proceedings of the association of trustees and superintendents of county asylums, not more than five hundred copies, containing not more than two hundred and fifty pages each;

(6) Of the annual proceedings of the Wisconsin teachers association, not more than five thousand copies, containing not more than two hundred and fifty pages each;

(7) Of the annual report of the Wisconsin live stock breeders association, not more than one thousand five hundred copies, containing not more than two hundred pages each;

(8) Of the annual transactions of the Wisconsin cheesemakers association, not more than two thousand five hundred copies, containing not more than two hundred pages each;

(10) Of the annual proceedings of the Wisconsin game protective association, not more than five thousand copies containing not more than two hundred and fifty pages. [*Stats. 1915 s. 20.28; 1917 c. 14 s. 25; 1917 c. 336 s. 31; 1919 c. 174, 472; 1921 c. 422 s. 12*]

35.305 Printing for organizations of soldiers, marines and army nurses. Upon receiving the necessary printer's copy, the state printing board shall have printed and bound in suitable form, by the state printer, and delivered to the proper officer of each organization, all required copies of department orders, rosters and historical matter and also of the annual proceedings of any Wisconsin organization of soldiers, sailors, marines and army nurses of the civil war, the Spanish-American war, or of any of our subsequent wars. [*1919 c. 372 s. 1*]

35.31 Maps, charts, pictures and other exhibits. (1) Upon the requisition of any officer, board, commission, department or institution entitled to obtain public printing, the printing board may, in its discretion, order the making of the necessary plates for, and the printing of, maps, charts, pictures, tabulations and other exhibits, to be bound as inserts or to be mounted or used separately; and may cause to be made the necessary plates for, and procure, at not to exceed regular commercial prices, lithographed, engraved or embossed stationery. Such electrotypes and other plates excepting plates for maps and lithographed, engraved or embossed stationery, necessary for such printing, shall be delivered to and be receipted and accounted for by the state printer.

(2) The railroad commission shall purchase upon competitive bids, to be filed with and approved by the printing board, a stone or metal plate for the printing of a railroad map of the state, and shall, biennially, on or before June first of such year, present to the printing board a requisition for the printing of railroad maps therefrom, and the printing board shall thereupon procure the printing of such number thereof unmounted and such number thereof mounted on muslin and provided with rollers as are required for distribution by subsection (13) of section 35.84. [*Stats. 1915 s. 20.285; 1917 c. 336 s. 32; 1917 c. 355; 1917 c. 564 s. 1; 1917 c. 677 s. 90; 1919 c. 549 s. 1; 1919 c. 703 s. 37*]

35.32 Other books and printing of a special nature. Upon receiving the necessary printer's copy the printing board shall order printing as follows: Of the opinions of the attorney-general, with syllabi and index, not more than one thousand two hundred copies; of the decisions of the railroad commission, with syllabi and index, not more than two thousand five hundred copies; of each number as issued, of the transactions of the Wisconsin academy of sciences, arts and letters, not more than two thousand copies, together with suitable binding at a cost not exceeding one hundred and fifty dollars per annum of all periodicals and other exchanges which said academy shall hereafter receive; of the transactions of the Wisconsin archæological society, not more than one thousand five hundred copies bimonthly, uniform in style with the volumes heretofore published by said society, containing not more than seventy-five pages each, including the necessary illustrations; of any report made by the conservation commission under subsection (3) of section 23.11, so many copies as may be ordered by the governor; also such books and other printing as the printing board, in its discretion, shall order for the board of commissioners of the geological and natural history survey. [*Stats. 1915 s. 20.31; 1917 c. 336 s. 33; 1919 c. 303 s. 3; 1921 c. 517 s. 5*]

35.33 University and normal school printing. Upon receiving printer's copy, and the necessary requisitions from the respective boards of regents of the University of Wisconsin or of the state normal schools, and of the requisitioning officer of the state historical society, the printing board shall order the state printer to do all book, catalogue, bulletin and other printing, exclusive of job work, which is required for the use of said

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university, including all of its departments and officers, and for the use of said normal schools and for the use of the state historical society. [*Stats. 1915 s. 20.32; 1917 c. 336 s. 34; 1921 c. 567 s. 3*]

PRINTING OF THE FOURTH CLASS—JOB PRINTING.

35.34 Job printing, and all printing not otherwise classified. (1) Job printing includes labels, envelopes, letterheads, noteheads, billheads, blanks of all kinds, blank books, folders, circulars, postal cards, announcements, instructions, cards for card catalogues, indexes, questions for bar, medical, civil service, teachers' or other examinations, slips, pay rolls, statements, tables of receipts and disbursements, certificates, election and other notices, sample ballots, lists of candidates, and such other printing not specified in this chapter as may be permitted or required by law and necessary for the use of the University of Wisconsin or any state normal school, or the state historical society, or any state officer, department, board, commission or commissioner, where it does not interfere with the multigraph or mimeograph operation in the superintendent of public property's offices, including such binding as may be needed in connection with such printing; also all binding and rebinding necessary to preserve books, documents, manuscripts, periodicals and other material collected by any state officer or department or by the state historical society. The printing board shall order all such printing, which it shall determine is needed, to be done by the state printer upon receiving printer's copy and the necessary requisitions therefor from the respective institutions, boards, commissions and officers. The form of all blank pay rolls and expense sheets to be used by any agent, officer, board, commission or commissioner of the state shall be prepared by the secretary of state.

(2) A price list of all printed matter on hand for sale shall be prepared from time to time by the superintendent of public property which the printing board shall have printed and bound as an advertisement in such of the state publications as the board shall designate for that purpose; and the board may require said superintendent to circulate such price list by mail. [*Stats. 1915 s. 20.33; 1917 c. 336 s. 35; 1919 c. 593 s. 1, 2*]

GENERAL PROVISIONS RELATING TO PRINTING OF THE FIRST, SECOND, THIRD AND FOURTH CLASSES.

35.35 Size of pages, style of type. The printed matter, including page titles and page numbers, of each full page of the printing enumerated in this section, shall measure and be printed from type as herein specified:

(1) Of Wisconsin statutes, eight and one-half inches high and five inches wide, bourgeois type, except chapter and other titles, lists, forms, tables of contents, indexes and other tabulations which shall be printed with such type as the revisor may direct.

(2) Of Wisconsin session laws and all reports mentioned in sections 35.26 and 35.27, seven and one-quarter inches high and four inches wide, the text of the session laws in long primer type, and the text of the reports in eight-point type on a ten-point body with all extracts, lists, tabulations, syllabi, indexes and digests printed solid in such type as the printing board shall designate for the promotion of suitable condensation and economy.

(3) Of reprints of session laws, the type and size of pages conforming to the original volumes.

(4) Of Wisconsin blue book, seven and one-quarter inches high and four inches wide, the text in nonpareil with lists, tables, extracts and other statistical matter in such type as the printing board shall direct.

(5) Of the matter printed for Wisconsin academy of sciences, arts and letters, for the board of commissioners of the geological and natural history survey, for Wisconsin archæological society, for state historical society, for the university and normal schools, and for the Wisconsin branch of the American institute of criminal law and criminology; of all pamphlets, bulletins and magazines not previously specified in this section and of all job printing, the size of page and kind of type specified in the requisition therefor, unless ordered otherwise by the printing board; but so far as suitable and practicable said board shall order them to conform as to type and size of pages to the printed official reports. The spacing between lines of session laws, statutes and annotations shall be satisfactory to the revisor, and of all other printing satisfactory to the printing board. [*Stats. 1915 s. 20.34; 1917 c. 336 s. 36*]

35.36 Quality of paper. The paper used for printing Wisconsin session laws, and Wisconsin blue book, shall be the best quality of S. and S. C. book paper, weighing fifty pounds per ream of sheets twenty-five inches by thirty-eight inches; all other printing

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done by state printers, exclusive of legislative printing, shall be upon such paper as shall be determined by the printing board. [*Stats. 1915 s. 20.35; 1917 c. 336 s. 37*]

35.37 Binding. Public printing supplied by state printers, exclusive of legislative and job printing, shall, unless the printing board in its discretion otherwise orders, be bound as specified in this section:

(1) Wisconsin statutes, opinions of the attorney-general and decisions of the railroad commission, in buckram, hand sewed;

(2) Wisconsin session laws, five hundred copies in full sheep and the remainder in half sheep, machine sewed; and acts passed at a special session shall be bound with those passed at a general session of the same legislature whenever the stage of the work of binding at the time the special session is called will permit their consolidation, but a separate title page for each session shall be provided; and whenever the laws of any session occupy more than one thousand pages, they may, in the discretion of the printing board, be bound in two volumes;

(3) Reprints of session laws, same as the original volumes, except that upon the direction of the justices of the supreme court the laws of two or more years shall be bound in single volumes;

(4) Blue book, in blue cloth, except three hundred fifty copies for distribution to state officers, which shall be bound in blue half morocco with the name of the distributee in gilt letters upon the back, all machine sewed;

(5) Town laws and other special editions of statutes, governor's messages, official reports, pamphlets, magazines, bulletins, transactions and proceedings of societies and associations—in paper, wire-stitched, except a part of some of them which shall be bound in cloth, machine sewed, as follows:

Messages of the governor, five hundred copies.
Reports of the secretary of state, two thousand copies.
Reports of the state treasurer, one thousand copies.
Reports of the state superintendent, five hundred copies.
Reports of the commissioner of insurance, all.
Reports of the tax commission, all.
Reports of the railroad commission, one thousand copies.
Reports of the commissioner of banking, relating to banks, all.
Reports of the commissioner of banking, relating to building and loan associations, all.
Reports of the dairy and food commissioner, five thousand copies.
Reports of the dairymen's association, two thousand copies.
Reports of the cheesemakers association, one thousand copies.
Reports of the state board of health, five hundred copies.
Reports of the state board of control, five hundred copies.
Reports of regents of university, five hundred copies.
Reports of agricultural experiment station, three thousand copies.
Reports of agricultural experiment associations, two thousand copies.
Reports of the commissioners for the promotion of uniformity in legislation in the United States, all.
Reports of the department of agriculture, all.
Transactions of the state horticultural society, two thousand five hundred copies.
Transactions of the state dairymen's association, two thousand copies.
Transactions of the state conference of social work, five hundred copies.
Proceedings of associations of trustees and superintendents of county asylums, five hundred copies.
Proceedings of the Wisconsin teachers association, two thousand copies.

(6) All binding for state historical society, board of commissioners of the geological and natural history survey, academy of sciences, arts and letters, and Wisconsin archæological society, shall be such as the printing board, in its discretion, shall order;

(7) All binding for the university and normal schools shall be such as shall be specified in the requisitions therefor unless the printing board, in its discretion, shall order otherwise;

(8) The reports of the railroad commission, of the commissioner of banking and of the commissioner of insurance, shall be bound in separate parts when so ordered by the printing board. [*Stats. 1915 s. 20.37; 1917 c. 336 s. 38; 1919 c. 593 s. 1, 2; 1919 c. 703 s. 15; 1921 c. 422 s. 13*]

35.38 Authority for printing; increase and diminution of editions and pages. The printing board shall not order any printing not authorized by law nor any quantity in excess of the legal limitation thereof. If experience shall demonstrate that the number of copies or the number of pages specified in this chapter for the editions of the blue book exceeds the actual lawful demand therefor, the number of volumes or pages thereafter to be printed shall be still further reduced and limited by the recorded order of the printing board to such number as will supply such demand and no more. In like manner, any specification in any requisition for printing of the number of copies of any folder, bulletin, pamphlet, magazine or other document, which is required to be distributed by the superintendent of public property shall be reduced by the printing board to the actual probable demand therefor, as determined by said board from previous experience in such dis-

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tribution. Power to make such further limitations is vested in said board. [*Stats. 1915 s. 20.38; 1917 c. 336 s. 39*]

35.39 Printing orders; form; when issued. No state printer shall be paid for any printing not authorized by a written order of the printing board or of a chief clerk of the legislature. Every such order shall designate the class of the required printing, plainly state the quantity and kind thereof and be issued in duplicate with a stub copy preserved. A separate series of stubs and duplicates shall be used for each class of printing, and shall be numbered consecutively throughout each contract period, beginning with number one, each stub and its accompanying duplicates bearing the same number. No discretionary order for printing shall issue unless said board is satisfied that the public welfare will be promoted by the requested printing sufficiently to justify the cost thereof. All stubs of orders issued by chief clerks of the legislature shall, at the close of the session, be filed with the printing board. [*Stats. 1915 s. 20.39; 1917 c. 336 s. 40*]

35.40 Title pages, names of authors. The state printer shall provide the necessary printer's copy for a suitable title page, containing the name of the author, and print the same with every book and other document printed by him which requires a title page; but no such publication shall have written or printed thereon, nor attached thereto, the words "Compliments of" followed by the name of the author, nor any other words of similar purport. [*Stats. 1915 s. 20.40; 1917 c. 336 s. 41*]

35.41 Editing printer's copy. Printer's copy must accompany every requisition. The University of Wisconsin, the state normal schools, the state historical society, Wisconsin academy of sciences, arts and letters, Wisconsin archæological society, board of commissioners of the geological and natural history survey, Wisconsin branch of the American institute of criminal law and criminology, and the legislature or either house thereof may determine for themselves the matter and form of the contents of the printer's copy presented by them respectively to the printing board or to the state printer. All other printer's copy which, in the opinion of the printing board, contains matter inappropriate or unnecessary to be printed, or matter not properly edited and condensed, or is for any other reason unfit to go to the printer, shall be returned to its author for revision and correction. [*Stats. 1915 s. 20.41; 1917 c. 336 s. 42*]

CONTRACTS WITH STATE PRINTERS.

35.42 Contract period, separate or single contracts. State printers shall receive printer's copy for all public printing done by them, except that of the first class, and submit proof sheets, and when requested, revise proof sheets thereof at the office of the printing board. When requested by the chief clerk of either house proof sheets of printing of the first class shall be delivered to them. Each of the four classes of printing furnished by the state printers shall be furnished under a separate contract, or all of them under a single contract as shall be determined by said board to be most advantageous to the state, said contracts covering, as to time, the two years included in the governor's term of office next following. [*Stats. 1915 s. 20.42; 1917 c. 336 s. 43*]

35.43 Maximum prices. As a basis for bids for public printing by state printers maximum prices for work and materials, exclusive of paper, are fixed as follows:

COMPOSITION, PER 1,000 EMS.

Plain	$ .80
Figure work	1.20
Rule and figure work	1.60
Reimposing necessitated by make-over of imposed matter, per page	.20
Locking up of imposed matter ordered held, per page	.20

All composition or type setting on all classes of printing, except second and third class, shall be considered and measured as plain composition, with the exception of tabulated work containing box heads with printed rules.

PRESSWORK (Any Color).

Sheet Either Wider or Longer than 14½x17½ Inches.

Printed Matter:	
First 250 impressions	$4.50
Each additional 250 impressions to 1,000	.50
Each 1,000 impressions above 1,000 up to 5,000	3.00
Each 1,000 impressions above 5,000	2.00

Half tones for inserts, per form of 16 pp. or less, add fifty per cent to above prices.

Sheet Neither Wider nor Longer than 14½x17½ Inches.

First 250 impressions	$1.75
Each additional 250 impressions to 1,000	.25
Each 1,000 impressions above 1,000 up to 5,000	1.50
Each 1,000 impressions above 5,000 up to 10,000	1.00

On presswork of 10,000 or over, if the job can be set up and printed more than one on a sheet the printer shall set up such work as many times as the sheet will permit; not, however, exceeding eight times, and charge for presswork shall be for actual impressions made. All presswork shall include color process printing requiring perfect register.

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Changing Matter Already in Type.

Machine composition, actual time at the rate per hour of $3.50
Hand composition, actual time at the rate per hour of 3.00

Folding.

One fold, per 100 sections ..... $ .06
Two folds, per 100 sections ..... .08
Three folds, per 100 sections ..... .10

Pamphlet Binding, per 100 Copies.

Inserting, Gathering, Stitching, Trimming, etc., Included (Folding Extra).

Saddle stitched, 16 pp. or less ..... $ .20
Each additional 16 pp. or fraction thereof ..... .05
With wire-stitched cover including folding per 100 additional ..... .10
Side stitched, 16 pp. or less ..... .30
Each additional 16 pp. or fraction thereof ..... .10
With pasted cover, per 100 additional ..... .40
With extended cover, per 100 books, additional 1.00
Reinforcing, material included (muslin strips), per book ..... .01
If machine sewed instead of wire-stitched, per 100 sections of 16 pages, additional ..... .15

Binding, Machine Thread Sewed Books, Including Stock, per Volume.

Includes collating, sewing, drying, pressing, reinforcing, back (muslin strips), headbands, etc., stamping or marking on backbone or side of cover with gold leaf, or with two leather labels of different colors stamped or marked with gold leaf, as requested by the printing board.

(Folding Extra.)

In pasteboard ..... $ .15
In half sheep ..... .25
In full sheep ..... .45
In flexible leather ..... .40
In cloth ..... .25
In law or art buckram ..... .35
In half calf ..... .75
In full calf 1.25
In half morocco ..... .50
In full morocco 1.25

Over 1,000 pages ten per cent extra.

Tipping-in inserts, not pasted, per 100 ..... .05
Cutting sections at top and sides and tipping-in inserts pasted, per 100 ..... .40
Hand sewing, per 100 sections, extra ..... .20

Binding Blank Books and Stock for Binding.

Includes ruling, folding, collating, sewing, drying, pressing, stamping, or marking with gold leaf, etc., as requested by the printing board.

	Cap 14x8½	Demy 16x10½	Medium 18x11½	Royal 19x12	Double Cap 17x14	Double Demy 21x16	Double Medium 23x18	Double Royal 24x19
Half Russia.								
250 pages	$ 6.80	$ 7.75	$ 8.40	$ 8.60	$ 9.00	$10.35	$11.40	$11.90
500 pages	7.75	8.70	9.55	9.70	10.15	11.65	12.75	13.30
750 pages	8.65	9.75	10.55	10.80	11.25	12.90	14.05	14.60
1000 pages	9.95	11.15	12.15	12.35	12.80	14.55	15.85	16.50
Three-Fourths Russia.								
250 pages	$10.70	$12.00	$13.10	$13.30	$13.70	$15.60	$17.20	$18.00
500 pages	11.85	13.20	14.30	14.60	15.05	17.10	18.85	19.50
750 pages	12.85	14.40	15.55	15.85	16.30	18.50	20.30	21.05
1000 pages	14.50	16.20	17.45	17.80	18.25	20.60	22.65	23.45
Russia Ends and Bands.								
250 pages	$12.25	$15.05	$16.15	$16.45	$16.85	$20.10	$22.40	$23.10
500 pages	14.75	16.30	17.45	17.75	18.20	21.65	23.90	24.70
750 pages	15.80	17.50	18.70	19.00	19.50	23.05	25.50	26.30
1000 pages	17.50	19.50	20.85	21.15	21.70	25.35	32.25	28.90
Ruled Down Lines. Maximum	38 down lines	44 down lines	50 down lines	50 down lines	56 down lines	68 down lines	74 down lines	80 down lines
Box Heads. Maximum	12 box heads	14 box heads	16 box heads	16 box heads	18 box heads	22 box heads	24 box heads	26 box heads

For extra Russia ends and bands, add ten per cent.
Sizes not scheduled take schedule for size having nearest number of square inches.

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Prices are for one form of lines across both (two) pages and three different lengths of down lines.
Add two cents per line, if more than specified, for all extra down lines.
Double or triplicate lines count as one, no additional charge for different color ruled lines.

Flat open, per 100 pages	$ .40
Cloth or canvas alphabet tab index	.50
Leather alphabet tab index	.75
Special leather tabs, reinforced, one side lettered in gold leaf, each	.20
Special leather tabs, reinforced, two sides lettered in gold leaf, each	.25
Paging, per 100 pages	.10
Cut-in index, 25 folded sheets	.40

Corduroy or moleskin in place of cloth on one-half or three-quarter bound books, add ten cents per one hundred square inches according to amount of material used.

Loose Canvas Covers.

Cap or demy	$1.50
Medium, royal or double cap	2.22
Double demy or double royal	3.00
Double medium or double royal	3.50
Double super royal	3.72

Sizes not scheduled take schedule for size having nearest number of square inches.

Ruling.

One hundred sheets	$1.50
Each additional 100 sheets	.20

No extra charge for different color ruled lines or double or triplicate lines.

Binding and Rebinding Books, Periodicals, etc., per Volume.

Includes stock for binding and stamping with gold leaf of the title, author, year, etc., or with two leather labels, stamped or marked with gold leaf as directed.

1000 pages or less	Full Cloth.	Full Buckram or ¾ Buffing or Leather back and tips, cloth sides.	¾ Cowhide or Roan.	¾ Seal Grain Cowhide.	Full Law Buckram with two Leather Titles.	¾ Morocco.	Full Cowhide or Full Buffing or Flexible Leather.	Law Sheep or Calf.
6 in. high	$0.70	$0.80	$1.00	$1.10	$1.10	$1.20	$1.20	$1.25
7 in. high	.80	.90	1.15	1.30	1.30	1.40	1.35	1.50
8 in. high	.90	1.00	1.30	1.50	1.50	1.60	1.50	1.75
9 in. high	1.05	1.20	1.50	1.75	1.75	1.90	1.80	2.25
10 in. high	1.20	1.40	1.70	2.00	2.00	2.20	2.10	2.75
11 in. high	1.35	1.60	1.90	2.25	2.25	2.50	2.40	3.25
12 in. high	1.50	1.80	2.10	2.50	2.50	2.80	2.70	3.75
Each additional inch	.15	.20	.20	.25	.25	.30	.30	.50

Over 1,000 pages add ten per cent.
Above prices include refolding and stubbing of maps, etc., when necessary.

Binding old newspapers, per volume	$2.50
Binding United States and Foreign Patent Office Reports, per volume	1.50

Miscellaneous.

No single job shall be charged at less than ten cents.

Punching paper, one or two holes, per 100	$ .02
Each additional two holes, per 100	.01
Punching paper, slotted loose leaf, two slots, per 100	.06
Each additional two slots, per 100	.02
Punching cards, one or two holes, per 100	.06
Each additional two holes, per 100	.02
Perforating paper, slotted or round hole, per 100	.06
Perforating cards, slotted or round hole, per 100	.08
Eyeleting, including punching, per 100	.15
Stringing tags, etc., with wire or strings, per 100	.15

Numbering, hand, per 1,000 numbers, forty cents, plus extra charge of twenty cents per 1,000 sheets. (That is, 10,000 numbers on 1,000 sheets is $4.20; 10,000 numbers on 10,000 sheets is $6.00.)

Numbering on press, machines run in type forms, add to price of presswork, per 1,000 numbers, twenty cents.

Round cornering:

Books, two corners, 80 pages or less, per 100	$ .05
Each additional 16 pages, per 100	.005
Cards, per corner, per 100	.02
Paper, per corner, per 100	.01
Blocking, per tab	.01
Blocking duplicate, triplicate, etc., including gathering, per tab	.015

All blocking shall have a super back.

Three-Fourths Binding, per Book.

Includes folding, gathering, sewing, trimming, stamping or marking with gold leaf, etc. (as requested), and stock for binding. (Perforating and numbering extra.)

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Sixty square inches, sheep back, leather corners and cloth sides.....$ .40
Each additional twenty square inches..... .05

Books stapled instead of sewed, fifty per cent less.
Books with paper sides instead of cloth, twenty-five per cent less.

CHECK BINDING, PER BOOK.

Includes gathering, stapling, trimming, etc., and stock for binding. (Perforating and numbering extra.)

3½x6	3½x11	7x8½	8½x11	8½x14	8½x17 or 11x14	14x17	17x22
.06	.09	.12	.18	.21	.27	.39	.60

Sizes not scheduled take schedule for size having nearest number of square inches.
Tagboard, with cloth back or tongue, thirty-three and one-third per cent less.
Tagboard, without cloth back, sixty-six and two-thirds per cent less.
Japanese press board same as check binding.
Job-stapled in pads, either with or without cover, same price as blocking.
Minimum charge for any operation, ten cents.

LINOTYPE IN READINESS FOR PRINTING, PER PAGE.

For blue book or session laws.....$1.00
For Wisconsin statutes and annotations..... 1.25

STEREOTYPE PLATES.

Per square inch.....$ .04

[*Stats. 1915 s. 20.43; 1917 c. 336 s. 44; 1919 c. 593 s. 1, 2; 1921 c. 422 s. 14; 1921 c. 567 s. 1, 2*]

35.44 The same; interpretation. Section 35.43 shall be interpreted in harmony with the following provisions:

(1) When applied to the presswork of books, pamphlets, or other documents having sixteen or more pages, or to job work, a thousand impressions shall mean one thousand impressions of a form of sixteen pages or a form containing all the matter, on one side of one thousand sheets, or one thousand impressions of such form on both sides of five hundred sheets. When applied to the presswork of half tones, run separately from the text, a thousand impressions shall mean one thousand impressions of a form of sixteen pages or less on one side of one thousand sheets or one thousand impressions of each form on both sides of five hundred sheets. No single job of presswork shall be charged at less than two hundred fifty impressions. When a job exceeds one thousand impressions, additional fractional parts of a thousand impressions shall be charged for at a pro rata rate of one hundred figured on the basis of the lowest rate per thousand taken by such job. Presswork shall include all lock-up ready for the press and all make-ready and all smut sheeting when required for first-class work.

(2) The quantity of composition shall be ascertained by strict measurement and count. In the class of printing usually known as job work, type shall be measured by the surface actually covered and not by the size of the sheet used, and no blank space shall be charged for. Work containing two or more kinds of type shall be measured separately when each measures one thousand ems or more. Provided, however, that when the type predominating makes one thousand ems or more and the other size or sizes makes less than five hundred ems each, they shall be measured as the type predominating. Composition shall include the taking of all necessary proofs, reading and correcting errors in same, and the imposing of type, slugs, cuts, etc., into pages ready for the press.

(3) No charge for composition shall be allowed for second editions nor for any other reprint from linotype or stereotype plates owned by the state. Type used in printing any opinion, decision, bulletin, pamphlet or other document or job, shall be preserved undistributed for further use whenever the same matter is required to be incorporated in any other book, document or job if the same size and shape of pages and the same style of typo are suitable for both; and no charge for composition for such further use of the type shall be allowed. One charge and no more shall be made for the composition of any printing ordered by both houses of the legislature. No charge for composition shall be allowed for extra copies of any printing ordered before the type shall have been distributed. No distinct job of composition shall be counted at less than one thousand ems. Jobs properly requiring changes on the press shall not be charged for as separate jobs, but charge shall be made for actual time required for making such changes, and the presswork shall be as though one continuous run; provided, however, that such time charge shall in no case exceed the cost of any such job if measured separately.

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(4) Binding shall include all end sheets for binding and collating, drying, pressing, reinforcing, headbands, etc., and stamping or marking with nontarnishing gold leaf, or with two labels of different colors stamped or marked with genuine gold leaf of all sewed books, as shall be requested by the printing board, folding only, extra.

(5) No more than two rulings across and two rulings up and down the sheet will be paid for. Ruling is based on double beam standard ruling machine giving two strikes at one run. When a ruled job will rule and cut two or more to the sheet, such ruling shall be charged for on the basis of full sheets only, and cut up without extra charge.

(6) The cost of linotype does not include the cost of composition, that being charged for separately. The linotype for Wisconsin statutes and Wisconsin blue books becomes the property of the state when ready for use. The printing board may, in its discretion, direct that the linotype for any volume of Wisconsin session laws also become the property of the state and be retained for printing further editions. Wisconsin statutes shall be printed from stereotype plates and the linotype therefor shall be used for the making of such plates only. Said board, in its discretion, may also require state printers to prepare stereotype plates from any linotype owned by the state, or from any other type used for public printing, and direct the printing to be done from such plates. The state printer furnishing any such linotype or plates must store and safely keep the same, and in case of injury thereto or destruction thereof by fire or otherwise, to pay to the state the contract price thereof. All such linotype and plates when determined by the board to be obsolete or worn out shall thereupon be turned over to the state printer having the custody thereof, and he shall be charged in his accounts with the price paid for the linotype and market value of the metal contained in the stereotype plates.

(7) State printers are required to eliminate all typographical errors from their work, notwithstanding the correction of proofs by the printing board.

(8) Work must be done promptly and all type used, all ink and other material furnished and all workmanship must be good and fit, and be satisfactory to the printing board; and in case of any substantial failure to comply with these provisions, the printing board may refuse to receive such defective or delayed printing, and procure what was ordered elsewhere, charging the state printer with the difference between the actual cost and the contract price thereof. But if immediate necessity and lack of time to procure printing elsewhere compel the use of defective printing furnished by a state printer, it shall be accepted without approval, and one-half of the contract price thereof shall be charged to him as liquidated damages for such breaches of contract. [*Stats. 1915 s. 20.44; 1917 c. 336 s. 45; 1919 c. 593 s. 1, 2; 1919 c. 703 s. 15; 1921 c. 567 s. 3*]

35.45 Advertisement for bids. The printing board shall during June and July of each even-numbered year advertise for the term of six successive weeks in six newspapers, each of which is published in a different city of the state, that sealed proposals for furnishing during the next ensuing contract period, the printing included in the several classes of printing required by law to be furnished by state printers, with all other material which the printing board shall require, will be received by said board at its office any time prior to a specified day, when all of said proposals will be there publicly opened and read; that each bidder may, at his option, file a proposal to furnish one, or more than one, or all of said several classes of printing; that upon application said board will in the meantime furnish to bidders a list of the maximum prices established by law and all necessary blanks and information, and that no bids will be considered that are not presented in the form so prescribed. All such forms and a proper form for the advertisement shall be prepared by the attorney-general. [*Stats. 1915 s. 20.45; 1917 c. 336 s. 46; 1919 c. 593 s. 1, 2*]

35.46 Bids, what to contain. Every such bid shall be in writing, inclosed in a sealed envelope, having indorsed thereon "Proposals for State Printing;" shall be filed in the office of the printing board on or before the time specified in the advertisement therefor as the day when the bids will be opened; shall specify the class or classes of printing for which it is made and the per centum of discount off from maximum prices (which shall be uniform, the same discount for every item), at which the bidder proposes to do the work; shall be accompanied by a certificate of the state treasurer showing that the bidder has deposited with such treasurer one thousand dollars in money or United States bonds, subject to the provisions of this chapter; shall be accompanied by a provisional agreement under seal, executed by the bidder to the effect that if such bid be accepted, and if he shall fail to enter into a printing contract and execute a bond within the time and conditioned as required by law, and to the effect that if, after executing such printing contract and bond, he shall fail to comply therewith, then and in either such case, the said one thousand dollars shall become absolutely the property of the state, and shall not constitute an offset or counterclaim against the penalty or damages which may be recovered by the state upon said contract and bond; and shall be further accompanied by a written guaranty signed

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by two or more freeholders, in the sum of five thousand dollars, who shall justify under oath as to their responsibility, to the effect that they guarantee that the bidder will, if his bid be accepted, execute the contract and bond required by law within such time as may be prescribed by said board. Such guaranty shall be accompanied by a certificate of a judge or clerk of a court of record, certifying that he is acquainted with the guarantors and knows them to be men of property and able to make good their guaranty. [*Stats. 1915 s. 20.46; 1917 c. 336 s. 47; 1919 c. 593 s. 1, 2*]

35.47 Opening and acceptance of bids. All bids shall be opened and read publicly at the time and place appointed therefor, or on such adjourned day as may be named by the printing board. Within ten days thereafter such bid or bids of those opened and read shall be accepted as said board shall determine is or are a proposal or proposals to do any one or all of the first four classes of printing for the greatest per centum of discount off from the maximum prices established by section 35.43; provided, that whenever the printing board shall be satisfied that any of said bids has been presented pursuant to an agreement, understanding or combination to prevent free competition, it shall reject all of them and readvertise for bids as in the first instance. Each accepted bid shall have indorsed thereon over the signatures of the printing board or a majority of them, the word: "Accepted" with the date of such acceptance, which indorsement shall constitute immediate notice to the bidder of the fact of acceptance. [*Stats. 1915 s. 20.47; 1917 c. 336 s. 48*]

35.48 Rejection of bids; return of money. No bid shall be considered that does not fully comply with the requirements of section 35.46; and if a bid be rejected for any reason the certificate of the state treasurer, the bidder's provisional agreement and deposited money shall be returned to him. With every accepted bid the accompanying provisional agreement, certificate and money or bonds shall be retained until the bidder has entered into the printing contract, and furnished the bond required of him by section 35.49 and has fully performed all the terms and conditions thereof. Upon such full performance they shall be returned to him. [*Stats. 1915 s. 20.48; 1917 c. 336 s. 49*]

35.49 Printing contract and bond. Within ten days after the acceptance of any bid, or such further time as the printing board may allow therefor, said board shall cause a contract to be prepared and entered into by said board on the part of the state and said bidder, setting forth fully the terms and conditions under which the work specified is to be performed. Such bidder shall at the same time execute a bond to the state with not less than two sureties who shall be resident freeholders of this state, and who shall justify under oath that they are worth over and above all debts and property exempt from execution, an amount equal to the amount named in such bond, conditioned for the faithful performance of all duties required of him by law and by the terms and conditions of his contract. The amount or penalty of such bond shall be twenty thousand dollars if the obligor's contract be for the furnishing of two or more of the first four classes of public printing; and ten thousand dollars if his contract be for the furnishing of one of said classes of printing. Said bond shall be approved by said board and, together with the contract and all other papers relating thereto, be deposited in the office of the secretary of state. [*Stats. 1915 s. 20.49; 1917 c. 336 s. 50*]

35.50 Breach of printing contracts. If a successful bidder fails to enter into a printing contract and execute a bond as required by this chapter the one thousand dollars deposited by him with the treasurer shall at once become the absolute property of the state; and there shall be forfeited to the state the amount of the penalty named in the guaranty accompanying his provisional agreement. If such bidder or contractor shall enter upon the performance of his printing contract, and shall thereafter at any time during the term thereof refuse or neglect to comply with its terms and conditions or with the law relating to public printing, he shall be liable to the state in damages to the amount of the difference between the cost of public printing under his printing contract and the cost thereof under any subsequent contract or contracts made by the printing board, pursuant to law for the supplying of such public printing as he ought to have supplied under the terms of his printing contract. It is the duty of the attorney-general, in all cases of damages and of forfeitures arising under this chapter, to commence and prosecute to final judgment all necessary actions for the recovery thereof with costs, which, when collected, shall be paid into the state treasury. [*Stats. 1915 s. 20.50; 1917 c. 336 s. 51*]

35.51 Reletting contracts. If a successful bidder fails to execute a printing contract with accompanying bond pursuant to his preliminary agreement and accepted bid, the printing board shall let the contract to the next lowest bidder, unless in its opinion the interest of the state requires that new proposals be received, in which case it shall immediately proceed to advertise for new proposals in the manner directed by this

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chapter. If the contractor refuses or neglects to execute the work according to law and the terms of his printing contract, said board shall declare such contract avoided and his bond forfeited, and shall forthwith advertise for bids as in the first instance for the remainder of the contract period. Such emergency public printing as must be had while so readvertising and reletting contracts may be obtained by said board at current commercial rates. [*Stats. 1915 s. 20.51; 1917 c. 336 s. 52*]

35.52 Delivery of public printing. The printing specified in each separate order for printing shall be separately performed and, when completed, shall be delivered by the state printer as follows: Printing for the University of Wisconsin and for the normal schools, to the secretaries of their boards of regents, respectively; printing for state historical society, for Wisconsin academy of sciences, arts and letters, for Wisconsin archæological society, board of commissioners of the geological and natural history survey, and for the Wisconsin branch of the American institute of criminal law and criminology, to their respective secretaries; printing of the first class, to the chief clerks, respectively, who order it, printing of the fourth class, to the superintendent of public property. Every person to whom any public printing shall be delivered as aforesaid, shall receipt for the same upon the back of the duplicate orders, if the quantity thereof is found upon actual count to correspond with the requirements of the order, and one of said receipted duplicates shall be filed with the printing board. [*Stats. 1915 s. 20.52; 1917 c. 336 s. 53; 1919 c. 593 s. 3*]

35.53 Bills for printing. Every state printer shall file with the printing board an itemized statement of account for each document or job of public printing furnished by him, together with one copy of such document or job, specifying in his account, which shall be numbered the same as the printing order pursuant to which the work was done, the number of copies printed, the number of ems of composition, the extra charges, if any, the number of thousands of impressions of presswork or fraction thereof, the cost of folding, stitching and binding, and designate the kind and quantity of paper used. Every such bill or account shall be deposited after careful examination thereof by the printing board in the office of the secretary of state, together with a statement of any errors it may have discovered therein and a copy of the document or job for which the bill was rendered. [*Stats. 1915 s. 20.53; 1917 c. 336 s. 54*]

35.54 Accounts. The printing board shall keep an account of all paper delivered to state printers and prevent waste thereof. It shall also make and keep a record in separate columns of the cost, according to contract price, of each item mentioned in section 35.53, entering into each separate document or job of public printing, and the aggregate cost of all; grouping said records separately for each of the classes of printing furnished by state printers. [*Stats. 1915 s. 20.54; 1917 c. 336 s. 55*]

35.55 Special purchases. Any material necessarily required in doing public printing which is not provided for by sections 35.43 and 35.44, and is not required of state printers by existing contracts, may be procured by the printing board at not exceeding current trade prices. [*Stats. 1915 s. 20.55; 1917 c. 336 s. 56*]

CONTRACTS FOR THE PURCHASE OF PAPER.

35.56 Advertisement for bids. From time to time, the printing board shall record in the minutes of its proceedings its estimates of the quantity of each class or kind of paper the state will require for use during the next succeeding contract period. Thereupon said board shall advertise in such manner as it shall deem most likely to attract the attention of probable bidders, that sealed proposals to furnish the state the classes and quantities of paper so designated and estimated will be received by said board at its office at any time prior to a specified day when they will be there publicly opened and read; that a bond, describing it, must accompany each bid and that no bid not so accompanied will be considered, and that upon application said board will furnish bidders all necessary blanks and information. [*Stats. 1915 s. 20.56; 1917 c. 336 s. 57*]

35.57 Samples. Before making and reporting the estimates required by section 35.56 the printing board shall procure suitable samples of each class of paper to be specified therein, which samples shall be properly labeled and kept in its office for the inspection of bidders, and shall at all times be the standard of the quality, weight and size of the paper to be furnished by the contractors. [*Stats. 1915 s. 20.57; 1917 c. 336 s. 58*]

35.58 Bids; bond. Every bidder may propose to furnish any one, more than one, or all of the classes of paper specified in the advertisement. Every bid shall be inclosed in a sealed envelope indorsed "Proposal to Furnish Paper," and be accompanied by a bond in the sum of two thousand dollars executed by the bidder, and two sureties approved by the printing board, and conditioned that the bidder will make and truly perform the contract proposed by his bid if the same be accepted, and will pay to the state any excess of

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cost over his bid or bids which it may be obliged to pay for the paper therein described by reason of his failure to make such contract or to furnish such paper, and that the bond shall become void in case his bid be not accepted and also in case he makes and fully performs his proposed contract. [*Stats. 1915 s. 20.58; 1917 c. 336 s. 59*]

35.59 Opening and acceptance of bids. All bids shall be opened and read publicly at the time and place appointed therefor, or on such adjourned day as may be named by the printing board. Within ten days thereafter such bid or bids of those opened and read shall be accepted as such board shall determine is or are a proposal or proposals to furnish the entire aggregate quantity of paper specified in any one or all of such classes for the smallest aggregate sum of money. Each accepted bid shall have indorsed thereon, over the signatures of the members of said board, or a majority of them, the word "Accepted," with the date of such acceptance, which indorsement shall constitute immediate notice to the bidder of the fact of acceptance. Within ten days after such acceptance, or such further time as the printing board may allow therefor, the bidder shall execute and deliver to said board the contract and bond required by law. [*Stats. 1915 s. 20.59; 1917 c. 336 s. 60*]

35.60 Inspection, delivery, custody. After being inspected and found by the printing board to fully comply with the contract, all paper purchased under the provisions of this chapter shall be delivered to the superintendent of public property, who shall be the accountable custodian thereof and shall deliver therefrom to state printers such quantities thereof as said board, from time to time, orders. Duplicate stubs of all such orders shall be preserved by said board. [*Stats. 1915 s. 20.60; 1917 c. 336 s. 61*]

35.61 Contractor's samples, waste, conversion. Every contractor shall deliver to the printing board, along with his bills and accounts presented for audit and allowance, a correct sample of each class and kind of paper for which a charge is made. Every state printer shall be allowed five per cent for waste on all jobs of ten quires or less, and three per cent on all jobs of more than ten quires, and on or before the last day of March, June, September and December of each year he shall deliver to the printing board a statement of the quantity of each kind of paper belonging to the state which has not been used in public printing, and when ordered by the board deliver such paper to the superintendent of public property. If any paper has been wasted or converted to any other use such printer shall be charged with the value thereof, together with a penalty of fifty per cent thereof, and the amount shall be deducted from any sums due him from the state, or collected from him and his bondsmen. [*Stats. 1915 s. 20.61; 1917 c. 336 s. 62*]

35.62 Emergency purchases. Whenever paper not on hand shall be urgently needed before the same can be procured in the manner provided by this chapter, the printing board is empowered to purchase what is required for immediate and temporary use at current market prices. [*Stats. 1915 s. 20.62; 1917 c. 336 s. 63*]

PRINTING OF THE FIFTH CLASS—NEWSPAPER PRINTING.

35.63 Official state paper. The legislature shall declare some newspaper published in Wisconsin to be the official state paper, in which shall be published all the laws, advertisements, proclamations and communications of every nature which may now or hereafter be required to be officially published. Any such publication from either of the state departments in such paper shall be deemed official. Until a further designation is made the Capital Times of Madison, Wisconsin, is declared to be the official state paper. [*Stats. 1915 s. 20.63; 1917 c. 336 s. 64; 1919 c. 4; 1921 c. 23*]

35.64 Publication of all laws. Every law shall be published in the official state paper immediately after its passage and approval, in type not smaller than six point; and until so published shall not take effect. [*Stats. 1915 s. 20.64; 1917 c. 336 s. 65*]

35.65 Publication defined. Publication in a single issue of the state paper shall constitute full publication under section 35.64. [*1917 c. 336 s. 66*]

35.66 Republication of fiscal laws. The secretary of state may, in his discretion, from time to time, cause to be published in one or more newspapers, such laws or extracts therefrom relating to the collection or payment of moneys that may be due or become due to the state, or relating to the duties to be performed by public officers with such appropriate forms as he may deem necessary. [*Stats. 1915 s. 20.66; 1917 c. 336 s. 67*]

35.67 Condensed statement of state's fiscal condition. The state treasurer shall make, in addition to his biennial report, at the close of each odd-numbered fiscal year, a condensed statement of the financial condition of the state, and submit the same to the secretary of state, who shall carefully compare the same with his own accounts and attest the same as correct, if it be so found upon such examination, and thereupon said secretary shall cause said statement to be published in the official state paper and another newspaper, to be designated by him, published within the state and representing a different

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political party from that represented by the official state paper. [*Stats. 1915 s. 20.67; 1917 c. 336 s. 68*]

35.68 Printer's copy, supervision, English language, definition of publication. The secretary of state shall provide printer's copy for, and supervise, the printing and reprinting of all laws in newspapers; and every state officer, board or commission required by law to cause the newspaper publication of any account, notice, statement, advertisement, proclamation or other matter, shall furnish the necessary printer's copy and supervise the printing thereof. All such printing shall be in the English language only. Every statutory requirement of newspaper publication shall be construed to mean one insertion unless a different meaning is obvious. [*Stats. 1915 s. 20.68; 1917 c. 336 s. 69*]

35.69 Fees. The compensation to the official state paper for the original printing of the laws and to said paper and all other newspapers printed in cities of the first class for reprinting any law or for printing all election and other notices, all accounts, fiscal statements, advertisements, proclamations or other matter required to be published at the expense of the state shall equal the amount regularly received by such newspaper for the same amount of advertising space, not exceeding, however, eighty cents per folio for the first insertion and forty-five cents per folio for each subsequent insertion. The rates in the case of other papers shall not exceed sixty cents per folio for the first insertion and forty-five cents per folio for each subsequent insertion. The price in full for the publication in any paper of advertisements of the sale of school, university or other public lands shall not exceed fifty cents each description whenever the advertisement contains fifteen descriptions or more. All expenditures for transportation, communication, and delivery incidental to any such printing shall be borne by the paper doing the same. [*Stats. 1915 s. 20.69; 1917 c. 336 s. 70; 1919 c. 4 s. 2, 3*]

35.70 Republication of general laws by other newspapers. The publisher of any weekly or semiweekly newspaper printed in whole or in part within the state, which shall have been regularly published during the six months immediately prior to the opening of any regular session of the legislature, with bona fide circulation to actual paying subscribers during all that time of not less than three hundred copies each issue, may republish in such newspaper in pamphlet form which shall be denominated "Wisconsin Copy Law Supplement" with printed page approximately from eight and one-quarter by eleven and one-half inches to nine and one-quarter by twelve and one-half inches, using not less than six point type, in the numerical order of their chapters, all of the general laws passed at any such session, which shall be designated by the secretary of state in the official paper as "Copy Laws," and upon filing with said secretary satisfactory proof by affidavit of such publication, shall be paid one hundred and twenty-five dollars therefor out of the state treasury. A six months' publication shall not be required of any newspaper that shall satisfy the secretary of state that its failure to be so published was caused by the absence of its publisher in the military or naval service of the United States. [*Stats. 1915 s. 20.70; 1917 c. 336 s. 71; 1919 c. 63; 1921 c. 432*]

PRINTING OF THE SIXTH CLASS—WISCONSIN REPORTS.

35.71 Appointment of supreme court reporter, assistant, and additional help. The supreme court shall, from time to time, appoint, subject to removal, a supreme court reporter; and with the approval of said court the reporter may, from time to time, appoint, subject to removal, an assistant. Every such appointment of an assistant shall be in writing, shall specify the salary of the appointee, and, after approval as aforesaid, shall be filed with the clerk of the court. Said court may also authorize and direct the reporter to employ such additional help as may be necessary to secure the prompt publication of its decisions. All bills for the compensation for such additional helpers shall be approved by the chief justice, or, in his absence, by the ranking justice present, before the same shall be audited and allowed by the secretary of state. A certified copy of every order appointing a reporter, of every appointment of an assistant and the order approving the same, and of every order authorizing the employment of additional help, shall be filed in the office of the secretary of state. All persons appointed or employed under the provisions of this section shall be deemed assistants and employes of the supreme court. [*Stats. 1915 s. 20.71; 1917 c. 336 s. 72*]

35.72 Reporter's bond. Said reporter shall, before he enters upon the duties of his office, execute to the state a bond in the sum of two thousand dollars, with two sufficient sureties to be approved by the secretary of state, conditioned for the faithful performance of his duties as such reporter. [*Stats. 1915 s. 20.72; 1917 c. 336 s. 73*]

35.73 Reporter's duties. The supreme court reporter is charged with the duty of reporting and procuring the printing and binding, with all convenient speed of all decisions of the supreme court which the court designates for publication, together with suit-

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able notes, abstracts, tables, citations, indexes and other matter, subject to the supervision of the court and pursuant to contract for the publication of volumes known as "Wisconsin Reports" entered into by the printing board as provided in this chapter. Said reporter shall have no pecuniary interest in said reports, but shall procure in the name of and for the state a copyright upon each volume. [*Stats. 1915 s. 20.73; 1917 c. 336 s. 74*]

35.74 Wisconsin reports; size and description. The reports of the supreme court shall be printed and bound in good substantial manner and form and with good material for law books. Before the printing board advertises for bids for the publication of said reports, the court may designate the maximum and minimum number of pages which each volume shall contain, the dimensions of the printed page and the margins thereof, the sizes and styles of type, the kind and weight of paper, and the kind of binding to be used during the next contract period; and when such designation shall have been filed with the printing board, the subsequent advertisements and contracts shall conform thereto until a new designation shall have been made and filed as aforesaid. If no such designation be filed the reports shall continue to conform to the specifications of the contract for their publication entered into in the year nineteen hundred ten. If in any case or for any cause a volume shall contain more than the maximum number of pages, no increase of price shall be charged therefor by the publisher. [*Stats. 1915 s. 20.74; 1917 c. 336 s. 75*]

CONTRACTS FOR PUBLICATION OF WISCONSIN REPORTS.

35.75 Periods and conditions. All contract periods for the publication of the supreme court reports shall be eight years each, commencing on the first day of August in the year nineteen hundred eighteen and in each eighth year thereafter. Every such contract shall contain the following covenants on the part of the publisher: That he will print, bind and issue every volume of said reports for which the manuscript shall be furnished to him by the supreme court reporter during said period; that he will publish, deliver and place on sale each of said volumes within sixty days after delivery to him, at the capitol in Madison, of the manuscript of a sufficient number of decisions for such volume, not counting as any part of said sixty days the time elapsing between the delivery by the publisher to the reporter of the last page proofs of such decisions and the delivery by the reporter to the publisher of the manuscript copy for the index, tables of cases and citations; that he will furnish promptly to the reporter, at the capitol in Madison, galley proofs, triplicate page proofs, and triplicate plate proofs of the matter contained in each volume, and revises of such proofs if called for by the reporter, and will make all changes required by the reporter and marked by him on the various proofs, and will furnish duplicate proofs from the corrected plates in case the reporter determines that changes in stereotype plates are essential; that he will remain fully obligated to eliminate all typographical errors from the work, notwithstanding the correction of proofs by said reporter; that he will keep said volumes at all times on sale in the state of Wisconsin to residents thereof at contract price, in suitable quantities, and at such places as may be designated therefor by the printing board; that he will deliver to the superintendent of public property at Madison, immediately after the publication, and subject to approval and acceptance by the justices of the supreme court or a majority of them, three hundred fifty copies of each volume, and will thereafter sell to the state at the contract price such additional copies as it may require, making delivery at the same place; that he will procure stereotype plates of each volume and substitute new plates whenever the original ones shall become defaced or destroyed; that he will not take out or procure to be taken out any copyright whatever upon any such volume, except in the name and for the benefit of the state of Wisconsin, and that upon any breach of this covenant as to copyright he will pay to the state treasurer five hundred dollars as liquidated damages; that the printing board may declare the contract forfeited, whenever it shall be determined in any action upon the bond of such publisher, that he has failed in any respect to comply with the provisions of this chapter or of his contract; that upon any forfeiture, so declared, he will upon demand transfer to the secretary of state for the use of the state all stereotype plates of all volumes published under such contract, or will pay to the treasurer of the state one thousand dollars for each such volume as liquidated damages for the failure to make such transfer, and that such failure shall be deemed a breach of the conditions of his bond, and such liquidated damages may be recovered by action thereupon; and that he will comply with all the provisions of this chapter on his part to be performed, and will make no charge or claim against the state for full performance of said contract, except for the contract price of the volumes sold and delivered in addition to the aforesaid three hundred and fifty volumes. But said publisher, his representatives and assigns, may continue to publish and sell any such volume originally published by him, so long as he and they comply with all the requirements of this chapter and of his

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contract in respect to the character, sale and price thereof, notwithstanding a copyright vested in the state. [*Stats. 1915 s. 20.75; 1917 c. 336 s. 76*]

35.76 Advertisement for bids. Commencing in the first week in April next preceding each contract period, the printing board shall advertise for six successive weeks in newspapers, each of which is published in a different city of the state, that sealed proposals for printing, publishing and delivering the supreme court reports, as required by this chapter will be received by said board at its office, and there publicly opened and read at a specified time, and that upon application said board will furnish to bidders all necessary information and blanks. [*Stats. 1915 s. 20.76; 1917 c. 336 s. 77*]

35.77 Deposit by bidders, contents of bid. Each bidder shall deposit with the state treasurer before filing his proposal the sum of one thousand dollars, to be forfeited to the state in case he shall not make a contract according with the terms of his proposal, if accepted, and according with the requirements of this chapter, take a receipt therefor from said treasurer, stating the aforesaid conditions of the deposit, and deliver the same to the printing board with his proposal. Each proposal shall specify the price per volume at which the volumes to be published during the contract period will be sold to residents of this state, which price shall not exceed two dollars. [*Stats. 1915 s. 20.77; 1917 c. 336 s. 78*]

35.78 Opening and acceptance of bids. All proposals shall be opened and read publicly at the time and place appointed therefor, or on such adjourned day as may be named by the printing board. Thereupon that proposal shall be accepted which proposes to sell said reports to residents of the state at the lowest price per volume. Each accepted proposal shall have indorsed thereon, over the signature of the members of the printing board, or of a majority of them, the word "Accepted," with the date of such acceptance, which indorsement shall constitute immediate notice to the bidder of the fact of acceptance. [*Stats. 1915 s. 20.78; 1917 c. 336 s. 79*]

35.79 Contractor's bond; reletting contract. Within thirty days after the acceptance of any proposal, or such further time as the printing board may allow therefor, the successful bidder shall make a contract according with the terms of his proposal and according with the terms of this chapter, and shall execute to the state, and deposit with the state treasurer a bond in the penal sum of ten thousand dollars, conditioned to fulfill such contract in all particulars, with at least two sufficient sureties, residents of this state, to be approved by the secretary of state. Such bond shall by its terms be the joint and several obligation of the person executing it; but such bidder may, in lieu of sureties to such bond, deposit therewith bonds of the United States, payable to the bearer, amounting to not less than ten thousand dollars, which shall be deemed and held to be forfeited to the state of Wisconsin, in case of the failure of such bidder to fulfill any of the conditions of his said bond by him to be performed. If the successful bidder fail to complete his contract or forfeit the same for any cause, the printing board shall relet the contract as soon thereafter as practicable, for the remainder of the contract period, in the manner herein provided for letting the original contract. [*Stats. 1915 s. 20.79; 1917 c. 336 s. 80*]

PRINTING OF THE SEVENTH CLASS—FOR PARTICULAR STATE INSTITUTIONS.

35.80 Printing for particular state institutions. The managing head or executive officer of any state institution or department located outside of the city of Madison may secure competitive bids for job printing needed by such institution or department, and submit them to the printing board. If said board approves the lowest of such bids, such managing head or executive officer may contract for such printing with such lowest bidder. He shall file a copy of every such contract with the printing board within twenty days after making the same, together with an itemized statement of the printer's claim and account for performance thereof and a sample of the printing actually done. No such claim or account shall be audited or paid unless the approval of the printing board is indorsed thereon. [*Stats. 1915 s. 20.03; 1917 c. 336 s. 81*]

DISTRIBUTION OF PUBLIC PRINTING.

35.81 Authority for distribution; accounting. All public printing delivered to the superintendent of public property by state printers and by the publishers of Wisconsin reports shall be distributed to the persons and in the manner directed by law, and not otherwise, be receipted for by the distributees to said superintendent, and by him be accounted for in such manner that his records will show the date, quantity, kind or description of every receipt and delivery thereof and the name of every distributee. [*Stats. 1915 s. 20.80; 1917 c. 336 s. 82*]

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35.82 Distribution within state, how made. All distributions of public printing to state officers, to other public officers, to municipalities, schools and institutions within the state shall be personal as far as practicable; and when otherwise, by mail, express or freight as will be suitable and least expensive, all carriage charges payable by the state. Distributions directed in this chapter upon the applications of designated distributees shall not be made without such applications, which, except when personal, must be made in writing and filed. [*Stats. 1915 s. 20.81; 1917 c. 336 s. 83*]

35.83 Definitions of "state officers" and of "public libraries." Every direction in sections 35.84 and 35.85 to distribute any public printing to state officers or to each state officer without other limitation, means those holding office at the time when the printing regularly should issue, and includes the governor, lieutenant governor, each justice and the clerk of the supreme court, the supreme court reporter, each circuit judge, the revisor; every member of the legislature, every officer required to report in writing to the governor or to the legislature; every chairman or president of a state board or commission; the secretary, assistant and chief clerk of every such state officer, board and commission; and the chief clerks and the sergeants at arms of both houses of the legislature. And every such direction to distribute to public libraries or to each public library without other limitation, means and includes the state library, the university law library, the Milwaukee law library association, and the Oshkosh law library, the state historical society, the libraries of the University of Wisconsin, of the legislative reference department, of the state normal schools, of all chartered colleges and academies, having three hundred or more volumes each, and of all other public libraries within the state having one thousand or more volumes, each. [*Stats. 1915 s. 20.83; 1917 c. 336 s. 85*]

35.84 Distribution, to whom. Immediately after the receipt of public printing by the superintendent of public property he shall make distribution therefrom as follows:

(1) Of the legislative directory provided by section 35.05, one copy to each member-elect of the legislature, and one copy to each other state officer applying therefor; the remainder, immediately after the organization of the legislature, to the chief clerks in the proportion of one-third to the chief clerk of the senate and two-thirds to the chief clerk of the assembly.

(2) Of such portions of the budget estimates as may be printed pursuant to section 35.06, one copy to the governor and one copy to each member-elect of the legislature.

(3) Of the legislative journals in book form, one copy to each state officer and each senator and assemblyman applying therefor, and to each member, officer, journal clerk and index clerk of the next succeeding legislature applying therefor; not exceeding ten copies each to the state library, the university library, the university law library and the library of the legislative reference department; one copy each to all other public libraries applying therefor. The copies printed on bond paper shall be delivered to the respective chief clerks. Each chief clerk shall, upon request, be supplied for use during the session, with the journals of any previous session of the legislature.

(4) Of Wisconsin session laws, one copy to each member and officer of the legislature enacting them, four copies to each chief clerk of the next succeeding legislature, one copy each to the governor, secretary of state, attorney-general, justices of the supreme court, supreme court reporter, revisor, each judge and clerk of every other court of record, each judge and district attorney of the United States in this state, the secretary of state of the United States, the library of congress, the Milwaukee law library association and the Oshkosh law library; to the state library, the library of the legislative reference department, the state historical society, the law library of Marquette University, and the university law library, ten copies each.

(5) Of reprints of session laws, the same distribution as in the case of Wisconsin session laws, except members of the legislature, so far as necessary to enable the distributees to make their official sets complete.

(6) (a) Of Wisconsin statutes, one copy to each state officer and each senator and assemblyman applying therefor and to each member and officer of the next succeeding legislature applying therefor; four copies to each chief clerk of such legislature; one copy to each judge and district attorney of the United States in this state, the secretary of state of the United States, the library of congress, each charitable and penal institution of the state, the Milwaukee law library association, the Oshkosh law library, and each other public library applying therefor; not exceeding ten further copies each to the state library, the university law library, the law library of Marquette University, the library of the legislative reference department and the state historical society; and to the county clerk of each county enough copies to enable him to deliver one copy to each of the following officers in his county: The judge and clerk of each court of record, the county clerk, treasurer, sheriff, district attorney, register of deeds, surveyor, coroner, county superintendent

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of schools, superintendent of poor, chairman of the county board and each village and city clerk.

(b) Each town, village and city shall purchase from the superintendent of public property for the use of justices of the peace such number of copies as each, respectively, shall determine are needed within its boundaries for that purpose.

(7) Of pamphlet laws printed pursuant to section 35.17, one copy to each public officer named in lists filed with the superintendent of public property, for the purpose of such distribution by the respective officers upon whose requisitions the same were printed.

(8) Of Wisconsin town laws, to the county clerk of each county enough to enable him to deliver one copy to each town chairman and to each town clerk in his county.

(9) Of Wisconsin Annotations, one copy to each state officer applying therefor; one copy to each judge and district attorney of the United States in this state, the secretary of state of the United States, the library of congress, the Milwaukee law library association, the Oshkosh law library, and each public library applying therefor; not exceeding ten further copies each to the state library, the university law library, the library of the legislative reference department, and the state historical society; and to the county clerk of each county enough copies to enable him to deliver one copy to each of the following officers in his county: The judge and clerk of each court of record, county clerk and district attorney.

(10) Of the governor's message and of all official reports, printed by authority of section 35.27 one copy of each to each state officer, each public library and to each member of the next succeeding legislature applying therefor. Any state officer, board or commission may file a list of other public officers to whom he or they desire his or their official reports sent, and said superintendent shall make distribution accordingly, one copy to each.

(11) Of parts of official reports, pamphlets and magazines, and bulletins and transactions of officers and societies, printed by authority of sections 35.28, 35.29 or 35.30, one copy of each to each person named in lists filed for the purpose of such distributions by the respective officers, boards, commissions and societies upon whose requisitions the same were printed; but the lists filed by the state superintendent and by the free library commission shall designate by counties the matter to be distributed to schools of all kinds and school libraries in such counties, respectively, and the matter so designated shall be shipped by freight or express to the county superintendents of schools, who shall make the ultimate distribution at the cost of the counties respectively. Every such list filed by the state horticultural society, the Wisconsin agricultural experiment association, the state dairymen's association, the state conference of charities and corrections, the association of trustees and superintendents of county asylums, the Wisconsin teachers association, the Wisconsin live stock breeders association, or the Wisconsin cheesemakers association shall be accompanied with the necessary postage for the required carriage by mail, and unless so accompanied shall not be used.

(12) Leaflets, folders and pamphlets printed for the attorney-general or for the railroad commission may, by order of the printing board, be delivered to them respectively for distribution.

(13) Of the railroad maps of Wisconsin, upon application therefor, one copy to each state officer, each penal and reformatory institution, each newspaper entitled to a blue book, each public library, school, academy and college; ten further copies each to the state library, university library and the state historical society; to the railroad commission such number as it may require. All copies intended for libraries, schools, academies and colleges other than the state library, the university library and the state historical society shall be shipped to the county superintendents and distributed by them as provided in subsection (11).

(13a) To each member and officer of the legislature at each regular session thereof, fifty highway wall maps of Wisconsin, fifty highway pocket maps of Wisconsin, and fifty mounted railroad wall maps of Wisconsin.

(14) Of the Wisconsin blue book, one copy to each state officer other than member of the legislature, to each member, officer, employe of the next succeeding legislature, and employe of the state capitol, to each charitable, penal and reformatory institution, each judge, clerk and district attorney of the United States courts within the state, each senator and representative in congress and each member-elect as such, the state dairymen's association, the academy of sciences, arts and letters, each newspaper applying therefor whose name is listed therein, and the home office of the Wisconsin humane society; ten copies each to the state library, university library, university law library, the library of the legislative reference department, and the state historical society; one copy each to each other

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public library; two copies to the state horticultural society; one copy to each high school, state graded school, county training school for teachers, county school of agriculture and domestic economy; one copy to each rural school, the mailing lists for this purpose to be supplied by the respective county and district superintendents to the superintendent of public property; as many copies to each city superintendent as shall be necessary to supply six to each school building housing a grade or grades above the fifth grade, such number of buildings to be certified by the city superintendent to the superintendent of public property; one copy to each other school, academy and college applying therefor; to the adjutant general for the use of the national guard, fifty copies; to the county clerk of each county enough copies to enable him to deliver one copy to the following officers in his county: The judge and clerk of each court of record, the county clerk, district attorney, county superintendent of schools, chairman of the county board and clerk of each city; and to each member of the legislature upon requisition therefor not to exceed two hundred copies, to be delivered to himself or as he may direct, and to each officer of the legislature, fifty copies to be delivered to himself, and to each employe of the legislature, one copy.

(15) Of the opinions of the attorney-general and the decisions of the railroad commission bound separately from their respective reports, one copy of each to each state officer applying for them, each clerk of a court of record, each city clerk, each public library applying therefor and ten further copies each to the state library, the university library, the university law library and the state historical society.

(16) Of the supreme court reports acquired by contract or purchase, one copy to the industrial commission, one copy to each justice of the supreme court, the supreme court reporter, the revisor, each judge of the United States courts in this state, each judge of the circuit and county courts, each judge of the district court, civil courts, and municipal courts in counties having a population of three hundred thousand or more, each judge of every other court of record, and each judge of every municipal court from which appeals may be taken directly to the supreme court; each clerk of the aforesaid courts except the supreme court, each law library mentioned in section 35.83. Ten further copies shall be delivered to the university law library, the law library of Marquette University, and such further number to the state library as its librarian may request for its use. Further distribution shall be made as may be required to effect exchanges authorized by law. The remaining copies shall be retained for future distribution according to law.

(16a) The superintendent of public property shall provide the judge of any circuit court with copies of such volumes of the supreme court reports as were never previously furnished him or his predecessors in office.

(17) The printing board may order such further distribution of Wisconsin Statutes and Wisconsin session laws as may be needed for official use by any justice of the supreme court or by any executive or administrative officer, board or commission; and also, in its discretion, may direct the delivery by the superintendent of public property to the author of any public printing specified in sections 35.27, 35.28, 35.29, and 35.30, of such number of copies as it shall deem reasonable, for official use.

(18) The free library commission shall file with the superintendent of public property, from time to time, lists of such state publications as it determines ought to be distributed to public libraries irrespective of requests therefor and in addition to distribution provided for by this section. Distribution shall thereupon be made accordingly.

(19) The chief clerks of the senate and assembly shall send to each county clerk and to each normal school, college and public library in this state, as soon as printed, copies of all bills, resolutions, joint resolutions and memorials introduced into the senate and assembly, also the senate and assembly journals, enrolled bills, indices, bulletins, and other printed matter on the order of the legislature, together with proper filing appliances. Each county clerk shall file in his office all material received hereunder and keep the same open to public inspection. [*Stats. 1915 s. 20.84, 111o; 1917 c. 21, 89; 1917 c. 336 s. 86, 87; 1917 c. 564 s. 2; 1917 c. 638; 1917 c. 677 s. 62; 1919 c. 31, 212; 1919 c. 541 s. 1, 2; 1919 c. 593 s. 3; 1919 c. 703 s. 15; 1921 c. 121; 1921 c. 422 s. 15; 1921 c. 590 s. 120*]

35.85 Further distributions. In addition to the distributions authorized by section 35.84 the superintendent of public property shall, from time to time, deliver upon the request of the superintendent of the state historical society and of the librarian of the state library, such further copies of any state publication still in his possession as may be needed for the use of said society and said library, respectively; and upon the request of any state officer, such further copies of any printing of the third class, as may be necessary or convenient for the business of such officer. But no state officer shall receive

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more than one such copy for his own use nor more than one copy for each assistant and chief clerk in his office. The superintendent of public property shall also deliver, at the expense of the state, to the library of congress, such public printing as shall be designated for that purpose by the written request of said superintendent of the state historical society; and he shall immediately notify said society of the receipt by him of each separate lot of public printing of the third class. [*Stats. 1915 s. 20.85; 1917 c. 336 s. 88*]

35.86 Exchanges. The superintendent of the state historical society is empowered to procure the exchange of public printing for such public documents produced in other states and countries as may be desirable to maintain or enlarge its historical, literary and statistical collections, and may make such distributions of public printing, with or without exchange, as may accord with interstate or international comity; the librarian of the state library shall procure so many of such exchanges as he is authorized by law to make, and the secretary of state, attorney-general, tax commission, railroad commission, state superintendent, state board of control, state board of health, department of agriculture, commissioner of insurance, commissioner of banking, civil service commission, dairy and food commissioner, free library commission, industrial commission, conservation commission and the commissioners for the promotion of uniformity of legislation in the United States, may procure by exchange such documents from other states and countries as may be needed for use in their respective offices. Exchange or distribution lists shall be filed with the superintendent of public property by the respective officers, boards and commissions so authorized to procure exchanges or make distributions, and the documents specified therein shall be forwarded directly from said superintendent's office or shipping room, carriage charges payable by the state. [*Stats. 1915 s. 20.82; 1917 c. 336 s. 84*]

35.87 Sales of legislative bills, resolutions, etc. Upon application and payment of twelve dollars therefor to the secretary of state, any person shall be entitled to receive by mail copies of all bills, resolutions, joint resolutions, amendments, enrolled bills without chapter numbers inserted, journals, and records of proceedings printed in the senate and assembly during the session of the legislature then being held or next to be held, together with filing appliances; and, upon application and payment of two dollars therefor, shall be entitled to receive by mail copies of all enrolled bills, as soon as signed by the governor, with proper chapter numbers inserted. The secretary of state shall certify to the chief clerks of the two houses the name of each person entitled to material hereunder, naming the material, and said clerks shall mail such material to such persons during the session then being held. All moneys so received shall be paid into the state treasury. [*Stats. 1915 s. 111m; 1917 c. 336 s. 89*]

35.88 Laws and court reports to remain public property. All volumes of Wisconsin session laws, statutes, annotations and supreme court reports distributed to any state or other public officer, except members and officers of the legislature and officers of the United States, shall have stamped or written thereon the name of his office, together with the words, "State Property," and shall be kept for the use of such office. [*Stats. 1915 s. 20.86; 1917 c. 178 s. 2; 1917 c. 336 s. 90*]

35.89 Inventories and lists of distributees in counties. The superintendent of public property, and the county clerk and county superintendent of schools of each county, shall make and file annually with the printing board an inventory of all public printing undistributed in his office on the first day of July. Each county clerk shall transmit with his inventory a list of the officers in his county entitled to distribution of public printing from his office and also a receipt from each distributee; and each county superintendent shall transmit with his inventory a list of the school districts, other schools and institutions in his county, entitled to distributions of public printing from his office and a list of actual distributees. The printing board shall furnish suitable blanks for such inventories and lists, and may, in its discretion, order the return to the superintendent of public property of any public printing that has remained undistributed for more than six months in the office of any county clerk or superintendent of schools. [*Stats. 1915 s. 20.87; 1917 c. 336 s. 91*]

35.90 Inventories by other state officers. Every state officer maintaining a permament office at the city of Madison, shall make and file annually with the printing board an inventory of all public printing of the second and third classes and all maps and charts on hand on the first day of July. Said board shall, from time to time, require the return to the superintendent of public property of all such printing as has become, in the opinion of said board, of no further use to the office reporting the same. [*Stats. 1915 s. 20.88; 1917 c. 336 s. 92*]

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35.91 Future distribution; sales. The printing board shall, from time to time, file with the superintendent of public property a statement of the number of copies of each book, report, or other document printed for the state by the state printer which he is required to reserve for future distributions according to law; also a statement of the cost, exclusive of the author's and other editorial work, of each such publication. The estimated cost of Wisconsin statutes shall not include any cost of revision or of annotating. Said superintendent may sell, at said cost price, to any person any such publication out of any surplus on hand beyond the reservation so required. [*Stats. 1915 s. 20.89; 1917 c. 336 s. 93*]

AUDIT AND PAYMENT.

35.92 Expense of printing, how charged. (1) The cost of printing provided for in sections 35.05, 35.07 to 35.16, inclusive, 35.64, and 35.70 shall be charged to the appropriation for the legislature.

(2) The cost of printing provided for in sections 35.06, 35.66 and 35.67 shall be charged to the proper appropriation for the secretary of state.

(3) The cost of printing provided for in sections 35.18, 35.20 and 35.23 shall be charged to the appropriation made to the revisor of statutes for this purpose.

(4) The cost of printing provided for in section 35.25 shall be charged to the appropriation charged with the cost of the original edition of such publications.

(5) The cost of printing provided for in section 35.24 shall be charged to the appropriation made to the printing board for this purpose.

(6) The cost of printing provided for in sections 35.26, 35.27 and 35.28 shall be charged to the proper appropriation for the state officer, department, board, commission or other body whose report or message is printed.

(7) The cost of printing provided for in sections 35.29 and 35.30 shall be charged to the proper appropriation for the state officer, department, board, commission or other body for which such printing is done.

(8) The cost of plates and electrotypes required for the various kinds of printing shall be charged to the proper appropriation for the state officer, department, board, commission or other body for whose use such plates or electrotypes are obtained.

(9) The cost of lithographed, engraved or embossed stationery shall be charged to the proper appropriation for the state officer, department, board, commission or other body for whose use such stationery is purchased.

(10) The cost of printing the railroad map of Wisconsin shall be charged to the proper appropriation for the railroad commission.

(11) The cost of printing and binding provided for in section 35.32 shall be charged to the proper appropriation for the state officer, department, board, commission, society, institute or other body for which such printing or binding is done.

(12) The cost of printing provided for in section 35.33 shall be charged to the proper appropriation for the board of regents of the university, normal schools and state historical society, respectively.

(13) The cost of job printing as provided for in section 35.34 shall be charged to the proper appropriation for the state officer, department, board, commission or other body requisitioning such printing.

(14) The additional cost due to enlarged editions of printing specified in section 35.38 shall be charged to the proper appropriation for the state officer, department, board, commission or other body charged with the cost of the original edition.

(15) The cost of publication in newspapers of accounts, notices, statements, advertisements, proclamations, or other matter shall, unless otherwise provided by law, be charged to the proper appropriation for the state officer, department, board, commission or other body on whose account such publication is made.

(16) The cost of carriage charges in the distribution of public printing as provided in sections 35.82 and 35.84 shall be charged to the appropriation for the state officer, department, board, commission or other body charged with the cost of such printing.

(17) The cost of carriage charges of exchanges provided for in section 35.86 shall be charged to the proper appropriation for the state officer, department, board, commission or other body filing exchange lists or on whose account such exchanges are made.

(18) The cost of further distribution of printing provided for in section 35.85 shall be charged to the proper appropriation for the state officer, department, board, commission or other body requesting such further distribution.

(19) The cost of paper, waste and binding of all public printing shall be charged to the appropriation which is charged with the cost of such printing. [*Stats. 1915 s. 20.90; 1917 c. 336 s. 94; 1921 c. 567 s. 3*]

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TITLE VI.

Public Instruction and Cultural and Memorial Institutions.

CHAPTER 36.

UNIVERSITY OF WISCONSIN.

UNIVERSITY OF WISCONSIN.

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36.04 Meetings; quorum.
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UNIVERSITY OF WISCONSIN.

36.01 Location and style of. There is established in this state at the city of Madison an institution of learning by the name and style of the "University of Wisconsin." [*Stats. 1915 s. 377; 1917 c. 453 s. 2*]

36.02 Regents; appointments; terms. The government of the university shall be vested in a board of regents, to consist of one member from each congressional district and two from the state at large, at least two of whom shall be women, to be appointed by the governor; the state superintendent and the president of the university shall be ex officio members of said board; said president shall be a member of all the standing committees of the board, but shall have the right to vote only in case of a tie. The terms of office of the appointed regents shall be six years, except as below specified, from the first Monday in February in the year in which they are appointed and until the appointment and qualification of their respective successors. Two of the appointments of the five regents whose terms expire in 1911 shall be for a period of three years, two for a period of four years, and one for a period of five years; that is, to the years 1914, 1915 and 1916, respectively; one of the appointments of the three regents whose terms expire in 1912 shall be for a period of four years and two for a period of five years; that is, to the years 1916 and 1917, respectively; two of the appointments of the five regents whose terms expire in 1913 shall be for a period of five years, and three for a period of six years; that is, to the years 1918 and 1919, respectively; thereafter as the various terms expire all appointments shall be for a period of six years. [*Stats. 1915 s. 378; 1917 c. 453 s. 2; 1919 c. 362 s. 19, 32*]

36.03 Powers of board; officers. The board of regents and their successors in office shall constitute a body corporate by the name of the "Regents of the University of Wisconsin," and shall possess all the powers necessary or convenient to accomplish the

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objects and perform the duties prescribed by law, and shall have the custody of the books, records, buildings and all other property of said university. The board shall elect a president and a secretary, who shall perform such duties as may be prescribed by the by-laws of the board. The secretary shall keep a faithful record of all the transactions of the board and of the executive committee thereof. It shall be the duty of the state treasurer to have the charge of all securities for loans and all moneys belonging to the university or in any wise appropriated by law to its endowment or support; to collect the interest on all securities held by him; to pay out moneys only upon the warrant of the secretary of state as provided by law; to keep the same and the accounts thereof separate and distinct from other public funds, and particularly distinguish the accounts of every fund, according to the nature thereof, coming to his charge, whether created by law or by private bounty; and to discharge these and other appropriate functions relating thereto subject to such regulations as the board may adopt not inconsistent with his official duties; and he and his sureties shall be liable on his official bond as state treasurer for the faithful discharge of such duties. [*Stats. 1915 s. 379; 1917 c. 453 s. 2*]

36.04 Meetings; quorum. The time for the election of the president and secretary of said board and the duration of their respective terms of office, and the times for holding the regular annual meeting and such other meetings as may be required, and the manner of notifying the same, shall be determined by the by-laws of the board. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. [*Stats. 1915 s. 380; 1917 c. 453 s. 2*]

36.05 University regents' meetings public. The meetings of the board of regents of the university shall be open to the public and the press and all records of such meetings and of all proceedings of such board shall be open to inspection by the public and the press at any reasonable hours thereafter; provided, that said board may hold executive sessions, the findings of said executive sessions to be made a part of the records of the proceedings of said board. [*Stats. 1915 s. 380a; 1917 c. 453 s. 2*]

36.06 Duties of regents; additional powers. (1) The board of regents shall enact laws for the government of the university in all its branches; elect a president and the requisite number of professors, instructors, officers and employes, and fix the salaries and the term of office of each, and determine the moral and educational qualifications of applicants for admission to the various courses of instruction; but no instruction, either sectarian in religion or partisan in politics, shall ever be allowed in any department of the university; and no sectarian or partisan tests shall ever be allowed or exercised in the appointment of regents or in the election of professors, teachers or other officers of the university, or in the admission of students thereto or for any purpose whatever.

(2) The board shall have power to remove the president or any professor, instructor or officer of the university when, in the judgment of the board, the interests of the university require it.

(3) The board may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories and all other property of the university and of its several departments, and for the care and preservation thereof, with penalties and forfeitures by way of damages for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action.

(4) In the use of men's and women's dormitories at the university, preference as to rooming and boarding facilities shall be given to students who are legal residents of this state; but in case additional facilities remain after such preference, the above mentioned rooming and boarding facilities may be extended to nonresident students. The board shall make suitable rules and regulations for carrying such dormitory preferences into effect. All salaries and compensations provided for in this section shall be charged against the proper appropriation for the board of regents of the university.

(5) Said board may acquire by condemnation proceedings such parcels of land as it deems necessary for the use of any institution under its control whenever the board is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause, prevents or unreasonably delays such agreement. [*Stats. 1915 s. 381; 1917 c. 453 s. 2; 1919 c. 33*]

36.0625 Scientific investigation encouraged. The board of regents shall have power and authority to encourage scientific investigation and productive scholarship, and to create conditions tending to that end. [*1919 c. 116 s. 11*]

36.065 Unexpended balances used for buildings and grounds. The board of regents are authorized and empowered to use any unexpended balances which may exist in the appropriations for operation at the end of a legislative biennium, for permanent improvements to buildings and grounds, and for the purchase of land within the area bounded by a line following Lake Street from Lake Mendota south to State Street, thence

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west to Murray Street, thence south to University Avenue, thence west to Charter Street, thence south to Johnson Street, thence west to Warren Street, thence north to University Avenue, thence west to Forest Street, thence north to Lake Mendota; provided that no expenditures shall be made unless the same shall have been approved by the governor, and by the state board of education; and provided further that no part of this appropriation shall be used as a down payment or part payment on the purchase price of any land, but only for acquiring the full title thereto in fee, without lien or incumbrance of any nature. [*1919 c. 116 s. 11*]

36.07 University; janitors' salaries. The board of regents are empowered and directed to fix and establish the salaries of the janitors at the university so that the same shall be equivalent and equal to the salaries paid to janitors at the state capitol. [*Stats. 1915 s. 381m; 1917 c. 453 s. 2*]

36.08 Use of income; addition of other colleges. For the erection of suitable buildings and the purchase of apparatus, a library, cabinets and additions thereto, the board of regents are authorized to expend such portion of the income of the university fund as is appropriated by the legislature for such purposes; and if they deem it expedient may receive in connection with the university any college in this state upon application of its board of trustees; and such college so received shall become a branch of the university and be subject to the visitation of the regents. [*Stats. 1915 s. 382; 1917 c. 453 s. 2*]

36.09 Reports and printing thereof. At the close of each biennial fiscal term the regents through their president shall make a report in detail to the governor and the legislature exhibiting the progress, condition and wants of each of the colleges embraced in the university, the course of study in each, the number of instructors and students, the amount of receipts and disbursements, together with the nature, cost and results of all important investigations and experiments and such other information as they may deem important, one copy of which shall be transmitted free by the secretary of state to all colleges endowed under the provisions of the act of congress entitled, "An act donating land to the several states and territories which provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and also one copy to the secretary of the interior as provided in said act. The board shall also report to the governor as often as may seem desirable the important results of investigations conducted by the director of Washburn observatory and by other investigators connected with the university, and also the results of such experiments therein relating to agriculture or the mechanic arts as said board may deem to be of special value to the agricultural and mechanical interests of the state. With the approval of the governor such number of copies as he shall direct, and of the Washburn observatory reports not more than seven hundred copies, may be printed by the state printer in separate form on good paper and with such appropriate quality of binding as the commissioners of public printing shall order. Eight hundred copies of each of said reports, when so directed by the governor, except those of the Washburn observatory, shall be delivered to the legislature and the remainder be used in exchange for the publications of other institutions and for such other public purposes as the regents may order. [*Stats. 1915 s. 383; 1917 c. 453 s. 2*]

36.10 Receipts and disbursements; accounts; secretary's bond. All moneys which shall be derived to the university from gifts or other bounties, from fees of students in any form less any rebates allowed under authority of the board, from sales of farm products or any articles of personal property of whatever kind, from publications or advertisements in publications of the university, from fees for services rendered in any manner, from sales or rents of real property, or from any source whatever other than in cases by law required to be paid to the state treasurer, may be paid to the secretary of the board in all cases where the board shall authorize him to receive the same; and such secretary shall at least as often as once a week pay into the state treasury the entire amount of such receipts by him, and shall on or before the tenth day of each calendar month deliver to the state treasurer an itemized account of such receipts during the preceding calendar month, showing the amount of each sum so received by him, the date thereof, the person from whom received, for what received, and the particular fund or account to which the same belongs; save that the details of small receipts may be omitted and the account made summary in such cases and to such extent as the secretary of state shall prescribe by forms therefor; and shall verify the correctness thereof by his affidavit thereto appended; and a duplicate thereof he shall at the same time file with the secretary of state. Such account shall be made upon forms to be prepared and furnished by the secretary of state. The regents may require of their secretary such bond, in such sum and with such sureties as they shall think fit and its renewal when deemed desirable; and may prescribe regulations for the discharge of all such duties not inconsistent with law. The secretary of state shall audit and give his warrant on the state treasurer for

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all accounts certified to him by the board or its executive committee, in the manner herein provided. All salaries for instructional or administrative service, and also allowances to fellows and scholars, which have been fixed by the board, shall be certified at periodical intervals according to the laws of the board upon rolls showing the name of the person entitled to receive the same, the amount of his fixed annual salary or allowance and that the sum so certified is then due him according to the method of periodical payment established by the board; upon which certified roll the secretary of state shall issue his warrant to each person therein named for the amount so certified to be due to him. Payments to janitors, laborers and all other employes and also to all persons from whom milk and products for the dairy are purchased shall be made upon rolls showing the name of the party entitled, for what service or object, to what fund chargeable, and the amounts respectively due each; which shall be likewise certified to the secretary of state to be correct and due and he shall issue thereon his warrant for the amount due each person upon such roll to each such person. Every other claim or account shall state the nature and particulars of the service rendered or material furnished and be verified by the affidavit of the claimant or his agent and filed with the secretary of the regents, and a roll, showing the name of each such person, for what service or object, to what fund chargeable, and the amount allowed to and due him, shall be certified as aforesaid to the secretary of state; upon which he shall issue his warrant for the proper amount to the person entitled thereto. The board may enact laws to govern all such business not inconsistent with law; and all forms shall be prepared and furnished by the secretary of state. All warrants issued pursuant to this section shall be labeled "University Warrant" and numbered in consecutive order. All gifts, bounties and moneys paid in and appropriations made by law for the university, its endowment, aid or support, when received by the state treasurer shall be at once credited to the proper fund, and if received as part of the general fund shall be forthwith transferred by warrant to the proper university account, and shall all thenceforth be held solely for the respective uses to which the same is by law appropriated, and shall never be employed, diverted to, or paid out for any other use or purpose. [*Stats. 1915 s. 383a; 1917 c. 453 s. 2*]

36.11 University accounts. (1) BIENNIAL EXAMINATION. The board of regents of the state university shall cause all of the financial transactions and accounts of or relating to the state university in any of its departments at the close of each fiscal year to be fully and thoroughly examined subject to the provisions of chapter 15 of the statutes.

(2) WHEN MADE. Such examination shall be commenced immediately after the close of the fiscal year and be completed as soon as practicable.

(3) REPORT. Upon the completion of such examination a full and detailed report thereof shall be made by such auditor to the governor. The expense of such audit shall be charged against the proper appropriation for the board of regents of the university. [*Stats. 1915 s. 383m; 1917 c. 453 s. 2; 1917 c. 628 s. 7*]

36.12 President of the university. The president of the university shall be president of the several faculties and the executive head of the instructional force in all its departments; as such he shall have authority, subject to the board of regents, to give general direction to the instruction and scientific investigations of the several colleges, and so long as the interests of the institution require it he shall be charged with the duties of one of the professorships. The immediate government of the several colleges shall be intrusted to their respective faculties; but the regents shall have the power to regulate the courses of instruction and prescribe the books or works to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in universities or as they shall deem appropriate, and to confer upon the faculty by by-laws the power to suspend or expel students for misconduct or other cause prescribed in such by-laws. [*Stats. 1915 s. 384; 1917 c. 453 s. 2*]

36.13 University; courses; departments. The object of the University of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with literary, scientific, industrial and professional pursuits, and to this end it shall consist of the following colleges or departments, to wit:

(1) The college of letters and science.
(2) The college of mechanics and engineering.
(3) The college of agriculture.
(4) The law school.
(5) The medical school.
(6) The school of education.
(7) Such other colleges, schools or departments as are now or may from time to time be added thereto or connected therewith. No new school or college shall be established

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unless authorized by the legislature. [*Stats. 1915 s. 385, 390 sub. 2; 1917 c. 14 s. 69; 1917 c. 412; Stats. 1917 s. 391; 1917 c. 453 s. 2; 1917 c. 671 s. 17; 1919 c. 33 s. 2, 3*]

36.14 Departments, what embraced in. The college of letters and science shall embrace liberal courses of instruction in language, literature, philosophy and science, and may embrace such other branches as the regents of the university shall prescribe. The college of mechanics and engineering shall embrace practical and theoretical instruction in the various branches of mechanical and engineering science and art, and may embrace such additional branches as the regents may determine. The college of agriculture shall embrace instruction and experimentation in the science of agriculture, and in those sciences which are tributary thereto, and may embrace such additional branches as the board of regents shall determine. The college of law shall consist of courses of instruction in the principles and practices of law, and may include such other branches as the regents may determine. The medical school shall consist of courses of instruction in the medical sciences customarily given in medical schools, and may include such additional branches as the regents may determine. [*Stats. 1915 s. 386; 1917 c. 453 s. 2; 1919 c. 116 s. 6*]

36.15 University; open to both sexes; military instruction. All schools and colleges of the university shall, in their respective departments and class exercises, be open without distinction to students of both sexes; and all able-bodied male students in whatever college therein may receive instruction and discipline in military tactics, the requisite arms for which shall be furnished by the state. [*Stats. 1915 s. 387; 1917 c. 453 s. 2*]

36.16 Nonresident tuition at university. Any student who shall have been a resident of the state for one year next preceding his first admission to the university, or any student whose parents have been bona fide residents of this state for one year next preceding the beginning of any semester for which such student enters the university, shall be entitled to exemption from fees for tuition, but not from incidental fees in the university. Any student who shall not have been a resident of the state for one year next preceding his first admission to the university, except as above provided, shall not be exempt from the payment of the tuition fees until he shall have attended the university for four academic years; but if he shall have attended the university for one academic year and the next three years shall have been spent as a resident of this state; or if he shall have attended the university for two academic years and the next two years shall have been spent as a resident of this state; or if he shall have attended the university for three academic years and the next year shall have been spent as a resident of this state, he shall be entitled to exemption from payment of the tuition fees upon re-entering the university. The regents shall charge tuition at the rate of one hundred and twenty-four dollars per school year for any student who shall not have been exempted by any of the provisions of this section, and may prescribe rates of tuition for teaching extra studies, and for students in the university extension, and summer session divisions. However, the regents of the university may remit either in whole or in part tuition, but not incidental fees, to a number of needy and worthy nonresident students, not exceeding eight per cent of the number of nonresident students registered in the preceding year, upon the basis of merit, to be shown by suitable tests, examinations or scholastic records and continued high standards of scholastic attainment. [*Stats. 1915 s. 388; 1917 c. 14 s. 67; 1917 c. 359; 1917 c. 453 s. 2*]

36.17 Summer session, educational extension, correspondence teaching. The board of regents may maintain a summer session and is directed to carry on educational extension and correspondence teaching. [*Stats. 1915 s. 392a; 1917 c. 453 s. 2; Stats. 1917 s. 1494j; 1919 c. 33 s. 4*]

36.18 Training for public service. (1) The board of regents of the state university is hereby authorized to establish and to maintain, when sufficient funds are available, a training school for public service. Such school shall be a professional school and shall be devoted to practical training for the administrative service of the state of Wisconsin or of any county or municipality therein, or of civic organizations.

(2) Persons who have satisfactorily completed the work required in the training school for public service shall, upon graduation, receive a proper university degree and a diploma in public administration stating the particular character of their training. No person shall receive such diploma unless at least one-third of his total credits in such school shall be for actual work in municipal, county, or state departments or in quasi-public work and unless he shall have submitted a thesis dealing with an actual problem of municipal, county or state service based on actual service in or contact with such service and approved by the head of the department of such municipality, county or state with which such problem is principally concerned.

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(3) Any member of the faculty of the University of Wisconsin may be required, under rules prescribed by the regents, to give instruction in such school.

(4) Such school shall provide adequate supplementary training for persons now in county, municipal or state service. [*Stats. 1915 s. 385, 390 sub. 2; 1917 c. 14 s. 69; 1917 c. 412; Stats. 1917 s. 391; 1917 c. 453 s. 2; 1917 c. 671 s. 17; Stats. 1917 s. 36.13 sub. (8); 1919 c. 33 s. 2, 3*]

36.19 Agricultural demonstration stations. For the purpose of aiding in the agricultural development of the respective counties of the state, the agricultural college of the University of Wisconsin is authorized to establish three demonstration stations, on which trials and demonstrations shall be conducted to show the methods of agricultural practice best adapted to the development of these respective localities. These stations are to be established under the following conditions; provided, however, that not more than one such station shall be located in any county:

(1) The location of the station shall be determined by the board of regents of the University of Wisconsin, who, in making such selection, shall take into consideration the relative opportunities for agricultural development in the respective regions.

(2) The location of such stations shall be contingent upon the county leasing to the regents of the university, a suitable tract of cleared land, free of cost, for such period as may be mutually agreed upon, and appropriating for the partial maintenance of such demonstration station a sum not less than five hundred dollars, which sum shall be paid annually for period of lease to the secretary of the board of regents of the university. [*Stats. 1915 s. 392em—8; 1917 c. 453 s. 2*]

36.20 State soils laboratory. (1) The regents of the state university shall establish a state soils laboratory in connection with the college of agriculture.

(2) So far as possible the state soils laboratory shall make use of the rooms, apparatus and supplies of the department of soils of the college of agriculture and of the services of the instructional, laboratory and field staff of the department. When necessary to the proper carrying out of the provisions of this section, to secure the use of accommodations, apparatus and supplies other than those available in the department of soils or to secure the services of university or other state employes not employed in the department of soils, the regents shall cause to be made such arrangements as may be necessary to provide the accommodations, apparatus, supplies or services required.

(3) It shall be the purpose and the duty of the state soils laboratory to make field examinations and laboratory analyses of the soil of any land in this state, and to certify to the results of such examinations and analyses upon the request of the owner or the occupant of the land, and the payment by him of the fee or fees fixed for such service by the regents of the university.

(5) The state soils laboratory shall make an annual report of its work to the dean of the college of agriculture, and the dean of the college of agriculture shall include these reports verbatim or in summarized form in his biennial report to the regents of the university in such manner as to show:

(a) The number of requests made for the services of the laboratory;

(b) The number of requests complied with;

(c) The fees received by the laboratory;

(d) The expense of conducting the laboratory; and

(e) Such other facts as may be necessary in judging of the value of the work done by the laboratory.

(6) The regents of the university of Wisconsin are authorized through the college of agriculture to: (a) Investigate methods of clearing cut-over lands in order to determine the most efficient and economical methods therefor; (b) experiment with mechanical devices and with explosives to determine the easiest, quickest, cheapest and safest methods, under varying conditions in this state, of clearing cut-over lands, and build and create, for such experimental purposes, land clearing devices; (c) demonstrate the methods found to be most efficient and economical; (d) co-operate generally with any person, firm or corporation who may make suitable offer to aid or assist in such investigational and demonstrational work; (e) charge and collect a sum not to exceed actual cost for any such investigational or demonstrational work done on any parcel or tract of land; and (f) to do any or all things necessary for the furtherance of the purposes of this section. [*Stats. 1915 s. 392em—8a; 1917 c. 453 s. 2; 1917 c. 658 s. 3; 1919 c. 116 s. 1, 5*]

36.21 Hog cholera serums. (1) The regents of the University of Wisconsin shall cause to be prepared by the agriculture college and the department of veterinary science thereof, serums or vaccines which will produce immunity in hogs against the disease known as cholera, and for such purposes shall cause the agricultural college to obtain

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such additional assistance and install such additional equipment, materials, appliances and apparatus as may be necessary.

(2) The regents shall, through the agricultural college, furnish to any bona fide resident of this state, who is engaged in the raising of hogs, and who makes request therefor, such serums and vaccines as may be necessary to immunize his hogs against cholera, and shall charge and collect therefor at actual cost.

(3) It is further provided that hog cholera virus (disease-producing blood) which is used in certain methods of vaccination shall not be administered by any person or persons except a legally qualified veterinarian and shall be used only in herds where the disease has recently occurred or in adjacent herds. Provision is hereby made for the use of virus in other cases only upon the previous written approval of the state veterinarian. Furthermore every person in control of premises on which hogs have died from cholera are required promptly to burn the carcasses with fire or bury and cover the same with lime or a large quantity of ashes. Any person violating any of the provisions of this subsection shall be punished as provided in subsection (4) of this section.

(4) Any person who shall sell, give away, maliciously waste or otherwise misuse or misapply any serums or vaccines furnished to him under the provisions of this section, and any person who shall wilfully misrepresent himself or who shall in any wise misrepresent or falsify for the purpose of obtaining any serums or vaccines from the agricultural college under this section, or any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than five hundred dollars or by imprisonment in the county jail for not less than ten nor more than ninety days, or by both such fine and imprisonment. [*Stats. 1915 s. 392em—10; 1917 c. 14 s. 71; 1917 c. 453 s. 2; 1917 c. 458 s. 7; 1917 c. 628 s. 12; 1917 c. 671 s. 37*]

36.215 Agricultural experiments and demonstrations, farmers' institutes. (1) The board of regents is authorized to do or cause to be done experimental work in agriculture at such points within the state as may in its judgment be advisable, and to carry on, under the supervision of the dean of the college of agriculture, demonstrations and such other extension work as they may deem advisable for the improvement of agricultural knowledge, and to conduct extension schools and courses which may be held in conjunction with the county schools of agriculture and domestic economy, and to provide for the compensation and traveling expenses of instructors whose functions shall be to assist in the improvement of agricultural education and the dissemination of agricultural knowledge.

(2) Said board shall hold, at such times and places as it may determine, institutes for the instruction of citizens in the various branches of agriculture, including the results of the most recent investigations and experiments in theoretical and practical agriculture. The board may make such rules and regulations as may be deemed proper for organizing and conducting such institutes and may employ an agent or agents to perform such work in connection therewith as they may direct. The expense of such institutes shall be charged to the appropriation for the board of regents of the university for farmers' institutes.

(3) The regents of the university are authorized to establish a branch experimental station in Door county for the purpose of carrying on horticultural and agricultural investigations and demonstrations on problems that are designed to aid in the development of the fruit and farm interests of that portion of the state.

(4) The state conservation commission is authorized to enter into mutual agreement with the regents of the university for the use of the necessary farm equipment and such necessary land within the Peninsular State Park in said county as may be available for such experimental work. [*Stats. 1917 s. 36.18, 1494b, 1494—12m; 1919 c. 33 s. 5; 1919 c. 421; 1919 c. 671 s. 8*]

36.22 Pharmaceutical experiment station. The board of regents of the state university are authorized and directed to establish, equip and maintain in the department of pharmacy of the state university a pharmaceutical experiment station. The duties of the said station shall be:

(1) To co-operate with the bureau of plant industry of the department of agriculture in the maintenance of the northern station for the cultivation of medicinal plants and to disseminate such information as may lead to the proper cultivation of medicinal plants and the production of high grade vegetable drugs in this state; and

(2) To serve the public at large by co-operation with both pharmacists and physicians in securing for the sick the best medicines that pharmaceutical science and art can provide, and further by co-operation with the state board of pharmacy, the state board of health, and the dairy and food commission to bring about these results. [*Stats. 1915 s. 392em—12; 1917 c. 453 s. 2*]

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36.225 State laboratory of hygiene. (1) The state hygienic laboratory heretofore established in connection with the university is continued and shall be known as the "State Laboratory of Hygiene."

(2) The director of this laboratory shall, whenever feasible, be the professor in charge of the department of bacteriology and hygiene of the state university. A bacteriologist, a chemist and such other assistants as is found necessary to satisfactorily carry on the work of the laboratory, shall be provided by the board of regents of the state university. The director and his assistants when making investigations affecting the public health, shall have the same right of inspection in regard to all matters affecting the public health as has been and may be conferred upon the state board of health.

(3) The use of this laboratory by the state board of health shall be determined by rules and regulations adopted by the director of the state laboratory of hygiene, the president of the state university, and the executive committee consisting of two members, of the state board of health.

(4) The purpose of this laboratory shall be to undertake the examination of water supplies for domestic purposes, the examination of material from the various contagious and infectious diseases, or material from suspected cases of contagious and infectious diseases of men and animals when public health is concerned; to examine into the nature and cause of disease outbreaks throughout the state; to study conditions relating to diseases and their dissemination, or any other problems that bear directly or indirectly upon the public health. The examination of water supplies shall include the establishment of a water survey of the state and shall comprehend not only the examination from a public health standpoint, but may also include the examination of water to ascertain its suitability for manufacturing and commercial purposes, as determined by the rules and regulations herein provided for.

(5) There may be established and operated in connection with the state laboratory of hygiene, an institute for the preparation of vaccine for administering the Pasteur treatment for the prevention of hydrophobia.

(6) The state laboratory of hygiene shall examine free of charge the following specimens when submitted in proper containers by licensed physicians, veterinarians, health officers and health commissioners: The sputum of all persons afflicted with tuberculosis, or suspected of being afflicted with tuberculosis, when sent in proper containers; blood from suspected typhoid fever cases (widal test), swabs from patients suspected of diphtheria for diagnosis and for the release of quarantine; rabies in man or animals, anthrax, glanders and such other examinations as may be provided for in the rules and regulations governing the use of the laboratory. The laboratory shall be used to make such studies in sanitation and hygiene as will assist in the enforcement of the health laws of the state, or aid in improving the general sanitary condition of the state. [*Stats. 1917 s. 1406m; 1919 c. 33 s. 6*]

GEOLOGICAL AND NATURAL HISTORY SURVEY.

36.23 Constitution of survey. There is hereby constituted a geological and natural history survey of the state of Wisconsin. [*Stats. 1915 s. 392j—1; 1917 c. 453 s. 2*]

36.24 Purposes. This survey shall have for its object:

(1) The completion of the geological survey of the state, and especially the examination of the rocks, with reference to the occurrence of iron ores, building stones, and other valuable mineral products, and in reference to their value as material for road construction.

(2) A study of the soils of the state.

(3) A study of the plants of the state, and especially of the forests, with reference to their cultivation and preservation.

(4) A study of the animal life of the state, and especially the occurrence, distribution and production of fish in the lakes and streams of the state, and a study of foods and enemies of fish.

(5) The preparation of an account of the physical geography and natural history of the state, in such form as to serve as manuals for the public schools, and of special reports on subjects of economic importance, in such form as to be of direct service to the people.

(6) The completion of the topographic map of the state begun by the United States geological survey; but no money shall be expended for topography unless an equivalent amount be expended for this purpose in the state by the United States government. [*Stats. 1915 s. 392j—2; 1917 c. 453 s. 2*]

36.25 Board of commissioners created; organization; functions. This survey shall be governed by a board of commissioners, consisting of the governor of the state, the state superintendent of public instruction, the president of the state university, and the presi-

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dent of the Wisconsin academy of sciences, arts and letters. The commissioners shall meet within thirty days after the passage of this act, and organize as a commission and adopt by-laws for their government, not inconsistent with law, and shall meet at such times and places as they may prescribe. A majority shall be a quorum. They shall choose from their number, a president, secretary, and such other officers as their by-laws may prescribe. The commissioners shall have general charge of the survey, and shall appoint a superintendent of the survey, and on his nomination, such assistants and employes as they may deem necessary and may remove them at pleasure. [*Stats. 1915 s. 392j—3; 1917 c. 453 s. 2; 1919 c. 679 s. 8*]

36.26 Publication of reports; stationery and postage. It shall be the duty of the commissioners to prepare a report before the meeting of each legislature, showing the progress and condition of the survey, giving an account of money spent, together with such other information as may be deemed necessary and useful. The superintendent shall transmit to the commissioners, from time to time, special reports, with necessary illustrations and maps, as these are completed. If approved by the commissioners they shall be transmitted to the commissioners of public printing, who are authorized to have the reports published in a suitable manner, as independent reports, as bulletins of the state university, or in the transactions of the Wisconsin academy of sciences, arts and letters, as the commissioners of the survey deem best. If published as independent reports, it shall be the duty of the commissioners of public printing to decide as to the number of copies in the edition of each particular report. Five copies of each report shall be delivered to each of the state officers, and to each member of the legislature. The number of copies provided by law for other public documents shall be furnished to the state historical society, the library of the state university and other state institutions. The remainder of the independent reports shall be distributed, used in exchange, or sold by the commissioners of the survey, as the interest of the state and of science demands. All moneys obtained by the sale of reports shall revert to the state treasury, as a part of the general fund. Volumes obtained in exchange for reports shall be added to the library of the Wisconsin academy of sciences, arts and letters. The superintendent of public property shall furnish, upon the requisition of the president of the commissioners of the survey, such stationery and postage stamps as may be necessary for the use of the commissioners and the superintendent of the survey in official business. [*Stats. 1915 s. 392j—4; 1917 c. 453 s. 2*]

36.27 Dissemination of material collected. After material collected shall have served the purposes of the survey, it shall be distributed to the state university, the colleges of the state, the state normal schools, and the free high schools of the state, under the approval of the commissioners of the survey, in such a manner as to be of the greatest advantage to education in the state. [*Stats. 1915 s. 392j—5; 1917 c. 453 s. 2*]

36.28 Soil survey and map. The geological and natural history survey of the state of Wisconsin is directed to cause a soil survey and a soil map of the state to be made for the purpose of ascertaining the character and fertility of the developed and undeveloped soils of the state, the extent and practicability of drainage of the swamp and wet lands of the state, and the means for properly conserving and increasing the fertility of the soil of the state, such work to be carried on in co-operation with the college of agriculture of the University of Wisconsin. [*Stats. 1915 s. 392k—1; 1917 c. 453 s. 2*]

36.29 Investigations; mapping; surveys; reports. (1) The geological and natural history survey is directed to investigate the geological resources of the state with regard to quantity, quality and present and future economic value, paying particular attention first to iron ore, fluxing limestones, and road materials.

(2) Said geological and natural history survey is further directed to carry on as rapidly as practicable the topographic mapping of the state. This work may be done in co-operation with national, state or private organizations, according to arrangements deemed advantageous to the state.

(3) Said geological and natural history survey is further directed to extend the survey of the lead and zinc region beginning with districts which are at present of greatest economic importance.

(4) Said geological and natural history survey is further directed to continue the survey of the water powers of the state. This last survey may be made in conjunction with the United States geological survey.

(5) Upon completion of the work named, full reports shall be made to the governor for the use of the legislature. [*Stats. 1915 s. 392l; 1917 c. 453 s. 2*]

36.30 Survey of mineral lands, mines and water powers. (1) The geological and natural history survey is directed to examine the lands of the northern part of the state and classify them in accordance with their mineral content and geological and other evidences of the presence of mineral. The classification shall be made in a manner to be

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agreed upon by the state tax commission and said survey, and as rapidly as the classification of each separate township is completed, the detailed report of such township shall be furnished to the tax commission.

(2) The said geological and natural history survey is authorized to enter upon any and all lands for the purpose of making a geological examination thereof by persons competent to make such examination, and to require the owner or lessor of such lands to open to their inspection for the purposes of this act all records relating to the presence of minerals and furnish for inspection copies of such maps or plats as may be in his possession.

(3) Said geological and natural history survey is directed to examine the mines and explored mineral lands of the state by persons competent to make such examinations and make an accurate determination of the amount of ore therein, the expense of mining, the probable life of the mine, and such other factors as may be necessary, in the judgment of the state tax commission and the geological and natural history survey, for a proper valuation thereof. For the purpose of this investigation all books, inventories, waybills, maps, plats, correspondence, and memoranda relating to or used in the transaction of the business of any person, copartnership or corporation owning or operating any such mine or explored mineral land, shall on demand by the geological and natural history survey, or its authorized representative, be open to its or his inspection or examination. Any such person, copartnership or corporation owning or operating any mine or explored mineral lands shall furnish for inspection to the geological and natural history survey, upon request, copies of all maps and plats that relate to the workings of his or its mine or mines and to his or its explored mineral lands.

(4) Said geological and natural history survey is further directed to investigate the water powers of the state by carefully gauging the flow of the streams, by making surveys of the profiles of the streams, by a study of the effect of the drainage of lands upon the flow of streams, and by such other investigations as may prove necessary and expedient.

(5) Any officer, agent, clerk or employe of said survey or said tax commission who shall divulge or make known to any person except the officers of said survey or said tax commission, in any manner, directly or indirectly, any information whatsoever given to him in the discharge of his duties under subsections (2) and (3) of this section, which information shall have been given him with the request that it be not divulged, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by imprisonment in the state prison for not more than two years in the discretion of the court; provided, that nothing herein contained shall prevent the use for assessment purposes of any information obtained under the provisions of this act. [*Stats. 1915 s. 3921—1; 1917 c. 453 s. 2*]

36.31 State of Wisconsin general hospital, established. There shall be established in connection with the medical school of the University of Wisconsin at Madison a state hospital to be known as the "State of Wisconsin General Hospital."

(1) Said hospital shall be under the control and supervision of the board of regents of the university.

(2) The university infirmary and the Bradley memorial hospital heretofore established shall be a part of said hospital.

(3) Said hospital shall be utilized for such instruction of medical students, physicians and nurses and for such scientific research as will promote the welfare of the patients committed to its care, and assist the application of science to the alleviation of human suffering.

(4) Said hospital shall be more particularly designed for the care of persons afflicted with a malady, deformity, or ailment of a nature which can probably be remedied by hospital service and treatment and who would be unable otherwise to secure such care.

(5) Said regents shall erect at an appropriate place in said hospital a suitable tablet stating the source of the fund from which the hospital was erected and such other statements as they may deem appropriate. [*Spl. S. 1920 c. 30 s. 1*]

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CHAPTER 37.

NORMAL SCHOOLS.

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37.01 Board of regents of normal schools. For the government of the normal schools established, and which may hereafter be established, and for the performance of the duties prescribed to them, there is constituted a board of eleven regents, called "The Board of Regents of Normal Schools," composed of the state superintendent, as ex officio regent, and of ten appointed regents, at least one of whom shall be a woman; the term of office of the appointed regents commencing with the first Monday in February in the year in which appointed, shall be five years and until the appointment and qualification of their respective successors; except that the regents first appointed under this act shall be divided into five classes of two each, and the term of office of said classes so first appointed shall be respectively one, two, three, four and five years and until their successors shall be appointed and qualified, and their successors in office shall continue so divided into five classes of two each, so that the term of office of two regents shall expire each year. [*Stats. 1915 s. 393; 1917 c. 453 s. 3; 1919 c. 362 s. 32*]

37.02 Powers of regents. (1) The board of regents and their successors in office are constituted a body corporate by the name aforesaid; and may purchase, have, hold, control, possess and enjoy, in trust for the state, for educational purposes solely, any lands, tenements, hereditaments, goods and chattels of any nature which may be necessary and required for the purposes, objects and uses of the state normal schools authorized by law and none other, with full power to sell or dispose of such personal property or any part thereof when in their judgment it shall be for the interest of the state; and shall possess all other powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. The board of regents shall not sell, mortgage or dispose of in anyway any real estate, nor borrow money without the express authority of the legislature; nor shall they contract indebtedness nor incur liabilities to exceed, at any time, in the aggregate, the amount of money which, under the provisions of law, shall then be at their disposal in the hands of the state treasurer; nor shall said board ever reduce the amount so at their disposal below the aggregate amount of their indebtedness or liability, except in payment of such indebtedness or liability. The proceeds of the sale of any real or personal estate shall be paid by them into the treasury, and shall become a part of the income of the normal school fund.

(2) Said board may acquire by condemnation proceedings in the manner provided by chapter 32 such parcels of land as it deems necessary for the use of any institution under its control whenever the board is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause, prevents or unreasonably delays such agreement. [*Stats. 1915 s. 394; 1917 c. 453 s. 3; 1919 c. 531*]

37.03 Officers. The officers of the board shall be a president, vice president and secretary; they shall severally hold their offices for the term of one year, and until their successors are elected, and shall perform the duties incident to their several offices, and such as are prescribed by the board. The state treasurer shall be, ex officio the treasurer of the board, but the board may appoint suitable persons to receive any tuition fees or

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other moneys that may be due from any student or other person, and pay the same to the treasurer. [*Stats. 1915 s. 395; 1917 c. 453 s. 3*]

37.04 Meetings; quorum. The said board shall be supplied by the superintendent of public property with necessary office room or rooms in the capitol, and the said board shall hold an annual meeting at such office on the second Wednesday in July in each year or at such time as they may designate. Special meetings may be called by the governor or by the president of the board on a petition signed for that purpose by any three regents. A majority of the regents shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time. [*Stats. 1915 s. 396; 1917 c. 453 s. 3*]

37.05 Normal regents' meetings public. The meetings of the board of regents of the normal schools shall be open to the public and the press and all records of such meetings and of all proceedings of such board shall be open to inspection by the public and the press at any reasonable hours thereafter; provided, that said board may hold executive sessions, the findings of said executive sessions to be made a part of the records of the proceedings of said board. [*Stats. 1915 s. 396a; 1917 c. 453 s. 3*]

37.06 Disqualification of officers, etc. No regent or officer, trustee or person appointed or employed in any position or capacity connected with normal schools or normal institutes shall at any time act as agent of any author or publisher of or dealer in school-books, maps or charts, or school library books, or school furniture or apparatus, or become interested directly or indirectly in the publication, manufacture or sale of any such as agent or otherwise, except solely as author or inventor, and for a violation hereof any regent shall be expelled from the board by a majority vote of the regents; provided, that the purchase and use of books and appliances written or invented by persons connected with any of the schools shall not be deemed to be prohibited. [*Stats. 1915 s. 397; 1917 c. 453 s. 3; 1919 c. 362 s. 19*]

37.07 Auditing accounts. All payments for the erection, repairs or enlargement of any normal school buildings, or for fixtures or furniture therefor, and all disbursements from the normal school fund income, including the expenses of boards of visitors of normal schools and of teachers' institutes shall be made by the treasurer of said board on the warrant of the secretary of state drawn in accordance with the certificate of the president and secretary of the board, after being audited and allowed pursuant to its rules and regulations, and not otherwise; and in case of a donation no such warrant shall be issued for any part thereof until the sums donated and subscribed shall have been paid into the state treasury, nor in any case until the work shall be done, the services rendered, buildings erected or fixtures or furniture purchased under the direction of said board, and pursuant to a contract made with it. All claims and accounts, before being certified to the secretary of state by the aforesaid officers of such board, shall be verified and approved in the same manner as claims against the state university are required to be verified and approved. [*Stats. 1915 s. 401; 1917 c. 453 s. 3*]

37.08 Normal schools' accounts. (1) ANNUAL EXAMINATION. The board of regents of the state normal schools shall cause all of the financial transactions and accounts of or relating to the several state normal schools under their supervision at the close of each fiscal year to be fully and thoroughly examined subject to the provisions of chapter 15, of the statutes. The cost of such audit shall be paid from and charged against the proper appropriation for the board of normal school regents.

(2) WHEN MADE. Such examination shall be commenced immediately after the close of the fiscal year and be completed as soon as practicable.

(3) REPORT. Upon the completion of such examination a full and detailed report thereof shall be made by such auditor to the governor. [*Stats. 1915 s. 401m; 1917 c. 447 s. 4; 1917 c. 453 s. 3; 1917 c. 628 s. 6; 1917 c. 671 s. 12*]

37.09 Objects of schools. The exclusive purposes and objects of each normal school shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education, and in all subjects needful to qualify for teaching in the public schools; also to give instruction in the fundamental laws of the United States and of this state in what regards the rights and duties of citizens. [*Stats. 1915 s. 402; 1917 c. 453 s. 3*]

37.10 Model schools; department for teachers of deaf. (1) Said board shall also establish a model school or schools for practice in connection with each state normal school, and shall make all the regulations necessary to govern and support the same; and they may in their discretion admit pupils to such model schools free of charge of tuition.

(2) The board shall establish and maintain in one of the normal schools of the state, located in a city maintaining a graded school for the deaf, a normal training department for oral teachers of the deaf. Candidates for admission to this course shall have com-

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pleted at least one year of the advanced course in a state normal school or its equivalent. Graduates from said course shall be granted a diploma by the board that will serve as a basis for an unlimited state certificate, qualifying the holder to teach in any day school for the deaf in this state, or in any public school of the state, below high school grade. [*Stats. 1917 s. 37.10, 41.03; 1919 c. 328 s. 37*]

37.11 Powers of board as to schools. The said board shall have the government and control of all the normal schools, and shall have power therefor:

(1) To make rules, regulations and by-laws for the good government and management of the same and each department thereof.

(2) To appoint a principal and assistants and such other teachers and officers and to employ such persons as may be required for each of said schools; and to prescribe their several duties.

(3) To remove at pleasure any principal, assistant or other officer or person from any office or employment in connection with any such school.

(4) To purchase within the amount appropriated for such purposes any needful and proper apparatus, books or articles to assist in instruction, and to provide for all necessary fuel and supplies for the conduct of such schools.

(5) To prescribe the courses of study and the various books to be used in such schools. But when any state normal school shall offer a course for the express purpose of training teachers for country schools, the completion of which shall entitle one to the certificate mentioned in section 37.13, the course of study shall be the full and fair equivalent of the course of study prescribed for the county training schools by the state superintendent.

(6) To cause notice to be given of the opening of such schools and the several terms thereof.

(7) To prescribe rules and regulations for the admission of students; but every applicant for admission shall undergo an examination to be prescribed by the board, and shall be rejected if it shall appear that he is not of good moral character, or if applying as a free pupil will not make an apt or good teacher.

(8) To require any applicant for admission, other than such as shall, prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this state, to pay or to secure to be paid such fees for tuition as the board may deem proper and reasonable.

(9) To cause lectures on any art, science or branch of literature to be delivered in any such schools on such terms and conditions as they may prescribe.

(10) To confer by by-laws upon the principals of the several normal schools the power to suspend or expel pupils for misconduct or other cause prescribed in such by-laws. [*Stats. 1915 s. 404; 1917 c. 453 s. 3, 8; 1919 c. 679 s. 9*]

37.12 Two years' college course. The board of normal school regents may extend the course of instruction in any normal school so that any course, the admission to which is based upon graduation from an accredited high school or its equivalent may include the substantial equivalent of the instruction given in the first two years of a college course. Such course of instruction shall not be extended further than the substantial equivalent of the instruction given in the first two years of such college course without the consent of the legislature. [*Stats. 1915 s. 404a, 406a sub. 5; 1917 c. 14 s. 62; 1917 c. 453 s. 3*]

37.13 Diplomas; certificates. Said board may grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted until such graduate shall have passed a thorough and satisfactory examination in the course of study prescribed by the board. When any such graduate has, after receiving such diploma, taught a public school in this state two years, the state superintendent may, after such examination as to moral character, learning and ability to teach as to him may seem proper, issue to such teacher an unlimited state certificate, and thereafter such unlimited certificate shall be evidence of his qualification to teach in any common school. The said board may also, on such conditions as they may determine, grant a certificate of attendance certifying that the holder has completed the elementary course in a normal school and is qualified to teach a common school; and the said superintendent may, upon conditions above prescribed respecting diplomas, issue a limited state certificate, and thereafter such certificate shall be evidence of his qualification to teach in any common school of the state.

The said board of regents may also on such conditions as they may determine, grant a certificate, certifying that the holder has completed the course for teachers of country schools in a normal school and is of good moral character. It shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the school. [*Stats. 1915 s. 405; 1917 c. 453 s. 3; 1919 c. 601 s. 1*]

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TEACHERS' INSTITUTES.

37.14 How held and conducted. Institutes for the instruction of teachers shall be held in each year in such counties as may be designated by the state superintendent, with the advice and concurrence of said board, preference being given to such counties as receive the least direct benefits from the normal schools. The state superintendent, by and with the advice and consent of said board, may make such rules and regulations as they shall deem proper for organizing and conducting such institutes, and may, by and with the like advice and consent, employ an agent or agents to perform such work in connection therewith as by such rules and regulations may be prescribed. Each of said institutes shall be held under the direction of such agent or agents, assisted by the county superintendent. The course of study pursued in such institutes shall, as far as practicable, be uniform, and be prescribed by the state superintendent with the assistance of such agents, but subject to revision by said board. [*Stats. 1915 s. 407; 1917 c. 453 s. 3*]

MISCELLANEOUS.

37.15 Regents' report. The president of said board shall make to the governor a biennial report, bearing date the thirty-first day of August of the year in which the biennial fiscal term closes, which shall contain a full and detailed account of the doings of the said board, and of all their expenditures and of all moneys received, and the prospect, progress and condition of said normal schools; and such report, together with the reports of the different boards of visitors, shall be transmitted to the legislature by the governor. [*Stats. 1915 s. 410; 1917 c. 453 s. 3*]

37.16 Reports of academies. It shall be the duty of the president of the board of trustees of every organized academy, seminary and literary or collegiate institution heretofore incorporated or that shall be hereafter incorporated, to cause to be made out by the principal instructor or other proper officer, and forwarded to the state superintendent on or before the tenth day of October in each even-numbered year, a report for the term terminating with the thirty-first day of August of the second preceding year, setting forth the amount and estimated value of real estate owned by the corporation; the amount of other funds and endowment and the biennial income from all sources; the number of instructors and their respective salaries; the number of students in the different classes and the rates of tuition; the studies pursued and the books used; the course of instruction and such matters as shall be specially requested by said superintendent, or as shall be deemed proper by the president or principal of such academies or institutions to enable the state superintendent to lay before the legislature in his report a fair and full statement of the affairs and condition of such institutions. [*Stats. 1915 s. 411; 1917 c. 453 s. 3*]

37.17 Inspection of cadets. The president or other principal officer of any incorporated college or school of this state which shall be under military discipline or maintain a regular military department, and have enrolled, uniformed and armed not less than one hundred cadets, may apply in writing to the governor to have the corps of cadets of such college or school inspected by the adjutant general or other officer appointed by the governor for that purpose. Such inspection shall be made during April, May or June of each year, upon fifteen days' notice by mail to such applicant by the inspecting officer, and shall be held in the manner and form prescribed for troops in the service of the United States. [*Stats. 1915 s. 411a; 1917 c. 453 s. 3*]

37.18 Officer's report. The inspecting officer shall report to the governor:

(1) The number of officers, noncommissioned officers and privates paraded and inspected by him in uniform.

(2) What such uniform is and the condition thereof.

(3) The discipline and state of instruction.

(4) The number and amounts of arms, accoutrements, stores and military property exhibited to him.

(5) The true condition of the same.

(6) If a cavalry company or battery of artillery be maintained, what number of horses were exhibited and their condition.

(7) Whether such corps has complied with these provisions and the orders and regulations of the governor.

(8) Such other matters as may be required.

The inspecting officer shall receive no pay for services, but may be allowed ten cents per mile, to be paid by each of the schools so inspected. [*Stats. 1915 s. 411b; 1917 c. 453 s. 3*]

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37.19 Suspension from inspection. If such inspecting officer shall report that such corps numbers less than one hundred enrolled, uniformed and armed, or that its condition and military proficiency are not such as, in his judgment, to entitle it to the benefits of section 37.20, the governor may notify the president or other principal officer of such college or school that it is suspended from the benefits hereby given, and in such case no application for an inspection as herein provided shall be granted for a period of two years. [*Stats. 1915 s. 411c; 1917 c. 453 s. 3, 8; 1917 c. 671 s. 13*]

37.20 Graduates; rank of. In all cases where a satisfactory report is made by such inspecting officer the students of such college or school, residents of this state, graduating during the year within which such report is made and receiving full diploma or certificate from such college or school, shall be entitled to the honorary rank of second lieutenant in the unorganized militia of the state; provided, that nothing herein shall be construed to give such graduates any right to wear the uniform of the Wisconsin national guard. [*Stats. 1915 s. 411d; 1917 c. 453 s. 3*]

37.25 Education of persons honorably discharged from army or navy. (1) Any person discharged, or released, or furloughed subsequent to April 7, 1917, upon honorable conditions, from any branch of the military or naval service of the United States including all Red Cross and other nurses in military camps or hospitals who were a part of the military or naval forces of the United States in this country or overseas during the war against Germany and Austria, and who at the time of entering such service, which must have been prior to November 12, 1918, was a resident of this state, and who was in the service at least three months, and who desires to continue his education in any of the public, elementary, high, or vocational schools of this state, or in special schools organized for this purpose, or in the county training or county agricultural schools, or in the mining school, the normal schools, Stout institute, or in the University of Wisconsin, or in any institution of learning in this state at which was organized an S. A. T. C. or in any other institution of high school or collegiate grade in the state not run for profit shall, under rules and regulations to be prescribed by the state board of education, be entitled to receive thirty dollars per month while in regular attendance as a student at any such institution, but not to exceed a total of one thousand and eighty dollars in lieu of the soldier bonus provided for in chapter 667 of the laws of 1919, except as hereinafter provided. The benefit of this act shall not accrue to any person for time spent while taking training in any student army training camp, nor to any person, who, though inducted into service did civilian work at civilian pay.

(1a) Any person described in subsection (1) of section 37.25 who was, subsequent to September 8, 1919, and to his discharge from military service, and prior to a formal assignment to an education institution in accordance with the law, in regular attendance at a school in accordance with the provisions of section 37.25 to section 37.253, but without formal assignment by the state board of education, shall be entitled, upon application to the state board of education, to the educational bonus during the period of regular attendance between his entrance into school subsequent to September 8, 1919, and to his discharge from military service and the date of assignment by the state board of education, but not later than June 1, 1921.

(1b) Whenever a disabled ex-service man, approved under the provisions of section 37.25 for the educational bonus, is assigned for vocational training by the federal board of vocational education to a school in the state of Wisconsin not listed in section 37.25, he may be assigned by the state board of education to the same institution and receive the benefits of sections 37.25 to 37.253, inclusive, of the statutes.

(2) The benefits of this educational opportunity shall be available to persons who desire full-time short courses of less than a year's duration. If a person attending such short courses would receive a larger soldier's bonus under chapter 667 of the laws of 1919 than he does under the provisions of section 37.25 he shall receive at the completion of his course the difference between the bonus under section 37.25 and the bonus which he would receive under chapter 667 of the laws of 1919, if that is the larger amount.

(3) The persons described in subsection (1) shall be entitled to the bonus provided for in section 37.25 only upon application to the state board of education made within six months from October 1, 1919, or sixty days prior to the opening of a semester, term or quarter, and after assignment to an educational institution by such board under such rules and regulations as it shall prescribe, always meeting the expressed wishes of the applicant as far as possible. Attendance at an educational institution under the provisions of this act may be begun at the beginning of any semester or term or quarter. The bonus shall be authorized for one year at a time and it may be renewed annually not to exceed three times. The continuance of the granting of the bonus shall be dependent upon the satisfactory progress of the student as determined by the state board of educa-

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tion reports furnished to it from time to time by the educational institution which he attends.

(4) Accompanying all applications for this bonus the applicant shall furnish satisfactory proof that he was a bona fide resident of the state at the time of induction or enlistment, and a certified copy of his discharge or release papers or furlough, or he shall furnish other proof satisfactory to the adjutant general and the state board of education that he comes within the provisions of section 37.25.

(5) The state board of education is authorized to transfer, under the rules and regulations it shall prescribe, students receiving the bonus under section 37.25 from one school to another for failure in studies or for other good and sufficient reasons, and upon a unanimous recommendation of the academic advisory board it may, by a unanimous vote, drop a student from an educational institution and deprive him of any further bonus under section 37.25, but he shall receive the difference between the bonus received under section 37.25 and the bonus provided for in chapter 667 of the laws of 1919, if that is the larger amount.

(6) There is created an advisory academic board consisting of five members, a representative of the university selected by the board of university regents, a representative of a normal school selected by the board of normal school regents, a representative of the association of Wisconsin colleges, a representative of the superintendent of public instruction, and the director of vocational education, who shall advise the state board of education on questions of assignment, transfer, and discharge of students, and on such other questions as shall be submitted to it by the state board of education. This board may on its own initiative make such recommendations as it wishes on the general academic problems that present themselves.

(7) Each school to which a student has been assigned by the state board of education under the provisions of section 37.25 shall, upon admission of any such student or of notice that a student already registered is allowed the bonus, advise the state board of education of the date of admission of this student to the school during the then present academic year, or during the following academic year, and it shall certify to said board monthly on a pay roll form to be prescribed by the said board, the names of all students entitled to the bonus under the provisions of section 37.25 who are in regular attendance at such institution the preceding month.

(8) The state board of education may establish in co-operation with local education agencies or with the state boards or officers, special schools to meet the special needs of the persons intending to take advantage of the educational opportunities offered in section 37.25, or it may designate existing institutions, or utilize the unused parts of present school plants for this purpose.

(9) Whenever any person eligible to receive the aid provided in subsection (1) of section 37.25 shall be unable to obtain the instruction suited to his capabilities at any of the institutions or agencies referred to in such subsection and the state board of education shall so find, such state board of education shall thereupon select some other institution or agency which is qualified to meet his needs and he shall thereupon be entitled to all assistance to which he would have been entitled as hereinbefore provided for. [*Spl. S. 1919 c. 5 s. 1; 1921 c. 180, 327, 394; 1921 c. 545 s. 1, 2*]

37.251 Correspondence courses. (1) Any person described in section 37.25 who is not availing himself of the full-time educational opportunities provided for in that section, may take without cost correspondence courses from the university extension division of the University of Wisconsin. One course may be taken at a time.

(2) Persons receiving the bonus under section 37.25 may not avail themselves at the same time of the provisions of section 37.251, but may do so during periods when not under the provisions of 37.25.

(3) Persons accepting the bonus under chapter 667 of the laws of 1919 may take correspondence instruction.

(4) The instruction provided for in section 37.251 may be secured only upon application made to the state board of education and upon the approval of such board. [*Spl. S. 1919 c. 5 s. 1*]

37.252 Special schools for discharged soldiers and marines. (1) The state board of education is authorized until February 1, 1923, upon request of the local educational authorities, based upon a petition of at least fifteen persons as defined in section 37.25 to organize, in connection with local or state educational institutions, special vocational or academic or other part-time day or evening classes, to meet special needs of the persons described in section 37.25 who are not availing themselves of the educational privileges provided for in that section. [*Spl. S. 1919 c. 5 s. 1*]

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37.253 Administration, limitation, expense paid by state, exemptions, persons excluded. (1) The state board of education may prescribe rules and regulations for the administration of this act not inconsistent therewith.

(2) The educational opportunities provided for in sections 37.25, 37.251, and 37.252 shall not be available after July 1, 1924.

(3) The services provided for in sections 37.252 and 37.253 shall be paid for by the state on the basis of the actual increased cost of operation in excess of the cost of the institution if such legislation had not been passed, and not at the ordinary rate of individual courses.

(4) The students coming under the provision of sections 37.25, 37.251, 37.252 and 37.253 shall be exempt from the payment of late registration fees upon their first entrance at an institution subsequent to the passage of this act.

(5) The acceptance of the bonus provided for in chapter 667 of the laws of 1919 shall preclude any person from availing himself of the privileges of section 37.25, unless he shall first return to the state treasury the bonus received. Whenever an ex-service man who has drawn his cash bonus under chapter 667 of the laws of 1919 and is desirous of entering school under the benefits of the educational bonus law, but is not eligible to receive the benefits owing to the fact that he is financially unable to return the amount of the cash bonus; the state board of education administrators of section 37.25 are authorized to allow the ex-service man the benefits commencing the date of his assignment to school under the provisions of section 37.25; with the further provision that the monthly benefits be withheld by the state board of education until the amount withheld equals the amount received under chapter 667, laws of 1919. The aggregate amounts so withheld shall be returned to the service recognition board by the state board of education. [*Spl. S. 1919 c. 5 s. 1; 1921 c. 327; 1921 c. 488 s. 2; 1921 c. 545 s. 1, 2*]

[Spl. S. 1919 c. 5] SECTION 2. Sections 37.25, 37.251, 37.252 and 37.253 shall be construed liberally and the state board of education shall extend the privileges thereby conferred to all persons who in its opinion come within the spirit and purpose thereof.

SECTION 4. A tax of not to exceed one mill on each dollar of the assessed valuation in addition to the income surtax hereinafter mentioned is hereby levied and authorized to be included in the state tax levy annually for five years; the exact rate to be determined by emergency board upon making the estimate called for by paragraph (8) of section 5 of this act.

SECTION 5. (1) In addition to the normal tax imposed by section 1087*m*—6 of the statutes, and the surtax imposed by chapter 667 of the laws of 1919, there shall be levied, collected and paid upon the incomes of all persons, annually for five years, except as otherwise provided by law, a surtax on taxable income computed at the following rates, to wit:

(a) On the fourth one thousand dollars or any part thereof, seven twentieths of one per cent;

(b) On the fifth one thousand dollars or any part thereof, four-tenths of one per cent;

(c) On the sixth one thousand dollars or any part thereof, five-tenths of one per cent;

(d) On the seventh one thousand dollars or any part thereof, six-tenths of one per cent;

(e) On the eighth one thousand dollars or any part thereof, seven-tenths of one per cent;

(f) On the ninth one thousand dollars or any part thereof, eight-tenths of one per cent;

(g) On the tenth one thousand dollars or any part thereof, nine-tenths of one per cent;

(h) On the eleventh one thousand dollars or any part thereof, one per cent;

(i) On the twelfth one thousand dollars or any part thereof, one and one-tenth per cent;

(j) On any sum taxable income in excess of twelve thousand dollars, one and two-tenths per cent.

(2) In addition to the normal tax imposed by section 1087*m*—6 of the statutes, and the surtax imposed by chapter 667, laws of 1919, there shall be levied, collected and paid upon the incomes of corporations, joint stock companies or associations, except as otherwise provided by law, annually for five years, a surtax on taxable income computed at the following rates, to wit:

On the first one thousand dollars or any part thereof, four-tenths of one per cent;

On the second one thousand dollars or any part thereof, five-tenths of one per cent;

On the third one thousand dollars or any part thereof, six-tenths of one per cent;

On the fourth one thousand dollars or any part thereof, seven-tenths of one per cent;

On the fifth one thousand dollars or any part thereof, eight-tenths of one per cent;

On the sixth one thousand dollars or any part thereof, one per cent;

On the seventh one thousand dollars or any part thereof, one and two-tenths per cent;

On all taxable income in excess of seven thousand dollars, one and two-tenths per cent.

(3) In computing the tax upon income of corporations, joint stock companies or associations, there shall be deducted before such tax is computed from the net income an amount equal to six per cent of its capital stock, surplus and undivided profits at the beginning of the taxable year.

(4) The first surtax provided for herein shall be upon the income received during the year ending December 31, 1918, or corresponding fiscal year for which the taxpayer reported his income under the general income tax law and annually thereafter for four years, and shall be returned, assessed and collected in the same manner and at the same time as is provided for the return, assessment and payment of the normal income tax provided for under sections 1087*m*—1 to 1087*m*—30, both inclusive, except as otherwise herein provided.

(5) Deductions and exemptions as are provided by law in the assessment of the normal income tax under section 1087*m*—6 shall be the same with respect to the assessment of this surtax, but said deductions and exemptions shall not be additional thereto and shall only be made once.

(6) In the collection of said surtax the tax collector shall give his receipt therefor and there shall be no offset upon the personal property tax, and section 1087*m*—26 shall not apply to said surtax.

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(7) The whole amount collected as surtax shall, through the same channels as other income taxes are paid, be paid into the state treasury, and section 1087m—23 of the statutes shall not apply to said surtax. The amount so paid into the state treasury shall be available for the purposes of this act.

(8) The emergency board shall estimate or cause to be estimated the amount which may be collected under this section and determine as nearly as practicable the balance needed for the purposes of this act, which balance shall be raised by taxation as provided by section 4 of this act.

37.259 Soldier bonus tax; excess payment; reimbursement. Whenever it shall be certified to the state treasurer by the Wisconsin tax commission as to corporations, joint stock companies and associations or by the proper assessor of incomes as to copartnerships, individuals or fiduciaries, that excess payment has been made for the soldier bonus tax or soldier education surtax during any of the three years next preceding the date of such certificate then the said state treasurer shall within five days after receipt of such certificate draw an order against the fund in the state treasury into which such excess was paid, reimbursing such payor for the amount of such excess payment so certified. [*1921 c. 521 s. 1*]

CHAPTER 38.

STATE BOARD OF EDUCATION.

38.01 State board of education.

38.01 State board of education. (1) There is hereby created a state board of education to consist of ten members. The governor, and the state superintendent of public instruction shall be ex officio members of said board. The governor shall appoint five members of said board, one of whom shall be a woman. The appointive members shall be confirmed by the senate. One person shall be appointed by the board of regents of the University of Wisconsin, one person shall be appointed by the board of regents of the normal schools and one person shall be appointed by the state board of vocational education to be members of said board. The persons appointed by the regents of the university, the regents of the normal schools and the state board of vocational education shall be from the appointive membership of the board of regents of the university, the regents of the normal schools and the state board of vocational education respectively. The persons appointed by the board of regents of the university, the board of regents of the normal schools and the state board of vocational education shall be full members of said board.

(2) On or before August first, 1917, the governor shall appoint one member whose term shall expire August first, 1918; one member whose term shall expire August first, 1919; one member whose term shall expire August first, 1920; one member whose term shall expire August first, 1921; and one member whose term shall expire August first, 1922. On or before August first, 1918, and annually thereafter the governor shall appoint one member for the term of five years. The members appointed by the board of regents of the university and the board of regents of normal schools shall hold office for terms of two years and until their successors are appointed and qualified. The first regent appointments hereunder shall be made on or before August 1, 1917, and the terms of office shall begin on the first day of August, 1917, and biennially thereafter.

(3) The members of the said board shall receive an honorarium of eight dollars per day for not to exceed sixty days in any one year; and they shall receive the actual and necessary expenses incurred by them in discharging their duties as members of the said board. Such honorarium shall not be paid to any member who receives a salary from the state or from any state institution.

(4) Each member of said board shall take and file the official oath.

(5) The members of the said board shall, not later than the first week of August, 1917, meet at the state capitol and organize. The board shall elect its own president and fix his term of office. A majority of the members of said board shall constitute a quorum to transact business and any vacancy shall not impair the right of the remaining members to exercise all the powers of the board.

(6) The board may appoint and fix the compensation of a secretary, who shall also be chief accountant, and such other assistants, clerks, and stenographers as may be necessary to carry out the duties of said board. The board shall require an official bond of the secretary and may require official bonds of such other subordinates and employes as it shall deem expedient to bond, the amounts of which shall be fixed by the board. The secretary shall not be a member of the board, and shall perform such duties as may be

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prescribed by law or by the by-laws and rules of the board. The secretary shall keep a faithful record of all the transactions of the board and of all committees thereof.

(7) The board shall keep its office at the capitol and the superintendent of public property shall provide suitable rooms, necessary office furniture, supplies, and stationery. The board may hold meetings at any place other than the capitol. The meetings of the board shall be open to the public and all records of such meetings and of all proceedings of the board shall be open to inspection by the public at all reasonable hours; provided that the board may hold executive sessions, the findings of such executive sessions to be made a part of the records of the board.

(8) It shall be the duty of the state board of education to have the exclusive charge and management of all financial affairs relating to capital account and all biennial estimates authorized by subsections (11) and (12) for the educational activities of the state and to examine and study the business methods and management of and the expenditure of public funds for the common schools, high schools, county training schools, county schools of agriculture and domestic economy, vocational schools, day schools for the deaf and blind, Stout institute, the mining trade school, the several normal schools and the university, shall ascertain the financial and business needs of such schools and institutions, the fair and proper distribution of such expenditures and the most efficient and economical use of public funds for educational purposes and shall have power to institute and maintain an adequate and uniform accounting system.

(9) The said board shall have power and authority to require and it shall be the duty of every state or county superintendent of public instruction or education and every officer or governing body of any school or institution mentioned in subsection (8) of this section to furnish such data and information as such board may deem necessary to carry out the provisions of this section.

(10) The board shall cause all of the financial transactions and accounts of or relating to the mining trade school, Stout institute, the several normal schools, the university and the various departments thereof, at the close of each fiscal year, to be fully and thoroughly examined and audited by its accountant. Said board may cause a like audit of any of the other schools mentioned in subsection (8) which receive state aid. Such examination shall be commenced immediately after the close of said period and be completed as soon as practicable. Upon the completion of such examination a full and detailed report thereof shall be made by such accountant to the board. The audit provided for by section 15.15 of the statutes shall apply to the institutions mentioned in subsection (10).

(11) The state board of education shall on or before the fifteenth day of December next preceding the convening of the legislature in any regular session prepare in convenient form its recommendations as to the financial and business needs of and the fair and proper distribution of public funds to the schools and institutions mentioned in subsection (8) of this section so as to increase and promote the efficiency and educational value of such schools and institutions and such other recommendations as to the improvement of the business management and control of such schools and institutions as the said board may deem expedient, a full and detailed report of any audit made under the provisions of subsection (10) and its estimates for the following biennium for each of the several institutions under its supervision specifying therein, in detail, the amount of money that will be required for the support and maintenance of each of the said institutions and also estimates setting forth the various amounts needed, detailed as to class of schools and purpose of proposed appropriation, as direct state aid, for all public schools not under its supervision, the amount needed for the support of the department of the state superintendent of public instruction, and also the amount needed for the board of education to carry out the purposes of this section, all such estimates to be for the next biennial period. The secretary of the board shall on or before the fifteenth day of December mail to each member-elect of the legislature and to the governor-elect a copy of said reports, recommendations, and biennial estimates.

(12) Whenever matters affecting any school under the board are before it or any of its committees for consideration, the president of such school and any other persons shall have the right to be present at such meeting and be heard by the board or the committee having charge of the subject. The governing bodies of the several schools under the supervision of the board shall submit biennial estimates and annual budgets to the board, and shall be heard by the board or the proper committee thereof upon the estimates or budgets for the various schools. It shall be the duty of the presidents and the governing bodies of each of the several schools under the jurisdiction of the board of education to prepare and supply to the board all useful and helpful information regarding the financial needs of the various schools and to make recommendations regarding the needs

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of such schools in order that the board of education may have full information upon which to base its recommendations to the legislature.

(13) The regents of the university, the regents of the normal schools, the mining school board, the state board of vocational education for itself and for Stout institute, and the state superintendent of public instruction shall during the month of April of each year submit their respective annual budgets for the following fiscal year beginning July first; and if such budgets are within the available funds and in reasonable conformity to the legislative will they shall be approved by the state board of education so far as they relate to operation and maintenance. After such approval, the administration of the budgets for operation and maintenance of the several classes of schools mentioned in this subsection shall in each case rest with the board or officer designated by law as being the immediate governing authority of said institution, school, or department.

(14) No new building shall be constructed or lands purchased except by or under the direction of said board. [*Stats. 1915 s. 376—50; 1917 c. 453 s. 4; 1917 c. 478; 1917 c. 630 s. 6; 1917 c. 671 s. 36; 1919 c. 93 s. 12, 13; 1919 c. 154; 1919 c. 362 s. 32; 1919 c. 679 s. 11, 12; 1919 c. 703 s. 41*]

CHAPTER 39.

SCHOOL ADMINISTRATION AND SUPERVISION.

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STATE SUPERINTENDENT.

39.01 Appeals to state superintendent. (1) Any person conceiving himself aggrieved by any decision made by any school district meeting or by any town board in forming or altering or in refusing to form or alter any school district, or by any other thing done by any officer or board under the provisions of this chapter, may appeal to the state superintendent. Such appeals shall be taken and heard in the manner prescribed by him and he shall make and file his decision within thirty days after the hearing thereof is closed. The decision appealed from shall be operative until the same shall be reversed; and no decision on appeal to said superintendent made by him after the lapse of thirty days from the time the hearing thereof is closed shall be effectual.

(2) No review of the decisions of the state superintendent on matters decided by him shall be had unless proceedings by certiorari or other appropriate action be brought with-

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in thirty days after such determination by him, or in cases heretofore decided by him, within thirty days after this act takes effect.

(3) In case the town board or any other officer shall neglect or refuse to carry into effect any decision of the state superintendent made upon an appeal from their or his action or refusal to act, each supervisor or other officer refusing or neglecting shall forfeit the sum of fifty dollars; and every town clerk who shall so neglect or refuse shall also be liable to removal by the town board upon proper notice thereof. [*Stats. 1915 s. 497, 497a, 504; 1917 c. 578 s. 1*]

39.02 Inspection of school buildings. (1) The inspector of rural schools, the inspectors of state graded schools, and the inspector of high schools of the state, in addition to their other duties, are hereby made inspectors of public school buildings. Said inspectors shall act under the direction of the state superintendent, and under such regulations as may be established by him.

(2) Whenever any county or district superintendent, city superintendent, member of a school board or board of education, or any voter of a school district, or a member of a board of health, shall make a complaint in writing to the state superintendent that any building used for or in connection with any public school in his county, district, city, village or town, as the case may be, is in an unsanitary condition, or that the conditions are such as to endanger the life and health of the children attending school, or that the schoolhouse is unfit for school purposes, one of said inspectors designated by the state superintendent shall personally investigate and examine the premises and buildings concerning which said complaint is made.

(3) Upon such investigation and examination said inspector shall, if conditions warrant it, make an order directing the school board, the board of education, or other officer or officers having control of the school district or school corporation, to repair and improve or remodel such building or buildings or parts of buildings as may be necessary, and to place said buildings in a safe and sanitary condition; or if said inspector shall deem the schoolhouse or other buildings unfit for school purposes and not worth repairing he shall state said fact and recite the reason therefor, and shall order and direct the erection of a new building or buildings or parts of buildings.

(4) The said inspector shall file said order in the state superintendent's office, and cause true copies thereof to be delivered, by mail or otherwise, to the clerk of the district board, the clerk of the board of education of the district or school corporation where such schoolhouse and premises are located, and shall deliver as provided herein copies of said order to the proper county, district or city superintendent, and also the clerk of the town, city or village in which the schoolhouse is located.

(5) The said order shall state the time in which it shall be complied with, and shall take effect from its date, and shall continue in force and full effect until reversed. The decision of the inspector may be appealed from to the state superintendent in the time and manner now provided for taking appeals to said superintendent, and the decision appealed from shall be stayed, pending such appeal.

(6) Nothing in this section shall be deemed to interfere with the operation of the provision of subsection (3) of section 39.07, relating to the duties of county superintendents of schools, or with the provisions of section 40.72 of the statutes, relating to the inspection and regulation of the sanitary conditions of schoolhouses by boards of health. [*Stats. 1915 s. 517; 1917 c. 578 s. 1; 1919 c. 106*]

COUNTY SUPERINTENDENT.

39.03 Eligibility. (1) No person shall be eligible to the office of county superintendent of schools who shall not, at the time of his election or appointment thereto, have taught in a public school in this state for a period of not less than eight months, and who shall not, at such time, hold a certificate entitling him to teach in any public school therein, or a county superintendent's certificate, issued by the state superintendent after examination by and upon the recommendation of the board of examiners for state certificates as provided by law; provided, that the foregoing provision shall not disqualify any person who held such office in this state on or before the first day of May, one thousand eight hundred and ninety-five.

(2) A person shall not be ineligible to the office of county superintendent of schools on account of residence in cities of the third and fourth class within the territorial limits of any such district. [*Stats. 1915 s. 702a, 461cc; 1917 c. 578 s. 1*]

39.04 Superintendent of schools; election; duties and powers. (1) A superintendent of schools shall be chosen by the qualified electors of each superintendent district in the state of Wisconsin, at the election to be held on the first Tuesday in April in the year one thousand nine hundred and five, and biennially thereafter, and said officer shall hold

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his office for the term of two years from the succeeding first Monday of July. The superintendent of each superintendent district shall hold his office until his successor shall have been elected or appointed and shall have qualified.

(2) The county board of supervisors of every county at the annual meeting next preceding the election of such county or district school superintendent shall fix the amount of the annual salary which shall be received by such county or district superintendent of schools. On and after the passage of this act the following shall be the minimum annual salaries of the county or district superintendents. In counties or county superintendent districts having fewer than one hundred teachers, twelve hundred dollars; in counties or county superintendent districts having more than ninety-nine teachers and less than one hundred fifty, fourteen hundred dollars; in counties or county superintendent districts having one hundred fifty teachers or more, sixteen hundred dollars. In counties where fewer than sixty teachers are employed, the county board of supervisors may provide that the county superintendent shall devote not less than one hundred school days to the duties of said office and be paid a compensation of not less than nine hundred dollars. Provided, that if the supervisors fail or neglect to vote upon and fix a salary of the county or district superintendent, the salary last legally fixed shall continue to be the salary paid, but in no case less than the minimum fixed in this subsection. The county board of supervisors are empowered and directed to make provision for the payment of the salary of the county or district superintendent in twelve equal monthly instalments.

(3) No county or district superintendent of schools except as provided in subsection (2) shall engage in teaching during the term for which he was elected, or engage in any business, profession, occupation or pursuit during the term for which he was elected, which will in anywise interfere with the proper discharge of the duties of his office. He shall not absent himself from the county or district to engage in any business, occupation, profession, or pursuit, during the term for which he was elected. A violation of any of the provisions of this subsection shall subject the offender to removal from office and to a loss of salary during the entire time that any of the provisions of this subsection have been violated. It shall be the duty of the district attorney, upon complaint, to commence an appropriate action for the recovery of any sum due for violation of any of the provisions of this subsection. Any sum recoverable under the provisions of this subsection shall be placed in the general fund of the county.

(4) All county and district superintendents shall be allowed in addition to their salary such actual and necessary expenses incurred in the proper discharge of their duties as may be reasonable and just, and shall be allowed all stationery, postage, and printing necessary for the proper discharge of the duties of their office as may be reasonable and just. The county or district superintendent shall make and present itemized statements of his accounts for expenses, printing, stationery, and postage to the county clerk prior to the November meeting of the county board of supervisors, and they shall be audited at the annual meeting of the county board of supervisors and paid as allowed. The county board of supervisors are authorized to make provision for the quarterly payment of such expenses.

(5) In counties having more than sixty schools the county board of supervisors at the annual meeting in November, 1915, and annually thereafter, may authorize the county superintendent to employ a clerk, and shall fix the salary to be paid to such clerk for the county superintendent, which shall be paid in monthly instalments and paid as other claims against the county are now audited, allowed and paid. The county board of supervisors are authorized to appropriate money to the county superintendent to enable him to employ competent persons to assist in conducting and marking papers in examinations for common school diplomas. The county board of supervisors may limit the per diem to be paid to such common school diploma examiners and the number of days that each such examiner may receive pay.

(6) In all cases where the county is divided into two superintendent districts only those members of the county board of supervisors residing within the superintendent district—supervisors from cities under city superintendents to be excluded—shall have and exercise the power and authority granted above to the county board of supervisors in cases where the superintendent district comprises the entire county.

(7) In order to exercise such power and authority the supervisors from each superintendent district shall meet and organize after the manner of organization provided for county boards of supervisors so far as necessary in order to transact the business before them, and when so organized the supervisors from one superintendent district shall act independently and free from any interference, voice, direction or control from the supervisors of the other district.

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(8) All supervisors representing only cities or wards of cities or districts in cities having an independent system of schools supervised by an independent city superintendent are excluded from any participation in the deliberations of the supervisors of any superintendent district had with reference to the manner of directing the administration of its school affairs, nor shall any tax be levied in any such city to pay any part of the salary, expenses, printing or postage of such county or district superintendent, or the salary of the clerk for such superintendent, or the per diem and expenses of the members of the board of examiners for common school diplomas.

(9) Each county or district superintendent shall be reimbursed his actual and necessary expenses incurred in traveling from his residence to the place of holding the nearest or most accessible convention of county superintendents called by the state superintendent, his hotel expense during the time he actually attended such convention and his expenses incurred in returning to his place of residence. An itemized statement for such expenses shall be audited by the county board upon the presentation thereof with the certificate of the state superintendent attached, showing the attendance of the county or district superintendent on such convention for the time specified in the statement, and not more than one such account shall be paid for any one superintendent for each year. [*Stats. 1915 s. 698 sub. 2 to 9, 17; 1917 c. 14 s. 43, 52; 1917 c. 408; Stats. 1917 s. 17.07, 17.16; 1917 c. 578 s. 1; 1919 c. 253; 1919 c. 362 s. 21, 28, 33; 1919 c. 671 s. 9*]

39.05 Superintendent districts; effect upon cities. The county board of each county having over fifteen thousand inhabitants according to the census last preceding division may divide such county into two superintendent districts, to be called superintendent district number one and superintendent district number two, by resolution, specifying therein the territory included in each and every such division, and every like division heretofore made shall remain in force until rescinded by resolution of the county board. Unless so divided each county shall constitute a superintendent district; but every city having a board of education, a superintendent of schools or other board or officer vested with power to examine and license teachers and supervise and manage the schools therein shall be exempt from the provisions of this section and all provisions relating to county superintendents of schools, except so far as required to make reports to the county superintendent of the district in which such city is situated; and the electors of such city shall have no voice in electing such county superintendent, and the supervisors from such city shall have no voice in the county board in determining or providing the compensation or allowance of, or any matter relating to, such county superintendent; nor shall any tax be levied on such city to pay any part of such compensation or allowances. When any county shall be so divided the county board may assign the county superintendent in office to either district, and the state superintendent shall appoint a county superintendent for the other district, to hold until his successor is elected and qualified according to law. The acceptance of the office of county supervisor by any county superintendent of schools shall vacate his office. [*Stats. 1915 s. 703; 1917 c. 578 s. 1*]

39.06 Residence and office. When a county seat is located in an independent city having a separate superintendent of schools or a county shall be divided into two superintendent districts, the county superintendent may reside in such county seat and keep an office in the public building or other place provided therefor by the county. [*Stats. 1915 s. 461c; 1917 c. 578 s. 1*]

39.07 Duties of county superintendent. It shall be the duty of every county superintendent:

(1) To examine and license teachers in his district and to annul certificates as provided by law.

(2) To visit and examine each district and all the schools in his district at least once in each year and as much oftener as may be necessary; to inquire into all matters relating to the management, course of study, mode of instruction, textbooks and discipline of such schools and the condition of the schoolhouse, sites and outbuildings and appendages and of the district generally; to advise with and counsel the district boards in relation to their duties, and particularly in relation to the construction, warming and ventilation of schoolhouses and the improving and adorning of the school grounds, and to recommend to the school officers and teachers the proper studies, discipline and management of schools.

(3) To direct, after proper examination, the district board to make any alteration and repairs which shall, in his opinion, be necessary to the health, comfort and progress of the pupils, and to abate any nuisance in or upon the premises, provided the same can be done at an expense not exceeding twenty-five dollars.

(4) To make an order in concurrence with the chairman of the town board in which any schoolhouse is situated which they shall deem unfit for school purposes and not worth repairing, declaring such fact and reciting the reason therefor. They shall deliver such

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order to the clerk of the district and transmit forthwith a copy thereof to the clerk of the town and also to the state superintendent. Such order shall take effect from its date unless within thirty days after it is delivered to the district clerk the same shall be reversed by the state superintendent for cause shown; and from the time said order shall take effect the district shall not share in any apportionment of the school fund income for any school kept in any building so declared to be unfit for school purposes.

(5) To report annually to the board of supervisors of his county the condition of the schools under his supervision.

(6) To receive the reports of the district clerks required to be made by law and to transmit abstracts of the same to the state superintendent; and to report on or before the fifteenth day of September to each town, village or city clerk in the territory under his jurisdiction, the number of persons of school age reported to him by the district clerks as residing in the several districts or parts of districts of the several towns, villages or cities in his county or superintendent district, on the last day of June in each year; and in case there are any parts of joint districts lying in his county or district the schoolhouses of which are situated in other counties, he shall report to the county superintendent of the county in which the schoolhouses of said joint districts are located the names, sex and number of persons of school age residing in the parts of such joint districts as lie in his county or superintendent district, and from time to time such other facts relating to education in his district as the state superintendent shall require.

(8) To hold semiannual public examinations for county teachers' certificates at two or more convenient places within the county, and to give due notice of the time and places at which such examinations will be held by a publication in newspapers having a circulation within the county, or by printed notice to teachers and clerks of school boards within the county. Whenever, for any cause satisfactory to the county superintendent, it is necessary to give a private examination to any person desiring a certificate, if the person be found qualified, according to law, he may issue a certificate of the proper grade, which shall remain in force until the next regular public examination in such inspection district.

(9) The county superintendent of schools shall annually call and hold at least one school board convention for his superintendent district, at the county seat or some other convenient place, for the purpose of consultation, advice, and instruction upon matters pertaining to the management of the schools. The county superintendent may determine the number of days each convention shall be in session, provided no convention shall be held for more than two consecutive days. Each district clerk shall, and the director and treasurer may, attend such convention. Each member present shall be allowed four dollars for each day's attendance at the convention, provided his certificate of attendance shall show that he was present at each session of the convention, and mileage at the rate of three cents per mile each way, going and returning to and from said meeting, said sum to be paid from any moneys in the school district treasury not otherwise appropriated. Such per diem and mileage shall be in full payment of all expenses incurred by each member while in attendance at the convention. The county superintendent shall keep a record of the attendance of all members at each morning, afternoon or evening session of the convention during the days the convention shall be in session, and shall issue to each member in attendance a certificate setting forth the actual attendance of each of said members, which shall be filed with the school district clerk and serve as a basis or evidence for drawing the necessary warrant upon the district treasury. [*Stats. 1915 s. 461; 1917 c. 14 s. 53; 1917 c. 578 s. 1; 1919 c. 415; 1919 c. 671 s. 10*]

39.08 Attendance on convention. The county superintendent shall attend annually at least one convention of county superintendents called and held by the state superintendent for the purpose of consultation, advice and instruction upon matters pertaining to supervision and management of public schools. His necessary actual expenses for traveling from his residence to the place of holding the nearest and most accessible convention and returning thereto and for board and lodging while in actual attendance thereon shall be paid by the county, and bills for such expenses shall be audited and allowed by the several county boards upon the presentation of the same with the certificate of the state superintendent attached thereto showing that the claimant attended such convention for the number of days specified in the bill; provided, not more than one such account shall be paid in each year. [*Stats. 1915 s. 461a; 1917 c. 578 s. 1*]

39.09 Charges against teachers. If any charges be made in writing to any county superintendent, over the signature of a complainant, against any teacher in the superintendent's district, affecting his moral character, learning or ability to teach the superintendent shall give to the complainant, the teacher and the board by whom he is employed at least ten days' notice in writing containing a statement of the charges and of the time and place when and where he will hear the same. He shall proceed according to the notice

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to hear the proofs on either side and give the accused a reasonable opportunity to defend himself; he may administer oaths, and if he find the charges sustained and sufficient annul his certificate; but the teacher shall not be disqualified thereby until notice containing his name, the date of and reasons for such annulment be filed in the office of the town clerk and a copy thereof delivered to the clerk of the district in which the teacher is employed. [*Stats. 1915 s. 453; 1917 c. 578 s. 1*]

39.10 Superintendent's duty as to deaf and blind children. It shall be the duty of each county and city superintendent of schools to send to the superintendent of the state school for the deaf at Delavan and to the superintendent of the state school for the blind at Janesville the address of parents with the name and age of each deaf or blind child known to be in his county or city, and to inform parents, guardians and custodians of deaf mutes and blind children in his county or city respecting the several schools for deaf mutes and the blind in the state and the conditions of admission to them; and for this purpose the superintendents of such institutions shall provide each such superintendent with sufficient printed information and with the names and residences of all deaf mutes and blind children known to be in his county or city. And each such superintendent shall include in his annual report to the county board of supervisors or the city board of education a statement of the number of deaf mutes and of blind children of school age in such county or city then receiving an education, or the number of each not receiving an education, and of the number of personal visits he has made during the year upon the parents, guardians or custodians of such children to induce them to give such children a proper education. [*Stats. 1915 s. 461g; 1917 c. 578 s. 1*]

39.11 Superintendent's report. (1) Each county superintendent shall, on or before the fifteenth day of September in each year, make and transmit to the state superintendent a report in writing, setting forth the whole number of districts, the schoolhouses of which are in his county or superintendent district, distinguishing those from which the required reports have been made to him by the district clerks, and containing an abstract of their reports, and also embracing an abstract of the annual report of the secretary of each free high school in such district, and such other facts and statistics as may be required by the state superintendent.

(2) Each county superintendent shall also, within the time above mentioned, make and deliver to the county clerk and to the county treasurer a written statement of the whole number of children in each town, village and city under his supervision over the age of four and under the age of twenty years returned from the districts which have maintained schools for eight or more months during the past year as appears from the reports of district clerks. It shall be the duty of the county superintendent, on or before the tenth day of June in each year, to send to each school district clerk in his district the necessary blanks upon which the school census and other facts, as may be required in section 40.21, may be reported. It shall be the duty of the state superintendent, on or before the first day of June in each year, to furnish each county and city superintendent with the necessary blanks upon which the reports called for in section 40.21 may be made by the several school district clerks in the several counties of the state.

(3) It shall be the duty of the state superintendent, on receipt of a satisfactory annual report within the time specified by law, to issue to each county or district superintendent a certificate setting forth the fact that the annual report required in this section has been made, filed and approved within the time specified by law.

(4) It shall be the duty of the county clerk, when presented with the certificate authorized in subsection (3), immediately, without action of the county board of supervisors, to draw an order on the county treasurer in favor of the county superintendent for twenty-five dollars in county or superintendent districts containing fifty or less school districts; fifty dollars in superintendent districts containing more than fifty and less than one hundred school districts; seventy-five dollars in superintendent districts containing more than one hundred and less than one hundred and fifty school districts, and one hundred dollars in superintendent districts containing more than one hundred and fifty school districts. It shall be the duty of the county treasurer to pay such amounts as may be certified by the county clerk from any money in the general fund of the county not otherwise appropriated.

(5) The county superintendent shall annually make and file with the county clerk a statement, verified by his affidavit, giving the names of all persons examined by him since the beginning of his term or since the date of his last statement, together with the dates when such persons were examined. He shall also embody in such statement the names of all persons to whom certificates have been issued upon papers written in another superintendent's district and the dates when such certificates were issued, and also the names of all graduates of high schools whose diplomas he has countersigned, together with the dates of countersigning. At the expiration of his term of office he shall file with the county

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clerk a similar sworn statement, covering the time from the close of his last regular series of examinations to the close of his term, and shall embody in such statement a summary, giving the number of persons in each of the three classes herein named and of all the persons so reported by him to the county clerk during his term of office.

(6) Every county superintendent who shall neglect or refuse to make the report required of him by this chapter to the state superintendent shall be liable to pay to each town the amount which such town or any school district therein shall lose by such neglect or refusal, with interest thereon, to be recovered in either case in an action prosecuted by the town treasurer in the name of the town. All money collected or received by any town treasurer under the provisions of this section shall be apportioned and distributed to the school districts entitled thereto in the same manner that the money lost by any such neglect or refusal would have been apportioned and distributed. [*Stats. 1915 s. 461e, 464, 499; 1917 c. 578 s. 1*]

39.12 [*Renumbered section 43.20 by 1921 c. 452 s. 8*]

COMMITTEE ON COMMON SCHOOLS.

39.13 Committees on common schools. (1) There is hereby created a committee for each county or county superintendent district in the state of Wisconsin, to be known as the committee on common schools, consisting of three members, to be appointed or elected as hereinafter provided.

(2) The chairman of the county board of supervisors of every county in the state immediately after the passage and publication of this act shall appoint three persons to act as a committee on common schools for the creation, dissolution, or consolidation of school districts, or alteration of school district boundaries, and the appointment of supervising teachers provided for in subsection (1) of section 39.14. Any elector resident within the county, but not within a city under a city superintendent, shall be eligible to appointment on such committee, provided that no member of the county board of supervisors shall be eligible to serve as a member of such committee. The terms of office of the members of the committee on common schools appointed by the chairman of the county board of supervisors shall expire on the first Tuesday succeeding the second Monday in November, 1915. At the annual meeting of the county board of supervisors of every county in the state held in November, 1915, there shall be elected by the county board of supervisors a committee on common schools consisting of three members to perform the duties imposed by this act on such committee. The terms of office of the members of the committee on common schools shall be for three years from the date of their election, except that the county board of supervisors at the November meeting, 1915, shall select one member who shall serve for one year, one member who shall serve for two years, and one member who shall serve for three years from the date of his election, and annually thereafter the county board of supervisors of every county in the state shall at the regular meeting in November elect one member on the committee on common schools who shall serve for three years from the date of his election or until his successor shall have been elected.

(4) The members of the county board of supervisors representing only cities or wards of cities or districts in cities having an independent system of schools supervised by an independent city superintendent, shall have no voice in electing members of the committee on common schools, nor shall any tax be levied in such city to pay any part of the per diem or expenses of the members of such committee. In counties maintaining two superintendent districts the chairman of the county board of supervisors shall appoint two committees on common schools of three members each, as provided for in subsection (2), and the county board of supervisors in such counties shall in November, 1915, and annually thereafter, as provided for in subsection (2), elect two committees on common schools.

(5) The members of the committee on common schools appointed before November, 1915, shall meet at the county seat on the first Tuesday after their appointment and elect one of the members as chairman of the committee, who shall serve until his successor shall have been chosen. The first meeting of the committee on common schools held in accordance with this subsection shall be construed to be the first annual meeting of the committee on common schools.

(6) After December 1, 1915, the committee on common schools shall meet annually at the county seat on the first Tuesday in December for the transaction of such business as may properly come before it. Special meetings may be called by the secretary of the committee upon the order of the chairman, or by the other two members of the committee at such times and places as may be designated in the call. At least six days' written notice of the time, place and purpose of any special meeting shall be given each member of the committee. It shall be lawful to send such notice by registered mail. The clerk for the county superintendent shall be ex officio secretary of the committee, but in case no such

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clerk is serving then the committee on common schools shall elect one of its members as secretary. A majority of the committee shall constitute a quorum.

(7) It shall be the duty of the secretary of such committee to keep a record of all of the proceedings of the committee. The county clerk shall furnish the committee, at the expense of the county, all necessary record books, stationery, printing and postage needed for the proper discharge of its duties. The bill for the expense of such supplies shall be audited and allowed as other claims against the county are audited and allowed. It shall be the duty of the county superintendent, upon the request of the committee, to attend its meetings and to advise with the committee.

(8) The members of the committee on common schools shall be allowed a per diem of three dollars and all necessary and actual expenses incurred in the performance of their duties, provided that they shall not be paid a per diem for more than fifteen days in any one year. The per diem and the expenses of the members of this committee shall be audited and paid as other claims against the county are now audited and paid.

(9) Any person feeling himself aggrieved at the action of any town board, village board of trustees, or city councils in creating, dissolving, or consolidation of school districts, or altering school district boundaries, or in refusing to create, dissolve, or consolidate school districts, or alter school district boundaries may appeal to the committee on common schools, which shall try the appeal in the manner, within the time and with the same result as in case of trial on appeal to the state superintendent.

(10) Any person feeling himself aggrieved at the action of the committee on common schools in creating, dissolving, or consolidating of school districts, or altering school district boundaries, or in refusing to create, dissolve, or consolidate school districts, or alter school district boundaries, or by anything done by the committee under the provisions of this section, may appeal to the state superintendent as provided by section 39.01.

(11) It shall be the duty of the committee on common schools to file a copy of its decision in any case heard before it in accordance with the provisions of this section with the clerks of the school districts interested and with the county superintendent within six days after having made said decision.

(12) The committee on common schools shall within two years after its appointment proceed to make a map of the county, showing the boundaries of the school districts in the county, the location of the schoolhouses, and the main highways. It shall be the duty of the county superintendent, the supervising teachers, and the clerk for the county superintendent to assist the committee on common schools in the preparation of the county school district map. The map when made shall be kept in the office of county superintendent at the county seat, or in case the county superintendent does not maintain an office at the county seat, then in the office of the county clerk, and shall be corrected from time to time. But no order for the consolidation of school districts shall be made if a majority of those voting on the question of consolidation shall vote against consolidation.

(13) It shall be the duty of the committee on common schools on or before the first day of November of each year to file with the county board of supervisors a report setting forth the number of meetings held and the number of school districts created, dissolved, consolidated or altered, and a report of the expenses of the members of the committee. The report when filed shall be published in the proceedings of the county board of supervisors and shall be filed with the county clerk. [*Stats. 1915 s. 704; 1917 c. 578 s. 1; 1919 c. 362 s. 34*]

SUPERVISING TEACHERS.

39.14 Supervising teachers. (1) The committee on common schools annually on the first Tuesday in May shall upon the nomination of the county superintendent or the county superintendent-elect appoint one supervising teacher with the qualifications hereinafter provided, to assist the county superintendent in supervising schools. In counties or superintendent districts having more than one hundred twenty-five schools the committee on common schools may on the first Tuesday in May, upon the nomination of the county superintendent or the county superintendent-elect, appoint two supervising teachers with the qualifications hereinafter provided, to assist the county superintendent in supervising schools. The county superintendent or county superintendent-elect shall, annually on or before the first Tuesday in May, file with the chairman of the committee on common schools the names of persons qualified under the provisions of subsection (3) to hold the position of supervising teacher. The number of names so filed shall be three times the number of persons to be appointed in any county or superintendent district. If the county superintendent and the county superintendent-elect are not one and the same person the nominations provided for in this subsection shall be filed with the chairman of the committee on common schools by the county superintendent-elect.

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(2) The committee on common schools shall make the appointment or appointments provided for in subsection (1) from the eligible list so filed by the county superintendent or the county superintendent-elect, and shall fix the monthly salary to be paid such supervising teacher or teachers, which shall be not less than one hundred dollars per calendar month. The county superintendent shall determine the months in the year during which the supervising teacher shall be employed, provided that each supervising teacher shall be employed and paid for ten months in each year. In addition to his salary, the supervising teacher shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties. The county board of supervisors in every county shall appropriate money to pay the salary and expenses of the supervising teachers, provided for in this section, in ten equal monthly instalments; and shall make any necessary provision for such monthly payments of salary and expenses of each supervising teacher, until such times as the county or superintendent district shall be reimbursed by the state for the amount paid for such purposes.

(3) No person shall be eligible to nomination by the county superintendent or appointment by the committee on common schools as supervising teacher in any county or superintendent district who does not at the time of his appointment hold a state certificate, either a first grade county certificate, or a second grade county certificate, or a certificate of graduation from a county training school for teachers, or from the training department of a high school maintaining a teachers' training course as provided in section 40.63 of the statutes, and in addition to such educational qualifications shall have had at least three years of successful experience in teaching, at least one of which shall have been in rural schools.

(4) It shall be the duty of the supervising teacher, during the time the schools are in session, to supervise and assist, under the direction of the county superintendent, the teachers employed in the schools of the county or superintendent district, devoting special attention to the less experienced teachers. He shall, under the direction of the county superintendent, assist in organizing and administering the schools in the county, classifying them according to the character of the work done, and in grading pupils toward the development of their individual capabilities. He shall endeavor to stimulate an interest among the pupils, teachers and parents in agriculture and other subjects pertaining to rural conditions, and shall consult and advise with school boards. It shall be the duty of each supervising teacher to report weekly to the county superintendent the number and names of the schools visited, the time spent in each school, the number and names of school officers met, and such other facts and information as may be required by the county superintendent. When the schools are not in session the supervising teacher shall visit the homes within his supervisory district to promote general educational interest, and advance his personal knowledge of the application of the rural school to its needs and accomplishments, and report the same to the county superintendent and shall perform such other work as the county superintendent may direct. It shall be the duty of the supervising teacher to attend an institute each year when called by the state superintendent of public instruction. The supervising teacher shall be reimbursed his actual and necessary expenses incurred while attending such institute, provided he shall have filed with the county clerk a certificate of attendance signed by the state superintendent of public instruction. Any supervising teacher may be removed by the joint action of the county superintendent and the committee on common schools, provided he fails to perform diligently and efficiently the duties imposed upon him by law or for any conduct unbecoming a teacher.

(5) It shall be the duty of each county or district superintendent in the state to send a written report of each formal personal visit to any school in the territory under his jurisdiction to the clerk of the school district. The report shall set forth the date of his visit, the number of hours he was at the school, the number of pupils enrolled, the number of pupils present, his opinion of the order, discipline, grading and spirit of the school and of the efficiency of the teacher. He shall also in this report call the attention of the board to any needed supplies or equipment, or needed improvements to the school building, outbuildings or grounds. A copy of each such report shall be filed in his office, where it shall remain as a public record. Each supervising teacher shall make a similar report on each visit to a school to the county superintendent and shall furnish such other facts or information as may be called for by the county superintendent. On receipt of such report from the supervising teacher the county or district superintendent shall thereupon send the district clerk of each school visited by the supervising teacher such a written report based on this inspection report as he shall deem wise and necessary. The county superintendent and the supervising teachers shall make reports to the committee on common schools on such subjects as the board may deem necessary.

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(6) The county or district superintendent shall between the first and tenth days of July in each year make out, under oath, a report in writing to the state superintendent, setting forth the name and qualifications of the supervising teacher, or teachers, the number of months employed, the total amount of his monthly salary and of his actual and necessary expenses allowed or paid during the year ending the preceding June thirtieth, and such other facts as may be required by the state superintendent.

(7) On receipt of such report, if it shall be satisfactory to the state superintendent, and if it shall appear, as the result of an actual inspection by the direction of the state superintendent, that the work of such supervising teacher has been efficient, and that he has devoted his time exclusively to the duties of his position, the state superintendent shall certify in favor of the county employing such supervising teacher, or teachers, the amount of the salary and the actual and necessary expenses paid to such supervising teacher, or teachers, for the year ending the preceding June thirtieth, and file it with the secretary of state, whereupon the secretary of state shall draw his warrant to the amount of the certificate in favor of the county treasurer of the county employing such supervising teacher, or teachers. The amount so certified shall be paid upon the warrant of the secretary of state by the state treasurer to the treasurer of the county, to be placed in a fund to be used for the payment of the salary and expenses of the supervising teacher, or teachers. [*Stats. 1915 s. 698 sub. 10 to 16; 1917 c. 578 s. 1; 1919 c. 97; 1919 c. 671 s. 10a; Spl. S. 1920 c. 3*]

QUALIFIED TEACHERS.

39.15 Certificates required. (1) If any person desires to teach in any of the common schools he shall procure a certificate from the proper examining officer, and no certificate shall have force except in the district of the officer by whom issued.

(2) It shall be the duty of every person who contracts to teach in any public school or department thereof, to file in the office of the county or city superintendent within ten days after entering into such contract, a certified statement showing the date of expiration, by whom issued and the grade and character of certificate held, unless such certificate is one which shall have been issued by the superintendent having jurisdiction over such school or department. If any teacher shall refuse or wilfully neglect to comply with the provisions of this subsection he or she shall forfeit one week's salary, and it shall be the duty of the treasurer of the school board or board of education to withhold such amount and turn it over to the county treasurer for the benefit of the school fund. No order or warrant shall be issued by the clerk of the school board or board of education in payment of the salary of any teacher, unless such teacher shall have complied with the provisions of this subsection. [*Stats. 1915 s. 448; 1917 c. 578 s. 1; 1921 c. 82 s. 1, 2*]

39.16 Certification of teachers, requirements. (1) In order to obtain any form of a license or certificate to teach in any public school in this state prior to September 1, 1925, the applicant must have completed at least three years of school work beyond that offered in the first eight grades of the public school system or the full and fair equivalent of such work, at least one year of which shall have been devoted to instruction and training preparatory to the work of teaching. In order to obtain any form of a license or certificate to teach in any public school in this state on and after September 1, 1925, the applicant must have completed at least four years of school work beyond that offered in the first eight grades of the public school system or the full and fair equivalent of such work, at least one year of which shall have been devoted to instruction and training preparatory to the work of teaching. In order to obtain any form of a license or certificate to teach in any public school in this state on and after September 1, 1927, the applicant must have completed at least five years of school work beyond that offered in the first eight grades of the public school system or the full and fair equivalent of such work, at least one year of which shall have been devoted to instruction and training preparatory to the work of teaching; provided that none of the restrictions mentioned in this subsection shall apply to any person who has had at least two years' experience in teaching in a public school or who holds an unexpired license or teacher's certificate. Any person to obtain any form of license to teach in any public school in any city or county of the state shall meet all other legal requirements for teachers' certificates. Nothing in this subsection shall be construed to limit the powers conferred by law upon the state board of examiners and upon the state superintendent in the issuance of state licenses and state certificates.

(2) The one year of instruction and training preparatory to the work of teaching required in this section shall include a study of the branches required by law to be taught in the common schools of the state, the manual of the course of study and school management, at least ten weeks each of observation and practice teaching and such other studies as may be required by the state superintendent of public instruction.

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(3) The one year of instruction and training preparatory to the work of teaching may be obtained in a Wisconsin state normal school, a county training school for teachers, a Wisconsin high school offering a course legally authorized and established for the training of teachers or any public school or any teachers' training school in rank above high school offering a course for the training of teachers equivalent to that offered in the state normal schools of Wisconsin. [*1919 c. 601 s. 4; 1921 c. 235*]

39.17 Three grades of certificates; also special certificates. (1) There shall be three grades of teachers' certificates to be known as first, second, and third. Each certificate shall show the branches in which the holder has been examined and his relative attainments in each branch. No person known to the examining officer to be of immoral character, deficient in learning or ability to teach, or unable to write and speak the English language with facility and correctness shall receive a certificate.

(2) Whenever the supply of legally qualified teachers in any county has been exhausted, the county superintendent with the approval of the state superintendent may issue special certificates on examination in the subjects required for a third grade certificate to as many persons as are necessary to supply the schools, provided that not more than two such special certificates shall be issued to the same person. [*1919 c. 601 s. 4*]

39.18 Third grade; requirements for, entitles holder to what, in force one year, renewable. (1) Every applicant for a third grade certificate shall be examined in spelling, reading, penmanship, arithmetic, composition and grammar, geography, the history of the United States and of the state of Wisconsin, the civil government of the United States and of the state of Wisconsin, physiology and hygiene with special reference to the effects of stimulants and narcotics upon the human system, school management, the manual of the elementary course of study for the common schools of Wisconsin, the elements of agriculture and rural economics, and cataloging and use of school libraries.

(2) (a) A third grade certificate shall entitle the holder to teach for such period, not more than one year, as may be specified therein in the superintendent's district in which the certificate is issued.

(b) A third grade certificate may be renewed if the holder shall during the life of the certificate or within one year after the expiration thereof attend a professional school for teachers for a period of not less than six weeks and shall receive in such school credits in at least two subjects required for a second grade certificate or shall pass an examination in two subjects required for a second grade certificate. In addition to the foregoing the applicant shall present satisfactory evidence of having completed the teachers' reading circle work as prescribed by the state reading circle board. The holder of a third grade certificate may also renew the same by passing an examination in all the subjects required for a third grade certificate. [*1919 c. 601 s. 4*]

39.19 Second grade; requirements for, entitles holder to what, in force three years, renewable. (1) An applicant to receive a second grade certificate shall have taught successfully in the public schools for at least eight months and shall pass a satisfactory examination in all the branches required for a third grade certificate and in addition in general science and American literature, and domestic science or manual training, provided the requirement as to experience shall not apply to persons who have completed the prescribed course for teachers of country schools in a normal school, a county training school, or a legally authorized teachers' training course in a high school. The superintendent may transfer to a second grade certificate the standings of a third grade certificate in force or which has expired not more than one year previously if the holder of such third grade certificate shall have attended a professional school for teachers for at least six weeks and received credit in at least two subjects required for a second grade certificate since receiving such third grade certificate or within one year after the expiration thereof. In addition to the foregoing the applicant shall present satisfactory evidence of having completed the teachers' reading circle work as prescribed by the state reading circle board.

(2) (a) A second grade certificate shall entitle the holder to teach for such period, not more than three years, as may be specified therein in the superintendent's district in which the certificate is issued.

(b) A second grade certificate may be renewed without examination provided the holder thereof shall have taught successfully for two years during the life of such certificate and shall have attended a professional school for teachers for at least six weeks and received credit in at least two subjects required for a first grade certificate or shall pass an examination in two of the additional subjects required for a first grade certificate during the life of such certificate or within one year after the expiration thereof. In addition to the foregoing the applicant shall present satisfactory evidence of having completed, each year during the life of the certificate, the work of the teachers' reading circle

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prescribed by the state reading circle board. A second grade certificate may also be renewed if the holder thereof shall pass an examination in all the subjects required for a second grade certificate. [*1919 c. 601 s. 4*]

39.20 First grade; requirements for, entitles holder to what, in force five years, renewable. (1) An applicant to receive a first grade certificate shall have taught successfully for at least eight months in the public schools and shall pass a satisfactory examination in all the branches required for a second grade certificate and in addition in English literature, modern history, theory and art of teaching, and elementary algebra, provided the requirement as to experience shall not apply to persons who have completed the prescribed course for teachers of country schools in a normal school, a county training school, or a legally authorized teachers' training course of a high school. The superintendent may transfer to a first grade certificate the standings of a second grade certificate in force or which shall have expired not more than one year previously if the holder of such second grade certificate has taught a school successfully for at least eight months or shall have attended a professional school for teachers for at least six weeks and received credits in at least two subjects required for a first grade certificate since receiving such second grade certificate or within one year after the expiration thereof. In addition to the foregoing the applicant shall present satisfactory evidence of having completed, each year during the life of the certificate, the work of the teachers' reading circle prescribed by the state reading circle board.

(2) (a) A first grade certificate shall entitle the holder to teach in the superintendent's district in which it is issued and shall be in force for five years.

(b) A first grade certificate may be renewed without examination for one or more periods of five years each, provided the holder shall have taught successfully for a period of five years, and in addition shall present satisfactory evidence of having completed, each year during the life of the certificate, the work of the teachers' reading circle prescribed by the state reading circle board. A first grade certificate may also be renewed if the holder thereof shall pass an examination in all the subjects required for a first grade certificate. [*1919 c. 601 s. 4*]

39.21 Certificates of graduation, holders of may be licensed to teach. Upon the presentation of a certificate of graduation from a course for teachers of country schools in a state normal school, a county training school or a legally authorized teachers' training course of a high school, the superintendent of the county in which such school is located shall and any other superintendent may issue a teachers' certificate of the grade to which the person is entitled on the basis of the standings appearing on the certificate of graduation. All such certificates shall be limited to one year, but after one year of successful teaching in the county the superintendent shall extend the first and second grade certificates four and two years respectively, provided the date of expiration of any first grade certificate shall not be more than five years and of any second grade certificate more than three years from the date of issue of the certificate of graduation on which such teachers' certificate is based. Any superintendent issuing a certificate in accordance with the provisions of this section shall keep on file in the records of his office a list of all the standings appearing upon the certificate of graduation upon which the teachers' certificate is based. [*1919 c. 601 s. 4*]

39.22 County superintendent to establish standards of attainment. Each county superintendent shall establish for his county subject to the approval of the state superintendent a standard of attainment in each branch of study which must be reached by each applicant before receiving a certificate. The standard so established shall be uniform in the county or superintendent district and no certificate shall be issued until the standard is established. The standard in the branches of study common to the third and second grade certificates shall be higher for the second than for the third grade certificate and the standard in branches common to the second and first grade certificates shall be higher for the first grade than for the second grade certificate. The county superintendent may demand an examination in such additional branches as the applicant may be required to teach and whenever he shall deem it necessary he may require a re-examination of any teacher in his county or superintendent district for the purpose of ascertaining his qualifications to continue as such teacher. [*1919 c. 601 s. 4*]

39.23 On re-examination prior standings may be accepted as to some subjects. (1) The superintendent may in his discretion in any examination for a second certificate accept standings on papers written by the applicant in the preceding examination not to exceed five in number in lieu of re-examination in the subjects for which the standings are so accepted, provided the applicant shall have taught successfully in the county or superintendent district for one year on a certificate previously issued by him.

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(2) Any superintendent is hereby authorized in his discretion to accept standings obtained by completion of studies in any normal school of the state, county training school, or a legally authorized teachers' training course of a high school when duly certified by the proper authority of such school in lieu of actual examination by said superintendent at any time within five years after completion of the course in said school. In case the course shall not have been completed, standings may be accepted as herein provided at any time within five years after such standings were recorded in said school.

(3) In any examination for the issuance or for the renewal of a teachers' certificate the county or city superintendent may at his discretion accept as a substitute for examination in any required subject in which the applicant shall have previously passed a satisfactory examination in writing for a teachers' certificate evidence of the satisfactory reading by the applicant during the life of the certificate then in force or which expired not more than two months previously one book included in the list of books of the Wisconsin teachers' reading circle, which list shall have been approved by the state superintendent and which shall have been prescribed for the group of teachers to which the applicant belongs. Such reading shall have been additional to that required for the registration of the applicant's reading circle certificate and in the case of each book shall have been done within the period when said book was on the reading circle list. [*1919 c. 601 s. 4*]

39.24 Certificates, life of not to be extended; not to be indorsed in other counties. It shall not be lawful for any superintendent to indorse a certificate issued by any other superintendent nor to extend the life of any certificate beyond the limits fixed by law. The papers written in any examination shall not be used as the basis for issuing a second certificate that will have the effect of extending the life of the certificate first issued except in accordance with the provisions governing renewal of certificates and substitutions for examinations. [*1919 c. 601 s. 4*]

39.25 Examination papers to be preserved. It shall be the duty of every superintendent to preserve on file in his office during the life of every certificate issued by him or his predecessors the questions and papers upon which the certificate was issued; provided that this section shall not prevent the transfer of papers as provided in sections 39.26 and 39.27. [*1919 c. 601 s. 4*]

39.26 Examination papers may be transferred to superintendent of another county. If any person holding a certificate desires to teach in any county or superintendent district other than the one for which his certificate was issued, the county superintendent of that county or superintendent district may request the county superintendent who issued the certificate to transfer to him the papers in his possession upon which the certificate was issued, whereupon it shall be the duty of the county superintendent so requested to transfer the papers. If these papers and standings are found satisfactory by the county superintendent to whom they are transferred, he may issue a certificate of the same grade as the original certificate and coterminous with it or one of a lower grade to be in force a shorter time and he shall preserve the papers on file in his office. If the papers are found unsatisfactory and the certificate is denied, he shall return the papers to the county superintendent from whom he received them. [*1919 c. 601 s. 4*]

39.27 Appeal from refusal to grant certificate. Any applicant refused a certificate as teacher by the county superintendent, may apply to the state superintendent for a re-examination. The superintendent, upon demand, shall give any applicant refused a certificate a written statement of the reasons of such refusal, which shall be presented to the state superintendent by the person desiring re-examination. If upon such re-examination the state superintendent shall be satisfied that such applicant is properly qualified he shall issue a certificate of the proper grade, which shall entitle him to the same privileges as if it had been issued by the county superintendent. In the exercise of his powers of general supervision of the schools, the state superintendent is hereby authorized to call for the examination papers, both questions and answers, of any person to whom a certificate has been granted, and it is made the duty of all county superintendents to furnish such papers when so called for. If, upon examination of the papers, the state superintendent is satisfied that the person to whom the certificate has been granted is not qualified, he may annul the certificate. [*1919 c. 601 s. 4*]

39.275 University certificate entitles holder to a license to teach. (1) The president of the University of Wisconsin shall issue to all graduates of the regular collegiate courses of such university a certified statement showing the name of the graduate, the date of graduation, the course from which graduated, and the fact that said graduate has completed the course of pedagogical instruction prescribed by the university for all persons who intend to teach. This certificate when presented to the state superintendent shall entitle the holder thereof to receive a license qualifying the holder to teach in any public school in the state of Wisconsin for one year from the date of issuance. Upon presenta-

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tion of said evidence of successful teaching for one year in the public schools of the state, such license may be renewed for one year by the state superintendent.

(2) The president of each state normal school shall issue to the graduates of the full course of the normal school a certified statement bearing even date with the diploma setting forth the name of the person and the course from which graduated. This certificate when presented to the state superintendent shall entitle the holder thereof to receive a license qualifying the holder to teach in any public school in the state of Wisconsin for one year from the date of issuance. The president of each state normal school shall issue to the graduates of commercial courses, courses of agriculture, manual training, and domestic science or of such other courses as may be legally authorized and duly established and offered in such institution a certified statement showing the name of the graduate, the date of graduation, and the course from which graduated. This certificate when presented to the state superintendent shall entitle the holder thereof to receive a license qualifying him to teach commercial subjects, agriculture, domestic science, or manual training or other special subjects for which a diploma has been granted in any public school in the state of Wisconsin for one year from the date of issuance. Provided a certificate of graduation from a normal training department for oral teachers of the deaf shall entitle the holder to a license qualifying him to teach in any day school for the deaf in this state or in any public hearing school of the state below high school grade, and provided further that a diploma of graduation from the kindergarten training course in any state normal school shall entitle the holder to a license qualifying the holder to teach in any kindergarten or the first and second grades of any school in the state. Upon presentation of satisfactory evidence of successful teaching for one year in the public schools of the state any of the foregoing licenses may be renewed for one year by the state superintendent.

(3) The president of Stout institute shall issue to graduates of the regular courses in manual training and domestic science or such other courses as may be legally authorized and duly established and offered in such institution a certified statement showing the name of such graduate, the date of graduation, and the course from which graduated. This certificate when presented to the state superintendent shall entitle the holder to receive a license qualifying him to teach manual training, domestic science, or other special subject for which a diploma has been granted in any public school in the state of Wisconsin for one year from the date of issuance. Upon presentation of satisfactory evidence of successful teaching for one year in the public schools of the state, such license may be renewed for one year by the state superintendent.

(4) The state superintendent upon presentation of the statement hereinbefore mentioned in this section and satisfactory evidence of good moral character and two years of successful teaching in the public schools of the state of Wisconsin, after graduation, shall issue an unlimited state certificate to any person who shall hold a University of Wisconsin, a Wisconsin state normal school, or Stout institute diploma; provided that such unlimited state certificate shall legally qualify the holder to teach only the subject or subjects included in the license previously issued in accordance with the provisions of this section. [*1919 c. 601 s. 4*]

39.28 State board of examiners of applicants for state certificates. (1) The state superintendent before the fourth Wednesday of August each year shall appoint three competent persons, residents of this state, who shall constitute a state board of examiners. Said board shall meet at the capitol once or more each year at such times and also at such other places as the state superintendent shall prescribe for the examination of all applicants for state certificates. The state superintendent shall prescribe the rules governing the manner of conducting such examination and reporting the results thereof, and with the advice of the state board of examiners shall determine in what branches of study in addition to those prescribed by law the applicant for an unlimited state certificate shall be examined. [*1919 c. 601 s. 4*]

39.285 Limited state certificates. To entitle an applicant to a limited state certificate the state board of examiners shall be satisfied and report to the state superintendent that he possesses the requisite scholarship in all the branches of study required for a first grade county certificate and also in psychology and English literature. To entitle him to an unlimited state certificate they shall be satisfied and report that he possesses the requisite scholarship in all the branches above named and in such others as shall have been prescribed. He shall furnish to the examiners such evidence of good moral character, experience and success in teaching as they may require, and upon their recommendation the state superintendent shall issue to him such certificate as is awarded by their report. A limited state certificate shall qualify the holder to teach in any public school without further examination for five years from its date unless sooner annulled, but neither a limited state certificate nor a certificate based upon graduation from the elementary

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course of a normal school shall qualify the holder as principal of a free high school having a four-year course of study. An unlimited state certificate shall qualify the holder to teach in any public school without further examination or as principal of a free high school having a four-year course of study until annulled. [*1919 c. 601 s. 4; 1921 c. 590 s. 7*]

39.29 College and normal school diplomas, with other proofs of fitness, basis of license. (1) The holder of a diploma granted by an incorporated college, university, or normal school other than the University of Wisconsin, a Wisconsin state normal school, or Stout institute, who shall present satisfactory evidence to the state board of examiners of having completed a course fully and fairly equivalent to the corresponding course in the above named institutions and of having given to psychology and pedagogy at least as much study as is required in this state of candidates for a life certificate and who shall also furnish such evidence as to moral character as the said board mav require shall be issued such license by the state superintendent as is awarded by the recommendation of the state board of examiners. Upon presentation of satisfactory evidence of successful teaching for one year in the public schools of the state, such license upon the recommendation of the state board of examiners may be renewed for one year by the state superintendent. Upon the presentation of satisfactory evidence of good moral character and two years of successful teaching in the public schools in this state after graduation the holder of such diploma shall be entitled to receive from the state superintendent an unlimited state certificate as awarded by the recommendation of the state board of examiners.

(2) (a) All persons who apply to the state board of examiners for a state license on the basis of work done in, or graduation from, an institution located outside the state of Wisconsin, shall pay a fee of one dollar for the examination of their papers, records, and credentials. All such persons, before receiving a state certificate, shall pay an additional fee of one dollar before a state certificate shall be issued.

(b) The fee for the examination of the papers by the state board of examiners, and the fee for the issuance of a state certificate, shall be payable to the state superintendent of public instruction. [*1919 c. 601 s. 4*]

39.30 Special and temporary licenses. (1) The state superintendent may issue a special license good only until the next meeting of the state board of examiners in cases where the applicant gives satisfactory evidence that his qualifications and credentials meet the requirements of the state board of examiners; said temporary license to be issued only in urgent cases and in order that the school board, or board of education may be legally authorized to pay the salary of said teacher from the funds of the district.

(2) The state superintendent may upon the recommendation of the state board of examiners grant a special license or a certificate legally qualifying the holder to teach such special branch or branches in the public schools, as may be named on the face of the license or certificate for such period of time as may be specified in the license or certificate.

(3) Upon the recommendation of the state board of examiners an applicant may be granted a limited special license for not more than one year qualifying him to teach one or more special branches in the public schools, said license being limited to one particular school or district to be named in the license, said license to be null and void in any other school or district.

(4) The state superintendent is authorized and empowered to issue state licenses or certificates to persons who are engaged in supervising work in the public schools or teaching in colleges, normal schools or other educational institutions in the state supported by public funds and who are under existing statutes otherwise legally qualified or are recommended by the state board of examiners. [*1919 c. 601 s. 4*]

39.31 State superintendent to keep records of examinations and certificates. The state superintendent shall record the date of each certificate and the name, age, and residence of the person to whom issued; and he shall preserve on file in his office all papers relating to the examination of applicants for state certificates. [*1919 c. 601 s. 4*]

39.32 Revocation of state licenses and certificates. Any state license or state certificate may be revoked by the state superintendent for incompetency or immoral conduct on the part of the holder thereof, but before any such revocation the holder shall be served with a written statement of the charges against him and shall have an opportunity for defense. [*1919 c. 601 s. 4*]

39.325 Existing licenses and certificates unaffected. The validity of licenses and certificates issued prior to September 1, 1919, shall in no way be affected by the provisions of this act except as provided in section 39.32. [*1919 c. 601 s. 4*]

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COUNTY INSTITUTES.

39.33 Teachers' institutes. (1) The superintendent of schools in each county or superintendent district shall each year conduct one or more teachers' institutes for the instruction of the teachers of his county or district in school management, methods of teaching, and the branches taught in the common schools. To assist him therein he may employ one or more institute conductors, and may arrange for special lectures to be given by persons other than himself or such conductors; but no compensation for special lectures shall be paid to any person conducting the institute; nor shall any compensation be paid to any person, either for conducting the institute or for special lectures, unless such person has been duly certified by the state superintendent as a competent institute conductor.

(2) No money shall be paid for services rendered as an instructor in any institute to any person unless he holds a certificate signed by the state superintendent certifying that the committee on institutes of the board of regents of normal schools approves of said person as a competent institute instructor. Nor shall any person be employed by any county superintendent as institute conductor or lecturer who is engaged in publishing textbooks or dealing in school supplies, or who is an agent or employe of any individual or company thus engaged, or who is proprietor or manager of or in any way pecuniarily interested in any teachers' employment agency or bureau; nor shall the committee on teachers' institutes of the board of regents of normal schools approve any such person for service in institutes, nor shall any such person be employed as instructor or lecturer in any institute supported in whole or in part by the state. [*Stats. 1915 s. 461f, 461m; 1917 c. 14 s. 53; 1917 c. 578 s. 1*]

CHAPTER 40.

SCHOOL DISTRICT LAW.

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FORMATION OF DISTRICTS.

40.01 Creation of districts. (1) Town boards of supervisors, village boards of trustees and city councils are hereby given power, acting jointly or separately as the particular case under consideration may demand, to alter school district boundaries, and to create, consolidate, or dissolve school districts. All territory comprising a school district must be contiguous and the number of a school district shall not be changed without the consent of the state superintendent. A new district shall not be given the name of a dissolved district. When two or more districts are united or in any manner consolidated, such enlarged district shall bear the number of the district involved having the largest assessed valuation as determined from the last preceding assessment.

(2) The authorities designated above may meet and act on their own motion or upon call of any board or council in any way interested in the alteration, creation, consolidation or dissolution of school districts. The refusal, failure, or neglect of any town board, village board, or city council to call or to hold meetings as provided by law, or the neglect or refusal to take any action, affirmative or negative, upon any written request or petition of an individual, or upon call of any board or council interested, giving reasons for certain proposed changes of district boundaries, or the creation, consolidation or dissolution of school districts within fifteen days after such written request or petition or call is made or presented shall be deemed a denial thereof and any person aggrieved thereby may appeal as in other cases.

(3) Any school district organization of any kind, town free high school and union free high school districts excepted, in two or more towns or in one or more towns and any village or city shall be designated as a joint district. Such district shall not be dissolved, nor shall the boundaries thereof be changed except by joint action of the town boards, parts of which comprise such district, or joint action of the town board or boards and the village board or common council in interest, or upon appeal to proper authority, such action to be taken in accordance with the provisions of the statutes governing and directing the proceedings and action in each case. [*Stats. 1915 s. 412; 1917 c. 497 s. 2; 1917 c. 578 s. 2; 1919 c. 202; 1919 c. 679 s. 13*]

40.015 Certain joint school districts. (1) All school districts heretofore or hereafter organized, composed of territory from any incorporated city or village, however organized, together with territory adjoining said village or city, shall constitute a joint school district, and all the school property thereof shall be vested in said joint school district.

(2) All taxes for sites, buildings and maintenance of the schools on said joint school district shall be uniform throughout said joint school district and shall be levied and assessed in accordance with law.

(3) The provisions of subsections (1) and (2) supersede the existing law only insofar as it is inconsistent herewith. [*1919 c. 612*]

40.02 Alteration of boundaries; consolidation. (1) The town board, village board, or city council, as the conditions may demand, shall make a written order describing any territory detached from one district and attached to another. They shall also specify in such order the number of any district dissolved and the name of the town or towns part of which composed it. If two or more districts are united wholly the number of each such district shall be specified and also the number of the enlarged district, with the names of the town or towns and the county or counties interested. A copy of any order made relating to alteration, or formation, or consolidation of school districts shall be filed with the clerk of each town, village, or city interested and with the county or district superintendent of schools, within ten days from the day the order is made and no order of

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change of boundaries, or dissolution, or creation, or union of districts shall be made to take effect between December first and the first day of the following April, without the consent of the state superintendent. Provided further that no order of change of boundaries or dissolution or creation of districts shall be made as a result of which any school district shall have an assessed valuation of seventy-five thousand dollars or less without the consent of the state superintendent.

(2) It shall also be the duty of the town board, village board or city council, as the case may be, to deliver to a taxable inhabitant of the new district or of any consolidated district formed under their authority, a notice describing the territory embraced therein and fixing a time and place for the first district meeting. In such notice said officers shall direct such taxable inhabitant to notify all qualified voters, men and women, of the district, either personally or by leaving a written or printed notice at the place of residence giving the time and place of such first meeting at least six days before the time fixed therefor, the day of the meeting to be counted as one of the six. It shall be the duty of such taxable inhabitant to notify the voters as directed; to keep a record of the persons so notified and make due return thereof and such record and certificate of service shall be recorded by the district clerk elected as a part of the permanent record and minutes of the first meeting in such newly created or consolidated district; provided, however, that an unintentional omission of, or failure to notify not to exceed one-sixth of said voters shall not invalidate said notice or deprive the electors at the meeting of jurisdiction to transact any and all district business as provided by the statutes.

(3) If such notice is not given by the taxable inhabitant as directed, or if the inhabitants being so notified neglect or refuse to meet, or if there is no competent authority in the district to call any district meeting, the town board of the town interested having the largest population shall give and cause the notice to be served. [*Stats. 1915 s. 413; 1917 c. 497 s. 2; 1917 c. 578 s. 2; 1919 c. 166; 1919 c. 622 s. 1*]

40.03 Legal status of district; body corporate; lost records. (1) A district shall be deemed organized when any two of the officers elected at its first legal meeting file with the clerk and cause to be recorded in the minutes of such meeting their written acceptance of the offices to which they have been respectively elected or when said officers shall have failed for a period of ten days or more to state their refusal in writing. A district shall also be deemed legally formed when it has been duly organized and has exercised the rights and privileges of a district for a period of four or more months, and no appeal or other action attacking the legality of the formation of such district, either directly or collaterally, shall be taken after such period has expired.

(2) The word district as used in this chapter, unless otherwise defined, means school district, and a district lawfully organized is a body corporate and possesses the usual powers of a public corporation by the name and style of school district (joint) school district number ...., of the town (towns) of ...., name of the town (towns) in which the district is situated. Such number shall be designated by the town board or boards in the order of the formation thereof. The board shall make its contracts in its corporate name. Provided, however, that when the territory embraced in any district or districts shall have been heretofore or shall hereafter be organized into a village or city, such district shall be known by the same name as theretofore but with the name of such village or city substituted in lieu of the name of such town, and the use heretofore of the name of such village or city in lieu of the name of such town in the designation of such a school district is hereby legalized and confirmed.

(3) If the record of the formation or establishment of boundaries of a district be lost or destroyed, the board of the town or village or the council of the city in which such district lies may make a new record by written order entered in the records of such town, village or city. Whenever the town or village board or city council shall contemplate making such new record, they shall give at least five days' notice in writing to the clerk of the affected district, stating when and where they will be present to make such new record, and such clerk shall immediately notify the other members of the board. Such order shall within three days be entered in the record of the proper town, village or city, and the clerk thereof shall within the same time file a copy of such order with the clerk of said district. Any number of districts may be included in one such order or notice. In case of the loss or destruction of the records pertaining to a joint district, the clerk of any town, village or city in which the district lies shall procure and record a certified copy of the records of any other town, village or city relating to such joint district, or the board of the town or village, or council of the city in which such joint district lies may meet and act together in the making of such new record. An order made pursuant to this section or the record thereof shall be presumptive evidence of the regularity of all prior proceedings pertaining thereto, of the legality of the formation of such district,

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of the boundaries thereof, and of the loss or destruction of the record of its formation. Parties conceiving themselves aggrieved by any decision made under the foregoing provisions may appeal therefrom in the manner provided by subsection (1) of section 39.01. [*Stats. 1915 s. 416, 417, 417a; 1917 c. 497 s. 2; 1917 c. 578 s. 2*]

40.04 Notice of creation, alteration or consolidation of district; filing order; partition of property. (1) Whenever the proper authorities of any municipal unit or units shall contemplate an alteration, creation, consolidation or dissolution of any district, they shall meet and shall give at least five days' notice in writing to the clerk of each district to be in any way affected thereby. Said notice shall be signed by a majority of each board interested and shall give the day, hour, and place where they will be present to decide upon the proposed changes and the day of meeting shall not be counted as one of the five. It shall also be the duty of each district clerk to immediately notify the other members of his school board. The person serving these notices shall make due "return" thereof and said "return" shall be filed in the office of the clerk of each municipal unit interested. No territory shall be detached from one district unless by the same order it be attached to another. A district may be dissolved by consolidation, by attaching all its territory in tracts or parcels to other districts or by creating new districts. It shall not be lawful to give the above required notice by mail or by telephone.

(2) In all cases where a change of school district boundaries has been made, or a school district created or consolidated or dissolved, a copy of the order so made shall be filed with the clerk of each municipal unit interested and also with the clerk of each district in any way affected within ten days after date of the order. [*Stats. 1915 s. 418, 419, 420; 1917 c. 497 s. 2; 1917 c. 578 s. 2; 1919 c. 276 s. 1*]

40.05 [*Renumbered section 66.03 by 1921 c. 396 s. 4*]

40.06 Dissolution by neglect to keep school. If a district for two or more successive years neglect to maintain school as required by law, the town board of the town embracing the district shall upon the recommendation of the county superintendent attach the same to such other adjoining district or districts in the town as they shall judge proper; and if the district be joint, then the town boards shall attach the respective parts thereof to other districts in their respective towns. [*Stats. 1915 s. 423, 424; 1917 c. 578 s. 2; 1919 c. 103; 1921 c. 396 s. 4*]

40.07 Joint school districts; assessments equalized only on petition; forfeits for nonattendance. (1) The relative valuation of taxable property in the several parts of any joint school district or of any joint high school district, shall not be equalized except as herein provided. At any time prior to the fifteenth day of October of any year any three freeholders resident in that part of any town, city or village forming a part of any joint school district, or forming a part of any high school district, or if the number of freeholders in such part of any town, city or village be less than three then all of such freeholders, may file with the clerk of such district a petition praying for an equalization of the relative valuation of taxable property in the several parts of such district. The clerk shall thereupon and prior to October twenty-fifth of such year notify in writing the assessor of every town, city and village in part embraced in such district to meet as provided in subsection (2) of this section.

(2) The said assessors shall meet at the district schoolhouse with their respective assessment rolls at the time designated in such notice for the purpose of comparing and investigating the assessed valuation of the taxable property in the several parts of such district separated by town, city or village lines and shall determine whether the assessed valuation of such property on the assessment rolls be just or not.

(3) If considered unjust, they shall determine the relative aggregate valuation of said property in the parts of the district in the several towns, cities or villages comprising it and the proportion of district taxes to be levied upon the property in each of the several parts. If necessary, the assessors may view and inspect the taxable property in the different parts of the district and may examine the owners and other persons under oath as to the value thereof. The school district clerk shall attend such meeting and keep a record of the proceedings. A majority of such assessors shall constitute a quorum for the performance of the duties prescribed in this section.

(4) If any assessor shall be absent from such meeting in attendance upon a like meeting in some other joint district, and shall give information of the fact to such clerk, or if for other reasons there shall be no quorum of assessors, the meeting shall be adjourned to such time as may be necessary to enable all or a majority of such assessors to be present, and in such case the clerk shall give notice of such adjournment to each assessor not then present in time to enable him to attend such adjourned meeting. Further adjournments may be taken if necessary, until the duties imposed by this section shall have been performed; and if for any reason there shall be failure to perform such duties without ad-

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journment to a fixed time, the clerk shall call another meeting at a time fixed by him; provided, that final action by said assessors under this section shall be taken not later than the first day of November in the same year. The town, city and village clerks shall allow the assessors to take and use the assessment rolls in the discharge of their duties under this section.

(5) If the assessors cannot agree, they shall call to their aid the assessor of incomes of the county, whose vote shall decide the controversy. The determination when made shall be certified in writing to the district clerk.

(6) If any assessor or other officer shall refuse or neglect to perform the duties hereby imposed, or to act when called upon as herein provided, he shall forfeit not less than ten nor more than one hundred dollars. [*Stats. 1915 s. 471; 1917 c. 578 s. 2*]

DISTRICT MEETINGS.

40.08 Annual and special meetings; notice, time and conduct of meetings. (1) The annual district meeting in all school districts shall be held on the first Monday of July, unless that be a legal holiday, in which case it shall be held on the next day, at eight o'clock in the afternoon, unless contrary to some special provision in a district organized under a special act, but a different hour may be fixed by the annual district meeting for the next succeeding annual district meeting.

(2) Any special district meeting shall be held on the day and hour fixed therefor in the notice. It shall be the duty of the district board to meet on the Saturday immediately preceding the annual meeting to carefully examine the accounts of the treasurer and make a full and itemized report of all receipts and expenditures since the last annual meeting and of the amount in the hands of the district treasurer; the amount of the deficit or bills payable, if any, for which the district is liable; of the amount necessary to be raised by tax upon the district for the support of the school for the ensuing year, and of the amount required to pay the interest or principal of any debt (indebtedness to the state trust funds excepted) due or to become due during the year. This report shall be presented at the annual meeting in writing and shall be read to the electors by the chairman of the meeting. The district clerk shall copy said report with the action taken thereon, and all other business proceedings of the meeting in full, in the district record book.

(3) The clerk shall give at least six days' previous notice of the annual meeting by posting notices therefor in four or more public places in the district, one of which shall be affixed to the outer door of the schoolhouse, if there be one in the district; and he shall give like notice for any adjourned meeting, if the adjournment be for more than one month; but no annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was wilful and fraudulent.

(4) (a) Special meetings shall be called by the clerk, or in his absence by the director or treasurer, on the written request of five legal voters of the district, and notices thereof specifying particularly the business to be transacted shall be posted in the manner prescribed for calling the annual meeting; and the electors when lawfully assembled at a special meeting shall have power to transact the same business as at the first or the annual meeting, except the election of officers, voting a tax to compensate the clerk and authorizing a change in textbooks. But no more than two such meetings to consider the same subject shall be held in the district in the same school year. No tax or loan or debt shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified either personally or by a written notice left at their places of residence, stating the time, place and objects of the meeting, and specifying the amount proposed to be voted, at least six days before the time appointed therefor, exclusive of the day on which the meeting is to be held.

(b) If the school district includes within its boundaries all or part of a city or an incorporated village, it shall be lawful to give notice of special or annual school meetings by publication in a newspaper, if one be regularly published in the city or village. Such notice shall be printed in two issues one week apart, the last of which shall be published and mailed not more than eight days and not less than one day before the day the election is to be held, such day not to be counted. The special meeting shall be held at the hour fixed in the notice, but if no hour is fixed the meeting shall be held at eight o'clock in the afternoon. Publication of notice does not avoid posting the notices as required by statutes in force. It shall also be lawful for the school board to pay the cost of publication at legal rates from the district treasury.

(c) If a new district is created, the first meeting of the electors as provided by law shall be deemed an annual meeting.

(5) Every resident elector of the district shall be entitled to vote in any meeting, provided such elector has resided therein for at least thirty days next preceding any meeting.

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(8) If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall declare that he is a voter and if such challenge shall not be withdrawn the chairman shall tender him the following oath or affirmation: You do solemnly swear (or affirm, as the case may be) that you are an actual resident of this school district and that you are qualified according to law to vote at this meeting. And every person taking such oath or affirmation shall be permitted to vote on all questions proposed at such meeting; and if the person shall refuse to take such oath or affirmation his vote shall be rejected. [*Stats. 1915 s. 425 to 429; 1917 c. 135 s. 2; 1917 c. 438; 1917 c. 578 s. 2; 1921 c. 15 s. 6*]

40.09 Powers of meeting. The inhabitants of any school district qualified by law to vote at a school district meeting when assembled at the first and at each annual meeting in their district or at any adjournment thereof in their district shall have power:

(1) To appoint a chairman for the time being, and in the absence of the clerk to appoint some person to act in his stead, and the person so appointed shall certify the proceedings of such meeting to the district clerk, who shall enter the same in the records of the district and file and preserve the certificate of such temporary clerk.

(2) To adjourn from time to time as occasion may require.

(3) To choose a director, treasurer and clerk. The election of all officers shall be by ballot and a majority of all the votes cast shall be necessary for a choice.

(4) To designate a site for a district schoolhouse or teacherage.

(5) To vote such tax as the meeting shall deem sufficient to purchase or lease a suitable site for a schoolhouse or teacherage, to build, hire or purchase a schoolhouse or teacherage and to keep in repair and furnish the same with the necessary fuel and appendages.

(6) To vote such tax as the meeting shall deem proper for the payment of teachers' wages in the district.

(7) (a) To authorize and direct the sale of any schoolhouse, site or other property belonging to the district when the same shall be no longer needed for the use of the district; provided that in case the school site is leased with the understanding that it shall revert to the owner of the land from which it was taken, the electors may authorize the board to sell the building erected thereon or to move it to another site, if such sale or removal, or both, shall be made within eight months after the building shall cease to be used for school purposes or the site ceases to be maintained as a district playground or park, or the electors have authorized the board to close the school and to transport the children to school in another district.

(b) To levy a tax for the purpose of paying to any surety or bonding company the fee or consideration necessary to secure a bond indemnifying the district against any loss of moneys belonging to the district in the hands of the school district treasurer.

(8) To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

(9) To vote a tax for the purchase of maps, blackboards, and school apparatus.

(10) To vote a tax not exceeding one hundred dollars in any one year for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase, said books to be selected under the advice of the state superintendent; provided, that any school district having less than two hundred children of school age shall not vote a tax exceeding fifty dollars in any one year for such library; and that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax of more than five hundred dollars in any one year for any purpose other than for the purposes prescribed in the fifth subdivision of this section, and for the payment of the principal and interest of any loan due the state.

(10a) The total amount of school district tax hereafter levied in any school district in this state in any one year for building, hiring or purchasing any school building, and for the maintenance of schools, including teachers' wages and incidental expenses, shall not exceed two and one-half per cent of the total assessed valuation of taxable property in such school district for the preceding year; provided, that any school district maintaining a free high school and having an assessed valuation of five hundred thousand dollars or less may levy a tax for school purposes not to exceed three per cent of the assessed valuation for the preceding year.

(11) To authorize the district board to borrow money as provided elsewhere in these statutes.

(12) To authorize the district board to admit to the privileges of the school persons over twenty years of age and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing

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therein, and to fix a fee for tuition per term, quarter or year to be charged to the persons thus admitted.

(13) To authorize the district board to purchase textbooks for use in the public schools, to be loaned or furnished free to pupils under such conditions as may be prescribed by the electors or required by the statutes and to levy a tax sufficient to defray the expense thereof.

(14) To determine the length of a time a school shall be taught in their district the then ensuing year, which shall not be less than eight months, but if such matter, shall not be determined at the annual meeting the district board shall determine the same.

(17) To give such direction and make such provision as may be necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or may be interested.

(18) At the annual meeting only, to vote a tax to compensate the treasurer and director, which in districts supporting graded or high schools shall be such sums as may be voted, and in other districts maintaining only one school not more than ten nor less than five dollars to each of the above officers, and in districts maintaining more than one school in separate buildings five dollars for each separate additional school maintained in a separate building, provided the buildings are at least a mile and a half apart, the distance to be measured by the nearest traveled highway.

(19) To alter or modify their proceedings as occasion may require.

(20) It shall be the duty of every school district in the state of Wisconsin at its annual meeting to appoint three competent persons who shall be voters in the district to examine all accounts, books, vouchers, moneys and property of whatsoever kind belonging to said district between the thirtieth day of June next following their appointment and the time of the next annual school meeting of said school district and report their findings in writing to the electors at the next annual meeting.

(21) Whenever any school district having a schoolhouse of one room only shall enroll and have in attendance therein for a period of more than twenty days during any one school term sixty or more pupils, it shall be the duty of the electors of said district at the next annual meeting to authorize the district board to make provision for an additional room and an additional teacher for the accommodation and instruction of said children. Failure to comply with this subsection shall cause the district to forfeit the right to share in the apportionment in that part of the public money which said district would otherwise receive from the seven-tenths mill tax as provided by law. [*Stats. 1915 s. 430, 430a, 430b, 430e, 430f, 486; 1917 c. 143, 157; 1917 c. 578 s. 2; 1917 c. 677 s. 73; 1919 c. 233, 420; 1919 c. 679 s. 14; Spl. S. 1920 c. 13; 1921 c. 217; 1921 c. 452 s. 6; 1921 c. 562; 1921 c. 576 s. 4*]

40.10 Kindergarten, how established. The school board or board of education of any school district however organized, union free high school districts excepted, shall upon petition of the parents or guardians of twenty-five or more children more than four and not more than six years of age establish and maintain a kindergarten in charge of a legally qualified kindergarten teacher for the instruction of said children. In case such district maintains two or more school buildings, the parents or guardians heretofore mentioned shall reside not more than one mile from the building in which it is proposed to establish the kindergarten. When a kindergarten shall have been established as hereinbefore provided, it shall constitute a part of the common public schools of the district and the taxes for maintenance of such kindergarten shall be levied and collected in the same manner as other taxes are levied and collected for the support of the common schools. When a kindergarten shall have been established, it shall not be discontinued unless the enrollment for the preceding year shall have been less than fifteen. [*Stats. 1915 s. 430c, 430d; 1917 c. 578 s. 2; 1921 c. 228*]

40.11 [*Repealed by 1921 c. 576 s. 5*]

40.12 [*Repealed by 1919 c. 571 s. 3*]

40.13 Special apportionment to rural schools; standards; state and county aid. (1) Every school district which shall have maintained a school or schools for eight months the previous year, supplied needful apparatus and textbooks, and kept the schoolhouse and outbuildings in proper condition and repair, shall, for the purposes of this section, be deemed to have maintained a rural school or schools of the second class.

(2) Every school district not composed wholly or in part of an incorporated village or city, and any school district in which all of the school buildings are located outside the corporate limits of any city or village, which shall have maintained a school or schools for nine months the previous year, provided a suitable school building, or buildings, and outbuildings, needful apparatus, supplementary readers, and installed an adequate system of ventilation, and done efficient work, shall, for the purposes of this section, be deemed to

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have maintained a rural school or schools of the first class, provided that state graded schools organized and maintained under section 40.41 of the statutes shall not be considered rural schools of the first class.

(3) Any district maintaining a rural school or schools of the second class shall be entitled to a share in all state and county school moneys. Any district maintaining a rural school or schools of the first class shall be entitled, in addition to the moneys specified for rural schools of the second class, to special state aid to the amount of fifty dollars annually, provided the district has fully complied with the provisions of this section.

(4) The state superintendent shall inform the county and district superintendents as to what shall be considered needful apparatus and proper equipment and an improved system of ventilation for rural schools; and in case of disagreement between the school district and the county or district superintendents as to whether a school has the proper equipment, his judgment shall be final.

(5) Any school district which desires special state aid provided in subsection (3), shall make out an application in writing to the county or district superintendent on a blank furnished by him, setting forth the condition of the buildings, the amount and nature of the apparatus in the school, and a description of the system of ventilation used or in use. If a defect in the building or ventilating system or a deficiency in apparatus is in process of repair, the county superintendent may consider it, for the purposes of this application, as having been completed; subsequent neglect, however, to complete such repairs or to make such purchases as the board have previously certified to be in process of making, shall be ground on which the county or state superintendent may revoke the approval of the application.

(6) If the county superintendent shall approve of the application, he shall indorse the same and remit it to the state superintendent of public instruction who shall act upon the applications in the order of their reception.

(7) To each district which shall comply with all the provisions of this section, and whose application for aid shall have been approved by him, the state superintendent shall apportion the sum of fifty dollars for each rural school of the first class maintained by said district which shall be paid in the same manner as other forms of special state aid are now paid. [*Stats. 1915 s. 560f, 560g, 560h to 560l; 1917 c. 317 s. 2; 1917 c. 578 s. 2*]

40.135 State aid to small districts. (1) Any school district having an assessed valuation of seventy-five thousand dollars or less for each one-room rural school maintained by the district shall be entitled to state aid as hereinafter provided upon compliance with the provisions of this section.

(2) The clerk of such district shall on or before October first notify the state superintendent and the county superintendent of the intention of the district to apply for state aid under the provisions of this section. The school board of such district on or before the first day of August next succeeding the close of the school year for which aid is claimed shall file application with the county superintendent on a blank supplied by the state superintendent. Said application shall be accompanied by a report under oath by the school board giving the assessed valuation of the district, the number of schools maintained, the number of months each school was maintained, salary per month and total salary paid each teacher, the school census of the district for the preceding year, the total amount received during the preceding year from the apportionment of state and county school funds, and such other facts as the state superintendent may require. If the county superintendent approve of the application he shall indorse his approval thereon and forward the application and the report to the state superintendent. The state superintendent may make such investigation as he shall deem necessary in order to determine the merits of any application for state aid under this section.

(3) If the state superintendent upon the receipt of such report indorsed with the approval of the county superintendent shall be satisfied that the district has complied with the statutes governing the apportionment of the state and county school funds to districts and with the provisions of this section, he shall certify to the secretary of state the amount of aid due such district, said amount to be determined as follows: To the amount of state and county school fund apportionment received by the district during the preceding year shall be added an amount equal to one-half of one per cent of the assessed valuation of the district. The sum of these items shall be deducted from the amount required to pay the salary of the teacher or teachers at the minimum rate prescribed by law for the time school was maintained by the district but in no case to exceed eight months, including legal holidays. The balance remaining after such deduction shall be the amount of aid to which the district shall be entitled. The secretary of state shall thereupon draw a warrant in favor of the treasurer of the district for a sum equal to the amount thus certified.

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(4) The provisions of this section shall not be construed to prevent any district from receiving state aid in accordance with the provisions of section 40.13 upon compliance with the provisions of said section. [*1919 c. 622 s. 2*]

40.14 Additional state aid to rural schools. (1) If any school district not composed wholly or in part of an incorporated village or city, or any school district in which all of the school buildings are located outside the corporate limits of any city or village shall have retained or shall hereafter retain any teacher after the first year, such teacher shall be entitled to receive state aid as follows, provided such teacher is not employed in a graded school of two or more departments or in a high school in such district: If such teacher shall be retained for and shall have successfully taught such school during a second year, two dollars per month for each month of such year during which the school maintained in such district is taught by such teacher; if for a third year, four dollars for each such month; and if for a fourth or any succeeding year, eight dollars for each such month.

(2) If any school district not composed wholly or in part of an incorporated village or city, or any school district in which all of the school buildings are located outside the corporate limits of any city or village in which the school shall have been successfully taught for the whole or part of any year by a teacher who is a graduate from a rural school course of two years beyond high school graduation in any normal school or county training school of this state, or equivalent thereof, such teacher shall be entitled to special state aid of ten dollars for each month during which such school is taught by such teacher. For each succeeding year that such teacher shall be retained and shall continue to teach such school successfully, he or she shall be entitled to special state aid in the sum of fifteen dollars for each such month, provided that no aid under this subsection shall be paid to any teacher employed by such district in a graded school of two or more departments or in a high school maintained by such district. Any person receiving state aid under the provisions of this subsection shall not be entitled to state aid under the provisions of subsection (1) of this section.

(3) In case of the resignation or death of any teacher entitled to state aid under the provisions of subsections (1) or (2) of this section, during any school year, his or her estate shall receive a percentage of such special state aid equal to the percentage which the time taught bears to the whole school year.

(4) Every school teacher who desires to claim the special state aid provided for in either subsection (1) or subsection (2) of this section shall, before the first day of November of the school year for which state aid is claimed, make application therefor to the county or district superintendent on a blank furnished by him. Such application shall state the name of the teacher and the period during which such teacher has been employed in such school district and, if state aid is claimed under subsection (2) of this section, the qualifications of the teacher. The county or district superintendent upon receipt of such application shall satisfy himself as to the facts therein stated and generally as to whether or not such teacher is entitled to state aid as herein provided, and shall indorse his approval or disapproval upon the said application and transmit it to the state superintendent of public instruction before the first day of March of such school year.

(5) Before the first day of April in such school year, an application may be made to the state superintendent of public instruction to set aside any determination of the county or district superintendent approving or disapproving any claim for state aid. Such application to the state superintendent shall be in writing and shall be signed by at least one-third of the parents of children attending the school taught by the teacher making the claim for state aid. Upon such appeal, the state superintendent shall make such investigation as he may deem necessary and his decision thereon shall be final

(6) If upon the indorsement of the county or district superintendent upon an application for state aid or upon an appeal therefrom the state superintendent shall be satisfied that such teacher is entitled to state aid, he shall approve said application and at the close of the school year certify to the secretary of state the name of the teacher and the amount due such teacher under the provisions of this section stating whether the claim is allowed under subsection (1) or subsection (2) of this section. The secretary of state shall thereupon draw his warrant upon the state treasurer for the amount of such claim in favor of the said teacher. The state treasurer shall mail a draft in favor of each such teacher to the county or district superintendent in whose district the teacher has taught. Such county or district superintendent shall forthwith transmit such draft to the teacher entitled thereto.

(7) It shall be the duty of each county or district superintendent to keep a complete record of all applications approved by him showing separately the claims allowed under

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subsection (1) and under subsection (2) of this section, and of all payments made under the provisions of this section showing the name of the teacher, the length of time such teacher has taught, the district in which he or she has taught, and the school or schools, where such teacher received his training. The state superintendent of public instruction shall include in his reports a statement of the moneys disbursed under the provisions of this section. [*Stats. 1915 s. 560g—1; 1917 c. 14 s. 43; 1917 c. 344; 1917 c. 578 s. 2*]

40.15 Consolidation of rural schools. (1) PETITION. (a) Whenever fifteen per cent of the electors of any rural school district, and one or more contiguous school districts within or outside of an incorporated village shall petition therefor, the respective school boards shall meet at a place designated by the school board of the petitioning district having the largest population to fix a time for an election to determine whether the district schools within the districts shall be consolidated. They shall fix the date of the election at not less than two, nor more than four weeks from the time of their meeting and notify the district clerks of the date. Such election shall be called for eight o'clock in the afternoon. The district clerks of the respective districts shall post the notices of election as notices of school district meetings are posted. The elections shall be held by the school officers of the respective districts by written ballots. They shall report the result of the election in their respective districts to the clerk of the district in which the meeting to fix the time of the election is held, within three days after the election. The respective school boards one week after the election shall meet in the same manner and place as for calling the election and shall canvass the returns.

(b) If a majority of those of each district voting at the election vote in favor of consolidating the district schools in their respective school districts, the territory included constitutes a consolidated rural school district.

(c) The school boards at the time of canvassing the returns shall appoint a time and place for the first district meeting and shall post a written notice thereof in at least three public places in each of the several districts which compose the consolidated school district.

(d) In all cases where two or more districts are consolidated by action of any board or any other authority provided by statute, such consolidated district shall be privileged and entitled to receive and share in all regular and special aids and apportionments and obligations provided by law for districts when consolidated by vote of the electors.

(2) ORGANIZATION. A consolidated rural school district shall be deemed organized when any two of the officers elected at its first legal meeting file with the clerk of the meeting for canvassing the returns their written acceptances of the office to which they have been respectively elected, or when it has exercised the franchises and privileges of the district for the term of one year. A consolidated rural school district lawfully organized is a body corporate and possesses the usual powers of a public corporation, by the name and style of "Consolidated Rural School District No. .... of ...." (the town or village, as the case may be, in which the school building is located or proposed to be located). Such numbers shall be designated by the board or boards in the order of the formation of consolidated rural school districts. The board shall make its contracts in its corporate name.

(3) TRANSFER OF PROPERTY. When a consolidated rural school district shall be lawfully organized, the school districts out of which it shall have been formed shall cease to exist as school districts or bodies corporate, and the title to all property and assets of every nature of the several school districts out of which it was organized, shall thereupon become vested in the consolidated rural school district, and all valid subsisting claims and obligations against and contracts of the said several school districts shall continue to be valid claims and obligations against such consolidated district. All claims and obligations arising after the formation of a consolidated school district shall be against the consolidated school district. The consolidated rural school district shall maintain and conduct the schools theretofore maintained and conducted by the several districts until such time as the consolidated rural school district shall have purchased or erected and equipped a building in which school can be conducted.

(4) BORROWING MONEY. The consolidated rural school district established under this section shall have authority to borrow money under the conditions specified in section 40.11.

(5) SHARE IN APPORTIONMENT. Consolidated rural school districts shall be entitled to and shall share in the distribution of the common school fund income and other school funds, in the same manner as school districts maintaining common and graded schools. In case a high school is maintained, the consolidated rural school shall be entitled to and share as in the case of union free high schools.

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(6) PLANS AND ESTIMATES. All plans and expense accounts for additions to school buildings, or for new buildings under this section shall be submitted to the state superintendent. No state aid shall be granted unless the state superintendent has approved the plans when thus submitted.

(7) REPORTS. The clerk of the school board of consolidated rural school districts shall, on or before the fifteenth day of July of each year, make to the state superintendent of public instruction a report stating the number of departments in the school, the total expense for the previous year, and such other information as the state superintendent of public instruction requires. [*Stats. 1915 s. 496—1 to 496—8; 1917 c. 578 s. 2; 1919 c. 276 s. 2; 1921 c. 270*]

40.16 Transportation of pupils. (1) (a) It shall be the duty of the school board of any consolidated school district formed in accordance with the provisions of section 40.15 or by the town board or boards of supervisors or by the committee on common schools or the county board of education or by decision upon an appeal to provide transportation to and from such consolidated school for the entire school year for all children between the ages of six and sixteen in the district residing more than two miles from such consolidated school.

(b) It shall be lawful for the electors of any school district to authorize the district board to provide transportation to and from school for any or all of the children of school age residing in the district for whom transportation is not required by law. In any school district where the electors have failed or refused to provide transportation for children living more than two miles from the school in the home district and from a school in an adjoining district, the parent or guardian of any such child may transport him to and from school in the home district or to and from a school in an adjoining district, and shall be paid for such services by the district in which he resides at the rate of forty cents per day for each child so transported, provided the child while being so transported attended school for not less than five months. In all such cases the transportation must be safe, comfortable and convenient. The district in which such children reside shall be entitled to state aid on account of the transportation of such children as provided in subsections (5), (6) and (9) of this section.

(c) It shall be the duty of the school board of any district in which the electors have voted to suspend all of the schools in the district to provide for the payment of the tuition of all children of school age residing in the district who desire to attend school in some adjoining district or districts during such time as the district school is suspended, and to provide transportation to and from school for a period of at least six months during the school year or for such time as the district school is suspended, for all children between the ages of six and sixteen residing more than one mile from the nearest school.

(2) In all cases where the electors of any district at the annual meeting or at a subsequent special meeting prior to the third Monday of November fail to levy a tax sufficient to pay for the tuition or transportation or both required by law, or authorized by the electors, the school board, on or before the Wednesday next following the said third Monday in November, shall determine the sum necessary to pay for tuition or transportation, or both, as the case may be, and the district clerk shall at once certify to the town or village clerk the amount so fixed and when so certified to the town or village clerk such amount shall be levied and collected as other district taxes are now levied and collected.

(3) It shall be the duty of the board of any school district, when authorized by the electors or required by law to provide transportation, to enter into written contracts in the name of the district with the parents or guardians or other persons for transporting or providing for the transportation to and from school of all persons of school age who attend and who are entitled to transportation. Such contracts must provide that the children shall be actually transported in a safe and comfortable manner in a conveyance provided with protection against cold and inclement weather. The driver of each conveyance shall be of good moral character, trustworthy, and responsible. Such driver shall have control of the children and be responsible for their good behavior while going to and returning from school. He shall not use profane or improper language and shall prohibit the use of such language on the part of the children. He shall report all cases of insubordination to the parents and to the teacher or principal of the school. In all cases where a contract is entered into with a person other than the parent or guardian of the children to be transported, such person shall file a bond in the sum of three hundred dollars running to the school district with approved sureties in double the amount; said bond to be forfeited to the district in case of failure of such person to provide transportation in accordance with terms of the contract, as specified in this subsection.

(4) If in the judgment of the school board of any district it is to the interest of the district to provide board and lodging in lieu of transportation for all or a part of the pe-

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riod for which transportation has been authorized by the electors or is required by law for children residing more than four miles from the nearest school in the home district or in an adjoining district, it shall be legal and shall be the duty of such school board to make arrangements whereby such children shall be boarded in a suitable place not more than one mile from a school. The school board shall make a contract with the person or persons with whom such child or children board, and shall pay for the board and lodging of such pupil or pupils out of the fund provided for transportation, provided the amount so paid for board and lodging of any child shall not exceed five dollars per school week of five days.

(5) The school board of the district in which the pupil resides and the principal teacher of the school in which the pupil is enrolled shall on or before the first day of August of each year make under oath a report giving the name of each pupil transported more than two miles; the number of days transportation was provided for such pupil; the number of days such pupil attended while being transported; the distance from the home of such pupil to the school; the amount paid for transportation, to whom paid, and such other information as the state superintendent may require. In case board and lodging have been provided in accordance with subsection (4), said report shall give the name of each pupil so boarded and lodged, the number of days such pupil attended while being boarded, the distance from the home of such pupil to the nearest school in the home district or an adjoining district, distance from the boarding place to the school attended, the amount paid for board and lodging, to whom paid, and such other information as the state superintendent may require. Such report shall be submitted to the county superintendent and if he approve of the report his approval shall be indorsed thereon and the report forwarded to the state superintendent.

(6) Upon receipt of such report, if the state superintendent shall be satisfied that transportation or board and lodging have been provided in accordance with law, he shall certify to the secretary of state the amount due such district on account of providing transportation or board and lodging, or both, said amount to be determined as follows:

(a) For each pupil residing more than two miles and not more than three miles from the school for whom transportation was provided for at least six months, or for such time as required by law, and who attended not less than five months while being so transported, ten cents per day for each day attended while being transported.

(b) For each pupil residing more than three miles but not more than four miles from school for whom transportation was provided for at least six months or for such time as required by law, and who attended not less than five months while being transported, fifteen cents per day for each day attended while being transported.

(c) For each pupil residing more than four miles from school for whom transportation was provided for at least six months or for such time as required by law, or who, residing more than four miles from the nearest school in the home district or in an adjoining district, was boarded in accordance with the provisions of subsection (4), and who attended not less than five months while being transported or boarded, twenty cents a day for each day attended while being transported or boarded.

(d) In case of any pupil for whom transportation was provided for at least six months or during such time as said pupil resided in the district but who failed to attend five months while being transported, the district shall receive the aid as provided in paragraphs (a) to (c), inclusive, provided such failure to attend five months was due to absence from the district or any other legal excuse.

(7) Whenever the electors of any rural district containing one or more one-department rural schools shall direct the school board to close all the schools in the district, each such district shall be entitled to special state aid as hereinafter provided, upon complying with the following conditions:

(a) Tuition shall be paid for all persons of school age who may desire to attend school at a district maintaining a one or two-department rural school, or a state graded school, or the grades below the free high school in a free high school district for at least thirty-two weeks, including legal holidays, and transportation shall be provided for the same period of time for all such pupils who reside more than one mile from the nearest school in an adjoining district.

(b) The average daily attendance of pupils transported under the provisions of this subsection from any district to the school in any rural school district, or to a state graded school, or to the grades in a district maintaining a free high school, shall be at least eighty per cent of the entire number enrolled for transportation to such school during each term of school.

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(c) The district board shall, in all cases where the school is closed and transportation is provided by team, enter into a written contract in the name of the district with one or more persons whereby it is agreed that such person or persons are to transport or provide for transporting the children in a safe and comfortable manner to and from the school or schools in the district where provision has been made for their schooling. The children shall be transported in a safe and comfortable manner in a conveyance provided with protection against cold and inclement weather. The driver of each conveyance shall be of good moral character, trustworthy, and responsible. Such driver shall have control of the children and be responsible for their good behavior while going to and returning from school. He shall not use profane or improper language and shall prohibit the use of such language on the part of the children. He shall report all cases of insubordination to the parents and to the teacher or principal of the school. Provided that in cases where it is practicable, conveyance by interurban, steam railway, or automobile shall be equivalent to transportation by team. In all cases where a contract is entered into with a person other than the parent or guardian of the children to be transported, such person shall file a bond in the sum of three hundred dollars running to the district, with approved sureties in double the amount; said bond to be forfeited to the district in case of failure of such person to provide transportation in accordance with terms of the contract, as specified in this subsection.

(d) No state aid under the provisions of this subsection shall be paid to any district providing transportation and tuition for its pupils at a district maintaining a rural school of one or more departments, unless the school in the district where such nonresident children attend shall be a first class rural school as defined in section 40.13, and it is further provided that in case the district entering into a contract for the schooling of nonresident pupils, according to the provisions of this subsection, shall fail to maintain a first class rural school as provided in section 40.13, then such school district shall forfeit its right to collect tuition from the district where such nonresident children reside for such school year or part of a school year that the school in such school district shall not have been maintained as a first class rural school.

(e) The school board of each district taking advantage of this section shall make annually, on or before the first day of August, a special report, under oath to the state superintendent of public instruction, showing that the above conditions have been complied with, and this report shall give the names and ages of the persons transported, the number of days each such person was transported, and attended school, the rate of tuition paid, the amount of tuition paid for each person, and such other information as the state superintendent may require.

(f) It shall be the duty of the county superintendent of schools in any county where a district takes advantage of the provisions of this subsection and provides transportation and tuition at a rural school, as provided in paragraphs (a) to (d), inclusive, to report annually to the state superintendent, upon the blanks furnished by him, such information as he may require for the purpose of ascertaining if the rural school in such district during the year for which aid is claimed was maintained as a first class rural school, according to the provisions of section 40.13.

(g) In case of a disagreement concerning the standard of work done in any rural school, the decision of the state superintendent shall be final, and he shall have power, either in person or through inspectors of schools, to investigate the quality of work done and equipment offered in any of the schools accepting nonresident pupils under the provision of this subsection.

(h) If upon receipt of the report, as provided in paragraphs (e) and (f) of this subsection, the state superintendent shall be satisfied that the district has complied with all the requirements of this subsection, he shall certify such fact to the secretary of state, who thereupon shall draw a warrant in favor of the treasurer of such district for a sum equal to the amount expended by such district for tuition and transportation, provided such amount shall in no case exceed one hundred fifty dollars for any one district; provided, further, a district receiving the special state aid provided in this subsection shall not be eligible to receive special state aid for transportation, as provided in subsection (6). In case the district shall have qualified for state aid on account of transportation under subsections (1) to (6), inclusive, and also under subsection (7), the state superintendent is hereby authorized to apportion the aid to the district on the basis which will give the district the larger sum.

(8) In this section the word "distance" shall be interpreted to mean distance as measured by the nearest traveled highway.

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(9) Each district complying with the provisions of paragraph (c) of subsection (1) or subsection (7) shall receive the same apportionment of state and other taxes as provided by law, as would have been received had school been maintained in the district.

(10) (a) In case the parent or guardian of any child qualified to attend a high school resides in a union free high school district more than three miles from the high school in said district, such parent or guardian may transport or provide for the transportation of such child to and from the union free high school in a safe, comfortable and convenient manner, and the union free high school district shall pay such parent or guardian for such transportation as follows: For each child residing more than three and not more than four miles, forty cents per day; for each child residing more than four and not more than five miles, sixty cents per day; for each child residing more than five miles, eighty cents per day; provided the union free high school district cannot be compelled to pay such compensation on account of any child who has not attended at least six months while being transported.

(b) If, in the judgment of the union free high school board, it is to the interest of the district to provide board and lodging in lieu of transportation for children residing more than four miles from the union free high school, it shall be legal and shall be the duty of the union free high school board to make arrangements whereby such children shall be boarded in a suitable place not more than one mile from the union free high school. The union free high school board shall make a contract with the person or persons with whom such child or children board and shall pay for the board and lodging out of the fund provided for transportation, provided the amount so paid for board and lodging of any child shall not exceed four dollars per school week of five days.

(c) In all cases where the electors of a union free high school district at the annual meeting or at a subsequent special meeting fail to levy tax sufficient to pay for transportation authorized in paragraph (a) of this subsection, the union free high school board shall proceed as provided in subsection (2) of this section.

(d) Upon filing a report as provided in subsection (5) of this section, the union free high school district shall be entitled to share in the apportionment of state aid on account of transportation, as provided in subsection (6) of this section. [*1917 c. 441 s. 2; Stats. 1917 s. 430—1 to 430—9; 1917 c. 578 s. 2; 1919 c. 260; 1919 c. 679 s. 15, 16; 1921 c. 136, 219, 369, 512*]

DISTRICT BOARD.

40.17 Elections, terms and acceptance. (1) The officers of the district shall be a director, treasurer and clerk, who shall be residents of the district and hold their respective offices for three years and until their successors have been elected or appointed, but not beyond ten days beyond the expiration of their term of office without being again elected or appointed; provided, that at the first election of such officers in any newly-organized district the clerk shall be chosen for one year, the treasurer for two years and the director for three years; and thereafter each officer shall be chosen for three years. Any person present at a meeting at which he shall be elected one of the board shall be deemed to be notified thereof; and any person so elected and not present shall be notified thereof by the clerk of said meeting within five days thereafter; and unless each person elected and notified shall within ten days after his election file with the clerk his refusal in writing to accept the office he shall be deemed to have accepted the same.

(3) (a) Whenever a petition requesting that an election of school district officers shall be conducted after the manner of voting for village or city officers, signed by not less than twelve qualified voters of any school district in which the school officers are elected by the people, and which contains wholly or partly within its limits an incorporated village, or city of the fourth class, is presented to the clerk of such district he shall at least six days before the time fixed by law for the annual school district meeting, post or cause to be posted in at least six of the most public places in the district notices giving the manner of holding and conducting such election.

(b) The election of school district officers shall be held in some convenient room in the district school building, and if there are two or more school buildings in such district, the notice shall specify in which building the election shall be held, and if the notice does not so specify it shall be understood that the building in which the last annual school meeting was held shall be the building designated.

(c) The election of officers shall be by ballot, and suitable ballot boxes shall be provided therefor. The polls shall be opened at three o'clock in the afternoon of the day fixed by law for holding the annual school district meeting, and shall be closed at eight o'clock of the same day. The time of opening and closing the polls, as well as the place of holding the election, shall be specified in the notice of such meeting, but a failure to so

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specify the time of opening and closing the polls and designating the place shall not vitiate such election.

(d) The mayor of the city or the president of the village or board of trustees, as the case may be, shall appoint not more than five persons who shall act as inspectors and clerks of this election and who shall make and keep a list of all the electors, men and women, voting at such election.

(e) Immediately after the polls are closed and the ballots counted, the result shall be declared, and all ballots as soon as counted, shall be sealed in the ballot box and be kept in the custody of the village clerk or the city clerk, as the case may be, for sixty days. As soon as the result of the election is announced, the electors shall organize and conduct the regular and usual business, other than the election of officers, authorized to be done at annual school district meetings.

(f) The privilege of challenging any person as to his or her right to vote at such election shall not be prohibited or restricted.

(g) The amount of compensation paid to the inspectors and clerks of this election shall be one dollar for each such inspector and clerk engaged and acting in conducting this election, said compensation to be paid from any funds in the treasury of the school district not otherwise appropriated.

(4) The electors of any school district having adopted the provisions of section 40.46, may at any annual school meeting held in such school district vote to rescind the action of the electors of the district as provided in section 40.59, and to return to the district system of school government as provided in subsection (3) of section 40.09; provided, that ten days' notice that such a question will be submitted to the electors of the city school district at the annual meeting, be given by posting five copies hereof in five different public places in such city school district. In case the electors shall vote to have a school board of three members, the director, clerk and treasurer then in office in such district shall continue in their respective offices during the full term for which they were elected, and thereafter their offices shall be filled in the manner prescribed by law. [*Stats. 1915 s. 430n, 431, 431a, 513; 1917 c. 578 s. 2; 1921 c. 15 s. 7*]

40.18 Duties of director. It shall be the duty of the director of each district:

(1) To countersign all orders legally drawn by the clerk upon the treasurer of the district.

(2) To appear for and on behalf of the district in all actions brought by and against it, when no other direction shall have been lawfully given at a district meeting.

(3) To cause an action to be prosecuted in the name of the district on the treasurer's bond in case of any breach of any condition thereof, and to apply all money when collected to the use of the district as the same should have been applied by the treasurer.

(4) All actions for the recovery of any forfeiture incurred under the provisions of this chapter shall be prosecuted by the director of the school district interested, except when such director has incurred a forfeiture, in which case such action shall be prosecuted by the treasurer of such district; and in case either shall refuse or neglect to prosecute he shall forfeit twenty dollars. All forfeitures recovered shall be first applied to the necessary expenses of such prosecutions, and one-half of the remainder shall be paid into the district treasury for the use of the district and the other half to the county treasurer for the benefit of the school fund.

(5) Whenever any person or officer designated in this chapter to prosecute an action for a forfeiture or for a neglect of duty shall fail to prosecute such action for the space of ten days after being requested in writing by a voter of the proper district so to do, any voter may prosecute such action for the recovery of such forfeiture or for any neglect of duty in the manner herein prescribed. [*Stats. 1915 s. 442, 505, 506; 1917 c. 578 s. 2*]

40.19 Bond and duties of treasurer. (1) The treasurer shall, within ten days after his election or appointment, execute and file an official bond, in double the amount, as nearly as can be ascertained, of all the moneys of the district to come into his hands, with sufficient sureties approved by the director and clerk. He shall hold office until his successor be elected or appointed and qualified as herein provided. Whenever the director and clerk shall deem the bond of the treasurer insufficient they shall demand an additional bond in such sum as they shall fix, conditioned, approved and filed in the manner aforesaid, within ten days after such demand. Neither the director, clerk nor teacher shall hold the office of treasurer in his own district.

(2) The treasurer shall apply for and receive from the town treasurer all money apportioned to or collected for the district and pay money on the order of the clerk countersigned by the director, and not otherwise. He shall turn over to the county treasurer for the benefit of the school fund all forfeitures accruing under subsection (2) of section 39.15. He shall keep a book in which he shall enter all the money received and disbursed

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by him, specifying particularly the sources from which the same has been received, the persons to whom and the object for which the same has been paid, and shall afford the clerk access thereto when desired to enable him to make his annual report. He shall present to the annual meeting a report in writing containing a statement of all moneys received by him during the preceding year and of each item of disbursement made by him and exhibit the voucher therefor.

(3) The treasurer shall prosecute the town treasurer of the town in which the district or any part thereof is situated for the recovery of any money belonging to the district which the town treasurer refuses or neglects for the space of ten days from the time fixed by law therefor to pay over to him. [*Stats. 1915 s. 443 to 445; 1917 c. 178 s. 2; 1917 c. 578 s. 2; 1919 c. 93 s. 14; 1919 c. 254 s. 2; 1919 c. 362 s. 15; 1921 c. 82 s. 3*]

40.20 Duties of clerk. It shall be the duty of the clerk:

(1) To report the name and post-office address of each officer of his district to the town clerk and to the town treasurer, or if a joint district to the clerk and treasurer of each town in which his district is situated, within ten days after the election or appointment of such officer.

(2) To act as clerk and record the proceedings of the district meetings.

(3) To enter in the record book provided by the board the minutes of its meetings, orders, resolutions and other proceedings.

(4) To enter in said record book copies of all his reports to the town clerk and the certificate of the proceedings of a meeting returned by a temporary clerk as provided in section 40.09.

(5) To draw orders on the treasurer for money apportioned to or raised by the district to pay, according to the contract made by the board, the wages of any qualified teachers for teaching the district school, and to make any other payment voted at a meeting pursuant to section 40.09, provided no order shall be issued in payment of the salary of any teacher unless said teacher shall have complied with the provisions of subsection (2) of section 39.15.

(6) To make a record in some suitable book of all orders drawn on the treasurer.

(7) To furnish at the expense of the district for the use of each teacher a school register in the form prescribed by the state superintendent, to procure the same to be returned to him at the expiration of the teacher's employment and to preserve the same with the records and papers of the district.

(8) To notify any person of his election or appointment to a district office within five days thereafter, to furnish any teacher a copy of the contract made with him by the board and to perform any other duties imposed upon him by law.

(9) Each district clerk shall, on or before the third Monday of November in each year, deliver to the town clerk a statement in writing, verified by his affidavit, showing the amount of taxes voted to be raised at the last annual meeting or at the first meeting after the organization of the district, or both, as the case may require, and all of the taxes voted at any special meeting held during the then next preceding year, and also the amount of tax therefor voted to be collected in such year, if any, for the annual payment of any loan, and also the amount to be paid by such district, if any, under the provisions of section 40.05. In case of a joint district he shall deliver to the clerk of each town, city or village in which any part of the district is situated a statement so verified showing the proportion of such taxes to be assessed in that part of the district within such town. If such proportion shall not have been determined as provided in the last preceding section it shall be ascertained from the valuation contained in the last assessment rolls of the respective towns, city or village; and to that end the clerk of each such municipality shall, on or before the last Monday in September in each year, deliver to the district clerk a certified statement of the valuation of the real and personal property in that part of such district lying therein as the same appears from said assessment roll. [*Stats. 1915 s. 446, 472; 1917 c. 578 s. 2; 1917 c. 671 s. 38; 1919 c. 254 s. 2; 1921 c. 82 s. 3*]

40.21 Report of district clerk. (1) It shall be the duty of the district clerk, between the tenth and twenty-fifth days of July in each year, excepting in cities of the first class where the school census shall be taken between March first and June first of each year, to make and transmit to the county or city superintendent, a written report bearing date as of the thirtieth day of June, or the thirty-first day of May in cities of the first class, of such year, signed by him and verified by his affidavit, showing:

First. The number, names and ages of children, male and female designated separately, over the age of four and under the age of twenty years residing in the district, and the names of their parents, guardians or other persons with whom such children resided, respectively, on the last day of May or June preceding. But no such children residing in, held or cared for at any charitable or penal institution of this state shall be included in

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such enumeration or report; and whenever the state superintendent shall receive information that any such children have been enumerated in the school census of any school district included in the reports made to him, on the basis of which apportionment of money from the school fund income is made, he may require from the district clerk or the secretary of the board of education of said district a verified statement of the whole number of children of school age residing in the district not excluded by the provisions of this section, in such form and manner as the said superintendent may prescribe. Unless the certificate herein provided for shall be made no money shall be apportioned for the benefit of said school district.

Second. The whole number of children, males and females designated separately, between the ages of four and twenty years taught in the district school during the year for which such report is made by teachers duly qualified.

Third. The number attending school during the year under the age of four and the number over the age of twenty years.

Fourth. The whole time, in days, any common school has been taught in the district, including holidays, and the whole number of days such school has been taught by teachers qualified according to law, including holidays, and the days the teachers may have attended an institute during the year while the school was in session for which no deduction in wages was made by the district board.

Fifth. The names of all teachers employed during the year, the number of days taught by each, including holidays, and the monthly wages paid to each, and the time allowed any teacher for attendance on any institute for which no wages were deducted.

Sixth. The amount of money received from the town treasurer during the year, designating separately the amount received from apportionment of the school fund income, the amount received from tax levied by county board of supervisors, the amount received from tax voted by the district, and the amount received from all other sources during the year, and the manner in which the same has been expended, showing separately the expenditure of school money received from the state.

Seventh. Such other facts and statistics in relation to the schools, public or private, in such district as the state superintendent may from time to time require. The clerk of each joint district shall report to the county or city superintendent, as the case may be, the number of children residing in each part of the several towns, villages or cities embraced in such joint districts. He shall also report the amount of the indebtedness of the district. Upon filing with the county superintendent within the time set by law, a complete and satisfactory annual report setting forth all the facts required by law to be reported to the county or city superintendent, and such other information as may be called for by either the county or city superintendent, the school district clerk in a school district maintaining one or more schools in one or more separate school buildings and not containing an incorporated village or city, and having a school census of one hundred persons or less shall be paid from any moneys in the general fund of the school district treasury of which he is the clerk, the sum of ten dollars for each one-room school maintained by the district; provided, that such schools are more than a mile and a half apart, the distance to be measured by the nearest traveled highway. In a school district maintaining one or more separate schools in separate buildings and not containing an incorporated village or city and having a school census of more than one hundred persons and not more than two hundred persons, twenty dollars for the first school and an additional ten dollars for each separate school maintained in a separate building by the district, provided, that such schools are more than a mile and a half apart, the distance to be measured by the nearest traveled highway. In a school district maintaining one or more separate schools in separate buildings and not containing an incorporated village or city and having a school census of more than two hundred persons and not more than three hundred persons, thirty dollars for the first school and an additional ten dollars for each separate school maintained in a separate building by the district; provided, that such schools are more than a mile and a half apart, the distance to be measured by the nearest traveled highway; and in school districts having a school census of more than three hundred persons of school age, or containing an incorporated village or city, or maintaining a high school or graded school, or in districts maintaining town or union high schools, such sum as the body electing the school board of such school district may direct; provided, such school clerk shall file with the district treasurer a certificate signed by the county or city superintendent of schools setting forth that the school census for the year was properly taken, and that all reports required by law to be made by school district clerks have been filed on and within the time specified by law and approved.

(2) Every district clerk who shall wilfully neglect to make the annual report for his district as required by law shall be liable to pay the whole amount of money lost by such

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district in consequence of his neglect, which shall be recovered in an action in the name of and for the use of the district. [*Stats. 1915 s. 462, 498; 1917 c. 143, 237; 1917 c. 578 s. 2*]

40.22 [*Renumbered section 43.22 by 1921 c. 452 s. 10*]

40.23 Malfeasance of officers. (1) Every district clerk who shall draw an order upon the treasurer for any purpose not authorized by law, and every director who shall countersign such order, shall forfeit for each such order not less than twenty nor more than one hundred dollars.

(2) Neither the state superintendent, his assistant, nor any person in his office, nor any county superintendent, nor school district officer, nor any officer or teacher connected with any public school shall act as agent or solicitor for the sale of any schoolbooks, maps, charts, school library books, school furniture, apparatus or stationery, or furnish any assistance to or receive any reward therefor from any author, publisher, bookseller or dealer doing the same. Every person violating this section shall forfeit not less than fifty nor more than two hundred dollars for each offense and be liable to removal from office therefor.

(3) Every member of the district board or of a board of education, when a list of textbooks has been adopted according to law, who shall, within three years from the date of such adoption, order a change of textbooks in his district or city shall forfeit the sum of fifty dollars.

(4) Every taxable inhabitant receiving the notice mentioned in section 40.02, and every chairman of the first district meeting in any district who shall wilfully neglect or refuse to perform the duties enjoined upon him by this chapter, shall respectively forfeit the sum of five dollars. Every person duly elected to the office of director, treasurer or clerk of any school district who shall neglect or refuse without sufficient cause to accept such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars; and every school district officer who shall neglect or refuse to deliver to his successor in office all records, books and papers appertaining to such office shall forfeit not exceeding fifty dollars. [*Stats. 1915 s. 440b, 500 to 502, 507; 1917 c. 578 s. 2; 1919 c. 362 s. 25, 28*]

40.24 District board. (1) The director, treasurer and clerk shall constitute the district board. In all joint school districts containing a city of the fourth class, or an incorporated village, said district board shall meet on the day following each annual district meeting at the hour of eight o'clock in the afternoon of that day, at the place where the preceding annual meeting was held, and by resolution fix the time and place for holding stated and regular meetings of the board during the ensuing year. A majority of the members shall constitute a quorum for the transaction of business and all business transacted pertaining to the district at any such regular meeting shall be lawful, but special meetings of the board may be called by any two members thereof by serving on the other member a written notice of the time and place of such meeting at least twenty-four hours before such meeting is to take place. No act authorized to be done by the board shall be valid unless voted at its meeting and no formal notice of a special meeting shall be required where all members are present and consent to consider matters relating to the district. In all other districts, except where otherwise provided by law, all meetings of the board shall be called in the manner herein provided for calling special meetings. [*Stats. 1915 s. 432, 433, 433a; 1917 c. 165; 1917 c. 578 s. 2; 1919 c. 362 s. 13, 38*]

40.25 May borrow for operating expense. (1) If any district, at its annual or at a subsequent special meeting prior to the third Monday of November following, shall not vote a tax sufficient to maintain a school for the term of eight months during the ensuing year, the board, on or before the Wednesday next following said third Monday of November, shall determine the sum necessary to be raised to maintain such school, and the clerk shall forthwith certify to the town clerk the amount so fixed, who shall assess the same as other district taxes are assessed.

(2) The school board of any school district operating under the district system may on their own motion, made and properly recorded at a lawful board meeting, borrow money in such sums as are needed to meet the immediate expenses of maintaining the school or schools in such district. No such loan or loans shall be made to extend beyond the time of collection of the taxes levied by the electors nor to an amount exceeding one-half the levy so made. All such loans shall be secured by lawfully authorized and drawn school orders, each order when paid to be receipted and returned to the treasurer of the board. [*Stats. 1915 s. 437; 1917 c. 14 s. 42; 1917 c. 578 s. 2; 1921 c. 218*]

40.26 Purchase and use of schoolhouse. (1) When lawfully directed by the electors the board shall purchase or lease the site for a schoolhouse designated by the district,

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build, hire or purchase a schoolhouse out of the funds provided for that purpose, and sell and convey any site, schoolhouse or other property of the district.

(2) The board shall have the care and keeping of the schoolhouse, books, apparatus and other property of the district, except that especially confided by law to the clerk, and before each annual meeting they shall make and deposit with the clerk of the district an inventory thereof; keep the schoolhouse in good condition and repair, and provide all necessary appendages during the time a school shall be taught therein. They may grant the request of any responsible inhabitant of the district to occupy the schoolhouse for such public meetings as will, in the judgment of the board, aid in disseminating intelligence and promoting good morals; any such licensee shall be answerable, and if there be no responsible licensee, the members of the board shall be personally liable to the district for any injury done to any property and for any expense incurred by, at or in consequence of any such use of the schoolhouse. They may grant the use of the schoolhouse for the holding of lectures, entertainments and school exercises, providing they are held under the auspices of the school authorities, and are for the benefit of the school, and may permit the charging of an admission fee thereto.

(3) (a) Upon application of not less than one-half of the voters residing in the district, the school board or other body having charge of schoolhouses or other public buildings or grounds, which are capable of being more widely used as public meeting places for nonpartisan gatherings of citizens, for the presentation and discussion of public questions or for other civic, social or recreational activities, shall allow the use of such buildings or grounds for the open presentation and free discussion of public questions, and may allow the use of such buildings or grounds for such other civic, social and recreational activities as in the opinion of the controlling board do not interfere with the prime purpose of the building or grounds.

(b) Where the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the presentation and discussion of public questions or for the promotion of public health by giving instruction in any topic relating thereto or in physical culture and hygiene or by the practicing of physical exercises and the presentation and discussion of topics relating thereto, the school board or other body having charge of the schoolhouses or other public properties which are capable of being used as meeting places for such organization, when not being used for their prime purpose, shall provide, free of charge, light, heat and janitor service, where necessary, and shall make such other provisions as may be necessary for the free and convenient use of such building or grounds, by such organization for weekly, biweekly or monthly gatherings at such times as the citizens' organization shall request or designate. All such gatherings shall be free to the public.

(c) The school board or other board having charge of the schoolhouses or other public properties, may provide for the free and gratuitous use of the schoolhouses or other public properties under their charge for such other civic, social and recreational activities, as in their opinion do not interfere with the prime use of the buildings or properties; provided, that if a petition signed by one-half or more of the legally qualified electors of the district be presented to the school board requesting that the use of the building shall not be granted for public dancing, or if a resolution against public dancing in the schoolhouse shall be adopted at the annual meeting, the action of the board shall be controlled by such petition or resolution.

(d) The person or persons making application for the use of a schoolhouse or other public property for public meetings, shall be responsible for all damage to the property occurring at such meetings, ordinary wear and tear excepted, and upon failure of the responsible person or persons to respond in damages for any such injury to the property, the school board or other board in charge of the schoolhouse or other public property, may refuse all future applications for the wider use of the property until such injury is repaired, without expense to the board in charge of the property. [*Stats. 1915 s. 434, 435, 435d; 1917 c. 578 s. 2; 1921 c. 190*]

40.27 Equipment; insurance. (1) It shall be the duty of each school district board, to provide at least two suitable and convenient outhouses or water-closets for each of the schoolhouses under its control. Said outhouses or water-closets shall be entirely separated each from the other and shall have separate means of access. The boys' outhouse shall be provided with suitable urinals. Said outhouses and said water-closets if detached from the schoolhouse, shall be placed at least thirty feet apart and separated by a substantial close fence not less than seven feet in height, and where placed on opposite sides of the school grounds shall be suitably screened from view. The board of education shall have said outhouses and water-closets kept in a clean and wholesome condition. If the electors of the district or town shall at the annual meeting fail to vote a tax of a sufficient amount to

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enable the board to comply with the provisions of this section, it shall be the duty of the district board prior to the third Monday of the November following, to determine the sum necessary to be raised to carry out the provisions of this section, and the clerk or secretary shall forthwith certify to the town clerk the amount so fixed, who shall assess this amount as school district taxes are assessed, and such amount shall be assessed, levied and collected at the same time and in the same manner as other taxes for school purposes.

(2) The board may purchase such books, blanks and stationery as are necessary for keeping a record of the proceedings of meetings and the accounts of the treasurer and for doing the business of the district in an orderly manner, and such other equipment, including supplementary readers, dictionaries, library catalogue cards and card cases, maps, charts, globes, books and school apparatus, heating and ventilating apparatus, as may be approved by the state superintendent or by the county superintendent for the use of schools, not exceeding one hundred dollars in value in any one year, from any funds in the district treasury not otherwise specifically appropriated, and such schoolbooks as in their judgment may be necessary for the use of any children attending school in their district whose parents and guardians may not be able to furnish the same. All such purchases shall be approved at a regular meeting of the board at which all members are present. The board shall keep an accurate account of expenses incurred by them under the provisions of this section and present an itemized statement of such purchases to the annual meeting.

(3) Every board of education or district board shall purchase at the expense of the city, town, village or district to which it belongs and the governing head or body of any private or parochial school shall purchase and display in the school room or from a flag staff on each schoolhouse or on the grounds thereof a flag of the United States, and shall purchase in like manner whatever may be needed for the display or preservation of said flag. It shall be the duty of every board of education or district board and every governing body of any private or parochial school and of every principal or teacher in charge of each school to cause such flag to be properly displayed in the school room or in seasonable weather during the school hours of each day's session of school upon the flag staff of said schoolhouse or school grounds and to have such flag taken down at the close of each day's session.

(4) Any district board or board of education may insure the school property, and, if necessary, execute a note for the premiums. [*Stats. 1915 s. 435a, 436, 436a, 441a; 1917 c. 578 s. 2; 1917 c. 671 s. 38; 1919 c. 125*]

40.275 Rural schools to be named and provided with mail facilities. (1) The electors of every school district maintaining a school not located in an incorporated village or city shall, at the first annual meeting after the passage of this act, select a name for such school; or, if there be more than one such school in the district, then a name for each such school. Second choice names may also be selected. If the electors fail to select such name or names the school board shall do so within ten days after the adjournment of the annual meeting. The electors at a meeting establishing such a school shall select a name therefor, or, if they fail to do so, then the school board shall do so within ten days after the adjournment of the meeting.

(2) It shall be the duty of the school board to provide and maintain a mail box for each school located on or near a rural free delivery mail route within thirty days after the first annual meeting after the passage of this act, and for any such school subsequently established the school board shall provide a mail box by the time such school first opens.

(3) The district clerk shall within five days after the naming of a school in his district, notify the county superintendent of the county in which the school is located of the name chosen and the post-office address of the school. The county superintendent shall number such letters in the order of their receipt. Within thirty days after the date of the annual meeting of the school districts after the passage of this act, the county superintendent shall carefully go over the reports of names received. He shall promptly notify district clerks of his approval of all names of school districts to which names he finds no valid objection.

(4) In the event that the same names shall have been selected and reported for two or more schools, the school for which the report was first received shall retain the name reported, except that first preference shall be given to a name by which a school has been well known for a number of years. The district clerk of each other district concerned shall be promptly notified by the county superintendent of the facts in the case. The school board shall within ten days after receipt of such notification by the district clerk select another name and the clerk shall promptly notify the county superintendent of the action taken.

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(5) In case the county superintendent considers that a name reported for any school is an unsuitable or freak name, he shall promptly so report to the district clerk and the school board shall within ten days after receipt of such notification by the clerk select another name; and the clerk shall within five days after such action by the board make report to the county superintendent of the name selected. If the name thus reported is considered unsuitable by the county superintendent, the school shall be named as provided in subsection (6).

(6) In the event of failure to select a name for a school in accordance with the foregoing provisions of this act, the county superintendent shall name the school and notify the district clerk of the name selected by the county superintendent. Such notification shall be sent within ten days after the time for reporting a name to the county superintendent has elapsed. The name selected by the county superintendent may be changed by the electors at the next annual meeting, subject to the provisions of this act.

(7) The district clerk shall within five days after receipt of notification from the county superintendent of his acceptance of a name selected for a school, or of a name selected by the county superintendent, in case it shall be necessary for him to select a name, notify the postmaster on whose rural free delivery mail route any named school is located of the name of the school, the number of the district, and the name of each town, village or city of which the district forms a part, and shall give such other information as may be necessary to locate accurately each such school.

(8) In case a school is not located on any rural free delivery mail route, the district clerk shall duly notify the postmaster of the post office selected by the board as to the person or persons to whom the mail for the school is to be given when called for. The school board of any school district is authorized to rent a lock box for each school not on a rural delivery mail route and to pay therefor out of the district funds.

(9) The district clerk of each district referred to in subsection (1) of this act shall, in the case of each school located on a rural free delivery mail route, notify the postmaster of vacations other than Saturdays and Sundays and legal holidays, and shall direct what disposition shall be made of the school mail during such times. The clerk shall, in this matter, be governed by the instructions of the board, but, in the absence of such instructions he shall act on his own initiative, and during the school term the teacher or principal may be authorized by the board or clerk to act in notifying the postmaster.

(10) When a name has once been chosen for a school, as provided in this act, such name can be changed only by majority vote of the electors recorded at two successive annual meetings. In case the name is changed the district clerk shall notify the county superintendent and the postmaster as required in subsections (3) and (7). [*1919 c. 208*]

40.28 Conduct of school; school month. (1) The board shall contract with qualified teachers, specify in the contract the wages per week, month or year to be paid, and when completed file the contract, with a copy of the certificate of the teacher so employed attached thereto, with the clerk. No contract with any person not holding a diploma or certificate authorizing him to teach shall be valid; and all such contracts shall terminate if the authority to teach expire by limitation and be not renewed or be revoked.

(2) No order shall be drawn, countersigned or paid which is in favor of any person who has taught school in said district when not holding a certificate of qualification therefor as provided by law, nor for the payment of which the money has not been appropriated according to law, and no order shall be drawn for any money received from the school fund income for any other purpose than payment of teachers' wages.

(3) Twenty days of teaching including legal holidays for schools shall constitute a school month unless otherwise specified in the contract, and all legal school holidays, occurring on the usual school days shall be counted although no school be taught; but school taught on a legal school holiday shall not be counted for two school days. The first day of January, the thirtieth day of May, the fourth day of July, all days declared to be holidays by proclamation of the president of the United States or the governor of this state, and the twenty-fifth day of December are legal holidays for schools. Not to exceed five Saturdays may be legally counted in any school year when school is actually taught with the consent of the school board or the board of education. The board may give to any teacher employed, without deduction from his wages, the whole or any part of any time spent by him in attending the sessions of any institute held in the county embracing any part of the district, in attending a school board convention, or in attending the meeting of any teachers' association, upon such teacher furnishing to the clerk, to be filed by him, a certificate of regular attendance on such institute, school board convention, or teachers' association, signed by the person conducting the institute or convention or by the secretary of the association. All Saturdays regularly taught as other school days at any time during the school year ending June 30, 1919, shall be counted with other school days as regu-

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larly taught and report made accordingly and all acts of school boards in paying out or having paid out school funds for such days taught are hereby legalized.

(4) The board shall visit the school, examine into its condition, advise with the teacher in regard to the instruction, government and progress of the pupils, and exercise such general supervision as may be necessary to carry out the provisions of this chapter.

(5) The board shall determine what textbooks shall be used in the school, make a list of such books, file a copy thereof with the clerk and keep a copy of such list posted in the schoolhouse. When textbooks shall have been so adopted they shall not be changed for the period of three years.

(6) (a) The school board of any school district or the board of education of any city, in addition to the powers now conferred upon them by law, may provide for the exchange of any teacher employed by such board for a teacher of any school district of any other state. No such exchange shall be for a longer period than one year and any teacher of this state so exchanged shall be deemed to have taught during said period in the school district in which he or she was employed at the time the exchange was made.

(b) Any teacher from another state, taking the place of a Wisconsin teacher in accordance with the provisions of paragraph (a) of this subsection, shall be assessed, for the benefit of the Wisconsin teachers' insurance and retirement fund, the full amount which would otherwise have been assessed against the Wisconsin teacher so exchanged. Such assessment shall be credited to the Wisconsin teacher exchanged in accordance with the provisions of paragraph (a) of this subsection. [*Stats. 1915 s. 438, 440, 441, 446a, 459, 560; 1917 c. 340; Stats. 1917 s. 515g; 1917 c. 578 s. 2; 1919 c. 283*]

40.29 Registration of pupils; expulsion; tuition fees. (1) The teacher shall enter in the register furnished by the clerk the names, ages and studies of all scholars attending school, and daily their attendance and absence and such other facts as the county superintendent or state superintendent may require; which register the teacher shall deliver to the clerk at the close of his service or whenever it may be required for the use of the board. The teacher shall make in writing and transmit to the board or to the county superintendent a report concerning any matter relating to his school in such form or manner as the board or superintendent may prescribe; and any teacher who shall wilfully neglect or refuse to make entries in the register as above required shall forfeit his wages for teaching during the time of such neglect or refusal.

(2) Every person of lawful school age maintained as a public charge shall, for school purposes, be deemed a resident of the district in which he lives; for every person so maintained by the county the county board shall for each year allow to the district in which such person may attend school an amount for each person so attending equal to the amount expended in that year for each pupil in such district for school purposes; and in case such person be maintained by any town, such town board shall allow a like amount to such district. Such account shall be reckoned by the district officers without reference to the number of pauper children attending such school.

(3) The school board of any school district or the board of education of any city may make all rules needful for the organization, gradation and government of the school or schools under their jurisdiction, such rules to take effect when a copy signed by a majority of the board is filed with the clerk; may establish and maintain an ungraded department when in the discretion of the board such department may be deemed advisable; may suspend any pupil from school for noncompliance with the rules made by themselves or by the teacher with their consent; may expel any pupil whenever, upon due examination, they find him guilty of persistent refusal or neglect to obey the rules of the school and become satisfied that the interests of the school demand his expulsion; and may admit free of tuition any person between twenty and thirty years of age residing in the district to any school under their control, when in their judgment it will not interfere with the pupils of school age.

(4) (a) In all cases where nonresident children of school age shall attend school in a district maintaining a one or two department rural school or some department below the ninth grade in a district maintaining a state graded school or the grades in a district maintaining a free high school or the equivalent thereof, the school board or board of education of such district shall have authority to determine whether such nonresident children shall be admitted and to fix the rate of tuition for such nonresident children unless the electors at the annual district meeting next preceding shall have taken action in accordance with subsection (12) of section 40.09, provided the tuition below the ninth grade in any school shall not exceed the per capita cost of instruction in said school for the year or part of year for which tuition is charged. The per capita cost of instruction shall be determined by dividing the total salary paid the teacher or teachers by the total enrollment for the year.

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(b) In all cases arising under paragraph (a) of this subsection it shall be the duty of the school board or board of education to enter into a written agreement with the parent or guardian prior to the admission of such nonresident pupil to the school providing for the payment of tuition at the rate legally fixed, except where such nonresident pupil resides in a district in which all the schools have been suspended by a vote of the electors of the district, in which case the agreement shall be entered into with the school board of said district.

(c) In case children of school age reside more than two miles from the schoolhouse in the home district and one-half mile or more nearer a school in an adjoining district, distance in each case measured by the nearest traveled highway, and transportation is not provided by the home district, such children shall be privileged to attend the nearer school. It shall be the duty of any school district to admit such pupils if the facilities for seating and instruction will permit, and provided the admission of such children will not cause the enrollment in any one room to exceed fifty pupils. The clerk of the school district in which such children attend shall file with the clerk of the school district in which the parents or guardians reside a statement on or before the first day of July in each year showing the name, age, residence, date of admission and attendance of each such person admitted from said district. The statement shall also show the rate of tuition per week, month, or year and the amount of tuition due for each pupil, provided the tuition per pupil below the ninth grade shall in no case exceed the per capita cost of instruction for the year or part of year for which tuition is due. The per capita cost of instruction shall be determined as provided in paragraph (a) of this subsection. Upon the filing of the foregoing statement, the school board or board of education of the district in which such parents or guardians reside is hereby authorized and directed to pay to the treasurer of the district in which such children attend school the sum due said district.

(d) The payment of tuition shall in all cases entitle the pupil to all the rights and privileges enjoyed by resident pupils therein. In computing tuition due five days including legal school holidays shall constitute a school week; twenty days including legal school holidays shall constitute a school month. No deduction in amount of tuition shall be made on account of absence on the part of any pupil unless such pupil shall have been absent two entire school weeks at one time. In case of absence of more than two school weeks at one time the deduction shall be made only for the absence in excess of two school weeks. [*Stats. 1915 s. 435o, 439, 460, 512; 1917 c. 578 s. 2; 1921 c. 163; 1921 c. 422 s. 16*]

PRESCRIBED COURSES OF INSTRUCTION.

40.30 Courses of instruction. (1) FUNDAMENTAL COURSE. Orthography, reading, writing, English grammar and composition, geography, arithmetic, elements of agriculture, history and civil government of the United States and of the state of Wisconsin, citizenship, and such other branches as the board may determine, shall be taught in every district school. All instruction shall be in the English language, except that the district board or the board of education may, in their discretion, cause any foreign language to be taught by a competent teacher to such pupils as desire it, not to exceed one hour each day. District boards and boards of education may provide for kindergartens, for instruction and training of primary grades, in separate departments or otherwise.

(2) PHYSIOLOGY AND HYGIENE. Provision shall be made by the proper local school authorities for instructing all pupils in all schools supported by public money or under state control, in physiology and hygiene with special reference to health, sanitation and the effects of stimulants and narcotics upon the human system. Regular class instruction, in the foregoing, equivalent to at least five periods per week for one-half of a school year shall be given in either the sixth, seventh, or eighth grade. If the school board or board of education of any district shall refuse or wilfully neglect to comply with the provisions of this subsection or of subsection (1) of this section, the district shall forfeit its right to share in the distribution of the common school fund derived from the tax provided for in section 20.25 of the statutes.

(3) PHYSICAL EDUCATION. (a) "Physical education" as used herein is defined as instruction in the theory and practice in the art of physical exercise and instruction in hygiene.

(b) School boards, or boards of education in school districts, embracing in whole or in part an incorporated city, shall make provision for the training of all pupils under their jurisdiction in physical education. The school boards in other school districts, separately or jointly, may make the same provision.

(c) The board of regents of the state normal schools shall provide and shall require a definite and thorough course in the theory and art of physical education, and instruction

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in games and playground management, to be taught in every state normal school. Examination in this branch shall be required of all candidates for a normal school diploma and normal school certificate, the same as in other branches of study of the normal school course of study.

(d) The county training school board of each and every county training school for teachers now or hereafter to be organized in this state shall require a course of instruction in physical education and instruction in games and playground management to be taught in every county training school.

(4) PREVENTION OF ACCIDENTS. (a) It shall be the duty of each teacher in a public school in the state of Wisconsin to devote not less than thirty minutes in each month during which such school is in session to instructing the pupils thereof as to ways and means of preventing accidents.

(b) The state superintendent of public instruction shall prepare and publish at the expense of the state a book conveniently arranged in chapters or lessons for the purpose of the instruction provided in this section and shall furnish a copy thereof to each teacher required to give such instruction.

(c) The members of the boards of education, school directors, trustees, or other bodies or persons having control of the schools of a township, village or city, shall cause a copy of this section to be printed in the manual or handbook prepared for the guidance of teachers, where such manual is in use.

(5) MORAL AND HUMANE INSTRUCTION. In all public schools in this state it shall be the duty of each and every teacher to teach morality, for the purpose of elevating and refining the character of school children up to the highest plane of life; that they may know how to conduct themselves as social beings in relation to each other, as respects right and wrong and rectitude of life, in addition to the other branches of study now prescribed, and kindness to and humane treatment and protection of dumb animals and birds, their lives, habits, and usefulness, and the important part they are intended to fulfill in the economy of nature, and such studies on the subject as the board of education may adopt.

(6) FIRE DRILL. (a) The teacher, principal, superintendent or other person having direct charge of and supervision over any public, private or parochial school, high school, college or normal school in this state shall, at least once each month without previous warning, cause all persons in attendance at any such institution to be drilled in proper methods of orderly and rapid departure from each building exceeding one story in height belonging to such institution as if in case of fire.

(b) Any person who shall fail to comply with the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than twenty-five dollars.

(7) WILD ANIMAL LIFE. (a) It shall be the duty of each teacher in the public schools of the state of Wisconsin to devote not less than thirty minutes in each month during which the school is in session to instructing the pupils thereof in the habits, usefulness, and importance of dumb animals and birds, and in the best methods of protecting, preserving, and caring for all animal and bird life.

(b) School boards and boards of education having control of the public schools shall take such steps as may be necessary to have the teachers in the schools under their jurisdiction carry out the provisions of this section and shall cause suitable material on this subject to be included in the course of study prepared for the guidance of teachers.

(7a) FIRE PREVENTION. On and after September 1, 1921, it shall be the duty of each teacher, principal, superintendent or other person having direct charge of and supervision over any public school to devote not less than one-half hour in each month during which school is in session to the instruction of the pupils thereof in a course of study in fire prevention, comprising ways and means of preventing loss and damage to lives and property through preventable fires. It shall be the duty of boards of education, school directors, trustees, or other committees or persons having control of the public schools, to arrange for said course of study in fire prevention and to compel its use in any school under their control or direction.

(8) FREE LECTURES. (a) The board of school directors of any school district or the board of education of any city is authorized and empowered to provide for employment of competent persons to deliver lectures on the natural sciences, on historical, literary, or other educational subjects, in the public school buildings, in public library buildings or in other suitable places of said district or city, and to particularly provide for the further education of the adult persons of such community.

(b) The said board of education shall have power to purchase the books, stationery, charts and other things necessary and expedient to successfully conduct said lectures and may designate some person who shall have the management and control of such lectures.

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(c) No admission fee shall be charged and at least one school building or public library building shall be designated by said board of education for the purpose of carrying out the provisions of this act; and said lectures shall be delivered in such school or library building between the first day of October and the thirty-first day of March in each year, which lectures shall be advertised in a newspaper published in said city at least one week in advance of the delivery thereof.

(d) The board of education is hereby authorized, previous to the first day of September in each year, to meet and provide the necessary appropriation for the purpose of carrying out the provisions of this subsection. [*Stats. 1915 s. 447, 447a, 447g, 515a to 515d, 553a, 553a—1; 1917 c. 63; Stats. 1917 s. 553a—2; 1917 c. 102; Stats. 1917 s. 447h; 1917 c. 578 s. 2; 1917 c. 671 s. 38; 1917 c. 677 s. 79; 1919 c. 414 s. 1; 1919 c. 679 s. 17; 1921 c. 81, 225*]

UNIFORM TEXTBOOKS.

40.31 County boards of education. (1) Whenever at any annual county school board convention provided for in subsection (9) of section 39.07, the question of adopting county or district uniform school textbooks shall be voted upon, the vote shall be taken by school districts and each school district shall be entitled to one vote. If a majority of all the districts in the county or superintendent district is in favor of adopting county or district uniform school textbooks, it shall be the duty of said school board convention to immediately proceed to the election of a county board of education for such county or superintendent district, which board shall be composed of five persons, except as hereinafter provided. And said school board convention shall, at a regular meeting every five years thereafter elect five persons who shall constitute said county board of education. School officers residing in school districts not affected by the provisions of this act shall not be entitled to vote on the question of uniformity of textbooks nor be entitled to participate in the election of the members of the county board of education.

(2) Whenever it shall be impracticable in any county to elect said board because of a limited number of persons in such county, possessing the qualifications in this act provided, the county school board convention shall elect three persons who shall constitute said board of education.

(3) The members of the county board of education so elected shall hold their offices for five years and until their successors are elected and qualified.

(5) (a) No person shall be appointed to said county board of education who is not a legally qualified teacher and has not had at least five years' experience in teaching or in the supervision of public schools.

(b) Nor shall any person be appointed to or serve upon said board who is a dealer in textbooks or is an agent of, or directly or indirectly interested in, any person, firm or corporation engaged in the publishing or furnishing of school textbooks, or who shall be directly or indirectly interested in any book or series of books as the author, associate author, or in any manner whatsoever; and if any person shall become so interested during his term of office as member of said board of education, his office shall ipso facto become vacant, and be filled as provided for other vacancies.

(c) Any such person who shall violate any of the provisions of this section while holding the office of member of said county board of education shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail of said county not less than sixty days nor more than one year, or by both such fine and imprisonment.

(6) Each member of said county board of education shall, before entering upon the duties of his office, take and subscribe to the constitutional oath of office and to faithfully, impartially and honestly perform and discharge the duties of his office; and shall in addition thereto swear that he is not directly or indirectly interested in or related to any publishing house, person, firm or corporation, engaged in publishing or furnishing of school textbooks, or any of their agents, and that he is not interested directly or indirectly in any book or series of books as the author, associate author, or otherwise; which oath shall be filed with the county clerk of each county.

(7) The members of said board of education shall within ten days after their appointment meet at the county seat and organize by electing one of their number president, and one secretary, and a majority of the board shall constitute a quorum for the transaction of business, except that in the selection or adoption of textbooks it shall require a majority vote of all the members of the board to adopt or change any textbook.

(8) The president and secretary so elected shall act as president and secretary at the meetings of the said board, and said board shall adopt such rules and regulations as may

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be necessary to the transaction of its business, not contrary to the provisions of sections 40.31 to 40.34, inclusive.

(9) It shall be the duty of the president and secretary and they are hereby authorized to sign all contracts on behalf of said board, and it shall be the duty of the secretary to keep a full and complete record of all proceedings of said board of education in a book kept for that purpose, which book shall be deemed a public record and be kept in the office of the county superintendent of schools.

(10) Said county board of education shall hold an annual meeting at the county seat on the first Saturday in May, for the purpose of organization and the transacting of any business that may lawfully come before it, and they shall meet at such other times as may be deemed necessary by the majority of the board, and it shall be the duty of the president of said board to call a meeting at any time, upon the written request of three members or a majority of the board.

(11) The members of the said county board of education shall be reimbursed their actual and necessary expenses in the performance of their duties; the same to be paid out of any funds of the county not otherwise appropriated. [*Stats. 1915 s. 553m—1 to 553m—10, 553m—25; 1917 c. 578 s. 2; 1919 c. 362 s. 34; 1919 c. 500*]

40.32 Regulation of use of textbooks. (1) Every county board of education shall, between the first day of January and the first day of July, next following the date of their appointment, and every fifth year after the first adoption of textbooks, meet at the county seat and select and adopt a uniform series of textbooks for their respective counties.

(2) The books so selected shall be used in all school districts of the county, except in districts and cities maintaining a free high school and in state graded schools of the first class, and shall include all branches provided by law to be taught in the district schools of Wisconsin; and none of said textbooks shall contain matter of a partisan or sectarian character.

(3) Textbooks so selected and adopted by county boards of education for use in the schools of any county shall be introduced the following September and used by each and every district in the county, coming within the provisions of this act, and shall remain in use until the same shall be displaced or replaced by said county board of education; but no book selected, adopted and introduced into said schools shall in any manner be changed within five years from the date of adoption.

(4) In school districts that are now furnishing free textbooks it shall be optional with the board of any such district as to whether or not a change of the textbooks now in use shall be made; but whenever a change is made such textbooks or new textbooks shall be introduced, only such textbooks shall be selected as are prescribed and adopted under the provisions of this section.

(5) Nothing in this section shall prevent state graded schools when they may deem it advisable, by a unanimous vote of the school board of any graded school from adopting, in lieu of the uniform series of textbooks provided for by the county board of education, the uniform series of books regularly adopted for use in the grades of the nearest city school system.

(6) The textbooks selected and adopted by said board of education shall be selected after a careful examination and consideration of all lists or sets of books presented, and shall be the best books in the opinion of the board, taking into consideration quality of material used, illustrations, binding, price, and all other things that go to make up a desirable textbook; merit, however, shall be the main point to be considered in their selection. A majority vote of all the members of said board of education shall be required to adopt, change or readopt any and all textbooks.

(7) Nothing contained in sections 40.31 to 40.34, inclusive, shall be so construed as to prevent school districts coming within the provisions of said sections, or the county board of education, from selecting, introducing and using additional and supplementary books at any time when they deem it necessary in order to establish and maintain the highest standard of excellence in their schools.

(8) Such supplementary books shall not be used to the exclusion of the books prescribed and adopted under the provisions of sections 40.31 to 40.34, inclusive, and that full use be made in good faith of the books adopted under said sections. [*Stats. 1915 s. 553m—11 to 553m—18; 1917 c. 578 s. 2; 1919 c. 500*]

40.33 Purchase of books. (1) Each and every county board of education shall at least thirty days before meeting to adopt textbooks send notice to textbook publishers and advertise in a newspaper of general circulation of the county a notice to the effect that said board will on a day named therein, meet at the county seat and select and adopt a uniform series of textbooks for the use of all the public district schools of said county,

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except in districts and cities maintaining a free high school and state graded schools of the first class, and shall invite proposals for the furnishing of such books, giving a list of textbooks to be selected, the publishers to state an exchange price, wholesale price and retail price to pupils or school districts during the period of their use in said county and such further information as said board of education may require. Said notice shall also state the time when proposals and samples of books must be submitted to them, and such further facts as the said board may deem necessary.

(2) (a) Any person, firm or corporation desiring to furnish books under the provisions of sections 40.31 to 40.34, inclusive, in any county shall, at or before the time for filing his bid or proposition hereunder, deposit in the office of the county superintendent of schools samples of all textbooks included in his bid, together with lists giving the lowest exchange price, wholesale price and retail price to pupils or school districts for the same.

(b) Said samples and lists shall remain in the said superintendent's office, and shall be delivered by him to his successor in office, and shall be kept by him in such safe and convenient manner as to be open at all times to the inspection of such school officers, school patrons and school teachers as may desire to examine the same and compare them with others for the purpose of use in the public schools.

(3) Said board of education shall require any person or persons, firm or corporation with whom they contract for furnishing any books to give a good and sufficient bond, in such sum and with such conditions and sureties as may be necessary and reasonable, for the faithful performance of any such contract. Bonds of surety companies, duly authorized under the laws of Wisconsin, shall be accepted.

(4) (a) Said board of education shall arrange for such depositories as it may deem necessary for the purpose of furnishing to school boards or local dealers the books adopted and to be used.

(b) Such depositories shall furnish a good and sufficient bond to protect publishers against any possible loss that may be sustained. Depositories shall receive books displaced by the uniform adoption and return same to publishers at agreed allowance. Depositories shall accept books on uniform list at reasonable price from people who are moving out of the county; such books to be resold to pupils in the county at a slight advance on cost. [*Stats. 1915 s. 553m—19 to 553m—22; 1917 c. 578 s. 2*]

40.34 Application of preceding sections. (1) In all joint school districts coming within the meaning of sections 40.31 to 40.34, inclusive, situated in more than one county in the state, such joint school district shall, for the purposes of said sections, be held and deemed to be a school district within the one of said counties where the schoolhouse is located, and for all purposes of said sections it shall be under the control and jurisdiction of the county board of education of such county in which the schoolhouse is located.

(2) It is expressly provided that sections 40.31 to 40.34, inclusive, shall not apply to districts and cities maintaining a free high school, or state graded schools of the first class, or to districts maintaining independent high schools, or to grades above the eighth grade in graded schools, nor to private or parochial schools; but nothing in said sections shall be construed to prevent any of such schools from adopting and buying the books adopted by the county board of education at the prices and terms fixed by them if they shall elect to do so. [*Stats. 1915 s. 553m—23, 553m—24; 1917 c. 578 s. 2*]

40.35 Prices of textbooks. No person shall offer any school textbook for adoption, sale or exchange in the state of Wisconsin until he shall have complied with the following conditions:

(1) (a) He shall file copies of all textbooks proposed to be sold in the state of Wisconsin by the company manufacturing such book, in the office of the state superintendent of public instruction with a sworn statement of the list price, the lowest wholesale price, and the lowest exchange price at which said book is sold or exchanged for an old book on the same subject of like grade and kind but of a different series in states of the United States including the state of Wisconsin.

(b) The state superintendent of public instruction shall annually on the first day of June publish a list of the new books filed during the school year and a list of all books heretofore filed, the prices of which have been legally charged by the publishers during the year, and send to the county and city superintendents a sufficient number of copies thereof to enable each county or city superintendent to supply the school clerks under his jurisdiction.

(c) School districts are hereby authorized to purchase textbooks from the publishers at the prices listed with the state superintendent of public instruction as hereinbefore provided and to sell said books to the pupils at said listed prices or at such prices as will include the cost of transportation and the cost of handling.

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(2) He shall file with the state superintendent of public instruction a bond running to the people of the state of Wisconsin, with a responsible surety company authorized to do business in the state of Wisconsin as surety thereon, in a penal sum to be determined by the state superintendent of public instruction, of not less than two thousand dollars nor more than ten thousand dollars, conditioned as follows:

(a) That he will furnish any of the books listed in said statement and in any other statement subsequently filed by him within five years, to any school district, to any school corporation and to any person or corporation in the state of Wisconsin at the lowest price contained in said statement and that he will maintain said price uniformly throughout the state;

(b) That he will reduce such prices automatically in Wisconsin whenever reductions are made elsewhere in the United States, so that at no time shall any book so filed and listed by him be sold in the state of Wisconsin at a higher net price than is received for such book elsewhere in the United States;

(c) That all textbooks offered for sale, adoption, or exchange in the state of Wisconsin shall be equal in quality to those deposited in the office of the state superintendent of public instruction as regards paper, binding, print, illustrations, subject matter, and all other particulars that may affect the value of such textbooks;

(d) In case he shall prepare an abridged or special edition of any of the books so listed by him, and shall sell such special edition elsewhere at a lower wholesale price than the wholesale price scheduled with the state superintendent, he shall file a copy of such special edition together with the price therefor, as above stated, with the state superintendent of public instruction;

(e) He shall not enter into any understanding, agreement or combination to control the prices or to restrict competition in the sale of school textbooks.

(3) Such bond shall be approved by the attorney-general and shall continue in force for the period of five years after its filing, at or before the expiration of which period a new bond shall be given, or the right to continue business within the state shall be forfeited.

(4) It shall be the duty of all teachers and principals of schools in the several districts of this state, to notify the city or county superintendent of schools of the school district corporation in which they respectively reside, of any violation of any of the conditions contained in said bond that shall come to their knowledge, and it shall thereupon be the duty of such city or county superintendent of schools to investigate the alleged violation, and if he shall determine that there is good ground for believing that said conditions have actually been violated, he shall forthwith report the matter to the state superintendent of public instruction, who shall thereupon notify the person guilty of such violation to comply with the conditions of his said bond and to make good any loss or injury that may have been occasioned by such violation within a reasonable time to be inserted in said notice. If the person so notified shall fail to comply with the requirements of the notice, the said superintendent of public instruction may thereupon suspend his right to sell school textbooks within the state of Wisconsin until he shall so comply. In case any person who has given the bond aforesaid shall refuse to comply with the provisions thereof, or shall violate the same the second time, the said superintendent of public instruction shall declare his bond forfeited and the attorney-general shall bring suit thereon in any court having jurisdiction thereof. In case judgment shall be rendered in favor of the state on such bond, judgment shall be entered and damages assessed for the penal amount thereof, and when paid, it shall be placed to the credit of the state school fund for the common schools of the state of Wisconsin. In case judgment is rendered against the principal in such bond, he shall be barred from further continuance of his business within the state of Wisconsin for a period of five years.

(5) No person shall secure or attempt to secure the sale of any school textbooks in any school district in this state by rewarding or promising to reward any teacher in any school in the state or by securing for him any position in any other school. No person shall offer or give any emolument, money or other valuable thing, promise of work or any other inducement to any teacher or school officer in any school district for any vote or promise of vote or for the use of his influence for any school textbook to be used in this state; provided, that nothing in this section shall be construed to prevent any person from giving, or any school officer or teacher from receiving a reasonable number of sample copies of school textbooks for examination with a view to obtaining information as to the book or series of books for which such officer shall give his vote.

(6) The word "person" as used in this section, shall include firms, associations and corporations.

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(7) Any person violating any of the provisions of this section shall, on conviction thereof, be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment at the discretion of the court. [*Stats. 1915 s. 553m—101 to 553m—108; 1917 c. 578 s. 2; 1917 c. 612; 1917 c. 677 s. 81*]

40.355 Supply of textbooks by district board. (1) District school boards and boards of education are empowered, and directed and it is made their duty to adopt, for their respective schools from the list of school textbooks on file with the state superintendent of public instruction, as provided by law, all the school textbooks necessary for use in the schools under their charge, and such school textbooks when so adopted shall not be changed for five years.

(2) School districts are hereby authorized to purchase out of the funds of the district, textbooks direct from the publishers at the prices listed with the state superintendent of public instruction as provided by law and to sell said books to the pupils at the actual cost to the district.

(3) School districts are hereby authorized to purchase out of the funds of the district, school textbooks from the publishers at the prices listed with the state superintendent of public instruction as provided by law and to designate a retail dealer or dealers to act as the agent of the district in selling textbooks to pupils. The said dealer or dealers shall at stated times make settlement with the district for such books as have been sold up to the stated time. Said dealer or dealers shall not sell textbooks at prices which shall exceed a ten per cent advance on the net prices as listed with the state superintendent of public instruction. Any dealer violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars and not more than one hundred dollars.

(4) It shall be unlawful for any retail dealer in textbooks to sell any books listed with the state superintendent of public instruction as provided by law at a price to exceed fifteen per cent advance on the net prices as so listed, transportation added thereto. Any dealer violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than twenty-five dollars and not more than one hundred dollars.

(5) This section shall not operate to prevent any school district from furnishing free textbooks to the pupils attending the schools in such district provided such textbooks shall be purchased by said school boards in accordance with the provisions of this section.

(6) Nothing in this section shall be construed to repeal or in anyway affect the provisions of sections 40.31 to 40.34, inclusive, of the statutes. [*1917 c. 499; Stats. 1917 s. 553m—109 to 553m—112; 1917 c. 677 s. 71, 72; 1919 c. 490*]

40.36 [*Renumbered sections 43.17, 43.19, 43.21, 43.22, 43.23 by 1921 c. 452 s. 4, 7, 9, 10, 11*]
40.37 [*Renumbered section 43.18 by 1921 c. 452 s. 5*]
40.38 [*Renumbered section 43.23 by 1921 c. 452 s. 11*]
40.39 [*Renumbered section 43.24 by 1921 c. 452 s. 12*]
40.40 [*Renumbered section 43.23 by 1921 c. 452 s. 11*]

STATE GRADED SCHOOLS.

40.41 State graded schools; special state aid; conditions. The school board of any school district maintaining a graded school but no free high school nor a school of a grade equivalent to a free high school, town free high schools excepted, may receive special state aid as hereinafter provided upon full compliance with the following conditions:

(1) There shall be two classes of state graded schools in Wisconsin, known respectively as first class, and second class; all state graded schools of three or more departments shall be in the first class, and all graded schools of two departments shall be in the second class.

(2) School shall be maintained in a district receiving such aid, at least nine school months, including legal holidays, in each and every department. Not more than forty-five pupils shall be enrolled in any one department of a state graded school for twenty consecutive days. The average daily attendance for the entire school year shall aggregate

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at least thirty in a school of the second class and at least forty-five in three departments of a school of the first class, to entitle such school to state aid.

(3) All persons employed in both classes of graded schools applying for state aid shall be competent teachers and shall be qualified as follows: The principal of a state graded school of the first class shall hold some form of a state license or state certificate. In each school of this class one assistant may hold a third grade certificate, or a certificate of a higher grade, provided such assistant, if holding a third grade certificate shall have had at least one year's successful experience as a teacher in the public schools of Wisconsin; one assistant may hold a second grade certificate, or a certificate of a higher grade, and all other assistants shall hold first grade certificates, state licenses, or state certificates. The principal of a state graded school of the second class shall hold a first grade county certificate, and shall have had not less than one year of successful experience as a teacher in a public school, or a second grade certificate and shall have had not less than two years of successful experience as a teacher in a public school, or some form of a state certificate, provided that the testimonial of successful experience herein required shall be issued by the county superintendent of schools of the county in which the certificate is in force, and a copy of such testimonial shall be filed with the clerk of the state graded school; and the assistant shall hold a third grade certificate, or a certificate of a higher grade, provided such assistant, if holding a third grade certificate, shall also have had one year's successful experience as a teacher in the public schools of Wisconsin. The word "principal" is hereby interpreted as meaning the teacher of the highest grade or grades in the schools who shall have immediate supervision of all the grades; the word "assistant" is hereby interpreted as meaning each and every teacher in the state graded school other than the principal.

(4) The schoolhouse or schoolhouses, the outhouses, and the grounds, the furniture, and equipment, shall be maintained in good condition and kept free from any insanitary feature.

(5) Sufficient equipment, including globes, maps, blackboards, library, and other essentials for the proper work of the school shall be provided by the school district.

(6) When the school board of any school district desires to secure state aid for its graded school, said school board shall make written application for the same to the state superintendent. No graded school shall be entitled to be placed upon the list of state graded schools and to receive special state aid until said school shall have been duly inspected by the state superintendent, or some member of his staff, and found to be fully complying with all the conditions of this section.

(7) In order that any graded school may receive special state aid as herein provided, application shall be made to the state superintendent by the school board before the first day of September preceding the school year for which said special state aid is requested.

(8) The state superintendent shall inspect and supervise the state graded and free high schools, and give information and needed assistance to localities in organizing such schools.

(9) The state superintendent shall prepare a course of study suitable to be pursued in graded schools, publish the same, and furnish to school boards upon application. This course of study shall be followed by all state graded schools, as one condition of securing special state aid. Said state superintendent shall furnish suitable blanks for annual and special reports for all such state graded schools, which reports shall call for such information as he may deem necessary. The refusal or neglect of the school board or any of its officers to file these reports with the state superintendent when called for, shall be deemed sufficient ground for refusing special state aid, as provided for in this act.

(10) No more than one such graded school in any village shall receive state aid as herein provided, nor shall any graded school in any incorporated city participate in said state aid. [*Stats. 1915 s. 496d, 496f, 496g, 496h; 1917 c. 187; 1917 c. 578 s. 2; 1919 c. 126*]

40.42 Nonresident tuition. (1) (a) The school board of any school district maintaining a first-class state graded school as defined in section 40.41, which in addition to the regular course of study provided for state graded schools, offers a course of instruction in the ninth or tenth, or in the ninth and tenth grades which has been adopted by the board and approved by the state superintendent, shall admit nonresident pupils to the privileges of the ninth or tenth or the ninth and tenth grades in such first-class state graded school whenever the teaching and seating facilities will warrant, provided that the parents or guardians of such pupils live in a school district not maintaining a public high school or a state graded school of the first class offering instruction in the ninth or tenth or the ninth and tenth grades, and provided such pupils have completed the course of study offered in the home district, which must have been at least equivalent to the course of study provided for the common schools of Wisconsin, and who hold a certificate or diploma to that effect signed by the county superintendent of schools of the county in

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which the parents or guardians reside. In such cases the school board of such school district shall be entitled and is hereby authorized and directed to collect from the town or village in which the parents or guardians of such pupils reside a sum not to exceed two dollars per week as tuition for the number of weeks that each such pupil was enrolled in the said first-class state graded school for the purpose of taking the ninth or tenth or the ninth and tenth grade work as offered in such schools.

(b) A statement of the amount of tuition due such first-class state graded school district shall be rendered to the towns and villages in which the parents or guardians of such pupils reside, and the amount shall be levied, collected, and paid in the same manner as tuition is now collected and paid free high school districts for the attendance of nonresident pupils, as provided in section 40.53. Twenty days of actual attendance, including legal holidays, shall constitute a school month.

(c) No school district maintaining a first-class state graded school offering a course of instruction in the ninth or the tenth or the ninth and tenth grades shall be privileged to collect pay for tuition as provided in this section unless the course of study shall have been approved by the state superintendent, and unless the work done in the ninth or the tenth or the ninth and tenth grades shall have been efficient and approved by the inspector of state graded schools for the year in which the tuition for nonresident pupils is demanded. And provided further that the teaching force in the school shall have been adequate for giving instruction in the first eight grades and in the ninth or tenth or in the ninth and tenth grades, and that the work done in the first eight grades shall have been efficient and up to the standard required for state graded schools as set by the state superintendent.

(2) (a) The school board or board of education in any incorporated city maintaining a graded system of schools of at least twelve grades, but no free high school, the four upper grades of which contain substantially the same amount and character of work as adopted and offered in free high schools established according to the provisions of section 40.43, shall admit to the privileges of the four upper grades or high school department of such graded system of schools, whenever the facilities in the four upper grades or high school department will permit, nonresident pupils, whose parents or guardians live in a school district not maintaining a free high school or one equivalent thereto, and who have completed the course of study offered in the home school district which must have been at least equivalent to the course of study provided for the common schools of Wisconsin, and who hold certificates or diplomas to that effect signed by the county superintendent of schools of the county in which the parents or guardians reside. In such cases the school board or board of education of such city school district shall be entitled, and is hereby authorized and directed, to collect from the town or village in which the parents or guardians of such persons reside a sum not to exceed two dollars per week as tuition, which shall entitle such persons to all the privileges accorded to the resident pupils of such school district and which shall be in full for all charges for the schooling of such persons. In case any such city school district shall not comply with the provisions of this section it shall be deprived of its right to share in the apportionment of the seven-tenths mill tax for the year in which the provisions of this section were violated.

(b) Said two dollars per week tuition shall be collected and paid in the same manner as tuition is now collected and paid to free high school districts for the schooling of nonresident pupils, as provided in section 40.53. [*Stats. 1915 s. 496h—1, 496j—1; 1917 c. 71; 1917 c. 578 s. 2; 1919 c. 326; Spl. S. 1920 c. 5*]

HIGH SCHOOLS.

40.43 Establishment of district free high schools. (1) With the advice and consent of the state superintendent any city or school district or two or more school districts may establish one or more free high schools to be known as district free high schools in the manner and with the privileges herein provided.

(2) The question of establishing such schools in a single district shall be submitted by the school district board to the legally qualified voters at any annual or special meeting or election upon written resolution therefor proposed for adoption.

(3) At least six days' notice of such proposal embodying the resolution shall be given by the district clerk by posting copies thereof in four or more public places in such school district, or by publishing such notice in any newspaper published in said district once each week for two successive weeks immediately prior to the time set for holding such meeting.

(4) The vote on such proposal shall be taken by ballot. The ballots shall be written or printed "For High School" and "Against High School." If the resolution be adopted the clerk of the election shall submit notice of such action to the state superintendent for his

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approval. If such action meets the approval of the state superintendent he shall issue a certificate of establishment of a district free high school in said district.

(5) Whenever a petition, in writing, praying for the submission of the question of establishing a free high school in a single district and signed by at least one-tenth of the qualified voters residing in said district shall be filed with the school district board, it shall be the duty of the district clerk to submit a resolution for that purpose to the voters of such school district, as hereinabove provided.

(6) In all school districts which now constitute district free high school districts or which shall hereafter become such high school districts, the district board shall be the free high school board and the officers shall be the officers of the free high school district. [*1917 c. 563 s. 2; Stats. 1917 s. 490—1 to 490—3; 1917 c. 578 s. 2*]

40.44 Joint free high schools. (1) In case two or more school districts propose to establish, jointly, a district free high school, action shall be taken by each district as in the case of the establishment of such school by a single district.

(2) Within six days after the election the school boards of the districts shall meet in joint session and canvass the returns and certify the results to the state superintendent and to the officers elected. If the resolution be adopted by each district and such action meets the approval of the state superintendent he shall issue a certificate of establishment of a joint free high school in such districts.

(3) All procedure subsequent to the issuance of the certificate of establishment of such district free high school shall be governed by the statutes relating to the organization and administration of union free high schools.

(4) The officers of a joint free high school district and their election and term of office shall be as directed in the case of a union free high school composed of an incorporated village and outside territory.

(5) Such joint district free high school shall be entitled to share in state aid as in the case of district free high schools. [*1917 c. 563 s. 2; Stats. 1917 s. 490—4; 1917 c. 578 s. 2*]

40.45 High schools in cities. (1) In any city having a system of school organization according to the provisions of a general or special charter, a resolution proposing the establishment of a district free high school may be acted upon by the board of education. If such resolution be adopted the secretary of the board shall notify the state superintendent of such action. If such action meets the approval of the state superintendent he shall issue a certificate of establishment of a district free high school in such city.

(2) In all cities having a system of school organization according to the provisions of a general or special charter which now maintain one or more district free high schools, or which shall hereafter establish one or more district free high schools, the board of education shall be the high school board and the city treasurer shall be ex officio the treasurer of the high school district, unless the city charter provides otherwise. [*1917 c. 563 s. 2; Stats. 1917 s. 490—5; 1917 c. 578 s. 2*]

40.46 Increase of membership of board. (1) Any school district containing within its boundaries a city in which a high school is maintained and which expends annually in the maintenance of its schools, a sum exceeding four thousand dollars, may, upon determining so to do by the vote of the electors present at any annual school meeting, have a district board, comprising seven members, which shall be known as a school board of the city comprising in whole or in part such district, three of whom shall be respectively the director, treasurer and clerk, who shall each discharge the separate duties now imposed upon such officers by law, and shall be elected and hold office for the term now provided by law, and no two of whom shall be residents of the same ward in such city until each ward therein shall have at least one member on such board. Where such school district and city are identical in territory the members of the district board shall be chosen one from each ward of such city in the order in which the wards are numbered until the full number is chosen; and in case such city has fewer than seven wards an additional member or members shall be chosen from the district at large.

(2) The number of members of any school board shall not be increased as provided in subsection (1) unless a notice in writing of the proposal for such increase, signed by at least twenty-five electors of the school district, shall be filed with the clerk of said district at least ten days prior to the annual meeting; and the clerk shall include in the notice of such meeting the substance of such proposal.

(4) All directors, clerks and treasurers in office prior to the establishment of said board shall continue in their respective offices during the full term for which they were elected. The remaining four members of said district board shall be elected as school district officers are elected, at the annual school meeting at which such high school district is established; two thereof to be elected for the period of one year and the remaining two

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for the period of two years and until their successors have been elected or appointed. At every succeeding school meeting in such district there shall be elected, in addition to a director, clerk or treasurer, as the case may be, two of such additional members of such board, who shall hold their office for two years and until their successors are elected or appointed.

(6) Such school boards shall exercise all the powers and discharge all the duties imposed upon the district board existing prior to the establishment of such board. The regular meetings of said board shall be held, and special meetings thereof may be called upon request of any three members of such board to the clerk, who shall thereupon, at least twenty-four hours before such special meeting is held, give written notice thereof to the remaining members of the board. [*1917 c. 563 s. 2; Stats. 1917 s. 490—6; 1917 c. 578 s. 2; 1919 c. 362 s. 13, 38*]

40.47 Establishment of union free high schools. (1) With the advice and consent of the state superintendent a free high school district, to be known as a "Union Free High School District," may be established and maintained in any town, or in any tract of contiguous territory having an area of not less than thirty-six nor more than seventy-two square miles bounded by town, school district, section or half section lines or by lines bounding in part an existing free high school district, or in cases where impassable streams, lakes or swamps render it impracticable to follow such boundary lines, such natural boundaries may be substituted; provided that if said district comprises more than forty square miles of territory and two incorporated villages, or one incorporated village and a city having a population not to exceed three thousand, two free high schools may be maintained therein.

(2) In case the tract of territory to be embraced within such district is entirely included in one town and does not include within its boundaries an incorporated village or a city, the town board of that town shall submit the question of establishing such union free high school to the voters of such tract, whenever a petition is filed with the town chairman praying for the submission of such question. Such petition shall describe the boundaries of the proposed district and shall be signed by at least one-tenth of the qualified voters resident therein. The chairman shall, within ten days after the receipt of the petition, notify the town clerk, and the clerk shall at once cause ten days' notice of such election to be given by posting six copies thereof in at least six different public places in such tracts, or by publishing such notice in any newspaper published therein once each week for two successive weeks immediately prior to the time set for holding the election. The election shall be conducted and the votes canvassed as in the case of town meetings.

(3) In case the said tract lies in two or more towns and contains no incorporated village or no city such petition may be presented to the chairman of any one of the town boards in such towns and said chairman shall, within five days after the receipt of said petition, notify the other town chairman or chairmen, as the case may be, of the receipt of such petition and shall set a date for a meeting of all the chairmen of the towns involved for the purpose of fixing a time and place for holding such union free high school election. Thereupon, the said chairmen shall meet on said day and fix the time and place for holding such election; but if any chairman is unable to attend he shall delegate some other supervisor of his board to act in his place. The election shall be noticed and conducted for the entire tract of territory which is proposed to be included in the union free high school district; and shall be held by the town board of the town in which the election is held in the manner provided in subsection (2).

(4) In case the tract of territory proposed for the creation of a union free high school district contains an incorporated village, or a city having a population not exceeding three thousand, the petition may be presented to any town chairman, as provided in subsection (3), or to the president of the village or to the mayor of the city. Thereupon, the official to whom the petition is presented shall notify each chairman and the village president or the mayor of the city of the receipt of such petition and shall set a day for a meeting of said officers for the purpose of fixing the date for holding the union free high school election. The election for the village or city shall be held in the village or the city on the same day that the election for the territory lying outside is held. The election for the territory lying outside the village or the city may be held in the village or the city or at any other convenient place agreed upon which shall be designated in the notice of election. The election for the village or the city shall be noticed and conducted and the votes canvassed in the manner provided for village or city elections; and the election for the territory lying outside the village or the city shall be noticed and conducted and the votes canvassed in the manner provided for town elections. If the outlying territory comprises parts of two or more towns the supervisors at their first meeting shall designate the

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town or the place in the village or the city in which such election shall be held and the officers of said town shall notice, control and direct such election.

(5) In all cases the vote shall be by ballot, and the ballot shall be written or printed "For Union Free High School" and "Against Union Free High School." The proposal shall not be deemed adopted unless a majority of the electors voting in the territory outside of the village or the city and a majority of the electors voting in the village or the city shall vote for the union free high school.

(6) The result of the election shall be certified at once by the election officers to the clerk of each town and village or the city concerned; and if the proposal be adopted the result shall also be certified to the state superintendent by the respective clerks within six days after the election. If such action meets the approval of the state superintendent he shall issue a certificate of establishment of a union free high school in said tract of territory.

(7) If an existing free high school district is included in the tract proposed for a union free high school district the establishment of the union free high school district, as provided in this section and of a union free high school as herein provided, shall annul the organization of any such existing free high school district.

(8) The incorporation of a part of the territory of a union free high school district organized under the provisions of this section as a village or city shall not affect the organization of such union free high school district.

(9) The electors of any union free high school district and the electors of any common school district included within the union free high school district are empowered to authorize and direct their respective school boards or boards of education to enter into an agreement for the erection and maintenance, jointly, of a school building for housing the high school and the common school or schools. Provided, that in all cases where such agreement shall have been entered into, the principal of the union free high school shall be the administrative head of both schools except that where a state graded school is maintained he shall not have supervision of instruction in the grades. [*1917 c. 563 s. 2; Stats. 1917 s. 490—7 to 490—9, 490—15, 490—16; 1917 c. 578 s. 2; 1917 c. 671 s. 38; 1919 c. 538; 1919 c. 646 s. 1; Spl. S. 1920 c. 6; 1921 c. 208*]

40.48 Officers of union high school districts. (1) The officers of a union free high school district shall be a director, a treasurer and a clerk who shall have the same authority and be charged with the same duties and liabilities respectively as the officers of other free high school districts. The term of each shall be three years, beginning with the annual union free high school district meeting, and each officer shall continue in office until his successor shall have been chosen; provided, that at the same election at which the proposal of establishing the district is submitted the clerk shall be chosen for one year; the treasurer for two years and the director for three years, but a separate ballot box shall be provided for the election of such officers.

(2) All elections shall be by ballot, and a plurality of the votes cast shall elect. In case an incorporated village or a city is included in the proposed district, the officers of election for the outside territory shall meet at once after the polls are closed, in the office of the village clerk or the city clerk and all votes for the outside territory and the village or the city shall be counted as a joint vote.

(3) Any person present at a meeting at which he shall be elected as an officer shall be deemed to be notified thereof. Any person elected and not present shall be notified of his election by the clerk of said election within five days thereafter. Unless the person so elected and notified shall, within ten days after his election, file with the clerk a written refusal to accept the office he shall be deemed to have accepted the same.

(4) The time until the first annual meeting shall be counted as the first year in determining the term of office. Thereafter officers shall be elected annually in place of those whose terms expire at the annual meeting of such union free high school district. [*1917 c. 563 s. 2; Stats. 1917 s. 490—10; 1917 c. 578 s. 2; 1919 c. 362 s. 38; Spl. S. 1920 c. 6; 1921 c. 590 s. 8*]

40.49 Union free high school district meetings. (1) The annual union free high school district meeting for the election of officers and the transaction of other business shall be held on the last Monday in June unless that be a legal holiday in which case it shall be held the next day.

(2) The election of district officers shall be held in some convenient room in the union free high school building, if there be such building, and if not, then in some other convenient room determined upon by the board and specified in the notice. If the notice does not so specify the election shall be held in the building in which the last annual meeting was held.

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(3) The election of officers shall be by ballot and a suitable ballot box shall be provided. The polls shall be opened at one o'clock in the afternoon of the day fixed by law for holding annual union free high school district meetings, and shall be closed at seven o'clock of the same day. The time of opening and closing the polls, as well as the place of holding the election, shall be specified in the notice of such election or meeting, but the failure so to do shall not vitiate any such election.

(4) Immediately after the polls are closed and the ballots counted the electors shall organize for the purpose of conducting the regular and usual business other than the election of officers, necessary for carrying on and maintaining the union free high school. As soon as the meeting is regularly organized the result of the election of officers shall be declared.

(5) The officers to conduct the election shall consist of the union free high school district clerk and two other persons selected by the district board. If an incorporated village or a city is comprised in the district one officer shall be selected from the village or city and one from the territory lying outside of the village or the city, and included within the union free high school district. The inspectors and clerks of election shall make and keep a list of all electors, male and female, voting at the election.

(6) The compensation to be paid to the inspectors and clerks of any annual or special meeting shall be fixed by the district board but shall not exceed two dollars for each inspector; and shall be paid from the district treasury. [*1917 c. 563 s. 2; Stats. 1917 s. 490—11; 1917 c. 578 s. 2; 1919 c. 537; Spl. S. 1920 c. 6*]

40.50 Notice of meetings; auditing. (1) The district clerk shall give at least six days' previous notice of the annual meetings by posting notice thereof in six or more public places in the district, one of which shall be fixed to the outer door of the union free high school building if there be one in the district; and he shall give like notice for any adjourned meeting if the adjournment be for more than one month. The failure to give due notice of annual meetings shall not affect the validity of the meeting, unless it shall appear that such failure was wilful or fraudulent.

(2) It shall be the duty of the school board of every union free high school in the state, to publish, or cause to be published, or posted in five prominent places, during the week preceding the annual meeting, a summarized financial report of receipts and disbursements for the preceding year for such district, and the recommendations for the following year, in a newspaper published within the town, city or village where such school is located; said report not to exceed five folios, and in case there is no newspaper published within such town, city or village, then such report shall be published in any newspaper having a general circulation in such town, city or village, and published within the county where such school is located.

(3) It shall be the duty of the union free high school district board to meet on the Saturday immediately preceding the annual meeting, carefully examine the accounts of the treasurer and make up a full itemized report showing all receipts and expenditures since the last annual meeting, the amount in the hands of the treasurer or the amount of the deficit, if any, for which the district is liable, the amount necessary to be raised by taxes for the support of the school for the ensuing year, and the amount required to pay the interest or principal of any debt due or to become due during the year. Such report shall be submitted in writing at the annual meeting and recorded by the clerk at length with the action thereon in the proceedings of the meeting.

(4) Special meetings shall be called by the clerk, or in his absence by the director or treasurer, on the written request of twenty voters of the district. Notices specifying particularly the business to be transacted shall be posted in the manner prescribed for calling the annual meeting. In addition to such posting the notice shall be published once each week for two successive weeks immediately prior to the time set for holding such meeting, in any newspaper published in the union free high school district. If no newspaper is published in the high school district the publication may be in one newspaper published at the county seat of the county containing the high school district, or if the district lies partially within two or more counties then in one newspaper at the county seat of each county containing part of such district. The electors, when lawfully assembled at a special meeting, shall have the power to transact the same business as at an annual meeting, except the election of officers; but no more than one such special meeting to consider the same subject shall be held in the district in the same school year. [*Stats. 1915 s. 496c—2; 1917 c. 563 s. 2; Stats. 1917 s. 490—12 to 490—14; 1917 c. 578 s. 2; 1917 c. 671 s. 38*]

40.51 Alteration of boundaries of union high school districts. (1) The procedure for the alteration of the boundaries of a union free high school district shall be as follows: A petition in writing, signed by at least one-tenth of the voters of the union free high school district, desiring and asking for said alteration, shall be presented to the chair-

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man of the town, president of the village, or mayor of the city in which the union high school building is situated. The officer to whom the petition is presented shall fix a time for a meeting of the town board or boards, or of the town board or boards and the village trustees or city council, as the case may be, which time shall not be less than ten nor more than twenty days from the time the petition was received. He shall cause written notice fixing the time and place of the meeting to be presented to each supervisor, trustee or city councilman at least five days prior to the day set for the meeting. Such meeting shall be held at the union high school building unless some other convenient place shall be designated in the notice.

(2) The town board or boards or said board or boards and the trustees or common council, as the case may be, shall jointly consider the alteration of the union free high school district as described in the petition, and shall grant or refuse the same as the majority of those present and voting shall decide. Such action shall be subject to appeal to the state superintendent.

(3) In case the town chairman, mayor or village president to whom any application shall have been presented, shall neglect or refuse to fix the time and place for or to give notice of the meeting, as provided in this section, or in case the town board or boards, village board, or common council of any town, village or city in which the whole or any part of such district shall be located, shall neglect or refuse to be present at such meeting, or shall refuse or neglect to hear a vote upon the application before them, the application shall be deemed denied and an appeal to the state superintendent may be had as in other cases of denial.

(4) Nothing in this section shall authorize the reduction of the area of any union free high school district to less than thirty-six square miles. Neither shall anything in this section authorize the inclusion of any new territory without the consent of a majority of the electors residing therein, such majority to be determined by an election held upon petition signed by at least one-tenth of the legal voters resident in the territory to be annexed, in the manner provided for the establishment of a union high school in territory lying in one or in two or more towns and not including an incorporated village. [*1917 c. 563 s. 2; Stats. 1917 s. 490—17; 1917 c. 578 s. 2; 1919 c. 679 s. 20*]

40.52 Taxation for high school purposes. (1) All taxes for the purposes of free high school districts shall, except as herein otherwise provided, be levied and collected as in the case of single or joint common school districts of the state; and all such moneys raised and received for the purpose of maintaining such free high school shall be paid out only on orders drawn and countersigned in the manner prescribed for making payments in common school districts.

(2) The clerk of the free high school board shall certify all taxes levied for free high school purposes to the town, city or village clerk. If any free high school district is joint, consisting of the whole or parts of different municipalities, it shall be the duty of the clerk of the free high school board to certify to the clerk of each such municipality the proportionate amount to be raised by each; such apportionment to be determined according to the total valuation of all the taxable property as equalized by the boards of review, a statement of which shall, as soon as the establishment is complete, be sent by the respective clerks to the clerk of the free high school district.

(3) The free high school district taxes so apportioned shall be entered on the next tax roll of the various municipalities and collected and returned as other taxes and paid to the high school district treasurer. Delinquent taxes shall be returned to the county treasurer as in other cases.

(4) If the electors of any free high school district at the annual or at a subsequent special district meeting held prior to the third Monday of November following, shall not vote a tax sufficient to maintain said free high school for the term of at least nine months during the current year, the free high school board must, on or before the Wednesday next following said third Monday of November, determine the sum necessary to be raised to so maintain such free high school and to furnish additional necessary equipment, and the clerk shall forthwith certify to the proper town, city or village clerks the amount so fixed. Upon receipt of this certificate the town, village or city clerks shall assess the same as other taxes are assessed.

(5) Whenever any town free high school district, comprising two towns and a city, shall have been established and if after such establishment any school district, a part only of which lies in such joint town free high school district, shall establish and maintain a district free high school, that part of such district free high school district lying in the joint town free high school district shall be exempt from taxation for high school purposes in the joint town free high school district.

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(6) No action heretofore taken by the electors or officers of any town, towns, or parts of towns, village, town or towns and village, city, town or towns and city or school district, in voting to form a town, village, city or district free high school district, or union free high school district or a joint free high school district, or a joint union free high school district or a consolidated school district, shall be invalid by reason of any defect in the form of notice given, posted, published, or served, or in calling a meeting for fixing, or in fixing the time and place for holding the election for organizing a town, village, city or district free high school district, or union free high school district, or a joint free high school district, or a joint union free high school district or a consolidated school district or the manner in which such notice shall have been given, posted, published, or served; and all steps, procedure, and elections, preliminary to and heretofore had and taken by any town, towns, or parts of towns, village, town or towns and village, city, town or towns and city, or school district, in forming a town, village, city or district free high school district, a union or joint union free high school district or a joint free high school district or a consolidated school district are hereby validated and declared to have the same force and effect as if there had been no irregularities or omissions in the proceedings had for the purpose of forming or organizing any such free high school district or districts. [*1917 c. 563 s. 2; Stats. 1915 s. 490—20 to 490—22; 1917 c. 578 s. 2; 1921 c. 260*]

40.53 Attendance and tuition of pupils. (1) The free high schools shall be free to all pupils resident in the district. Every principal of such school shall, in addition to his qualification as teacher of a common school, be a graduate of some university, college or normal school, hold a state certificate or pass an examination in the studies required to be taught in any such school; provided the state certificates authorized by law and the certificates authorized by section 40.57 shall qualify their holders both as principal and as teachers of common schools; and each principal and assistant teacher in a free high school shall be eligible to teach only on approval of his certificate by the state superintendent; and the free high school board or boards of education having charge of such schools shall determine, with the advice and consent of such superintendent, the course of study and minimum standard of qualification for admission to the same.

(2) The free high school board of any free high school district, organized under the laws of this state, shall admit to the high school under its control, whenever the facilities for seating and instruction will warrant, any person of school age prepared to enter such school, who may reside in any town or incorporated village but not within any free high school district, and who shall have completed the course of study in the school district in which he resides, or one equivalent thereto. Persons so admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils of the school who are residents of the free high school district.

(3) Whenever persons not residing in any free high school district and having completed the course of study in the school district in which they reside, or one equivalent thereto, as herein provided, enter any free high school in Wisconsin, or any free high school in another state, which is nearer to the home of such persons than any free high school in this state, offering a course of study equivalent to the course of study in free high schools in Wisconsin, the free high school board of that district shall be entitled and is hereby authorized to charge a tuition fee for such pupils not exceeding two dollars per week.

(4) On or before the first day of July in each year the secretary of the free high school board shall make a sworn statement to the clerk of the city, town or village from which any person may have been admitted to said free high school, setting forth the residence, name, age and date of entrance to such school, and the number of months' attendance during the preceding school year, of each person as admitted from such city, town or village. Such statement shall further show the amount of tuition which, under the provisions of this section, the district is entitled to receive for each person reported as having been a member of the school from such city, town or village and the aggregate sum for tuition for all such persons. Said statement shall be filed as a claim against the town, city or village where such person resides, and shall be allowed as other claims are allowed.

(5) A certificate or common school diploma issued by or under the direction of the county or district superintendent of schools, setting forth that the holder thereof has completed the course of study in the school district in which he resides, or one equivalent thereof, which course shall be at least equivalent to the course of study provided by the state superintendent for the common schools of the state, or a duly certified copy thereof, shall be evidence of the completion of the course of study, as provided in this section. Such certificate or diploma, or a certified copy thereof, shall be filed with the secretary of the free high school district upon admission of the holder to the free high school. All

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diplomas, certificates or certified copies thereof so filed shall be attached to the sworn statement of such secretary when making claim for tuition to the town in which such person resides, as hereinbefore provided.

(6) The village clerk shall enter upon the tax roll of the village for the ensuing year such sums as may be due for tuition on account of residents of the village who have attended such free high school or schools, and the amount so entered shall be collected when and as other taxes are collected, and shall be paid, when so collected, to the treasurer of the free high school district or districts where such persons have attended the free high school or schools.

(7) The clerk of any town not having within its territory a free high school district shall enter upon the tax roll of the town for the ensuing year such sums as may be due for tuition on account of the residents of the town who have attended such free high school or schools, and the amounts so entered shall be collected when and as other taxes are collected, and shall be paid when so collected to the treasurer of the free high school district where such persons have attended the free high school or schools.

(8) The clerk of any town or city, a portion of which constitutes or forms a part of a free high school district shall enter upon the tax roll for that part of the town or city not within a free high school district such sums as may be due for tuition on account of residents of that portion of the town or city that have attended such free high school or schools, and the amounts so entered shall be collected when and as other taxes are collected and shall be paid, when so collected, to the treasurer of the free high school district where such persons have attended the free high school. [*1917 c. 563 s. 2; Stats. 1917 s. 490—23, 490—31, 490—32, 490—33; 1917 c. 578 s. 2; 1917 c. 671 s. 38; 1919 c. 326*]

40.54 Conduct of business of high school board. The free high school board shall conduct the affairs of the free high school district on the same general plan provided for a common school district, and possess, with respect to such free high school district all the powers and be charged with all the duties conferred and imposed by these statutes on the district officers and district board of a common school district. It shall provide adequate teaching force and necessary equipment, such as seats, desks, apparatus, library books and general supplies. The treasurer shall give a like bond to be approved and filed in a similar manner. The free high school district clerk shall make a report of the high school similar to that required by section 40.21, omitting the first subdivision. The board may grade such school and establish the branches of study to be taught therein, under the advice and approval of the state superintendent. Every forfeiture and punishment for neglect or violation of duty by a common school district officer shall apply to a free high school district officer for like neglect or violation. The report of free high schools in cities not under a county superintendent shall be included in the reports from such cities to the state superintendent. [*1917 c. 563 s. 2; Stats. 1917 s. 490—24; 1917 c. 578 s. 2*]

40.55 Annual district meetings. (1) Except as specially provided otherwise, the annual school district meeting shall be the annual meeting of the high school district for the transaction of business relating to the high school, and special high school district meetings may be held as in the case of common school districts.

(2) Every resident elector of the free high school district shall be entitled to vote at any annual or special meeting; provided such elector has resided therein for at least thirty days preceding such meeting.

(3) At the election held for the purpose of establishing a free high school district the electors may vote to provide a sum of money sufficient for the support and maintenance of the high school for the next succeeding year, and may also authorize the board to lease suitable rooms and provide necessary equipment for the use of the high school.

(4) No tax, or loan, or debt shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified, either personally or by a written notice left at their place of residence, stating the time, place and object of the meeting, and specifying the amount proposed to be voted at least six days before the time appointed therefor, exclusive of the day on which the meeting is to be held. [*1917 c. 563 s. 2; Stats. 1917 s. 490—25; 1917 c. 578 s. 2*]

40.56 Powers of district meeting. The inhabitants of any free high school district, qualified by law to vote at a free high school district meeting when assembled at the first and each annual meeting in their high school district or at any adjournment thereof, shall have power:

(1) To appoint a chairman for the time being, and in the absence of the clerk, appoint some person to act in his stead. The person so appointed shall certify the proceedings of such meeting to the free high school district clerk, who shall enter the same in the records of the free high school district and file and preserve the certificate of such temporary clerk.

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(2) To adjourn from time to time as occasion may require.

(3) To vote such tax as the meeting shall deem sufficient to purchase or lease a suitable site for the free high school; to build, hire or purchase a schoolhouse; to keep in repair and furnish the same with necessary furniture, ventilating and heating apparatus, and to provide for the equipment and maintenance of the free high school.

(4) To authorize and direct the sale of any free high schoolhouse site, or other property belonging to the free high school district when the same shall no longer be needed for use in the district.

(5) To impose such a tax as may be necessary to discharge any debts or liabilities of the free high school district lawfully incurred.

(6) To authorize the free high school district board to borrow money as provided in the statutes.

(7) To authorize the free high school district board to purchase textbooks for use in such free high school, to be loaned or furnished to the pupils under such conditions as may be prescribed by the electors or by regulation of the board.

(8) To determine the length of time a free high school shall be taught in such free high school district during the ensuing year, which time shall not be less than nine months.

(9) At the annual meeting only, to vote a tax to compensate the clerk, the treasurer and the director, which in free high school districts supporting graded and high schools, shall be such sums as may be voted; and in union free high school districts and joint free high school districts, not more than twenty-five dollars, nor less than five dollars to each of the above officers. [*1917 c. 563 s. 2; Stats. 1917 s. 490—26; 1917 c. 578 s. 2*]

40.57 Supervision by state superintendent. The state superintendent shall prepare a course or courses of study suitable to be pursued in free high schools, publish the same and furnish the same upon application. He shall exercise such personal supervision and make such personal inspection of the work of such schools as they seem to require and the other duties of his office may warrant; he shall examine or cause to be examined all teachers of free high schools, required by law to pass such examinations to qualify them for teaching in high schools, and grant certificates to such as pass examinations satisfactorily, which certificate shall be in such form and for such time as he may prescribe, and shall authorize the holder to teach in such special place or places, or in the whole state, as the qualifications of the candidate may warrant. Said superintendent shall furnish suitable blanks for annual and special reports for all such schools which shall require returns as to the number, age and sex of all pupils enrolled, the number in each class or in the course of study, the number pursuing English branches only, the number completing the course of study each year, and such other statistics as may be deemed necessary. [*1917 c. 563 s. 2; Stats. 1917 s. 490—27; 1917 c. 578 s. 2*]

40.571 Course of study, health, sanitation and narcotics. No course of study for a free high school shall be approved by the state superintendent which does not provide for regular class instruction in the ninth or tenth grade equivalent to at least five periods per week for one-half of a school year in physiology and hygiene, with special reference to health, sanitation and the effects of stimulants and narcotics upon the human system. [*1921 c. 413*]

40.575 High school diplomas to enlisted men. Any student of a high school in this state who, during the year at the end of which he would have graduated, entered any branch of the military or naval service of the United States during the war with Germany and her allies shall be granted a diploma of graduation from such high school. Such diploma shall have all the attributes of diplomas regularly granted to graduates of such high school. [*1919 c. 427*]

40.58 Contract with principal. (1) The school board of any school district maintaining a free high school or a union free high school and not containing a city in which a city superintendent is employed, may contract with a qualified teacher who shall have at least one year's experience as a principal of a high school to act as principal of such high school for a term of not more than three years.

(2) No free high school shall be established unless at least twenty-five persons of school age, residents of the proposed free high school district, give evidence, through examination or otherwise, satisfactory to the state superintendent, that they are prepared to begin a high school course.

(3) Any election for the establishment of a free high school shall be void unless such free high school is organized within two years from the date of the election. [*1917 c. 563 s. 2; Stats. 1917 s. 490—18, 490—19, 490—28; 1917 c. 578 s. 2; 1917 c. 671 s. 38*]

40.59 Dissolution of high school districts. (1) Any free high school district may be dissolved, or one of two or more free high schools maintained by any free high school district, may be discontinued by the same course of procedure required to establish such

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free school district in the territory comprised in the district at the time such dissolution or discontinuance is proposed, except that the approval of the state superintendent shall not be necessary for such dissolution or discontinuance; but no election for such dissolution shall be held within four years after the date when such free high school district was organized.

(2) Ballots at such election shall be written or printed "For Dissolution" and "Against Dissolution" or "For Discontinuance" and "Against Discontinuance," as the case may be.

(3) After the dissolution of any free high school district the property of such dissolved district shall be disposed of and the assets and debts shall be apportioned and distributed subject to and in the manner provided by subsection (2) of section 40.06, so far as the same may be applicable. [*1917 c. 563 s. 2; Stats. 1917 s. 490—29, 490—30; 1917 c. 578 s. 2*]

40.60 High school district meetings. (1) The annual district meeting for the election of officers and the transaction of other business of high school districts, organized as provided in section 40.43, in cities of the fourth class containing not more than four thousand inhabitants, which include within their limits the whole or a portion of two different common school districts, shall be held on the last Monday in June at seven o'clock in the afternoon, unless another hour be fixed by a vote recorded at a previous annual or special meeting.

(2) The clerk shall give at least six days' previous notice of the annual meeting by posting notices thereof in four or more public places in the district, one of which shall be affixed to the outer door of all public schoolhouses within the district; and he shall give like notice for any adjourned meeting if the adjournment be for more than one month; but no annual meeting shall be deemed illegal for want of the notice, unless it shall appear that the omission to give such notice was wilful and fraudulent.

(3) Special district meetings may be called by the high school district board when deemed necessary, and shall be called by the clerk, or in his absence by the director or treasurer on the written request of ten legal voters of the district. At least six days' previous notice of any such special meeting shall be given by posting notices, specifying particularly the business to be transacted, in four or more public places in the district, one of which shall be affixed to the outer door of every public schoolhouse within such high school district. Any such special meeting may be adjourned and like notice of such adjourned meeting shall be given. No tax, loan or debt shall be voted at a special meeting unless notice thereof, stating the time, place and object of such meeting and specifying the maximum amount to be voted, be posted in six public places in said district, including one upon the outer door of each public schoolhouse therein, and published in all public newspapers in such district at least six days before such meeting, or unless three-fourths of the legal voters of such district shall have been notified, either personally or by leaving such notice at their places of residence at least six days before the time for such meeting.

(4) The inhabitants of any such high school district qualified by law to vote at a school district meeting, when assembled at the first and at each annual meeting in their district, or at any adjourned meeting thereof in such a district, shall have all the power relative to their district conferred by section 40.09 upon inhabitants of common school districts at annual meetings relative to such common school districts; but shall not be limited in the amount of tax to be voted for teachers' wages by the limitation provided in subsection (6) of section 40.09. [*Stats. 1915 s. 493c; 1917 c. 578 s. 2; 1919 c. 679 s. 21, 22; 1921 c. 576 s. 5*]

40.61 Winter terms in high schools. (1) The high school boards of not exceeding fifteen high schools may each, under such conditions and regulations as the state superintendent of schools may prescribe, establish a winter term commencing between the thirtieth of October and the fifteenth day of November, and continuing each year for a number of weeks equal to one-half the number of weeks school is maintained for the regular high school course during that school year.

(2) The qualifications for admission to the course of study of said winter term shall be those prescribed for admission to the regular high school courses; provided, that persons not possessing the qualifications required for admission to the regular courses may be admitted to said winter term course upon the presentation to the high school principal of evidence through examination or otherwise satisfactory to him of ability to carry on the work of said course, and persons between the ages of sixteen and twenty years so admitted shall be entitled to the privileges prescribed in section 40.53, and they shall also be entitled to enter the regular high school classes upon evidence satisfactory to the high school board and principal of their ability to do the work of such classes.

(3) The course of study for such winter term shall receive the approval of the state superintendent; the additional teacher or teachers necessary to administer the said winter

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term course of study in addition to the regular courses of the school, shall be selected with his advice and consent, and the course of study shall be administered in a manner to meet his approval. Said teacher or teachers shall have the qualifications prescribed for teachers in free high schools. The salary of said teacher or teachers shall not be counted in apportioning the general special aid or any special aid for agriculture, manual training or domestic science for a school administering said winter term course under the provisions of this section. [*Stats. 1915 s. 494a; 1917 c. 14 s. 46; 1917 c. 578 s. 2; 1919 c. 679 s. 23*]

40.62 Vocational training. (1) Any board having charge of a free high school, or of a public school whose course of study is equivalent to that of a free high school, may establish and maintain in connection with said high school, or with said high school and the two upper grades next below the high school, as said board shall decide, a special course or courses in manual training, domestic economy, agriculture, or commercial subjects, or any or all of said subjects. Such course in commercial subjects may include stenography, typewriting, bookkeeping and other commercial subjects; but the board may restrict admission to such a course to high school students and may withhold graduation or certification of students from such course until they have completed the regular high school course. Any such school conducting such special course or courses by a duly qualified teacher or teachers, at a salary of not less than sixty dollars per month, as approved by the state superintendent, may upon application be placed upon the approved list of schools maintaining such courses; and any school once entered on such list may remain there and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of such superintendent.

(2) The expense of maintaining such departments shall be provided for in the same manner as other expenses of maintaining such schools, and such departments shall be under the management, direction and control of such board.

(3) The state superintendent shall, so far as his other duties may warrant, give such information and assistance as may seem necessary in organizing and maintaining such departments, and in arranging schemes and outlines of work; and with the aid of the inspector of high schools, and when occasion shall require it, with the aid of the inspectors of graded schools, shall have the general supervision of all departments established under this section; and shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency.

(4) The state superintendent shall establish a standard of qualification for all teachers in such departments, and may grant special certificates to such applicants as are fully qualified to instruct in special lines of work, which certificates shall be in such form and for such time as he may prescribe, and shall be regarded as qualifying the holders thereof to teach in those departments established under sections 40.62 and 40.63 which shall be named in such certificates. [*Stats. 1915 s. 496b, 496c sub. 1, 2, 496c—3, 553l—1; 1917 c. 14 s. 48; 1917 c. 578 s. 2*]

40.63 Teachers' training course. (1) Any board having charge of a free high school, or of a high school having a course of study equivalent to the course of study prescribed by the state superintendent for free high schools, in counties where county training schools or joint county training schools have not been established, may establish and maintain in connection with such high school a teachers' training course, which shall be especially approved by the state superintendent as to subjects required to be taught, and the qualifications of teachers in such course. The expense of maintaining such course shall be provided for in the same manner as other expenses of maintaining such schools; and such course shall be under the management, direction and control of such board, subject to the provisions of subsections (3) and (4) of section 40.62.

(2) No course for the training of teachers shall be established in a high school employing less than four teachers, including the principal, and unless the teacher employed to give instruction in professional work and practice teaching shall be a graduate of the advanced course from a Wisconsin state normal school or a school offering a course of study equivalent to the course of study offered in the Wisconsin state normal schools, and who shall in addition present evidence satisfactory to the state superintendent of having at least two years of successful experience as a teacher, and who shall devote her full time to the work of this department, and at least ten pupils must have elected to take such training course during the current year, and, provided further, that no school shall be continued on the list of schools offering courses for the training of teachers unless the work done therein shall meet the approval of the state superintendent.

(3) Any person who shall complete in a satisfactory manner the course of study prescribed for such department in such high school, and who shall be of good moral character, shall receive a certificate, signed by the principal of such school and by the members

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of the board of education, of such high school district. Said certificate shall certify that the person therein named has satisfactorily completed the course of study prescribed for such teachers' training course, and is of good moral character. It shall also contain a list of standings secured by the person on the completion of each of the studies pursued in the school. [*Stats. 1915 s. 496c; 1917 c. 14 s. 47, 48, 49; 1917 c. 578 s. 2; 1917 c. 671 s. 38; 1919 c. 601 s. 2*]

40.635 High school and junior high schools defined; junior high schools authorized and regulated. (1) High school as used in this section is defined as a distinct organization composed of not less than four successive grades, the highest of which is twelfth grade. Junior high school as used in this section is defined as a distinct organization composed of grades seven to nine, or seven to ten inclusive. Senior high school as used in this section is defined as a distinct organization composed of grades ten to twelve inclusive.

(2) Any district maintaining a district free high school, a union free high school, or a graded school in which five or more teachers are employed may establish and maintain one or more junior high schools in the manner hereinafter provided. The laws relating to district and union free high schools shall govern in the establishment and maintenance of junior high schools in so far as such laws are applicable except as hereinafter provided.

(3) (a) No junior high school shall be organized in a district where the aggregate enrollment of pupils in the seventh and eighth grades for the preceding year shall have been less than forty.

(b) A junior high school organized in a district maintaining a district or union free high school or the equivalent thereof shall be composed only of grades seven to nine inclusive.

(c) A junior high school shall employ at least three teachers, one of whom shall be qualified to teach manual training or agriculture and one of whom shall be qualified to teach domestic science.

(4) (a) No general nor special state aid shall be granted to a junior high school maintained in a district containing a senior high school, a district or union free high school, or the equivalent thereof, except that for the purposes of determining the amount of state aid to be granted a high school the junior high school may be included with the senior high school; and satisfactory work in manual training, domestic economy, or agriculture in the seventh and eighth grades of the junior high school may be accepted as compliance with the requirements relating to these special courses in the two upper grades next below the high school and entitle a district to the aid as provided in paragraph (b) of subsection (1) of section 20.29 of the statutes.

(b) Any district not containing a district or union free high school or the equivalent thereof which shall establish and maintain a junior high school in accordance with the provisions of this section and the requirements of the state superintendent of public instruction shall be entitled to state aid as provided in subsection (2) of section 20.26 of the statutes. [*1919 c. 602 s. 1*]

CITY SCHOOLS.

40.64 Change to city school plan. (1) REFERENDUM. Any city other than of the first class not operating its schools under the plan provided by this section, and any city which becomes such under section 61.58, may adopt such plan, but only by referendum in each school district the whole or part of which is embraced in such city. The referendum shall be held at special district meetings at the same hour in each district and called and conducted as provided in sections 40.08 or 10.40 as the case may be. The question shall be "Shall the city school plan be adopted?" Unless a majority of the electors voting in each school district vote for adoption, the system shall be unchanged, otherwise the result of the referendum shall be to create one district of all the old districts, the parts of districts lying outside the city being attached thereto for school purposes, and to adopt the provisions of this section. The change, however, shall not take effect except for the selection of the school commissioners, until the end of the then current school year, and on the succeeding first day of July the several school boards shall settle their accounts with the board of education and deliver all property and records to said board. In case of referendum by special district meetings, the respective clerks shall certify the result to the clerk of each city and town within which any part of any of the districts are located, and if the result is favorable to change, the clerk of each such municipality shall make a record showing the change.

(2) BOARD OF EDUCATION. (a) In cities to which this section applies the schools shall be managed by a board of education to consist of one commissioner from each ward and three from the city at large, unless otherwise determined under subsection (3) of this

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section. In cities of the fourth class the council may by ordinance adopted by two-thirds vote of all the members of the council provide that the board of education shall consist solely of the three commissioners at large.

(b) The commissioners shall be appointed by the mayor and confirmed by the council; or if so determined by ordinance, elected by the council; or if so determined, as provided in subsection (3) of this section, elected by the people. The first commissioners shall be divided by the council into three classes, one of the commissioners at large being in each class, one class to hold for three years, one for two years and one for one year. Thereafter all commissioners shall be selected for a term of three years.

(3) ELECTIVE BOARD. At the referendum under subsection (1) the question shall be submitted "Shall the board of education be elective?" If a majority of the votes cast thereon shall be in the affirmative, the board of education shall be elected at the next regular city election. The board shall consist of seven commissioners from the city at large. The first commmissioners shall be divided into classes, the two receiving the highest number of votes to hold for three years, the two receiving the next highest for two years, and the others for one year. Thereafter the commissioners shall be elected for terms of three years. The names of candidates shall be printed on a separate ballot headed "School Commissioners," and electors shall be entitled to vote for as many candidates as there are commissioners to be elected.

(4) OFFICES. The city shall provide suitable offices for the school officers.

(5) AUTHORITY OF BOARD. The board of education shall have authority:

(a) To establish and organize such high schools and so many district schools and branches of the same, primary schools, night schools and kindergartens as they shall deem expedient.

(b) To establish and change from time to time such and so many school districts as shall include all the territory of the city, and to afford to the people of the city such district school facilities as the circumstances of the city and its various parts may from time to time require. The school districts existing at the time any city comes under section 40.64 shall remain until otherwise ordered by the board.

(c) To purchase and preserve such school apparatus as may from time to time be required.

(d) To grade the schools and prescribe the course of study to be pursued therein.

(e) To employ teachers of all grades and fix their salaries.

(f) To prescribe rules of order for the regulation of their own meetings and deliberations, and alter and repeal the same from time to time as they shall see proper.

(g) To appoint all necessary standing and special committees.

(h) To enact, amend and repeal all necessary rules, regulations and by-laws for the government of the schools, teachers and school officers.

(i) To fix the salaries and prescribe the duties of the superintendent of schools, to authorize him to appoint such assistant superintendents, either for general or special service, as they may deem necessary, and fix the salaries of such assistants; to fix the salary of the secretary of the board and his assistants; prescribe his duties, whether he be the city clerk or one specially elected by the board, and in the latter case to authorize such secretary to appoint such assistants as they may deem necessary.

(j) To contract for and purchase all necessary fuel for the schools and school offices, provide for lighting the same, appoint janitors for the school buildings and school offices and fix their salaries.

(k) To estimate the expenses of the public schools as hereinafter provided.

(l) To exercise all the powers necessarily incident to the powers herein conferred.

(6) CITIES, THIRD AND FOURTH CLASS; SCHOOL BUILDINGS; SITES; CONSTRUCTION; CONTRACTS. In cities of the third and fourth class the expenditure of all money appropriated for the purchase of a school site, or sites, or for the erection, alteration or repair of school buildings, and for the maintenance of schools, shall be under the direction and authority of the board of education. All work for the erection, alteration or repair of school buildings, the estimated cost of which shall exceed one thousand dollars, shall be let by the board of education to the lowest responsible bidder, in the manner provided by section 62.15, and subject to the provisions of said section, and the board of education shall, for that purpose, exercise the power conferred by said section on the board of public works. The board of education is authorized to provide the necessary plans and specifications, and competent supervision of the work.

(7) MEETINGS, OFFICERS, SUPERINTENDENT. (a) It shall be the duty of said board to hold monthly meetings at such times as it shall from time to time prescribe; special meetings may be held under such rules and regulations as the board may fix. The first

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meeting of the board each year shall be held on the first Monday in May or as soon thereafter as may be.

(b) At first meeting the board shall elect one of its members president and another vice president. The president shall preside and preserve order at every meeting of the board at which he shall be present, and perform such other duties as the board shall by rule, by-law or resolution from time to time require of him. It shall be the duty of the vice president to discharge the duties of the president in his absence.

(c) The city clerk shall be ex officio secretary of the board.

(d) The board shall annually at its first meeting, or as soon thereafter as may be, elect a superintendent of schools for the city who shall not be a member of the board.

(8) BUDGET AND TAX LEVY. (a) The board of education shall prior to the first day of October each year make an estimate of the expenses of the public schools for the ensuing year, including all necessary incidental expenses and the amount thereof which it will be necessary to raise by city taxation, and certify the same to the city clerk who shall lay the same before the common council at its next regular meeting. It shall be the duty of the common council to consider such estimate, and by resolution determine the amount to be raised by city taxation for school purposes for the ensuing year, which amount so fixed shall be included in the annual budget to be raised by a tax called the city school tax, which shall be collected the same as other taxes. If at the time of any city coming under section 40.65 the board of education or school board shall have power to levy the city school tax or the district school taxes, this section shall not apply to such city nor be in force therein until specially adopted by a vote of three-fourths of the members of the council.

(b) 1. In all cities governed by section 40.65, having a school system under the provisions hereof and having attached to or connected with it for school purposes territory outside of the city limits, all the taxable property within the territory so attached to or connected with such city shall be subject to be taxed for the support and maintenance of the schools of such city, the same as property within such city.

2. It shall be the duty of the city clerk of such city in each year to ascertain the rate per cent which all taxes raised in said year in said city for school purposes bear to the assessed value of all the property tax for school purposes within such city for that year, and on or before the twenty-fifth day of November in such year in writing to notify the town clerk or clerks of the town or towns in which such attached or connected territory is situated of such per cent or rate of taxation in such city for school purposes, and it shall thereupon be the duty of said town clerk or clerks and each thereof immediately to carry out on the tax rolls of such town or towns respectively for such year a tax for school purposes of the same per cent on all taxable property within that portion of their respective towns so attached to such city for school purposes and such tax so carried out on such tax rolls is hereby declared duly levied and a lien on such taxable property until paid the same as other taxes as provided by law.

3. It shall be the duty of the treasurer of such town or each such town to collect said tax in the same manner as other taxes, and the said treasurer or treasurers respectively shall pay over in each year in full the amount of taxes so carried out on said rolls and assessed on said property in their towns respectively for the purposes of schools in such city to the treasurer of such city, in the same order and as they are now required by law to pay moneys raised for common school purposes, and return taxes collected for any school district whether such town treasurer has collected such tax or not.

4. If the taxes hereby provided for shall not be collected by said treasurer they shall be returned with and as delinquent taxes and their collection enforced in the manner now provided by law for collecting delinquent taxes.

(c) Any school district operating under the general law or a special charter, and including within its limits all or any part of a city of the third or fourth class, is hereby authorized to levy annually a special tax for school purposes not exceeding eight mills on the dollar of the assessed valuation of all the real and personal property in said school district for that year, in addition to the total tax now authorized to be levied by such school district, and such tax may be levied and collected in the same way as other school taxes are levied and collected in such school district.

(d) It shall be the duty of the city treasurer to keep all moneys raised in any way for school purposes, whether by the state, the county or the city, coming into his hands and to pay out the same whenever the board of education shall present to the city clerk a certified bill, voucher or schedule signed by its president and secretary setting forth the names of the claimants, the amounts of each claim and the purpose for which expended; such city clerk shall issue orders upon the city treasurer, who shall pay the amounts thereof, provided that funds are on hand in the city treasury appropriated for school purposes suffi-

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cient to pay the same. [*Stats. 1919 s. 925—113, 925—113m to 925—116, 925—117 to 925—119m, 926—145; Spl. S. 1920 c. 4; 1921 c. 242 s. 282 to 284, 286 to 296*]

40.645 Change to district system in fourth class cities. Upon the presentation of a resolution to the city clerk of any city of the fourth class operating its schools under the provisions of this section or a special charter, signed by thirty per cent of the legal voters of such city school district requesting a return to the ordinary district system of school government, it shall be the duty of the city council to submit this question to the electors of the city school district at a special election, duly called, noticed and held pursuant to law. If a majority of the electors of the city school district shall, at such special election, vote in favor of said change of school government, the schools of such city school district after the close of the then school year shall be administered under the ordinary district form of school government. [*Stats. 1919 s. 925—113a; 1921 c. 242 s. 297*]

40.65 City superintendent to license teachers. (1) In cities having a city superintendent under section 40.64 or subsection (1) of section 62.09, it shall be the duty of such superintendent to examine and license teachers, and under the direction of the board of education to supervise and manage the schools.

(2) Any city superintendent of schools may issue certificates to teachers of special branches, qualifying them to teach such branches in the schools under his supervision, after such examination as to their fitness to teach such branches as may be provided by the school board and approved by the state superintendent.

(3) In all cities having a city superintendent of schools and which are not under the jurisdiction of a county superintendent, such superintendent of schools shall make the annual report required by section 39.11 directly to the state superintendent. [*Stats. 1915 s. 458o, 458p, 465; 1917 c. 578 s. 2; 1917 c. 671 s. 38; Stats. 1919 s. 40.64; 1921 c. 242 s. 298, 299*]

40.66 Investment of school funds. The board of education or school board of any city having the care or custody of school funds or management of the finances of the public schools therein may, by a vote of a majority of all of its members-elect, in lieu of designating banking depositories or any other disposition provided for the care or keeping of such funds, invest the same or such portion thereof as it may deem expedient in the registered bonds of the United States at their market value. Whenever such board shall decide to make any such investment the treasurer of such board shall be directed to purchase such bonds with such funds and register and keep the same under such regulations as such board may prescribe. Whenever such bonds have been purchased such board may direct its treasurer to sell the same or any part thereof for cash at their market value, from time to time for current expenses, as said board shall deem expedient. [*Stats. 1915 s. 553b; 1917 c. 578 s. 2*]

40.665 School boards; proceedings; printing; publication. The official proceedings of regular and special meetings of boards of education in all incorporated cities and villages in this state, including a full statement of all receipts and expenditures, shall be printed and published in such manner as the board of education shall direct. [*Stats. 1919 s. 925—46m; 1921 c. 242 s. 300*]

40.67 Powers of school board. (1) The board of education in any city shall determine what textbooks shall be used in its schools, make a list of such books file a copy with their clerk or secretary and keep a copy posted in each school building. When textbooks shall have been so adopted, except in a city which furnishes free textbooks to the pupils in its public schools, they shall not be changed for three years. In any city where the district system is not in force the board of education may, under the limitations of this section, order changes in textbooks as aforesaid. Such changes, except as to free textbooks as aforesaid, shall be approved by the city council; and the board of education may purchase textbooks for use in its schools, and loan or furnish them to pupils under such conditions or regulations as they may prescribe. But no textbooks which would have a tendency to inculcate sectarian ideas shall be used in any public school.

(2) Every such board or other body aforesaid shall have all the powers and be charged with all the duties imposed by these statutes on school district boards so far as the same are not provided for or limited by the special provisions of the act of incorporation or other act under which such board or body is constituted. Every city or village not having a system of school government specially provided by law therefor shall be governed by the provisions of this chapter.

(3) The board of education of any city, however organized, or the district board of any school district may provide lunches for children attending the public schools at a price to cover the cost of the food, provided that indigent children or children of poor parents may receive such lunches at such a price and under such conditions as the board of education or the district board may determine; provided, further, that the conditions under

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which, and the pupils to whom, such food is furnished at less than cost, shall not be disclosed to any other pupils.

(4) The board of education of any city excepting cities of the first class is hereby vested with the same authority with reference to sites and buildings for teacherages that said board possesses with reference to school sites and school buildings.

(5) The board of education or school board of any city is hereby authorized to pay the membership fees of such board in an organization of school board members having under their jurisdiction a high school or grades below, and also to pay the necessary expenses incurred each year by the duly authorized representative or representatives of said board while in attendance at a meeting of said organization. [*Stats. 1915 s. 440a, 515; 1917 c. 427; Stats. 1917 s. 486t; 1917 c. 578 s. 2; 1921 c. 220, 224*]

40.675 Cities of second and third class to provide school facilities. (1) The board of directors, school board, school commissioners, or board of education of each city of the second or third class, however organized, shall establish and organize so many public schools as may be necessary for the accommodation of the children of the city entitled by constitution and laws of the state to instruction therein. The selection of sites for school buildings and adoption of plans for the erection of school buildings shall be determined by the board of school directors, or other governing school body. The schoolhouses now erected and the lots on which they are situated and the lots now or hereafter purchased for school purposes and the schoolhouses thereon erected shall be the property of the city. No lot shall be purchased or leased, nor shall any schoolhouse be erected without resolution duly passed by the board of school directors. Deeds of conveyance and leases shall be made to the city. The said board may establish and define from time to time the boundaries of all common and high school districts in such manner as they may deem best calculated to promote the interests of the schools. The board shall employ all engineer janitors necessary in the schoolhouses of their city and fix their compensation. The principal of each school, unless some other person is designated by the school board, shall be custodian of all buildings and rooms occupied by the school over which he presides and shall have the general supervision over the same and shall direct the janitor thereof in relation to the keeping and care of such buildings and rooms.

(2) All laws or parts of laws conflicting with any of the provisions of this section are repealed in so far as they are inconsistent therewith.

(3) The provisions of subsection (1) of this section as to the selection of sites for school buildings, or the purchase of lots shall not apply in any case where such lots must be acquired by condemnation and the council of such city had prior to July 24, 1919, passed a resolution authorizing condemnation proceedings to secure such lots for a schoolhouse site. [*1919 c. 603, 700*]

40.68 City technical schools. Any city may establish a technical school or college as a part of its public school system, provided the resolution establishing such school or college shall be submitted to the electors of such city in substantially the same manner as provided in section 40.43 in the case of high schools and the resolution so submitted be adopted. The resolution shall provide for the organization of such school or college and may confer the management and control on the existing school board or on a special board created thereby. The resolution may be amended or repealed by a resolution submitted and adopted in the same manner as above provided. [*Stats. 1915 s. 490m; 1917 c. 578 s. 2; 1919 c. 679 s. 24*]

40.685 Purchase of school lands on land contract; Milwaukee. (1) The board of school directors or any other board or body having charge and control of the public schools of any city of the first class, however incorporated, is hereby authorized to purchase, for school purposes, land within such city, and the improvements thereon, by written contract providing for the payment of the purchase price by instalments extending over a period not more than five years from the date of the contract, and for the payment of interest on the deferred instalments at a rate not exceeding six per cent per annum, under the conditions hereinafter provided.

(2) Such contract shall expressly create a lien on said lands and improvements thereon, to secure the payment of the purchase price, shall expressly provide that no corporate liability shall be incurred or created by such contract, and that during the period of said contract, such city shall have all the rights of an owner in fee simple with respect to the use of such lands and improvements.

(3) Such contract shall specifically provide that the interest on all deferred payments shall be paid by the board of school directors or other board or body having charge and control of the public schools of such city of the first class, however incorporated, out of any funds available for school purposes under the mill limits now provided by law for school

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purposes in such cities, but no interest shall be paid out of any moneys derived from the sale of bonds.

(4) Such contract shall have the further provision that the same may be retired at any time within the five years upon the payment of the entire principal by the board of school directors or other board or body having charge and control of the public schools of such city of the first class, however incorporated, and when such payments are made the interest on the contract shall cease.

(5) Within five years the board of school directors or other board or body having charge and control of the public schools of any such city of the first class, however incorporated, shall pay for the instalments out of any funds available for school purposes or out of any bond issues expressly authorized according to law for the purchase of sites and erection of buildings.

(6) No such contract shall be entered into until the same shall have been authorized by resolution of the board of school directors or other board or body having charge and control of the schools of such city, which resolution shall specify the terms of purchase, and shall have been adopted by at least three-fourths of all members of such school board or other board or body having charge and control of the schools of such city.

(7) All such contracts shall be in the name of the city and shall be signed, in behalf of such city, by the president and secretary of the board of school directors or other officers of the board or body having charge and control of the schools of such city, and countersigned by the comptroller of such city. The amount of contracts entered into under this section shall not exceed the sum of fifty thousand dollars in any one year. [*Stats. 1919 s. 959—69h; 1921 c. 242 s. 301*]

40.69 [*Renumbered section 43.50 by 1921 c. 452 s. 40*]

40.695 Application of section. (1) The provisions of this section shall apply to no cities except those to which they applied when transferred to chapter 40.

(2) CITY SUPERINTENDENT OF SCHOOLS; ELECTION; DUTIES. In all cities except cities of the first class, there may be elected by the board of education or the board of school commissioners, a city superintendent of schools for a term not to exceed three years, whose duties shall be:

(a) To examine and license teachers according to the statutes.

(b) To supervise the administration of the courses of study.

(c) To have general supervision of the professional work of the schools of the city, including the holding of teachers' meetings and the promotion of pupils.

(d) From time to time to make a written report to the board of education or board of school commissioners, as the case may be, embodying such recommendations relative to the employment of teachers, adoption of textbooks, changes in the course of study, enforcement of discipline, and such other matters as said superintendent may deem for the best interests and welfare of the city schools.

(e) To make such other reports and to perform such other duties as the board of education or board of school commissioners may direct and which are not in conflict with the provisions of this act. The board of education or the board of school commissioners shall determine the annual compensation to be paid said city superintendent of public schools from the school funds of the city.

(3) EFFECT OF STATUTE. Subsections (2) to (4) shall apply to all cities, except those of the first class in which a city superintendent of schools is elected or appointed by the board of education or the board of school commissioners, and no city superintendent of schools shall engage in any other profession or occupation or pursuit for such time or in such manner as shall interfere with the proper discharge of his duties as such superintendent during the term for which he is elected or appointed. A violation of any of the provisions of this section shall subject the offender to removal from office; provided, that nothing in subsections (2) to (4) shall be construed to bar any city superintendent of schools from being principal of, or teaching in any school under his supervision, and no person shall be eligible to the office of city superintendent of schools whose legal qualifications are not equivalent to those required for the principalship of a free high school having a course of study requiring four years for its completion.

(4) OFFICERS OF BOARD; SUPERINTENDENT INELIGIBLE. The board of education or board of school commissioners in all cities except cities of the first class shall annually choose one of their own number to act as chairman and shall choose a secretary who may or may not be a member of the board. It shall be the duty of said secretary to be present at each board meeting; to keep in full in a book provided for that purpose, the minutes of such meeting and to perform any other clerical duties under the direction of the board at such compensation as the board may fix. It is further provided that said city superin-

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tendent of schools shall not be eligible to membership on the school board nor to act or be elected as president or chairman thereof.

(5) SUPERINTENDENT CONVENTIONS; ATTENDANCE; EXPENSES. It shall be the duty of each city superintendent to attend annually one convention called and held by the state superintendent for the purpose of consultation upon matters pertaining to the supervision and management of city schools. Each superintendent shall be reimbursed his actual and necessary expenses incurred for travel, board and lodging because of attendance upon such convention, such bills to be audited and allowed by the boards of education upon presentation of an itemized statement of expense accompanied by a certificate of attendance signed by the state superintendent.

(6) ELECTIVE SCHOOL BOARD; REFERENDUM ON. In any city of the second, third or fourth class, upon presentation to the city clerk of a petition signed by electors thereof, qualified to vote on school matters, equal in number to thirty per cent of the votes cast in any such city for all candidates for state superintendent of public instruction at the last preceding election of such officer, requesting that the board of education of such city shall be elected pursuant to subsection (7), it shall be the duty of the city council to submit such question to the electors of such city at a special election, duly called, noticed and held pursuant to the provisions of law governing special elections in such city. If a majority of all the votes cast upon such question at such election be in the affirmative, then the board of education shall be elected in accordance with the provisions of subsection (7).

(7) ELECTION OF BOARD. (a) When the electors have decided in the affirmative under subsection (6), the board of education shall consist of seven members elected at large from the territory of such city. The members of such board shall be divided as nearly equal as may be into three classes. One class of three members shall be elected for one year, one class of two members for two years, and those of the remaining class for three years. Such members shall be elected at the annual spring election held in such city. The names of the candidates for such office shall be printed upon a separate ballot under the title "Members of the Board of Education."

(b) At the next annual spring election there shall be elected seven members to constitute the board of education for such school district. All qualified electors within such city shall be entitled to vote for such members of the board of education at such election.

(c) At the first election held for the office of member of the board of education, the two persons receiving the highest number of votes shall be elected for three years, the two receiving the next highest number of votes shall be elected for two years, and the three receiving the next highest number of votes shall be elected for one year. Each elector voting at such first election shall be entitled to vote for seven candidates. Thereafter such electors shall elect at each spring election members of the board of education for the term of three years. Each elector shall be entitled to vote for as many candidates as there are members to be elected and the ones receiving the highest number of votes shall be elected.

(d) The votes cast at such election shall be canvassed and return thereof certified to the common council. The common council shall canvass the returns of such election and shall declare the result thereof as for city officers.

(e) The persons elected in accordance herewith shall constitute the board of education of such school district. The term of office of each such member shall commence on the first day of May following such election and each member shall hold office until his successor is elected and qualified. Notices of election under this statute shall be given as in other elections in said city. [*Stats. 1919 s. 926—115 to 926—117p; 1921 c. 242 s. 302 to 308*]

PUBLIC HEALTH MEASURES.

40.70 Communicable diseases. (1) Upon the appearance of any dangerous communicable disease in any school district, it shall be the duty of the health officer of the township, incorporated village, or city where the schoolhouse is located to notify at once, in writing, the principal or teacher of such school and the librarian of all libraries in any such town, village or city, giving the names of all families where the disease exists. If the rules of the state board of health provide for the exclusion from school of teachers, or pupils from homes where such disease exists, the health officer shall request the principal of the school to exclude from school attendance all such persons until a written order signed by the health officer permitting attendance at school is presented.

(2) Whenever the principal or teacher of the school has been notified of the prevalence of a dangerous communicable disease in the school district, or whenever the principal or teacher of the school knows or suspects that a dangerous communicable disease is

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present in the school district, it shall be the duty of such principal to at once notify the health officer of the town, village or city where the schoolhouse is located, of such absence from school on account of sickness. The health officer must then investigate all such cases, to determine whether or not a dangerous communicable disease is present in such family.

(3) Parents, guardians, or persons having custody of any child or children, shall not permit such child or children, if afflicted with a dangerous communicable disease, to attend school.

(4) All schoolhouses, before school opens at the beginning of each school term, shall be thoroughly cleaned and after the outbreak in such school of any contagious disease, shall be thoroughly cleaned and disinfected as provided by the state board of health in its rules and regulations for the fumigation and disinfection of homes, or other buildings. All schoolhouses, homes, and other buildings requiring disinfection shall be disinfected by or under the direction of the local health officer, and the expenses necessarily incurred shall be paid for by the township, incorporated village, or city upon the order of the local board of health.

(5) Neglect or refusal on the part of any principal or teacher to comply with the requirements of this law shall be considered sufficient cause for dismissal from school by the school board.

(6) All teachers shall immediately send home any pupil who is habitually unclean and emits offensive bodily odors, or who is infested with lice or other vermin and shall immediately notify, in writing, the clerk of the school board or the superintendent of schools and the parents or guardian of such pupil, of such condition.

(7) Library books shall not be taken into a home where a dangerous communicable disease exists, and shall not be returned to the library from a home where such disease exists or has recently occurred unless disinfected as hereinafter provided. Infected books, or books suspected of being infected, shall be burned, unless thoroughly disinfected by or under the direction of the local health officer. [*Stats. 1915 s. 1408a to 1408d; 1917 c. 53; 1917 c. 97; Stats. 1917 s. 1408a—1; 1917 c. 578 s. 2; 1917 c. 671 s. 38; 1917 c. 677 s. 10*]

40.71 Protection against smallpox. (1) To prevent the spread of smallpox the local board of health of any city, incorporated village or town, or the state board of health, when the disease is present in any school district or part thereof, which is included in such city, incorporated village or town, shall forthwith prohibit the attendance at school in any such district or part thereof for a period of fourteen days, after the appearance of smallpox, of any and all pupils and teachers, who have not been successfully vaccinated or who fail to show a certificate of recent vaccination.

(2) Should new cases of smallpox continue to develop in such school district or part thereof, after the expiration of fourteen days, the local board of health shall upon the advice and consent of the state board of health, renew such order for another period of fourteen days, or so many days thereof as the state board of health may deem necessary, in order to control the epidemic.

(3) When vaccination or exclusion from school is ordered in conformity to subsection (1) of section 40.71 of the statutes the local board of health shall provide for the free vaccination of all children in any school district or part thereof during an outbreak of smallpox, the necessary expense thereof to be paid by the city, incorporated village or town upon the order of the local board of health. The state board of health shall determine the method to be employed in vaccination against smallpox, designate the person or persons to do the work and may determine the maximum fee to be charged. The provisions of this section shall not be construed to prevent parents or guardians from employing physicians of their choice to perform such vaccinations and pay the expense incurred. [*Stats. 1915 s. 1413l to 1413n; 1917 c. 578 s. 2; 1921 c. 372*]

40.72 Inspection of schoolhouses. It shall be the duty of the proper officer or officers of boards of health organized under and by virtue of general or special law, to inspect the schoolhouses and public buildings within the district over which the board appointing such officer has jurisdiction, with sufficient frequency to determine whether such buildings are kept in a sanitary condition. And the board of health of any village or town may take such measures and make such rules and regulations as they may deem most effectual for the preservation of public health and to carry out the purposes of this section; and for that purpose all the powers now conferred on boards of health in cases of contagious diseases are hereby conferred. [*Stats. 1915 s. 1418b; 1917 c. 578 s. 2; 1919 c. 679 s. 25*]

COMPULSORY SCHOOL ATTENDANCE.

40.73 Compulsory school attendance. (1) GENERAL PROVISIONS. Any person having under his control any child between the ages of seven and fourteen years, or any child be-

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tween the ages of fourteen and sixteen years not regularly and lawfully employed in any useful employment or service at home or elsewhere, shall cause such child to be enrolled in and to attend some public, parochial or private school regularly (regular attendance for the purpose of this statute shall be an attendance of twenty days in each school month, unless the child can furnish some legal excuse), in cities of the first class during the full period and hours of the calendar year (religious holidays excepted) that the public, parochial or private school in which such child is enrolled may be in session; in all other cities not less than eight school months; and in towns and villages not less than six school months in each year, and all children subject to the provisions of this subsection shall be enrolled in some public, parochial or private school within one school month after the commencement of the school term in the district in which such children reside, except that in cities of the first class such children shall be enrolled at the time of the opening of the school which they will attend (and the word "term," for the purposes of this subsection, shall be construed to mean the entire time that school is maintained during the school year); provided that this subsection shall not apply to any child not in proper physical or mental condition to attend school, who shall present the certificate of a reputable physician in general practice to that effect, nor to any child who lives in country districts more than two miles by the nearest traveled road from the schoolhouse in the district where such child resides, except that children between the ages of nine and fourteen living between two and three miles from school by the nearest traveled road shall attend school regularly at least sixty days during the year; provided that if transportation is furnished by the district this exemption as to distance shall not apply, nor shall this subsection apply to any child who shall have completed the course of study for the common schools of this state or the first eight grades of work as taught in state graded or other graded schools of Wisconsin, and can furnish the proper diploma, certificate, or credential showing that he has completed one of said courses of study, or its equivalent. Instruction during the required period elsewhere than at school, by a teacher or instructor selected by the person having control of such child shall be equivalent to school attendance, provided that such instruction received elsewhere than in school be at least substantially equivalent to instruction given to children of like ages in the public, parochial or private school where such children reside. Any person who shall violate the provisions of this subsection shall upon conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars, together with costs of prosecution, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court, for each offense. It shall be the duty of the district attorney and his assistants to prosecute in the name of the state all violations of the provisions of this subsection. Any person who shall be proceeded against under the provisions of this subsection may prove in defense that he is unable to compel the child under his control to attend school or to work, and he shall be thereupon discharged from liability, and such child shall be proceeded against as incorrigible, or otherwise, according to law, and in case of commitment, if the parents or person having control of such child desire it, such child shall be committed to a school or association controlled by persons of the same religious faith as such child, which is willing and able to receive and maintain it without compensation from the public treasury. When in any proceedings under this subsection there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed in court. In case such certificates cannot be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child or first school enrollment to be found shall be admissible as evidence thereof.

(2) PROSECUTIONS. Prosecutions for violation of subsection (1) may also be brought in the juvenile court in and for the county in which such violations occur, and said court is hereby granted full and concurrent jurisdiction thereof.

(3) VOCATIONAL SCHOOLS. Until September 1, 1921, any person between the ages of fourteen and seventeen, unless indentured as an apprentice, as provided in section 2377, and after that date any person who has completed the period of compulsory full time education and who has not completed the equivalent of four years of school work above the elementary grades, or who has not completed the school term, quarter, semester or other division of the school year in which he is eighteen years of age, living within two miles of the school of any town, or within the corporate limits of any city or village and not physically incapacitated, who is not required by subsection (1) to attend some public, private or parochial school, and who is not attending a free high school or equivalent of a high school, must either attend some public, private, or parochial school at least half time, or attend the vocational school half time in the daytime from the end of the period of full time compulsory education to the end of the school term, quarter, semester or other division of the school year in which he is sixteen years of age, and after

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that for at least eight hours a week until the end of the term, quarter, semester or other division of the school year in which he is eighteen years of age for at least eight hours a week for at least eight months and for such additional months or parts thereof as the other public schools in such city, town or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, provided such school or schools are maintained according to the provisions of sections 41.13 to 41.20, in the town, village or city in which his parents or guardians reside. This subsection shall apply only to persons between the ages herein specified, living in towns, villages and cities maintaining schools as provided in sections 41.13 to 41.20.

(4) RESERVATION SCHOOLS. Whenever the government of the United States shall organize or cause to be organized and maintained on any reservation for school purposes within this state, special schools for general educational purposes and the expense of tuition, lodging, food and clothing of the pupils enrolled therein is borne wholly or in part by the United States or the state of Wisconsin, it shall be compulsory on the part of every parent or guardian within the state having control of a child or children between the ages of five and eighteen years, eligible to attend such school, to cause such child or children to attend such school for a period of at least nine months in each year, or during the annual term; provided, that any child may be excused from attendance thereat by the principal or superintendent of the school upon its being shown to his satisfaction that the physical or mental condition of such child renders application to study or attendance at school inadvisable for the period required, or that the child is taught in some private or other public school or at home in the branches usually taught in the public schools of the state, or is actually and necessarily compelled to labor for the support of the parent or guardian, or that the residence of the parent or guardian of such child is more than ten miles distant from said school and that free transportation of said child is not provided for by the United States or the state of Wisconsin; the facts in each and every case named above to be determined upon investigation by the principal or superintendent of said school.

(5) REFUSAL OR NEGLECT. In all cases of refusal or neglect on the part of the parent or guardian and before attempting to enforce the provisions of subsection (4), it shall be the duty of the principal or superintendent of the school within said territory to serve or cause to be served upon the parent or guardian a demand for the attendance of such child who has not been excused therefrom. Such notice shall be in writing and give the name of each child and designate the school upon which attendance is required. If the parent or guardian claims that the child should be excused for one or more of the reasons given in subsection (4), it shall be the duty of the principal or superintendent of such school to make immediate investigation of the matter and to place his findings in the case in writing. If after such investigation the child is found eligible to attend such school and the parent or guardian shall fail or refuse to comply therewith within ten days after service of a written notice to such effect, then and in such case the principal or superintendent of said school shall make complaint against such parent or guardian as required by law.

(6) PENALTY. Any parent or guardian failing to comply with the provisions of subsections (4) and (5) shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars or by imprisonment in the county jail not less than five days or more than thirty days, and in case of conviction for a second or any subsequent offense shall be punished by both such fine and imprisonment.

(7) DUTY OF POLICE OFFICERS. It shall be the duty of the district attorney of the county in which such offense is committed to prosecute all actions arising under the provisions of subsections (4), (5) and (6) when such complaint is made by the superintendent or principal of the school. It is likewise made the duty of sheriffs, constables and peace officers in the state to take cognizance of subsections (4), (5) and (6) and assist principals and superintendents of schools in carrying out its provisions. [*Stats. 1915 s. 439a, 439a—1, 439f to 439i; 1917 c. 285; 1917 c. 578 s. 2; 1917 c. 674 s. 1; 1917 c. 677 s. 41; 1919 c. 679 s. 26 to 29a; 1921 c. 411 s. 1; 1921 c. 513 s. 1*]

40.74 Truancy officers. (1) NUMBER IN CITIES; DUTIES. (a) In all cities of the first class the board of education or any board having similar powers, shall appoint ten or more truant officers; in all cities of the second and third classes, such board shall appoint one or more truant officers, and in all cities of the fourth class the chief of police and the police officers may be truancy officers, whose duties it shall be to see that the provisions of this section are enforced.

(b) When of his personal knowledge, or by report or complaint from any resident of the city, or by report or complaint as provided herein, a truant officer believes that any

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child is unlawfully and habitually absent from elementary school, vocational school, or any other school which the minor is by law compelled to attend, provided the minor is not otherwise receiving instruction as provided in subsection (1) of section 40.73, he shall immediately investigate and render all service in his power, to compel such child to attend some public, parochial or private school which the person having control of the child shall designate, or if over fourteen and under sixteen years of age to attend school or become regularly employed at home or elsewhere, and upon failure he shall serve a written notice as required in subsection (4) and proceed as hereinafter provided against the person having charge of such child. And in all towns and villages the sheriff of the county, his undersheriff and deputies shall be the truant officers, and it shall be the duty of all truant officers named in this subsection to enforce the provisions of this section as provided herein.

(2) POWERS OF TRUANCY OFFICERS. Any truant officer within this state shall have power to visit factories, workshops, mercantile establishments and other places of employment in their respective localities and ascertain whether any minors are employed therein contrary to law. They may require that the age and school certificates and lists of minors who are employed in such factories, workshops, mercantile establishments and other places of employment, shall be produced for their inspection, and they shall report all cases of such illegal employment to the school authorities of their respective cities, towns, villages or districts and to the commissioner of labor, state factory inspector or any assistant factory inspector. Such truant officer shall receive no compensation from the state for performing such services.

(3) SCHOOL CENSUS AND REPORTS. (a) It shall be the duty of the school clerk of every school district, the clerks of boards of education, or other officers whose duty it is to take the school census under the law, at the time of taking the school census of their respective districts or cities, to make out three copies of such census reports, on blanks to be furnished by the state superintendent, and send one of such copies by mail, or otherwise to the proper superintendent on or before the fifteenth day of July of each year and at the time of the opening of school in his district, he shall deliver, with the register, a copy of such census report to the teacher employed in said district, and if the school consists of two or more departments the copy shall be placed in the hands of the principal.

(b) In case the district includes within its boundaries, territory lying in two or more counties it shall be the duty of the clerk of such district to make out separate copies of the census reports for each part of said joint district, and forward the same to the proper superintendents; provided that in all cities having a population of two thousand or more the clerk of the board of education or other officer, whose duty it is to take the school census shall not be required to furnish copies of the census returns to the county superintendent, city superintendent or teachers. Said clerks of boards of education and other officers who shall have the care and custody of the school census returns, shall have their offices open at all reasonable hours, and allow and assist superintendents, teachers, and truant officers to examine and secure information from the school census reports on file in their offices, that may, in any way, aid in the enforcement of the provisions of this subsection.

(c) All teachers in public schools except teachers in high schools, shall at the request of the proper superintendent, while school is in session report to him. Said report shall show the name of the school and its location, the name and address of the teacher, the number of months school is maintained during the year, the date of opening and of closing of the school, the names and ages of all children enrolled in their respective schools between the ages of seven and fourteen and fourteen and sixteen, the names and post-office addresses of the parents or other persons having control of such children, the number of the district and the name of the town, city, village and county in which said children reside, the distance such child or children reside from the schoolhouse in the district in which they live by the nearest traveled road, the number of days each such child was present and the number of days such child was absent during each month and such other reports requested by him, said reports to be made on blanks to be furnished by the county, district or state superintendent.

(d) It shall be the duty of every school clerk, or the clerk of the board of education to deliver to the teachers in the public schools a sufficient number of blanks as described above, to supply said teachers for one school year; provided that when there shall be enrolled and in attendance at parochial or private schools, children residing in a county or counties other than the one in which the schoolhouse is located, the teachers in such parochial or private schools may make the reports hereinbefore described to the county, district or city superintendent of the county, or the city in which the children between the ages of seven and fourteen and fourteen and sixteen so attending, reside; provided further that in districts that include within their boundaries territory lying in two or more

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counties, or districts joint with cities having separate superintendents, it shall be the duty of the public school teachers in such joint districts to make separate reports as provided herein to the county, district or city superintendent of the county or city in which the children between the ages of seven and fourteen and fourteen and sixteen so attending reside; and provided that the teachers in cities of two thousand population or more shall not be required to make the report provided herein, except when called upon to do so by the proper county or city superintendent.

(e) All teachers of private and parochial schools shall keep a record embodying all the data enumerated in this subsection, and such record shall be open to the inspection of all truant officers at any and all reasonable times; and provided that when called upon by any truant officer, the teachers in private or parochial schools shall furnish in writing on blanks furnished by the truant officer the above-mentioned data in regard to any child or children between the ages of seven and fourteen and fourteen and sixteen who claim, or who are claimed to be in attendance upon said school; and every teacher in a public, private or parochial school shall promptly notify the proper truant officer of any child whose attendance is habitually irregular; provided such irregularity is not excused by any provision of this section.

(f) Any officer or teacher in a public school who shall fail or neglect to make the reports required by this subsection as required, or any teacher in a private or parochial school who shall fail to keep a record as required in this subsection shall be subject to a forfeiture of not less than five nor more than twenty-five dollars for each such failure or neglect, said forfeiture to be sued for by any voter of the district where such officer resides, or where such teacher is employed, and recovered in the same manner other forfeitures are sued for and recovered under the Wisconsin statutes; one-half of the amount of the forfeiture to be paid to the voter bringing the action and the other half to be paid into the school district treasury of the district where such offender resides.

(4) REPORTS TO TRUANCY OFFICERS. (a) It shall be the duty of the county, district and city superintendents, upon receiving the reports and information as provided in subsection (3), to compare carefully the reports of attendance and enrollment, with the reports of the last school census on file in his office, and ascertain therefrom the names of all children who are not complying with the provisions of sections 40.73 and 40.74, and it shall be the duty of such superintendents to report the names of such children, together with the names and addresses of the parents or those having control of such children to the commissioner of labor and industrial statistics at Madison, upon blanks furnished for that purpose, and to the proper truant officer of the county, district or city. The truant officer shall immediately upon receipt of such report, or when he obtains information of delinquencies, notify by registered mail, or by the service of notice in the same manner as provided for the service of summons in a civil case in a justice court, the parent or the person having control of such child or children, to cause such child or children to be sent to some public, parochial or private school within five days from the date notice is deposited, properly addressed in the post office, if notice is served by registered mail, or five days from the date of the personal service of said notice.

(b) The notice shall inform the parent or other person in parental relation that the law requires that all children between the ages of seven and fourteen, and between the ages of fourteen and sixteen, if not regularly employed as provided by sections 1728*a* to 1728*j*, inclusive, are to be in regular attendance at some school as provided in subsection (1) of section 40.73. It shall be the duty of all truant officers, after having given the notice hereinbefore described, to determine whether the parent or other person in parental relation has complied with the notice, and in case of failure to so comply, he shall immediately notify the commissioner of labor and industrial statistics of such failure, and within three days after having knowledge of or having been notified thereof, make complaint against said parent or person in parental relation having the legal charge and control of such child or children, before any justice of the peace in the county, where such party resides.

(c) Provided, that in counties where the criminal jurisdiction of the justice of the peace has been abolished, the court or courts now having such powers, shall have jurisdiction in cases brought under the provisions of sections 40.73 and 40.74; for such refusal or neglect to send such child or children to some school as provided in said sections; and said justice of the peace or other court shall issue a warrant on said complaint and shall proceed to hear and determine the same, in the same manner as provided by statute for other criminal cases under his jurisdiction. All truant officers or other officers having the power of truant officers shall have the power to apprehend without warrant, any child or children found violating the provisions of sections 40.73 and 40.74, and cause such child or children to be placed in some public, parochial or private school. It shall be the

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duty of all school officers, superintendents, teachers or other persons to render such assistance and furnish such information as they may have at their command, to aid truant officers in the performance of their duties.

(5) COMPENSATION OF TRUANCY OFFICERS. (a) Truant officers in cities of the first, second and third classes shall receive such compensation as shall be fixed by the boards of education of such cities or boards having similar powers.

(b) The chief of police and the police officers of cities of the fourth class may perform the duties of truant officers in addition to the other duties devolving upon them, and shall receive no extra or additional compensation therefor.

(c) When the sheriff, undersheriff, and his deputies are acting as truant officers as provided herein, they shall be paid the same fees as provided for such officers in criminal actions brought under the laws of this state, and in counties where the sheriff and deputies are paid an annual salary they shall receive their actual and necessary expenses incurred in the performance of their duties as truant officers, but no extra compensation shall be allowed.

(6) REPORTS TO INDUSTRIAL COMMISSION. Each county and city superintendent of schools shall report to the industrial commission and to the proper truant officer within ten days after the close of each month, commencing with the month of October and concluding with the month of May in each year, the name of each child residing in the county, district, or city under his supervision who during said month has not complied with the provisions of subsection (1) of section 40.73, and the name and post-office address of the parent or guardian of such child. If any county or city superintendent has no names of delinquent children to report for any month as provided in this section, it shall be the duty of such superintendent promptly to notify the industrial commission of that fact. It shall be the duty of each county and city superintendent of schools to require suitable monthly reports from the teachers under his jurisdiction in order to assist such superintendent in preparing the aforesaid reports. Immediately upon serving the notice as provided in subsections (1) and (4) upon the parent or guardian of any child, it shall be the duty of the truant officer to notify the teacher of such child of such service. The return of the child to school shall be promptly reported by the teacher to the truant officer and superintendent. It shall be the duty of each truant officer to make a report each month to the industrial commission, showing the action taken by him in the cases of delinquency reported to him by the superintendent. Blanks for reports by superintendents to the industrial commission and to the truant officer shall be furnished by the industrial commission.

(7) PENALTY. Any superintendent of schools or any truant officer who violates or fails to comply with any of the provisions of this section shall be subject to a forfeiture of not less than five nor more than twenty-five dollars for each such offense, which on complaint of the industrial commission may be recovered against such superintendent or truant officer in an action in debt brought by the attorney-general before any court of competent jurisdiction. [*Stats. 1915 s. 439b to 439cf; 1917 c. 260; 1917 c. 578 s. 2; 1917 c. 677 s. 50, 66; 1919 c. 665; 1919 c. 679 s. 30, 31*]

CHAPTER 41.

AUXILIARY AND SPECIAL SCHOOLS.

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SCHOOLS FOR EXCEPTIONAL CHILDREN.

41.01 Day schools for the deaf or blind. (1) Upon application by the district board of any school district embracing within its limits any village or city, or the board of education of any city, the state superintendent may authorize such school district board or board of education to establish and maintain within the corporate limits of any such village or city, respectively, one or more day schools for the instruction of deaf persons or persons with defective speech, or for the instruction of blind persons.

(2) Each such school shall be under the charge of one or more teachers, whose qualifications shall be approved by the state superintendent; and the state superintendent shall make such inspection of said day schools as he shall deem necessary.

(3) The clerk or secretary of each of the several boards maintaining said day schools shall report on oath to the state superintendent annually, and oftener if he so direct, the number of pupils instructed in such school or schools, their residence, the period of time each shall have been instructed therein during the school year, and such other facts relative to said day schools as he may require; and the treasurer of each of the several boards shall render to the state superintendent, annually, an itemized statement on oath of all receipts and disbursements on account of such day school during the preceding school year. [*Stats. 1915 s. 578; 1917 c. 14 s. 56; 1917 c. 578 s. 3; 1921 c. 338 s. 3*]

41.02 Compulsory education of the deaf and blind. (1) Any parent or guardian having under his control a deaf or blind child between the ages of six and eighteen years who is incapacitated for attending a common school, shall cause such child to attend some public, private, parochial, or state school established for the instruction and education of the deaf or blind, for a period of at least eight months during each school year, provided this shall not apply to any child over sixteen years of age who shall have completed the eighth grade or who shall be regularly employed in a gainful occupation.

(2) Any person who shall neglect or refuse to obey the provisions of this section shall, upon conviction, be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail, not exceeding three months for each offense.

(3) This section shall not apply to any child not in proper physical or mental condition to attend school or receive instruction who shall be able to show a certificate to that effect, signed by a reputable physician in general practice.

(4) It shall be the duty of the district attorney upon proper complaint, made by a city, district or county superintendent of schools, or by the inspector of the day schools for the deaf or blind, to prosecute any parent or guardian failing to comply with this section. The case shall be tried before the county judge, and the cost of prosecution shall be added to the fine. [*Stats. 1915 s. 579m, 579n; 1917 c. 14 s. 57; 1917 c. 343 s. 3; 1917 c. 578 s. 3*]

41.03 [*Renumbered section 37.10 sub. (2) by 1919 c. 328 s. 37*]

41.035 Special classes for exceptional pupils. (1) Upon application by the district board of any school district embracing within its limits any village or city, or the board of education of any city, the state superintendent may authorize such school district board or board of education to establish and maintain within the corporate limits of any such vil-

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lage or city, respectively, a special class for the instruction of exceptional persons of school age who reside in said school district or city.

(2) The courses, qualifications of teachers and plan of organizing and maintaining such special classes shall comply with such requirements as may be outlined by the state superintendent of public instruction.

(3) The state superintendent of public instruction shall appoint in his department two persons of suitable training and experience who shall have general supervision of such classes and who shall give special attention to examining, testing and classifying the pupils applying for admission to such special classes and perform such other duties as the state superintendent may direct. Such supervisors shall be exempt from the provisions of sections 16.01 to 16.30, inclusive, of the statutes.

(4) The board of education maintaining such special class or classes under the provisions of this section shall, through its secretary or other executive officer, report annually to the state superintendent, or oftener if he so directs, such facts relative to such class or classes as he may require.

(5) Upon the receipt of such report, if it shall appear that the special class or classes have been taught by qualified teachers and in every respect maintained in accordance with the requirements governing such special classes, the state superintendent shall certify to the secretary of state, as due each board of education maintaining such special classes, a sum equal to one-third the amount expended for salaries of teachers of such special classes, provided such sum shall not exceed three hundred dollars per year for each of said teachers; provided, further, that in case the average attendance of any such special class shall be less than the minimum attendance required by the regulations governing such classes, the state superintendent may in his discretion apportion a sum which shall bear the same relation to the apportionment hereinbefore provided as the average daily attendance bears to the required minimum attendance. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the school board maintaining such classes, for the amount specified in such certificate. [*1917 c. 580; Stats. 1917 s. 579t; 1917 c. 677 s. 76; 1919 c. 620; 1921 c. 301*]

TRADE SCHOOLS.

41.04 Trade schools; establishment. Any city in the state of Wisconsin or any school district having within its limits a city desiring to establish, conduct and maintain a school or schools for the purpose of giving practical instruction in the useful trades to young men having attained the age of fourteen years and young women having attained the age of fourteen years, as a part of the public school system of such city, is empowered to do so by complying with the provisions of sections 41.05 to 41.12. [*Stats. 1915 s. 926—22; 1917 c. 578 s. 3*]

41.05 School boards to control. Such trade school or schools shall be under the supervision and control of the school boards of the respective cities or school districts in which they may be located. [*Stats. 1915 s. 926—23; 1917 c. 578 s. 3*]

41.06 Power of board; enrollment. The school board of every such city or school district is given full power and authority to establish, take over and maintain a trade school or schools, equip the same with proper machinery and tools, employ a competent instructor or instructors, and give practical instruction in one or more of the common trades. Such a trade school shall not be maintained, however, unless there be an average enrollment of at least thirty scholars. [*Stats. 1915 s. 926—24; 1917 c. 578 s. 3*]

41.07 Management of trade school. Whenever any school board shall have established or taken over an established trade school, such school board may prepare the courses of study, employ instructors, purchase all machinery, tools and supplies, purchase or lease suitable grounds or buildings for the use of such school and exercise the same authority over such school which it now has over the schools under its charge. [*Stats. 1915 s. 926—25; 1917 c. 578 s. 3*]

41.08 Advisory committee; appointment, qualification, term, powers. Whenever any school board shall have established or taken over an already established trade school or schools, it may appoint an advisory committee to be known as the committee on trade schools, consisting of five citizens not members of the school board, each of whom is experienced in one or more of the trades to be taught in the school or schools, to assist in the administration of the trade school or schools located in that city, which committee shall be appointed by the president of such school board with the approval of the majority of the board. Such committee shall have authority, subject to the approval and ratification of the school board, to prepare courses of study, employ or dismiss instructors, purchase machinery, tools and supplies, and purchase or rent suitable grounds or buildings for the use of such trade schools. When any such committee on trade schools is ap-

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pointed, two of its original members shall be appointed for the term of one year, two for the term of two years, and one for the term of three years, and thereafter, as the terms of these members so appointed expire, their successors shall be appointed each for the term of three years. [*Stats. 1915 s. 926—26; 1917 c. 578 s. 3; 1919 c. 362 s. 35*]

41.09 Incidental fees; sale of product. Students attending any such trade school may be required to pay for all material consumed by them in their work in such school at cost prices or in lieu thereof the school board may establish a fixed sum to be paid by each student in each course which sum shall be sufficient to cover, as nearly as may be, the cost of the material to be consumed in such course; any manufactured articles made in such school may be disposed of at the discretion of the school board, and the proceeds shall be paid into the trade school fund. [*Stats. 1915 s. 926—27; 1917 c. 578 s. 3*]

41.10 Tax for trade school fund. Whenever any such school board shall have decided to establish a trade school or schools, or to take over one already established, under the provisions of sections 41.04 to 41.12, a tax, not exceeding six-tenths of a mill upon the dollar on the total assessed valuation of all property, real and personal, of such city, subject to taxation, shall be levied, upon the requisition of the school board, as other school taxes are levied in such city; the fund derived from such taxation shall be known as the "Trade School Fund," shall be used in establishing and maintaining a trade school or trade schools in such city, shall not be diverted or used for any other purpose whatsoever, and may be disposed of and disbursed by the school board of such city in the same manner and pursuant to the same regulations governing the disposition and disbursement of regular school funds by such boards. [*Stats. 1915 s. 926—28; 1917 c. 578 s. 3; 1917 c. 671 s. 38; 1921 c. 222*]

41.11 Temporary transfers from regular school funds. Any school board desiring to avail itself of the provisions of sections 41.05 to 41.12, inclusive, may, before the trade school fund herein provided for becomes available, establish, take over, equip and maintain a trade school or schools out of the regular school funds which may be at the disposal of such school board, provided, however, that all moneys used for these purposes out of the regular school funds shall be refunded within three years from the trade school fund. [*Stats. 1915 s. 926—29; 1917 c. 578 s. 3; 1919 c. 679 s. 32*]

41.12 Vote for and against establishment; board to act in absence of petition for vote. (1) When the school board of any city of the second, third or fourth class, or the school board of any school district having within its limits such a city, shall determine to establish, take over, conduct or maintain such trade school, it shall publish notice of its intention so to do with a copy of the resolution or order expressing such determination once each week for four successive weeks in a newspaper published in said school district and shall take no further steps in said matter until the expiration of thirty days from the date of the first publication.

(2) If within such thirty days there shall be filed with the clerk of such city a petition signed by a number of electors of the school district equal to twenty per centum of the number of votes cast in said city at the last municipal election praying that the question of the establishment, taking over, conduct and maintenance of such trade school shall be submitted to the vote of the electors of such school district, the city clerk shall at the earliest opportunity lay such petition before the common council. The common council shall thereupon at its next regular meeting by resolution or ordinance direct the city clerk to call a special election for the purpose of submitting such question to the electors of such city and school district.

(3) Such election shall be noticed and conducted and canvassed in accordance with the provisions of section 943, of the statutes. All electors within the territory constituting such school district, qualified to vote at any election pertaining to school district matters shall be entitled to vote.

(4) If any of said school districts shall be beyond the limits of such city, the city clerk shall immediately upon the passage of the resolution or ordinance by the city council ordering such election, transmit a copy thereof to the clerk of the town or towns of which such territory is constituted. The clerk or clerks of said towns shall thereupon cause a notice of such election to be given and such election to be held and canvassed as provided in section 943.

(5) If a majority of the ballots cast in such school district shall be in favor of the establishment, taking over, conducting or maintenance of such trade school, then such board shall proceed as heretofore provided to establish, take over, conduct and maintain such trade school. But if a majority shall vote against such proposition to establish, take over, conduct and maintain a trade school, the board shall take no further steps towards such end.

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(6) If no petition to submit such proposition to establish, take over or maintain a trade school to the vote of the electors shall be filed with the city clerk within thirty days after the first publication of the notice of the determination of the school board to take such action, then such school board may proceed as hereinbefore provided without submitting such proposition to the electors of the district. [*Stats. 1915 s. 926—30; 1917 c. 578 s. 3*]

VOCATIONAL EDUCATION.

41.13 State board; organization and functions. (1) There is hereby created a "State Board of Vocational Education." The board shall consist of nine appointive members to be appointed by the governor, three of whom shall be employers of labor, three of whom shall be skilled employes other than those who have employing or discharging power, and three of whom shall be practical farmers. The state superintendent of education and a member of the industrial commission to be selected by the commission shall be ex officio members of this board. A majority of said board shall constitute a quorum.

(2) In the first appointments the governor shall designate three members to serve for two years, three members to serve for four years, and three members to serve for six years, from the first day of July of the year in which the appointments are made. Each such group of three members shall consist of one employer, one employe, and one farmer. All appointments thereafter shall be for six years except appointments to fill vacancies.

(3) Said board: (a) Shall have control over all state aid given to vocational schools; (b) shall meet quarterly and at such other times as may be found necessary; (c) shall elect its own officers; (d) shall report biennially; (e) may employ a director of vocational education and assistants for the development and supervision of the work of vocational education, and all accounts for such salaries shall be certified by the secretary of said board to the secretary of state; (f) shall inaugurate and determine the organization, plans, scope and development of vocational education in the state.

(4) The provisions of the act of congress, approved February 23, 1917 (Public No. 347, 64th Congress), entitled "An act to provide for the promotion of vocational education; to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," are hereby accepted. The state board of vocational education is designated as the board for the state of Wisconsin to co-operate with the federal board of vocational education in the execution of the provisions of the United States act and is hereby empowered with full authority so to co-operate. The state treasurer is hereby designated custodian of all funds allotted to this state from the appropriations made by said act, and he shall receive and provide for the proper custody and disbursement of the same in accordance with said act. [*Stats. 1915 s. 553p—1; 1917 c. 494; 1917 c. 578 s. 3; 1917 c. 671 s. 38; 1917 c. 677 s. 23, 24, 25; 1919 c. 362 s. 32*]

41.14 Assistants and employes. (1) Schools created under sections 41.13 to 41.21 shall be known as vocational schools. The law relating to agricultural schools and the Platteville mining trade school shall remain unaffected by said sections.

(2) All positions except that of director of vocational education shall be filled by civil service examination. [*Stats. 1915 s. 553p—2; 1917 c. 494; 1917 c. 578 s. 3*]

41.15 Local boards; organization; powers; duties. (1) In every town or village or city of over five thousand inhabitants there shall be, and in towns, cities and villages of less than five thousand inhabitants there may be a local board of industrial education, whose duty it shall be to establish, foster and maintain vocational schools for instruction in trades and industries, commerce and household arts in part-time-day, all-day and evening classes and such other branches as are enumerated in section 41.17. Said board may take over and maintain in the manner provided in sections 41.13 to 41.21 any existing schools of similar nature.

(2) Such board shall consist of the city superintendent of schools ex officio or the principal of the high school ex officio, if there be no city superintendent, or the president or chairman of the local board charged with the supervision of the schools in case there be neither of the above-mentioned officers, and four other members, two employers and two representative employes, who have no employing or discharging power, and who are not foremen or superintendents, who shall serve without pay and who shall be appointed by the local board charged with the supervision of the schools or if there be more than one local board, by such boards jointly. If there be more than one city superintendent, principal of the high school, or president or chairman of the local board, the ex officio member shall be selected by the appointing board or boards the selection being made in the above-mentioned order.

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(3) The term of the appointive members of the local boards of industrial education shall be two years from the first of January of the year in which they are appointed; provided, however, that in the first appointment two members shall be appointed who are to serve for only one year from the first of January of the year in which they are appointed. All subsequent appointments shall be for two years.

(4) The local board of industrial education shall elect its officers from its membership, a chairman and a secretary. The local boards of industrial education, with the co-operation of the state board of vocational education, shall have general supervision of the instruction in the local schools created under sections 41.13 to 41.21.

(5) No state aid shall be granted to schools created under sections 41.13 to 41.21 without the approval of the local board of industrial education. No money appropriated by the city, town or village for these schools shall be spent without the approval of the local board of industrial education.

(6) The teachers in the schools created under sections 41.13 to 41.21 shall be employed and their qualifications determined by the local board of industrial education, subject to the approval of the state board of vocational education; and, subject to such approval, the said local board may employ such other technical advisors and experts or highly trained, experienced and skilled individuals as may be necessary for the proper execution of the duties devolving upon it by law and fix their compensation. For office work in connection with the administration of the schools under its control the said local board, whenever it deems advisable, may employ and fix the compensation of any students of any school under its supervision for such length of time as it may deem for the best interest of such students and of any such school.

(7) This board shall have power to purchase all machinery, tools and supplies, and purchase or lease suitable grounds or buildings for the use of the schools under its supervision; to rent to others any portion of such buildings and grounds not presently needed for school purposes; and to erect, improve or enlarge buildings for the use of said schools. Existing school buildings and equipment shall be used as far as practicable. All conveyances, leases and contracts shall be in the name of the city, and all property, real or personal, acquired by said city for the use of said schools under the supervision of the board of industrial education shall belong to the city.

(8) The board is empowered to make contracts with the extension division of the University of Wisconsin to give instruction in such branches as the department may offer, when in the judgment of the local board such instruction can be secured to better advantage than by local provision.

(9) Whenever twenty-five persons qualified to attend a vocational school file a petition therefor with the local board of industrial education the board shall establish such school or schools or provide other facilities as authorized in sections 41.13 to 41.21.

(10) (a) Said local board of industrial education shall have exclusive charge and control over the schools established by it and over all property, real and personal, acquired by the city for the use of the schools under the supervision of said board, except as otherwise provided by the statutes governing said schools. Said board may sue in the name of such city, and may carry out and enforce all powers granted by law to said board and may defend all suits brought against said city in all matters relating to said board.

(b) All work done or supplies or material purchased in carrying out the purposes of the statutes relating to the board of industrial education when involving the expenditure of five hundred dollars, or more, shall be by contract awarded to the lowest competent and reliable bidder, in accordance with the laws of this state and ordinances then applicable to any city having a board of industrial education having reference to the letting of public work by and through the board or commissioner of public works, or other officer or officers, or department of such city, except that said board of industrial education shall discharge the duties imposed by such laws upon the board or commissioner of public works, or other officer or officers, or department of such city; but said board of industrial education shall have power to purchase without public advertisement or first receiving competitive bids, or the intervention of a formal contract, any patented article, appliance, apparatus, material or process, or any article, appliance, apparatus, material or process made or manufactured by one party only.

(c) Whenever any bidder for any work to be let by the board of industrial education shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work for which he bids, the said board may accept the bid of the person who, in its judgment, is the lowest competent and reliable bidder for said work, stating its reasons therefor, or relet the same anew. The board of industrial education may permit a sum of money or a certified check payable to the order of the board to be filed with any bid or proposal in such an amount as in the judgment of the said board will save the

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city from any loss if the bidder shall fail to execute a contract pursuant to law, in case his bid is accepted and the contract awarded to him.

(d) Every contract made by the board of industrial education shall contain an agreement on the part of the contractor and his sureties that in case such contractor shall fail to fully and completely perform his contract within the time therein limited for the performance thereof, such contractor shall pay to the city as liquidated damages for such default, a certain fixed sum to be named in the contract, which shall be such a sum as in the judgment of said board will save the city from any loss on account of such default and insure the prompt completion of the contract, or in lieu of such an agreement contain an agreement on the part of the contractor and his sureties that in case such contractor shall fail to fully and completely perform his part of the contract within the time therein limited for the performance thereof, such contractor shall pay to the city as liquidated damages for such default a definite sum, to be named in the contract, for each day's delay in completing said contract after the time therein limited for its completion, which daily sum shall be such an amount as in the judgment of said board will save the city from loss in case of such default and insure the prompt completion of the contract.

(e) Every contract shall also be executed by at least two sufficient sureties, or a surety company, to be approved by the board of industrial education, who shall guarantee the full performance of the contract by the contractor to the satisfaction of the said board, according to the plans and specifications of the said board, and be liable for such performance of the contract, as sureties, in an amount equal to the said board's estimate of the aggregate cost of the work.

(f) When a contractor shall proceed properly and with due diligence to perform and complete a contract, the said board may, in its discretion, from time to time as the work progresses, grant to said contractor an estimate of the amount already earned for the work done, withholding in all cases fifteen per cent of said estimate when said estimate is less than one hundred thousand dollars, and ten per cent of said estimate when said estimate is one hundred thousand dollars or over, which shall entitle the contractor to receive said estimate less the amount withheld.

(g) Said board shall be empowered, if it see fit, to insert in the specifications of any such work reasonable and lawful conditions as to hours of labor, wages, and the residence and character of workmen to be employed by the contractor, and especially so far as may be practicable in the judgment of said board, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of the state of Wisconsin; and provided, however, also that said board may do any part or parts of any such work under such conditions in every respect as it may prescribe by day labor.

(h) Any and all bids or parts of bids for any such work or supplies or materials may be rejected by said board. The said board shall have the power to demand of such bidders and contractors that all contracts shall be let subject to the provisions of chapter 110*a* of the statutes, to the end that said board and such city may be held harmless.

(11) The local board of industrial education, wherever practicable, may assist in the formation of advisory committees in every occupation in the locality. Each committee shall consist of equal numbers of employers and employes in the occupation, and may be called upon by the local board, by the directors and by the teachers for advice and assistance in the selection, purchase and installation of equipment, in the preparing of lessons, in developing methods of instruction, in the development of vocational guidance, in following up young persons after they leave school, and for such other purposes as may be found desirable. [*Stats. 1915 s. 553p—3; 1917 c. 578 s. 3; 1917 c. 675; 1917 c. 677 s. 27-30; 1919 c. 362 s. 37; 1921 c. 377; 1921 c. 442 s. 17*]

41.16 Estimated expense for maintenance; mill tax. (1) The local board of industrial education of every city, village or town shall report to the common council, or in case of cities having commission form of government to the commission, or to the village or town clerk at or before the first day of September in each year, the amount of money required for the next fiscal year for the support of all the schools established or to be established under sections 41.13 to 41.21 in said city, village or town, and for the purchase of necessary additions to school sites, building operations, fixtures and supplies.

(2) There shall be levied and collected in every city, village or town, subject to taxation under sections 41.13 to 41.21 a tax upon all taxable property in said city, village or town, at the same time and in the same manner as other taxes are levied and collected by law, which together with the other funds provided by law and placed at the disposal of said city, village or town for the same purpose, shall be equal to the amount of money so required by said local board of industrial education for the purposes of said sections.

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(3) The rate of tax levied for the purposes of sections 41.13 to 41.21, inclusive, in any town, village or city shall not in any one year exceed one and one-half mills for the maintenance of all schools created under said sections. Whenever the local board of industrial education in any city of the first class shall deem it necessary to erect new buildings, or to make additions to old buildings, or to purchase sites for such schools or additions to old sites, and a natatorium or natatoria in connection therewith, whenever directed by a resolution of the common council to erect a natatorium or natatoria as a part of such building or buildings, said board may, by a majority vote of the members thereof, send a communication to the common council of such city, stating the amount of funds needed for any of said purposes, or any two or more of said purposes combined, requesting said common council to issue vocational school bonds for any of said purposes, or any two or more of said purposes combined, and thereafter said common council may, in its discretion, cause said vocational school bonds to be issued for any of said purposes or any two or more of said purposes combined, in the same manner as other bonds are issued in such city. Whenever said bonds are issued for any two of said purposes combined, the local board of industrial education may apply the proceeds of the same to any of the purposes for which said bonds were issued in any proportion it deems necessary; provided, that whenever a natatorium or natatoria shall be erected in connection therewith as herein provided, the maintenance cost of such natatorium or natatoria shall be paid by the local board of industrial education and the city in such proportions as shall be agreed upon by the common council and the local board of industrial education, or if they cannot agree then each shall pay fifty per cent thereof. The comptroller of such city shall annually set aside, out of any taxes collected in such city for an industrial education fund, a sufficient sum to pay the principal and interest which may become due on any of said bonds in the year for which such taxes are collected; provided, that if the local board of industrial education shall refuse or neglect to report according to law a sufficient amount of money required by it for the next fiscal year to pay the principal and interest on said bonds each year, the common council of such city shall levy a sufficient tax for such purpose. It shall not be necessary for such city to comply with the provisions of chapter 65 of the statutes in making the first two of such bond issues, but all subsequent bond issues shall be subject to the provisions of said sections of the statutes.

(4) The said taxes for the purpose named in this section shall be in addition to all other special and general taxes levied for town, village or city purposes and shall be for the use and support of schools established under sections 41.13 to 41.21.

(5) The treasurer of the town, village or city shall keep such money separate from all other money, to be used exclusively for the purpose of vocational education as provided in sections 41.13 to 41.21. All moneys appropriated and expended under said sections shall be expended by the local board of industrial education and shall be paid by the town, village or city treasurer on orders issued by said board and signed by its president and secretary.

(6) All moneys received by said board shall be paid to the town, village or city treasurer for the fund of the local board of industrial education. [*Stats. 1915 s. 553p—4; 1917 c. 436, 494; 1917 c. 578 s. 3; 1917 c. 677 s. 31; 1919 c. 191 s. 1, 2; Spl. S. 1920 c. 22; 1921 c. 576 s. 8*]

41.17 Qualifications of teachers and courses of study. (1) The qualifications of teachers and the courses of study in these schools shall be approved by the state board of vocational education, and shall include English, citizenship, physical education, sanitation and hygiene and the use of safety devices, and such other branches as the state board of vocational education shall approve.

(2) The local board of industrial education may allow pupils attending any school established under sections 41.13 to 41.21, who have had courses equivalent to any of those offered, to substitute other work therefor. [*Stats. 1915 s. 553p—5; 1917 c. 494; 1917 c. 578 s. 3; 1917 c. 677 s. 32*]

41.18 Requirements for admission of pupils. The schools established under sections 41.13 to 41.21, shall be open to all residents of the cities, towns and villages in which such schools are located, of fourteen years of age or over who are not by law required to attend other schools, and to all persons over fourteen years of age employed in said cities, towns or villages but who are residents of other municipalities maintaining vocational schools; provided that no such person who is a resident of any municipality maintaining vocational schools, shall be received in or admitted to classes in any such school in any other municipality, except upon persentation to the authorities of such school of the written approval of the local board of industrial education having charge of such school in the municipality wherein such person resides. Any city, town or village maintaining vocational schools as provided in sections 41.13 to 41.21, that shall, as herein provided, admit

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to the privileges of such schools persons employed in such municipalities, but who are residents of other municipalities maintaining vocational schools, is empowered to collect tuition for the schooling of such nonresident persons, from the municipality in which the parents or guardians of such persons reside, in the same manner and at the same rate of tuition as is provided for the collection of tuition for nonresident pupils in section 41.19. Any person over the age of fourteen who shall reside in any town, village or city not having a vocational school as provided in said sections, and who is otherwise qualified to pursue the course of study may with the approval of the local board of industrial education in any town, village or city having a school established under said sections, be allowed to attend any school under their supervision. Such persons shall be subject to the same rules and regulations as pupils of the school who are residents of the town, village or city in which the school is located. [*Stats. 1915 s. 553p—7; 1917 c. 578 s. 3; 1917 c. 677 s. 33*]

41.19 Nonresident tuition fees. The local board of industrial education is authorized to charge tuition fee for nonresident pupils not to exceed fifty cents per week. On or before the first day of July in each year the secretary of the local board of industrial education shall send a sworn statement to the clerk of the city, village or town from which any such person or persons may have been admitted. This statement shall set forth the residence, name, age and date of entrance to such school, and the number of weeks' attendance during the preceding year of each such person at the school. It shall show the amount of tuition which the town, city or village is entitled to receive on account of each and all such pupils' attendance. This statement shall be filed as a claim against the town, village or city where such pupil resides and allowed as other claims are allowed. [*Stats. 1915 s. 553p—8; 1917 c. 578 s. 3; 1919 c. 679 s. 33*]

41.20 Charges for material consumed. Students attending any school under sections 41.13 to 41.21 may be required to pay for all material consumed by them in their work in such school at cost prices or in lieu thereof the school board may establish a fixed sum to be paid by each student in each course, which sum shall be sufficient to cover, as nearly as may be, the cost of the material to be consumed in such course; any manufactured articles made in such school and that may accumulate shall be disposed of at their market value at the discretion of the school board, and the proceeds shall be paid to the local treasurer for the fund of the local board of industrial education. [*Stats. 1915 s. 553p—9; 1917 c. 578 s. 3*]

41.21 Trade schools not affected. Nothing in sections 41.13 to 41.21, inclusive, shall be construed to interfere in any manner with trade schools established by any city or school district under sections 41.04 to 41.12, inclusive, unless the school board of any such city or school district shall adopt the provisions of sections 41.13 to 41.21, inclusive, and shall proceed pursuant thereto. [*Stats. 1915 s. 553p—15; 1917 c. 578 s. 3; 1919 c. 679 s. 34*]

41.215 Rehabilitation law. (1) The legislature of the state of Wisconsin hereby assents to and accepts the provisions and benefits of the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920. The state board of vocational education shall co-operate with the federal board for vocational education to carry out the purposes of such act. The state treasurer is designated and appointed custodian of all moneys received by the state from appropriations made by the congress of the United States under the authority of such act, and is authorized to receive and provide for the proper custody of same and to make disbursements therefrom upon the order of the state board of vocational education.

(2) This act may be cited as the "Rehabilitation Law."

(3) As used in this section the terms:

(a) "Physically handicapped person" means any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for remunerative occupation, and who may reasonably be expected to be fit to engage in a remunerative occupation after completing a vocational rehabilitation course.

(b) "Rehabilitation" means the rendering of a physically handicapped person fit to engage in a remunerative occupation.

(c) "Board" means the state board of vocational education.

(d) "Federal act" means the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920.

(4) The provisions of this section shall not apply to any person who, in the judgment of the board, may not be susceptible of rehabilitation.

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(5) Any physically handicapped person who has been domiciled within the state for one year or more, or who resides in the state and shall so reside at the time of becoming physically handicapped, may apply to the board for advice and assistance relative to his rehabilitation.

(6) The board shall:

(a) Provide that all persons reporting or making application to it as physically handicapped shall be promptly visited by its agent or representative with a view of determining whether or not vocational rehabilitation is feasible; acquaint all such persons for whom vocational rehabilitation is feasible with the rehabilitation facilities afforded by the state and counsel them regarding the selection of a suitable vocation; register all such persons electing to take advantage of the benefits of rehabilitation offered and prescribe and provide such training as may be necessary to insure their vocational rehabilitation; maintain a record of all such persons, together with the measures taken for their rehabilitation; utilize in the rehabilitation of such persons such existing educational facilities of the state as may be advisable and practicable including public and private educational institutions, public and private establishments, plants or factories and the services of persons specially qualified for the instructing of physically handicapped persons.

(b) Promote and aid in the establishment of schools and classes for the rehabilitation of physically handicapped persons; supervise the training of such persons and confer with their relatives and other persons interested concerning any matter affecting their vocational rehabilitation.

(c) Aid physically handicapped persons in securing such employment as will facilitate their training or will be suitable to their condition and provide for the placement in suitable gainful occupation of persons completing courses of training provided by the board, including supervision for a reasonable time after placement.

(d) Utilize the facilities of such agencies, both public and private, as may be practicable in securing employment for such persons and all public agencies are authorized and directed to co-operate with the board for the purposes stated.

(e) Procure and furnish at cost to physically handicapped persons artificial limbs and other orthopedic and prosthetic appliances, to be paid for in instalments, when such appliances cannot be otherwise provided. The proceeds of the sale thereof shall be paid to the state treasurer and shall be held by him in a special fund for the purpose of this paragraph. Payments from this fund shall be made at the direction of the board.

(f) Arrange for the physical examination of any person applying for or reported as needing rehabilitation, except persons reported by the industrial commission; and arrange for such therapeutic treatment as may be necessary for rehabilitation of any physically handicapped person who registered with the board, except persons who are entitled to such treatment under the workmen's compensation law.

(g) Co-operate with any department in the state government or with any county or other municipal authority within the state, or with any private agency, in carrying out the provisions of this section.

(h) Make such rules and regulations as may be necessary to carry out the provisions of this section.

(i) Report to the governor and to the federal board for vocational education annually on or before September first for the year ending the preceding June thirtieth.

(7) The board may also provide maintenance cost during actual training for physically handicapped persons registered for rehabilitation, except persons entitled to maintenance under the workmen's compensation law; but when the payment of maintenance cost is authorized by the board, it shall not exceed twenty dollars per week, and the period during which it is paid shall not exceed twenty weeks, unless an extension of time is granted by unanimous vote of the board.

(8) The industrial commission shall communicate to the board all reports made to the said commission of cases of injury to employes which in the opinion of the commission may render the person injured physically handicapped; and shall co-operate with the board in carrying out the provisions of this section.

(9) The state board of health shall:

(a) Co-operate with the board in arranging with all public and private hospitals, clinics and dispensaries, and with practicing physicians, to send to the board prompt and complete reports of any persons under treatment in such hospitals, clinics or dispensaries, or by such physicians, for any injury or disease that may render them phyically handicapped.

(b) Arrange with health officers to send to the board prompt and complete reports of any persons who in the course of their official duties they find to be suffering from any injury or disease that may render them physically handicapped, if such persons have not already been reported.

(c) Co-operate generally with the board in carrying out the provisions of this section.

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(10) The board and the industrial commission shall co-operate in carrying out the provisions of this section according to a plan which shall be formulated by them and which shall be effective when approved by the governor.

(11) The board may receive and accept gifts and donations, which may be offered unconditionally, for the purposes of this section. All money received as gifts or donations shall be paid to the state treasurer and shall constitute a special fund to be used under the direction of the board. A full report of all such gifts and donations, together with the names of the donors, the amounts contributed by each and all disbursements therefrom shall be included in the annual report of the board. [*1921 c. 534*]

STOUT INSTITUTE.

41.22 Board of trustees of the Stout institute; general powers and duties. The state board of vocational education shall also constitute a body corporate under the name of the "Board of Trustees of the Stout Institute," and shall possess all powers necessary or convenient to accomplish the objects and perform the duties prescribed by law. In such capacity, such board shall also employ such clerks and assistants as may be necessary to properly conduct its affairs. The state treasurer shall be ex officio treasurer of the board, but the board shall appoint a suitable person to receive fees or other moneys that may be due such board, to account therefor, and to pay such moneys, within one week of their receipt, to the state treasurer. Such payments shall be credited to Stout institute. [*Stats. 1915 s. 553p—10; 1917 c. 578 s. 3; 1917 c. 678 s. 12*]

41.23 Board may accept the Stout institute and other donations, and hold same in trust. Such board is authorized to accept free of cost to the state and to hold as a trustee for the state, the property of the Stout institute located at Menominee, Wisconsin, and to maintain such institute under the name of "The Stout Institute." Provided, that the trustees of said Stout institute turn over to the state, within two months after the passage and publication of this act, said property free and clear of all incumbrances and debt, released from all claims or interest which the city of Menominee or the heirs of James H. Stout may have had in said property and having put the buildings in good condition, and having made such repairs as may be necessary before turning over said property. The board is also authorized to accept such other property or moneys as it may deem advisable to be accepted which can profitably be used by it in promoting the interests intrusted to it. Such board may purchase, have, hold, control, possess and enjoy, in trust, for the state, for educational purposes, any lands, tenements, hereditaments, goods and chattels, of any nature, which may be necessary and required to accomplish the purposes and objects of the board, and may sell or dispose of any personal property when in its judgment it shall be for the interests of the state. [*Stats. 1915 s. 553p—11; 1917 c. 578 s. 3*]

41.24 Purposes and objects of institute. The purposes and objects of the institute shall be to instruct young persons in industrial arts and occupations and the theory and art of teaching such, and to give such instruction as will lead to a fair knowledge of the liberal arts, a just and seemly appreciation of the nobility and dignity of labor, and in general to promote diligence, economy, efficiency, honor and good citizenship. [*Stats. 1915 s. 553p—12; 1917 c. 578 s. 3*]

41.25 Powers of trustees to control and regulate institute. The said board shall have power:

(1) To make rules, regulations and by-laws for the government and management of the institute and the students therein, including the power to suspend or expel students for misconduct or other cause.

(2) To appoint a president of the institute and other officers, teachers and assistants, and to employ such other persons as may be required; to fix the salary of each person so appointed or employed and to prescribe their several duties; to remove at pleasure any president, other officer, teacher, assistant or person from any office or employment in connection with the institute.

(3) To purchase such supplies as may be necessary in the conduct of the institute and its various departments.

(4) To prescribe rules, regulations and terms for the admission and control of the students, to prescribe courses of study and methods and means of instruction, and to issue certificates or diplomas.

(5) To co-operate with other educational institutions and agencies in instruction and training, leading to efficiency in industrial arts and occupations.

(6) (a) The said board shall establish and maintain the necessary courses for the thorough instruction and training of teachers in the principles and practice of the indus-

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trial arts and of home economics and household arts. Such courses shall include such instruction in the comprehension and use of the English language, in mathematics, science, history, literature, economics, and sociology, with special reference to the bearing of such instruction upon the teaching of the industrial arts and of home economics and household arts, as shall give not only technical instruction and training for the vocation of teaching but also the instruction needed for good citizenship and for a broad and sympathetic knowledge and appreciation of the reciprocal rights, duties, and relations of the individual, the state, and society and of the conditions for results in production and in the distribution of the products of industry which are essential to give the greatest efficiency and the largest measure of justice to every individual.

(b) Such courses shall be established as four-year courses, students who shall satisfactorily complete such courses shall receive from the Stout institute, under the seal of the institute, the degree of bachelor of science in industrial arts and in home economics and household arts. [*Stats. 1915 s. 553p—13; 1917 c. 416; Stats. 1917 s. 553p—14; 1917 c. 578 s. 3*]

WISCONSIN MINING SCHOOL.

41.26 Wisconsin mining school. A school shall be established in the city of Platteville, to be called the "Wisconsin Mining School," for the purpose and under the regulations contained in sections 41.27 to 41.35. [*Stats. 1915 s. 392m; 1917 c. 578 s. 3*]

41.27 Mining school board. The said school shall be under the control and management of a board of three members to be known as the "Wisconsin Mining School Board," one of whom shall be the superintendent of public instruction, and two shall reside in the southwestern part of the state in what is known as the lead district, who shall be appointed by the governor of the state, one for a term of two and one for a term of four years, beginning with the first day of July, 1907, and thereafter for terms of four years, who shall serve without compensation. [*Stats. 1915 s. 392n; 1917 c. 578 s. 3; 1919 c. 362 s. 32*]

41.28 Board meetings; quorum; officers; disbursements. The board shall hold its first meeting in the city of Platteville on the fifteenth day of July, 1907. Meetings may be called subsequently by two of said members in such manner as they may direct, and all meetings may be adjourned at the pleasure of the board. A majority of the board shall constitute a quorum for business. The superintendent of public instruction shall be president of such board. At the first meeting of said board or as soon as may be, said board shall appoint some suitable person secretary to hold his office during the pleasure of the board and shall fix times for regular meetings of the board. The state treasurer shall be the treasurer of the board. No money shall be paid out, nor any contract be made, or any act done, involving the payment of money or the disposal of property, except in pursuance of a vote of the board. [*Stats. 1915 s. 392o; 1917 c. 578 s. 3*]

41.29 Buildings, equipment and faculty. As soon as the means in its hands will permit without incurring indebtedness, said board shall proceed to obtain a suitable location, and lease, purchase or erect such buildings, and procure such furniture, apparatus, library and implements as may be necessary for the successful operation of said school, and appoint a principal and such other teachers and assistants as the board may deem expedient, with salaries to be paid from time to time as it may agree and to regulate their duties, but no agreement shall be valid whereby such board shall be prevented from discharging any one in its employ upon two months' previous notice. [*Stats. 1915 s. 392p; 1917 c. 578 s. 3*]

41.30 Study course, dean of engineering to approve; incidental fees and tuition. The course of instruction for students who have enrolled prior to July 1, 1917, shall be two years in length and for students who enroll after July 1, 1917, shall be three years in length and shall embrace geology, mineralogy, chemistry, assaying, mining and mining surveying and such other branches of practical and theoretical knowledge as will, in the opinion of the board, conduce to the end of enabling students of said school to obtain a knowledge of the science, art and practice of mining and the application of machinery thereto. The dean of the college of engineering of the University of Wisconsin shall be consulted concerning the course of study, and the same and all modifications thereof shall be approved by him. No student who shall have been a resident of the state for one year next preceding his admission shall be required to pay fees or other charges for tuition or other purposes in said school, except for the cost price of materials actually consumed by such student in pursuit of any studies. The board may prescribe rates for tuition for any student who shall not have been a resident as aforesaid, which shall not be less than fifty nor more than two hundred dollars per year. [*Stats. 1915 s. 392q; 1917 c. 544; 1917 c. 578 s. 3*]

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41.31 Study course; school government. The course of study, the terms and the hours of instruction shall be regulated by the board, who shall also have power to make all such rules and regulations concerning the admission, control and discipline of students and other matters, as may be deemed necessary for the good government of the institution, and convenience and transaction of its business, and also to grant diplomas upon the completion of the prescribed course. [*Stats. 1915 s. 392r; 1917 c. 578 s. 3*]

41.32 Debt and property transactions. No debt shall be contracted beyond or apart from the actual means at the disposal of the institution. The board may dispose of or lease any property donated to the state for the purposes of said school. The board shall not enter upon the business of mining, or pursue the same, except so far as it may be deemed necessary in the course of instruction, nor shall they purchase any lands beyond what are required for the reasonable accommodation of the school. The board shall not sell, mortgage or otherwise dispose of any real estate purchased by them or donated by the state without the express authority of the legislature. [*Stats. 1915 s. 392s; 1917 c. 578 s. 3*]

41.33 Mineral collection; annual report. It shall be the duty of the board to provide for obtaining a complete collection of the minerals of the lead region of Wisconsin and classifying the same. The board shall on the thirtieth day of June of each even-numbered year make a report of its proceedings to the governor, and shall transmit therewith a general report showing their receipts and expenditures during the period for which the report is made, as well as the general affairs of said school. [*Stats. 1915 s. 392t; 1917 c. 578 s. 3*]

41.34 County aid. The county board of any county is hereby authorized to appropriate money for the equipment and maintenance of the Wisconsin mining school. The county boards of two or more counties may appropriate money for the equipment and maintenance of said school. When two or more counties unite in equipping and maintaining said school, the Wisconsin mining school board shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county as last fixed by the state board of assessment, and shall report to the county clerk of each county the apportionment so made, on or before the first Monday of November in each year. The amount so apportioned to each county shall be levied in the county tax for the ensuing year for the support of such school. [*Stats. 1915 s. 392w; 1917 c. 578 s. 3; 1919 c. 679 s. 35*]

41.35 City aid; reimbursement; limit; certificates; payment. Any city wherein a mining school is located may appropriate annually for equipping and maintaining said school or may appropriate annually for the purpose of reimbursing any county or counties which have appropriated money for the equipment and maintenance of such school a sum not exceeding three thousand dollars in any one year. In case no county board shall appropriate any money as provided in section 41.34, then any city within which is located a mining school may appropriate annually not to exceed three thousand dollars for the equipment and maintenance of said school. [*Stats. 1915 s. 392y; 1917 c. 578 s. 3*]

COUNTY TRAINING SCHOOLS.

41.36 Establishment of county training schools. (1) The county board of any county within which a state normal school is not located, is hereby authorized to appropriate money for the organization, equipment, and maintenance of a county training school for teachers of common schools, and for the erection of suitable school buildings and dormitories, or for purchasing and remodeling suitable buildings for dormitories or school purposes therefor.

(2) In case any county board of supervisors votes to appropriate money and erect a suitable school building or dormitory or purchase and remodel a dormitory or a school building for the use of the county training school for teachers, special state aid, partially to defray the cost of erecting such school building or dormitory or purchasing and remodeling such dormitory or school building, shall be granted to counties maintaining county training schools, as follows:

(a) All plans for the erection of such school buildings or dormitories or remodeling of dormitories or school buildings shall be submitted to the state superintendent for his approval before the construction or remodeling of the building shall be commenced, and no state aid shall be granted unless he has approved the plans thus submitted.

(b) Upon the completion of the erection or remodeling of any such building, the county board of supervisors, through the proper officers, shall notify the state superintendent that the building is completed and shall submit to him a certified statement of the actual cost of the erection or the purchasing and remodeling of the building.

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(c) If he shall be satisfied that the building has been erected or remodeled substantially in accordance with the plans submitted, it shall be his duty to certify to the secretary of state in favor of the county erecting or purchasing and remodeling the building an amount equal to one-fourth the cost but not to exceed six thousand dollars in the case of the erection of a school building or dormitory, nor three thousand dollars in the case of purchasing and remodeling a building for a dormitory, or for school purposes, provided, he shall not certify aid for more than two school buildings and two dormitories in any one school year. In case any county board of supervisors prior to the passage of this act shall have purchased a building for a dormitory in connection with a county training school and remodeled said building in a manner which meets with the approval of the state superintendent he is hereby authorized to certify to the secretary of state in favor of said county an amount equal to the aid provided in this paragraph for counties purchasing and remodeling buildings for dormitories or for school purposes in connection with county training schools.

(d) The secretary of state, on receipt of such certificate, shall draw his warrant on the state treasurer, in favor of the treasurer of the county, which shall be paid by the state treasurer. [*Stats. 1915 s. 411—1; 1917 c. 232; Stats. 1917 s. 411—1a; 1917 c. 578 s. 3; 1919 c. 497; 1921 c. 255*]

41.37 Board for; appointments; bond; organization. A board to be known as the "County Training School Board" is hereby created, who shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district in which the school is located. The other members of the board shall be elected by the county board, for the term of three years from the date of their election. Each person appointed or created a member of the county training school board shall within ten days after the notice of such appointment, take and file the official oath and execute and file an official bond in such sum as may be fixed by the county board. Within fifteen days after the appointment of said board, the members thereof shall meet and organize by electing one of their number as president. The county superintendent of schools shall be ex officio secretary of the said board and, except in case of a joint county training school board, the county treasurer shall be ex officio treasurer of said board but not a member thereof. The said board shall prescribe the duties of the several officers, except as fixed by law. [*Stats. 1915 s. 411—2; 1917 c. 578 s. 3; 1919 c. 93 s. 15; 1919 c. 362 s. 34; 1921 c. 255*]

41.38 Moneys for, how paid. All moneys appropriated and expended under the provisions of sections 41.36 to 41.46, inclusive, shall be expended by the county training school board, and shall be paid by the county treasurer or the treasurer of the joint county training school board on orders issued by said board. [*Stats. 1915 s. 411—3; 1917 c. 578 s. 3; 1919 c. 679 s. 36; 1921 c. 255*]

41.39 Supervision by state superintendent. The state superintendent shall give such information and assistance as may seem necessary in organizing and maintaining such training schools. He shall prescribe the course of study to be pursued; shall have the general supervision of all schools established under this section; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such reports thereon as shall give full information concerning their number, character, and efficiency; provided, that he shall not place upon the said list more than thirty-five schools. [*Stats. 1915 s. 411—4; 1917 c. 405; 1917 c. 578 s. 3*]

41.40 Certificates to graduates; effect of. (1) Any person who shall complete in a satisfactory manner the course of study prescribed for any county training school, and who shall be of good moral character, shall receive a certificate signed by the principal of the school and by the members of the county training school board. Said certificate shall certify that the person named herein has satisfactorily completed the course of study prescribed for the county training school, and is of good moral character; it shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the school. [*Stats. 1915 s. 411—6; 1917 c. 578 s. 3; 1919 c. 601 s. 3*]

41.41 Qualifications of board member and principal. No member of any county training school board shall be employed in the county training school for teachers, either as principal or as assistant teacher during the term for which he was elected or appointed as a member of such county training school board, nor shall any person be employed as a teacher in such school who does not hold some form of a state license or certificate; provided, that the provisions of this section shall not apply to any person now engaged as a teacher in a county training school, nor shall any person be employed as principal of such school who is not legally qualified for the position of principal of a free high school having

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a four years' course of study, nor as an assistant one who does not hold some form of state license or certificate. [*Stats. 1915 s. 411—6a; 1917 c. 578 s. 3*]

41.42 Joint county training schools; establishment; maintenance. (1) The county boards of two or more adjoining counties may unite in establishing and maintaining a training school for teachers for the purposes and on the same general plan as provided for in sections 41.36 to 41.40, and may appropriate money for its maintenance, and whenever two or more counties unite in establishing such a school, the county superintendents of the counties so uniting and two members in addition chosen from each such county, no member of any county board being eligible thereto, shall constitute the joint county training school board. The members of the board chosen by the county boards of supervisors shall choose one of the county superintendents of the counties uniting to maintain the school as secretary of the county training school board.

(2) If, at the time of establishing such school, the counties so uniting shall neglect to procure a site or to erect a school building therefor, such joint county training school board shall have power, subject to the approval of the state superintendent, to procure such site and to erect a suitable school building thereon. The joint county training school board shall have power, subject to the approval of the state superintendent, to borrow money for the purposes of sections 41.36 to 41.46, inclusive, from the trust funds of the state only, payable in not to exceed ten years with the annual interest at the rate of not to exceed three and one-half per centum, but the total amount of such loans shall not at any time exceed twelve thousand dollars. Loans for site and building purposes shall be made payable in equal annual instalments, and provisions for the payment of each such instalment, and accrued interest, shall be made in the tax levy and apportionment mentioned in section 41.43. [*Stats. 1915 s. 411—7; 1917 c. 578 s. 3; 1919 c. 679 s. 36*]

41.43 Maintenance; equipment; apportionment. Whenever two or more counties unite in establishing and maintaining such school, the county school board provided for in such cases shall determine the amount of money necessary for the maintenance and equipment of the school for the next succeeding year, and annually thereafter. They shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of the real and personal property in each county as last fixed by the state board of assessment, and shall report to the county clerk of each county on or before the first Monday of November in each year, the amount of the apportionment so fixed, and such amount shall be levied in the county tax of each county for the ensuing year for the support of the school. Each county treasurer shall, immediately upon the collection thereof, pay over all moneys levied and collected pursuant to the provisions of sections 41.36 to 41.46, inclusive, to the treasurer of the joint county training school board and file the latter's receipt therefor as a voucher. [*Stats. 1915 s. 411—8; 1917 c. 578 s. 3; 1919 c. 679 s. 36*]

41.44 Treasurer; bond; duties. Such joint county training school board shall choose a member of said board as treasurer; provided that the person so chosen shall not be president or secretary of such board. Such treasurer shall execute and file an official bond in the sum of fifteen thousand dollars with three or more sureties approved by said board; or in lieu of such bond may give a surety company's bond approved by said board and the cost thereof may be paid out of the funds of said joint training school, in the discretion of the board. All moneys appropriated to and expended for any such joint county training school shall be expended by the board of such school and shall be paid by the treasurer of said school on orders drawn by the secretary and countersigned by the president. [*Stats. 1915 s. 411—9; 1917 c. 578 s. 3; 1919 c. 93 s. 16*]

41.45 Who may be admitted. The board of any training school for teachers established under this law in a single county, or by two or more adjoining counties, shall admit to said school, whenever the facilities provided will warrant said board in so doing, any person prepared to enter such school, and who may reside in any county but not within the district where any training school has already been established. Persons so admitted shall be entitled to the same privileges and subject to the rules of the board adopted for the government of such school. [*Stats. 1915 s. 411—10; 1917 c. 578 s. 3*]

41.46 Nonresident pupils; tuition; tax. Whenever any person not residing in any training school district shall become a student in any training school, the board of such school is hereby empowered to charge a tuition fee for such person to be fixed by a majority of the members of said board at a regular meeting thereof, provided that such tuition fee shall not exceed seventy-five cents per week for each nonresident pupil.

The county board of supervisors of the county of which such person is a bona fide resident, is hereby authorized to, and shall provide by tax upon the property of the

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county, a sum sufficient to provide for the payment of the tuition on account of the residents of said county, who have attended such teachers' training school, and the amounts so levied shall be collected when and as other taxes are collected, and shall be paid by the county treasurer of said county to the county treasurer of the county in which the training school enrolling such person is situated, and the amount so received by such treasurer shall be placed to the credit of the teachers' training school district. [*Stats. 1915 s. 411—11; 1917 c. 578 s. 3*]

COUNTY SCHOOLS OF AGRICULTURE.

41.47 Establishment of county schools of agriculture. (1) The county board of any county is hereby authorized to appropriate money for the organization, equipment, and maintenance of a county school of agriculture and domestic economy. The county boards of two or more counties may unite in establishing such a school and may appropriate money for its organization, equipment, and maintenance.

(2) Immediately after the county board or county boards shall vote to establish a county school of agriculture and domestic economy, the county clerk or clerks of such county or counties, shall notify the dean of the college of agriculture of such vote for the establishment of such school.

(3) The dean of the college of agriculture, the state superintendent of public instruction, and the president of the board of agriculture, acting as a committee for such purpose, shall decide upon and notify the county board or boards as to the proper location for such county school of agriculture and domestic economy and the county school of agriculture and domestic economy shall be located at such place as is determined upon by such committee.

(4) The county board or boards of any county or counties so establishing such school is hereby authorized and empowered to borrow money, issue and sell bonds for the purpose of procuring and paying for the necessary grounds and erecting the necessary buildings, and for improving the same from time to time, for such county schools of agriculture and domestic economy. [*Stats. 1915 s. 553c; 1917 c. 578 s. 3*]

41.48 Board for, how appointed; oath of members; organization. In all counties whose population is less than two hundred and fifty thousand, a board to be known as the "County School Board" is hereby created, which shall have charge and control of all matters pertaining to the organization, equipment, and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district, in which the school is located. The other members of the board shall be elected by the county board, for the term of three years from the date of their election, but no member of the county board shall be eligible. Each person appointed or created a member of the county school board, shall within ten days after the notice of such appointment, take and file the official oath and execute and file an official bond in such sum as may be fixed by the county board. Within fifteen days after the appointment of said board, the members thereof shall meet and organize by electing one of their number as president. The county superintendent of schools shall be ex officio secretary of the said board. The said board shall prescribe the duties of the several officers, except as fixed by law. [*Stats. 1915 s. 553d; 1917 c. 578 s. 3; 1919 c. 93 s. 17; 1919 c. 328 s. 33; 1919 c. 362 s. 34*]

41.49 When two or more counties unite. Whenever two or more counties unite in establishing such a school, the provisions of section 41.48 shall apply to the organization of the county school board, and to filling vacancies therein, provided that the county superintendent of the county in which the school is located shall be a member of the board and ex officio its secretary, and two members shall also be elected from each county by the county board thereof. But no member of the county board shall be eligible. [*Stats. 1915 s. 553e; 1917 c. 578 s. 3*]

41.50 Apportionment of amounts for maintenance. Whenever two or more counties unite in establishing and maintaining such school, the county school board provided for in such cases shall determine the amount of money necessary for the equipment and maintenance of the school for the second year, and annually each year thereafter; they shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county, as last fixed by the state board of assessment, and shall report to the county clerk of each county the apportionment so made on or before the first Monday of November in each year. The amount so apportioned to each county shall be levied in the county tax for the ensuing year for the support of the school. [*Stats. 1915 s. 553f; 1917 c. 578 s. 3*]

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41.51 County treasurer ex officio treasurer of board. The county treasurer shall be ex officio treasurer of said board; all moneys appropriated and expended under the provisions of sections 41.47 to 41.55 shall be expended by the county school board, and shall be paid by the county treasurer or treasurers on orders issued by said board, and all moneys received by said board shall be paid to the county treasurer for the fund of the county school board. [*Stats. 1915 s. 553g; 1917 c. 578 s. 3*]

41.52 Courses of study. In all county schools of agriculture and domestic economy organized under the provisions of sections 41.47 to 41.55, instruction shall be given in the elements of agriculture, including instruction concerning the soil, the plant life, and the animal life of the farm; a system of farm accounts shall also be taught; instruction shall also be given in manual training and domestic economy, and such other subjects as may be prescribed. [*Stats. 1915 s. 553h; 1917 c. 578 s. 3*]

41.53 Land to be had in connection. Each such school shall have connected with it a tract of land suitable for purposes of experiment and demonstration, and not less than three acres in area. [*Stats. 1915 s. 553i; 1917 c. 578 s. 3*]

41.54 Schools to be free; special instruction. (1) The schools organized under the provisions of sections 41.47 to 41.55 shall be free to inhabitants of the county or counties contributing to their support, who shall be qualified to pursue the course of study; provided, they shall have at least the qualifications required for completion of the course of study for common schools. Whenever students of advanced age desire admission to the school during the winter months in sufficient number to warrant the organization of special classes for their instruction, such classes shall be organized and continued for such time as their attendance may make necessary.

(2) Whenever any person not residing in a county maintaining a county school of agriculture as provided in sections 41.47 to 41.55 shall become a student in any such school, the board thereof is hereby empowered to charge a tuition fee for such person to be fixed by a majority of the members of said board at a regular meeting thereof, provided that such tuition fee shall not exceed one dollar per week for each nonresident pupil.

(3) The county board of the county of which such person is a bona fide resident, is hereby authorized to, and shall provide, by tax upon the property of the county, a sum sufficient to provide for the payment of the tuition on account of the residents of said county who have attended such county school of agriculture and domestic economy, and the amounts so levied shall be collected when and as other taxes are collected, and shall be paid by the county treasurer of said county to the county treasurer of the county in which the county school of agriculture and domestic economy enrolling such person is situated; and the amount so received by such treasurer shall be placed to the credit of the county school of agriculture. [*Stats. 1915 s. 553j; 1917 c. 578 s. 3*]

41.55 Duty of state superintendent. The state superintendent shall give such information and assistance and establish such requirements as may seem necessary for the proper organization and maintenance of such schools. With the advice of the dean of the college of agriculture of the state university, he shall prescribe the courses of study to be pursued, and determine the qualifications required of teachers employed in such schools. He shall have the general supervision of all schools established under sections 41.47 to 41.55; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency. [*Stats. 1915 s. 553k; 1917 c. 578 s. 3*]

41.56 Villages empowered to contribute. Any village in which or adjacent to which a county school of agriculture and domestic economy has been located under the provisions of sections 41.47 to 41.55 may contribute for the organization, erection, construction and equipment of such school not to exceed one-fifth of the entire cost thereof. [*Stats. 1915 s. 553n; 1917 c. 578 s. 3*]

41.57 [*Repealed by 1921 c. 576 s. 5*]

41.58 Dissolution. The county board may discontinue any county school of agriculture and domestic science, and the maintenance thereof, created and maintained by such county under sections 41.47 to 41.55, inclusive; and to devote, use or permit to be used, any lands, buildings, equipment and property that may have been purchased or used by such county school of agriculture and domestic science, for any other institution maintained by the county, or use the same for such other public purpose permitted by law to counties as, in its discretion shall be for the best interests of the public. [*Stats. 1917 s. 670 sub. (20); 1919 c. 695 s. 38*]

41.60 Part time instruction in agriculture. (1) The state board of vocational education may establish in any county of the state part time instruction in agriculture for persons over fourteen years of age. The said board shall make provision for the local

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administration of such part time instruction through authorities created or designated in accordance with the federal law granting aid for agricultural education.

(2) The county board of any county is hereby authorized to appropriate money to carry out the provisions of this section.

(3) The authorities designated by the state board of vocational education as the proper authorities to administer the provisions of this section, are hereby authorized to receive and to use money appropriated by the county and the state and such federal funds as may be apportioned by the state board of vocational education for the purpose of this section; and also to accept and to use all sums raised voluntarily by the community, on the same conditions as if they had been raised by appropriation made pursuant to law. [*1919 c. 364*]

CHAPTER 42.

TEACHERS' RETIREMENT ACT.

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42.20 Definitions. In sections 42.20 to 42.54, inclusive, unless the context otherwise requires:

"Employer" means this state or any subdivision thereof authorized by law to employ teachers or to pay their salaries.

"Fiscal year" is the year beginning July first and ending June thirtieth.

"Interest" means the actual rate earned by deposits, as certified by the annuity board.

"Junior teacher" designates a teacher who shall not have arrived at the twenty-fifth birthday anniversary on the first day of July preceding.

"Member's deposit" means any deposit made in the retirement deposit fund by or on behalf of a member, excluding the state deposit.

"Net interest" means the gross interest earned by deposits less expense of investment and depreciation of principal.

"Normal school" means any school under the control and management of the board of regents of normal schools.

"Prior service" means service rendered as a teacher in the public schools, the normal schools or the university, prior to the taking effect of this act.

"Public schools" means all schools supported wholly or in part by public funds, and under the control and management of this state, or any subdivision thereof, empowered by law to employ teachers, except schools under the control and management of the board of regents of normal schools or the regents of the University of Wisconsin and except schools in cities of the first class included under section 42.55.

"Required deposit" means the deduction of five per cent of the compensation received by a senior teacher deposited in the retirement deposit fund.

"School year" means one hundred twenty teaching days, or in case of service in this state prior to the taking effect of this act, not less than seventy-five per cent of the then legal school year.

"Senior teacher" designates a teacher who shall have arrived at the twenty-fifth birthday anniversary on the first day of July preceding.

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"State deposit" means the deposit made by the state in the retirement deposit fund on behalf of any member.

"Teacher" means any person legally or officially employed or engaged in teaching as a principal occupation.

"Teaching" includes the exercise of any educational function for compensation, in any of the public schools, the normal schools, or the university, or in any school, college, department or institution, within or without this state, in instructing or controlling pupils or students, or in administering, directing, organizing or supervising any educational activity.

"University" means any college, school or department under the control and management of the regents of the University of Wisconsin.

"Year of teaching experience" means a fiscal year during which the teacher was employed as a teacher not less than a full school year. [*1921 c. 459 s. 3; 1921 c. 590 s. 111*]

42.21 Title of act; administration of. This act, consisting of sections 42.20 to 42.54, inclusive, of the statutes and all amendments thereto, shall be known as the "State Retirement Law." The "State Retirement System" hereby established shall be administered by and under the "Annuity Board" through the "Public School Retirement Board," representing the "Public School Retirement Association," the "Normal School Retirement Board," representing the "Normal School Retirement Association," and the "University Retirement Board," representing the "University Retirement Association." A report for each fiscal year shall annually be made to the governor by the "Annuity Board" which report shall include the reports of the several retirement boards. The commissioner of banking shall examine the state retirement system and perform the same duties and have the same powers with respect thereto as is provided by section 2018 in the case of a bank. [*1921 c. 459 s. 3*]

42.22 Ex-officio members of board. The ex-officio members of said board shall serve without addition to the compensation received in their respective offices and the other members shall serve without compensation, but members of said boards shall be reimbursed for actual necessary expenses in the performance of their duties. Suitable offices, furniture and equipment shall be furnished to the several boards. [*1921 c. 459 s. 3*]

42.23 Annuity board; appointment, terms, vacancies. The annuity board shall consist of the superintendent of public instruction and the commissioner of insurance, acting ex officio, and five members appointed by the governor for terms ending respectively one each on October thirty-first in the years 1922, 1923, 1924, 1925 and 1926. Upon the expiration of their respective terms, their successors shall be appointed by the governor to serve for terms of five years. Unexcused absence of any appointed member of the annuity board from three consecutive meetings shall terminate his membership. Absence may be excused only by a unanimous vote at the meeting from which such member is absent. [*1921 c. 459 s. 3; 1921 c. 590 s. 112*]

42.24 Treasurer. The state treasurer shall be ex-officio treasurer of the annuity board and of the state retirement system, and shall give an additional bond in such amount and with such corporate sureties as shall be required and approved by the annuity board, the cost of which shall be borne by the state. [*1921 c. 459 s. 3*]

42.25 Public school retirement association. The public school retirement association shall include as members all senior teachers in the public schools and all teachers and former teachers in the public schools who have a credit in the retirement deposit fund or have a reserve in the annuity reserve fund or who shall be entitled to a present or future benefit under the teachers' insurance and retirement law. [*1921 c. 459 s. 3*]

42.26 Public school retirement board. The public school retirement board shall consist of five board members. Upon the taking effect of this act, the three elected members of the board of trustees of the teachers' insurance and retirement fund, with two members to be appointed by the governor, shall become the public school retirement board. The board members appointed by the governor shall serve for terms ending respectively one each on the first day of January in the years 1922 and 1923, and the other board members shall serve until the expiration of the terms for which they were originally elected. The terms of board members shall thereafter be three years. [*1921 c. 459 s. 3*]

42.27 Normal school retirement association. The normal school retirement association shall include as members all senior teachers in the normal schools and all teachers and former teachers in the normal schools who have a credit in the retirement deposit fund or have a reserve in the annuity reserve fund. [*1921 c. 459 s. 3*]

42.28 University retirement association. The university retirement association shall include as members all senior teachers in the university and all teachers and former teachers in the university who have a credit in the retirement deposit fund or have a re-

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serve in the annuity reserve fund, but shall exclude all teachers at the university below the grade of instructor and all teachers who are or may be entitled to any benefit from the Carnegie foundation for the advancement of teaching under any plan in force prior to the seventeenth day of November, 1915. [*1921 c. 459 s. 3*]

42.29 University and normal retirement boards. The normal school retirement board and the university retirement board shall each consist of five board members, to be appointed by the governor. The terms of two members of each board so appointed shall expire in 1922, two in 1923 and one in 1924, and thereafter the terms of board members shall be three years. All terms shall expire on the first day of January. [*1921 c. 459 s. 3*]

42.30 Election of board members by association. The members of each retirement association respectively shall annually elect board members to fill the term beginning the succeeding first day of January. Such election shall be held in such manner and at such time as shall be prescribed in a by-law adopted at the preceding annual election. In the absence of such by-law such election shall be held at such time and in such manner as prescribed in a by-law adopted by the retirement board having jurisdiction, with the approval of the annuity board. Vacancies shall be filled by the remaining board members for the unexpired term. Each retirement board shall annually elect one of their number chairman. Regular meetings shall be held at such times and places as the board may determine and special meetings may be called by the chairman or by any two board members. Three members shall constitute a quorum. Unexcused absence of any board member from three consecutive meetings shall terminate his membership. Absence may be excused only by a unanimous vote at the meeting from which such member is absent. [*1921 c. 459 s. 3*]

42.31 Annuity board; organization. (1) BY-LAWS AND ORGANIZATION. The annuity board from time to time shall adopt such by-laws and make such rules for the transaction of its business and for the control of the several funds hereby created and the payment of the benefits hereby provided as it shall deem necessary and proper and shall perform all duties necessary or convenient for putting into effect and carrying on the state retirement system.

(2) CHAIRMAN, SECRETARY AND EMPLOYES. The annuity board shall elect one of its members to act as chairman, employ a secretary and employ such actuarial, legal, medical or other technical service and such clerical and other service as may be necessary, fix the compensation therefor, and may allow actual and necessary expenses incurred in the performance of duty. [*1921 c. 459 s. 3*]

42.32 Funds, investment. The annuity board shall receive, hold, invest and pay out according to law, all deposits by the members and by the state and all accretions thereto and other moneys belonging to the several funds. The funds shall be invested in securities in which domestic life insurance companies are authorized to invest their assets. In making loans, preference shall be given to applications for small loans on improved farm property, subject to annual reduction of principal through long terms not exceeding fifty years. As of June thirtieth of each year the annuity board shall determine the net rate of interest earned during the fiscal year, and shall apportion the interest accordingly to the several funds. [*1921 c. 459 s. 3*]

42.33 Assets, how maintained. (1) The annuity board shall at all times maintain assets:

(a) In the "Annuity Reserve Fund" at least equal to the net present value of the prospective benefit payments according to the basic assumptions for the rates on which benefits have been granted;

(b) In the "Retirement Deposit Fund" equal to the liabilities for deposits and interest accretions;

(c) In the "Contingent Fund" equal to the excess of income over authorized disbursements.

(2) The annuity board shall establish and maintain such reserve or surplus funds as the interests of the members and the future solvency of the funds may require. The annuity board shall as of June thirtieth of each year make such valuations of the several funds as are necessary for the purposes of the state retirement system. [*1921 c. 459 s. 3*]

42.34 Annuity board to fix annuities. As of July 1, 1921, July 1, 1923, July 1, 1926, and triennially thereafter, the annuity board shall make such investigations of the mortality, disability, service and compensation experience of the several funds as shall be necessary. On the basis of such investigation the annuity board shall determine, adopt and certify the rates at which the annuities and other benefits shall be granted. The rates shall be adequate to provide for all benefits as near as may be at actual cost,

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but shall not be less than the rates based on the minimum standard prescribed by law for granting annuities in this state. No revision of rates shall affect adversely the rights of any beneficiary under an application made prior to such revision. The annuity board shall from time to time order and make such distribution of gains and savings as it may deem equitable. [*1921 c. 459 s. 3*]

42.35 Classification of members. Members of each retirement association are classified as follows:

Class A. All persons who, on the day preceding the taking effect of this act, were members of, or entitled to a benefit from, the teachers' insurance and retirement fund.

Class B. Senior teachers employed in the public schools, the normal schools or the university, after this act takes effect, who prior to the taking effect of this act were teachers in any of said schools but were not members of the teachers' insurance and retirement fund.

Class C. All members not included in Class A or in Class B. [*1921 c. 459 s. 3*]

42.36 Retirement boards to adopt rules, etc. With the approval of the annuity board, each retirement board shall adopt such by-laws and rules as it may find necessary and shall appoint a secretary and such other employes as may be necessary and fix their compensation and may allow actual and necessary expenses incurred in the performance of duty. So far as it may be expedient and economical the annuity board and the retirement boards or any of them may join in appointing a secretary and employes. [*1921 c. 459 s. 3*]

42.37 Retirement boards, duties. Each retirement board shall:

(1) Determine and certify the age, sex, prior service, compensation and teaching experience of members.

(2) Determine and certify to the annuity board the amounts deposited by members, the amounts to be deposited by the state on account of members, and the benefits payable to members.

(3) Maintain individual records and individual accounts for members.

(4) Furnish to any member upon written request not oftener than once in any year a statement of the account of the member.

(5) Perform any duties required of it by the annuity board. [*1921 c. 459 s. 3*]

42.38 Review of acts of retirement boards. All acts of any retirement board shall be subject to review, reversal, modification or approval by the annuity board, on their own motion or on complaint, under such rules as it may prescribe. Any teacher or other person aggrieved by any action of any retirement board may appeal to, and have the same reviewed by, the annuity board under such rules as it shall prescribe. [*1921 c. 459 s. 3*]

42.39 Reports to be furnished boards. Every employer shall furnish to the annuity board and to the retirement boards such reports and such information as any of said boards may require, and the state superintendent of public instruction and the county, district and city superintendents shall give such aid and co-operation in furnishing or obtaining any such reports or information, as may be required by any of said boards. [*1921 c. 459 s. 3*]

42.40 Required deposits. Each senior teacher shall make a "Required Deposit" in the retirement deposit fund equal to five per cent of all compensation of such member for service as a teacher performed after the taking effect of this act. Any member, or any person on behalf of any member, may at any time as he shall elect make additions to any such required deposits. All amounts deposited by or on behalf of any teacher shall be held for the benefit of the individual teacher in the retirement deposit fund for the purpose of providing an annuity or other benefit as provided in this act. [*1921 c. 459 s. 3*]

42.41 Deductions from salaries; pay roll. (1) Every employer shall deduct and withhold from the compensation as a teacher of each senior teacher on each and every pay roll for each and every pay roll period after the taking effect of this act five per cent of the compensation of such senior teacher. Any person or officer whose duty it is to prepare the pay roll for the payment of any of said teachers who receive their salaries from the state treasury shall, on each such pay roll, indicate the entire monthly salary of each teacher, the amount to be paid such teacher, and the amount, if any, to be deducted for the retirement deposit fund, and shall indicate on said pay roll the total of such deductions as the amount to be paid to the retirement deposit fund.

(2) Whenever deductions shall be made from compensation on any pay roll the employer shall immediately send to the retirement board having jurisdiction a copy of such pay roll or statement of changes from the preceding pay roll in such form as approved by such retirement board with a remittance payable to the order of the treasurer of the state of Wisconsin for all deductions from the compensation of teachers on such pay roll.

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Junior teachers for whom no deduction is made may be omitted from such copy of the pay roll. The remittances may be by draft, money order or check or otherwise according to rule adopted by said board.

(3) The retirement board having jurisdiction shall immediately transmit to the state treasurer all payments received and shall audit the pay rolls of all employers and shall determine the amount deductible from the compensation of members on each pay roll and shall certify to the annuity board the amounts so received. [*1921 c. 459 s. 3*]

42.42 Information to retirement board. (1) PRIOR CONTRACTS. Every contract of employment as a teacher made after the taking effect of this act shall specify that it is subject to the provisions of the state retirement law, and give the date of the birth of the teacher, and such other information as the retirement board having jurisdiction may require for the identification of the teacher. In any case when such contract was made before the taking effect of this act no deduction without the consent of the teacher shall be made in excess of the deduction authorized when the contract was made.

(2) EMPLOYER'S STATEMENT TO RETIREMENT BOARD. Within ten days after the employment of a teacher, the employer shall mail to the retirement board having jurisdiction a statement giving as to such teacher, the name, address, date of birth and such other information as the board may require for the identification of such teacher.

(3) INFORMATION TO BE FURNISHED BOARD BY TEACHERS. Upon receiving notice of the employment of a teacher, the retirement board having jurisdiction shall immediately mail to the teacher a request and blank for information showing date of birth, sex, teaching experience and other information necessary for the identification and determination of the rights of the teacher, as prescribed by said board. Every teacher shall promptly reply in writing to requests for information from said board or the annuity board and no state deposit other than for prior service, shall be made on behalf of any teacher for more than sixty days preceding the date such teacher shall have furnished the information herein specified.

(4) CERTIFICATE TO TEACHER BY BOARD. Each retirement board shall issue to every member a certificate of membership, which shall contain such information as, with the information derived from the pay roll, shall be necessary to determine the state deposit on behalf of such member and shall be in such form as the annuity board shall prescribe. [*1921 c. 459 s. 3*]

42.43 Employers' duties as to funds. Every employer shall be responsible for the payment to the retirement board having jurisdiction of the required deposits to be made by every senior teacher in the service of such employer. No employer shall, without the consent of the member, withhold or deduct from any member's compensation on any pay roll any amount in excess of the required deduction for the period covered by such pay roll. [*1921 c. 459 s. 3*]

42.44 Salary less deductions to be complete payment. Notwithstanding any other law, rule or regulation affecting the salary, pay, compensation or tenure of any member, payment of such salary, pay or compensation to such member less the required deductions herein provided shall be a full and complete discharge and acquittance of all claims for service rendered by such member during the period covered by such payment. [*1921 c. 459 s. 3*]

42.45 State deposit; basis. The state deposit on behalf of each teacher shall be an amount equal to the following percentage upon the required deposit made by such teacher during the fiscal year, namely, to fifty per cent of the required deposit add five per cent of the required deposit for each year of teaching experience excluding the year for which deposit is made, and deduct one per cent of the required deposit for each one hundred dollars of compensation received during the fiscal year in excess of one thousand two hundred dollars, provided that the total shall not exceed two hundred per cent of the required deposit; provided, that in computing the state deposit, any amount of required deposit on account of any amount of annual compensation in excess of three thousand dollars shall be disregarded in applying the above percentages. If the teacher received compensation for service as a teacher for not less than a school year during the fiscal year the state deposit shall be increased twenty-five dollars. [*1921 c. 459 s. 3*]

42.46 Required deposits certified and transferred. The several retirement boards shall annually, as soon after June thirtieth as shall be practicable, ascertain the teaching experience of, and the amount of required deposits made during the year by each member and on a basis thereof determine the state deposit to be made by the state in the retirement deposit fund on account of service rendered during the year for each member and shall certify the total amount of such state deposits to the annuity board. The annuity board shall thereupon certify, and on the warrant of the secretary of state the state treasurer shall as of June thirtieth of such year transfer from funds appropriated for the

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purpose, to the retirement deposit fund, the amount of such deposits to be credited to the individual accounts of the members for the purpose of providing an annuity or other benefit as provided in this act. [*1921 c. 459 s. 3*]

42.47 Apportionment of interest. As of June thirtieth of each year the annuity board shall credit the account of each member of the several associations in the retirement deposit fund with interest at the actual rate earned during the preceding year as determined by the annuity board. [*1921 c. 459 s. 3*]

42.48 Application for benefits. A member may apply at any time to the retirement board having jurisdiction, on a form furnished by it, for a benefit. The board shall determine the benefit to be paid to the member, which shall be certified by the annuity board to the secretary of state. The secretary of state shall thereupon issue his warrants upon which the state treasurer shall make payments accordingly. If the benefit applied for is other than a single payment the state treasurer shall transfer the amount of the member's individual accumulation covered by the application as so certified, from the retirement deposit fund to the annuity reserve fund, and the benefit shall thereafter be paid from the annuity reserve fund. The state treasurer shall make payment by check to the order of the member or beneficiary and the personal indorsement of the payee shall be sufficient receipt and shall constitute a statement that the payee is entitled to the payment of such benefit in full compliance with the requirements of the law. [*1921 c. 459 s. 3*]

42.49 Withdrawals; total disability. (1) Upon the expiration of six months after filing application with the retirement board having jurisdiction by a member who has ceased to be employed as a teacher, the accumulation from the member's deposits may be withdrawn:

(a) In a single payment, or

(b) In such instalments as the annuity board shall approve.

(2) When a member has ceased to be employed as a teacher, the accumulation from the member's deposits may be applied by the member as a net single premium at the rate certified by the annuity board, to the purchase of an annuity, the first payment to be made in such month and year as the member shall direct, which annuity may be:

(a) An annuity payable monthly to the member during life;

(b) An annuity payable monthly to the member during life, and in the event of the death of the member before one hundred eighty monthly payments have been made, the monthly payments to be continued to the estate of such member or to such beneficiary as designated by the member until one hundred eighty monthly payments have been made; or

(c) An annuity payable monthly to the member during life, and after death of the member, monthly payments of one-half the monthly amounts paid to the member to be continued to such beneficiary during life as the member shall have designated in the original application for a retirement allowance; or

(d) In such annuity or annuities as the annuity board shall approve.

(3) When a member has ceased to be employed as a teacher, the accumulation from the state deposits may be applied by the member to the purchase of annuity in the same manner as provided in paragraphs (a), (b) or (c) of subsection (2) of this section, except that the first payment cannot be made before the fiftieth birthday anniversary of the member; provided, that the retirement board having jurisdiction, upon application by or on behalf of any member accompanied by satisfactory evidence that such member by reason of a physical or mental disability is incapable of rendering further satisfactory service as a teacher, may authorize such annuity payments to be made prior to the fiftieth birthday anniversary of such teacher.

(4) If a member before attaining age fifty, having made required deposits for not less than a school year during each of five fiscal years immediately preceding, becomes physically or mentally incapacitated to such extent that the member is and will be wholly and presumably permanently unable to engage in any occupation or perform any work for compensation of financial value, and furnishes due proof thereof and that such disability has then existed for sixty days, the member shall be paid from the contingent fund an annuity during the continuance of such disability in monthly payments of twenty-five dollars each in addition to any other benefit payable to such member. The said retirement board may at any time not more than once in any year require proof of the continuance of such total disability, and if the member shall fail to furnish satisfactory proof thereof, or if it appears at any time that the member has become able to engage in any occupation for remuneration or profit, such annuity shall cease.

(5) Any benefit payable for any month during which the member shall receive compensation as a teacher shall be withheld from the member and be paid into the retirement deposit fund to be accumulated, and to be applied, on the application of the member, as

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provided in the case of the accumulation from state deposits; provided, that any part of the benefit which is payable from the contingent fund shall be withheld for the benefit of the contingent fund. [*1921 c. 459 s. 3*]

42.50 Death benefits, how paid. (1) Any member may, by written notice to the retirement board having jurisdiction, in such form as it shall approve, designate any person or persons having an insurable interest in the life of the member as a beneficiary to whom any death benefit payable at the death of the member shall be paid. The member may, from time to time, by a like written notice, change the beneficiary. If no beneficiary shall have been named by the member, such death benefit shall be payable to the estate of the member. Such death benefit shall be the full amount of the accumulation in the retirement deposit fund to the credit of the member from all member's deposits and all state deposits and interest thereon.

(2) Such death benefit payment shall be made, as the member shall have directed, either

(a) As an annuity payable monthly during the life of a beneficiary;

(b) As an annuity payable monthly during the life of a beneficiary with additional payment, if any, to another beneficiary until one hundred eighty monthly payments in all have been made; or

(c) To such beneficiary or to the estate of such member in a number of instalments during a time certain or in a single sum. [*1921 c. 459 s. 3*]

42.51 Computation for prior service; credits and retirement, class A. (1) As of the close of the fiscal year preceding the date of issue of a certificate of membership to any member of Class A or Class B, the retirement board shall cause a computation to be made separately for such member of the accumulation which would have resulted at such date from state deposits on account of the compensation for prior service as if this act had been in effect during such prior service.

(2) In making such computation, the rate of interest assumed shall be four per cent per annum, and such averages and other methods of approximation may be employed as shall produce substantially correct results. The amount of such computation shall be carried forward and accumulated at the rate of interest used for deposits in the retirement deposit fund.

(3) When any member of Class A or Class B who has taught at least twenty-five years in the public schools, the normal schools or the university shall become entitled to any benefit derived from the accumulation of state deposits, the benefit shall be increased by the benefit which would be granted at the rates then in force on an accumulation equivalent to the amount of the computation above defined, and such additional benefit shall be paid from the contingent fund.

(4) Upon the issue of a certificate of membership to any member of Class A, the public school retirement board shall determine the accumulation as of the date of the taking effect of this act resulting from the payments by such member to the teachers' insurance and retirement fund with interest thereon at the actual rate earned by said fund. The annuity board shall thereupon certify the amount of such accumulation for transfer to the credit of said member in the retirement deposit fund as of the date of the taking effect of this act.

(5) Any member of Class A, having elected to retire before the taking effect of this act, shall from the taking effect of this act, be paid the benefits provided under the teachers' insurance and retirement fund law, subject to all the conditions thereof, except the pro rata reduction authorized thereby, as if said law had continued in effect during the payment of such benefits. Such payments shall be made from the contingent fund, except as other provision shall be made therefor.

(6) Any member of Class A who shall have complied with this act and who shall elect to retire after the taking effect of this act, may elect to relinquish any other benefits under this act and to receive in lieu thereof the benefits provided under the teachers' insurance and retirement fund law as if said law continued in effect until such benefits are fully paid, subject to all the conditions of said law, except the pro rata reduction authorized thereby; provided, that if the member shall, before such election to retire, have received any benefit derived from required deposits, the amount so received, with interest, shall be repaid by a pro rata reduction of the future benefits so elected by such member. The accumulation to the credit of the member in the retirement deposit fund shall be applied at the rates then in force toward the payment of the benefit so elected and any remaining part of the benefit so elected shall be paid from the contingent fund. [*1921 c. 459 s. 3*]

42.52 Exemption of benefits from process. The benefits payable to, or other right and interest of any member, beneficiary, or distributee of any estate under any provision

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of the state retirement law shall be exempt from any tax levied by the state or any subdivision thereof, and exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable except as specifically provided herein. [*1921 c. 459 s. 3*]

42.53 Annuity board, succession. The annuity board, through the public school retirement board, immediately upon the taking effect of this act, shall succeed to and be vested with all the property, rights, powers and duties, and be subject to all the obligations and liabilities, of the teachers' insurance and retirement fund and of the board of trustees of the teachers' insurance and retirement fund. [*1921 c. 459 s. 3*]

42.54 Repeals and reservations. Sections 42.01 to 42.18, inclusive, of the statutes of 1919 are repealed except that any provisions of said sections fixing the amounts and the conditions of payment of any benefits under this act shall remain in force and may be referred to for determining such conditions and benefits until all such benefits have been fully paid. [*1921 c. 459 s. 3; 1921 c. 590 s. 113*]

IN CITIES OF THE FIRST CLASS.

42.55 Teachers' retirement fund in cities of the first class. (1) TEACHERS UNDER OLD SECTION. The provisions of section 925—*xx*, heretofore in effect, fixing the amounts and conditions of payments of any assessments, refunds, and annuities thereunder, shall remain in force and shall be referred to for the purpose of determining such amounts and conditions of payments until all such payments have been made, insofar as said provisions apply to teachers in the public schools of cities of the first class who are in the service at the time this subsection takes effect, and insofar as said provisions apply to pensioners or annuitants under said section 925—*xx*. Every teacher in the schools of any such city where a pension system has been established at the time this subsection takes effect who desires to avail himself of the rights and benefits conferred and to assume the limitations and assessments imposed by this section, shall file a written application therefor and consent thereto, as provided in subsection (3) of this section, within one year from the first day of November in the year in which this subsection takes effect. Every such teacher who fails to file such written application and consent within the time prescribed by the provisions of this subsection shall be forever barred from coming under the provisions of this section. The filing of such application and consent by any teacher who heretofore has come under the provisions of section 925—*xx*, shall operate as a substitution by such teacher of the provisions of this section in lieu of the provisions of section 925—*xx* heretofore in effect, fixing the amounts and conditions of payments of any assessments, refunds and annuities for such teacher. Any teacher in the service at the time this subsection takes effect who had not elected to come under the provisions of section 925—*xx*, heretofore in effect, and who elects to come under the provisions of this section shall, within five years from the date upon which this subsection takes effect, pay as arrearages, into the annuity and retirement fund, in addition to the current monthly payments provided for in this section, a sum equal to the various payments, compounded semiannually at the rate of four per cent interest, which would have been made by such teacher if he had elected to come under the provisions of section 925—*xx*, heretofore in effect. Payment of such arrearages by any such teacher shall be made, within said five years, in such manner as the board of trustees may determine.

(2) BOARD OF TRUSTEES; MEMBERS. The president of the managing body of the schools, two female teachers, not more than one of whom shall be a principal or vice principal, two male teachers, not more than one of whom shall be a principal or vice principal, and four members of the managing body of the schools in cities of the first class, are hereby constituted a board of trustees to be known as the "Public School Teachers' Annuity and Retirement Fund Trustees." The trustees shall serve without pay, but the member who shall have been elected secretary of such board of trustees may receive such compensation for clerical duties performed in connection with the annuity and retirement fund, as said board shall determine. Said board is empowered to employ all persons needed to perform actuarial, accounting, and clerical work necessary to the proper performance of the duties of such board, and also any physician or physicians, surgeon or surgeons, whose services may be necessary to advise said board concerning the condition of any person who applies for pension or annuity to said board of trustees. Whenever any trustee shall cease to be a member of the managing body, or a teacher in the public schools, he shall cease to be such trustee.

(3) APPLICATION, MEMBERSHIP. All teachers employed in the public schools of such cities at the time of the organization of said board desiring to come under the provisions of this section, shall file a written application therefor and consent thereto with the superintendent of schools, or with the clerk or secretary of the managing body of such schools,

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together with written authority to the managing body to deduct from each monthly salary due the applicant, the sum or sums hereinafter provided, and to pay the same regularly into the city treasury as part of said annuity and retirement fund as herein provided.

(4) IMPLIED CONSENT. Any person accepting an appointment as teacher in the regular service of such city, after this section takes effect, and serving thereunder, shall, as a part of the consideration for his employment, be conclusively presumed to have consented to the provisions of this section. But any person who shall have attained the age of fifty years before entering the service of such city as such teacher and who shall enter such service as such teacher after this section takes effect, shall have the option to elect whether such person desires to avail himself of the rights and benefits conferred and to assume the limitations and assessments imposed by this section, and such person shall file written notice of such election with the superintendent of schools, or with the clerk or secretary of the managing body of such schools, within six months from the date of such person's appointment as such teacher.

(5) MEETING; ORGANIZATION. When twenty-five or more teachers in such school shall have consented, a meeting of all such teachers may be called by five or more who shall designate the time and place of holding such meeting, and publish notice thereof at least once a week for two successive weeks, in a newspaper published in such city. Such teachers shall, at such meeting, elect by ballot one female teacher, who shall hold office as trustee aforesaid for a term of one year, one female teacher, who shall hold office as trustee for a term of two years, one male teacher who shall hold office as trustee for a term of one year, and one male teacher who shall hold office for a term of two years; and a majority of all the votes cast shall be necessary in each case for an election. Annually, thereafter, at a meeting duly called by the board of trustees on the last Saturday of September, one female and one male teacher shall be elected in the same manner for a term of two years.

(6) TERMS. At the next meeting of the managing body of the schools, after the election of such trustees, such body shall elect two of its numbers members of the said board of trustees, for a term of one year, and two for a term of two years, and annually thereafter at its first regular meeting held after the last Saturday of September, such body shall elect two of its numbers to be members of said board of trustees for a term of two years. The trustees shall hold office until their successors are elected and qualified.

(7) QUORUM. A majority of said board of trustees shall constitute a quorum for the transaction of business. Such board shall, within thirty days after the election of trustees, meet and organize, by the election from its members, of a president, vice president and secretary, and may adopt rules of order not inconsistent with this section.

(8) FUNDS. A teachers' annuity and retirement fund is hereby created in cities of the first class, and the fund shall consist of (a) endowment fund, (b) reserve fund, and (c) general fund. The endowment fund shall be made up of gifts and legacies specifically given thereto. The reserve fund shall be made up of (a) the monthly payments made pursuant to the provisions of this section by the teachers, and (b) all unexpended income for any year derived from any source. The general fund shall be made up of (a) gifts and legacies not specifically given to the endowment fund; (b) interest derived from the endowment and reserve funds; (c) moneys transferred from the reserve fund in the manner following: Immediately upon the voluntary or involuntary retirement of any teacher, whether such teacher retire with or without pension, all moneys paid by such teacher into the reserve fund shall be transferred into the general fund; (d) all moneys paid into the fund by the managing body in the manner hereinafter provided; (e) all moneys obtained by such other methods as may be legally devised. The general fund may be drawn upon for the purposes of this section by said board of trustees. The moneys standing to the credit of any retirement fund heretofore established in cities of the first class, and consisting of gifts and legacies specifically given to any permanent or endowment fund, shall be set apart by the board of trustees as an endowment fund; and all moneys standing to the credit of said retirement fund on the thirty-first day of July, 1915, derived from any other sources, shall be set apart by the board of trustees of such retirement fund as a reserve fund.

(9) POWERS. Said board shall have control of the annuity and retirement fund and the investment thereof, investing the same only in such securities as savings banks are authorized by law to invest in. No member of said board nor any person officially connected with said board, either as an employe or as legal adviser thereof, shall have any financial interest in the gains or profits of, or from any investment which may be made by such board, nor shall any such person act as the agent of any other person or persons who may have any such interest concerning any such investment. Said board shall have the power to require each teacher employed in the public schools of such city to file a

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statement or statements in such form as such board shall direct, concerning all service rendered by such teacher and such other information which said board shall need in the performance of its duties. The board shall receive and consider all applications for annuity under this section, shall determine the amount thereof, if not otherwise provided, and direct payment of the annuities.

(10) TREASURER. The city treasurer shall be the custodian of said annuity and retirement fund, and shall make payments therefrom; he shall keep the books of account concerning such fund, in such manner as may be prescribed by said board of trustees, which books of account shall always be subject to the inspection of the board of trustees, or any member thereof, and any contributing teacher. He shall furnish to said board of trustees a bond in such amount as the said board may designate, which bond shall indemnify the said board of trustees against any loss which may result from any action or failure to act on the part of such custodian or any of his agents. All fees and charges incidental to the procuring and giving of such bond shall be paid by said board of trustees. The city attorney of such city shall be the legal adviser of and attorney for the board.

(11) COLLECTION OF FUND. Beginning with the monthly payment of teachers' salaries in November, after the first meeting of the board of trustees the managing body of such schools shall reserve from the salary of each teacher who has come under the provisions of this section, and from every monthly payment thereafter, the sum of two dollars for the first ten years of service, the sum of three dollars for the next five years of service, and thereafter the sum of four dollars, and shall pay the sum so reserved into the annuity and retirement fund. Except as provided in subsection (1) of this section, every teacher employed in the public schools of any such city at the time this section shall have become operative in any such city, and who shall not have come under its provisions on or before the first day of November, 1917 (in the case of public school teachers of any such city in which a public school teachers' annuity and retirement fund shall have been heretofore established), or, on or before the expiration of two years after this section shall have become operative in such city (in the case of public school teachers of any such city in which this section may hereafter become operative), shall be forever barred from coming under the provisions of this section.

(12) PAYMENT OF ANNUITIES. The city treasurer, upon order or warrant of the board of trustees shall pay out of said annuity and retirement fund, in monthly payments, to each teacher entitled thereto under the provisions of this section who shall retire from the service of the city, upon the recommendation of the board of trustees annually such sum as shall have been determined by said board of trustees in accordance with the provisions of this section.

(a) A teacher who has taught twenty-five years in public schools, at least fifteen of which must have been served in the public schools of a city to which this section applies, shall, upon a certificate of incapacity furnished by his attending physician and by a physician employed by the board of trustees, receive an annuity of six hundred dollars.

(b) For every additional year of service over twenty-five, a teacher, entitled to an annuity under the provisions of this section, shall receive an additional sum of twenty dollars a year; but every such additional year of service shall have been rendered in such city of the first class, and in no case shall any pension or annuity exceed the sum of nine hundred dollars a year.

(c) The board of trustees may allow a teacher who has taught for fifteen years or more in any such city, and who has become incapacitated, having paid the amount of fifteen years' contribution or more, six months after he has ceased active service in the school, upon a certificate of such incapacity furnished by his attending physician and by a physician employed by the board of trustees, an annuity, the amount of which, to be determined by the board of trustees, shall be, as nearly as practicable, as many twenty-fifths of the full annuity of six hundred dollars provided in this section as the years of service of such teacher in said city are a part of twenty-five, and such annuity shall cease when the incapacity ceases. Should such incapacity become permanent and should such teacher retire from the service of such city, the board of trustees may pay to such teacher a proportionate annuity, which shall be, as nearly as practicable, as many twenty-fifths of said full annuity as the years of service of such teacher in said city are part of the twenty-five.

(d) The board of trustees may allow a teacher who has taught for fifteen or more years and less than twenty-five years in any such city, and who shall have attained the age of sixty-five years, having paid the full amount of contribution for each year of such service in such city, a proportionate annuity which shall be, as nearly as practicable, as

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many twenty-fifths of the full annuity of six hundred dollars, provided in this section, as the years of service of such teacher in said city are a part of twenty-five.

(e) Upon the recommendation of the superintendent of schools, if any, and the managing body of such schools, the board of trustees, shall grant an annuity to any teacher who has come under the provisions of this section, who is mentally or physically incapacitated.

(f) On the application of any teacher coming under the provisions of this section, and having complied therewith, said board of trustees shall retire such teacher provided he has been engaged in the work of teaching for a period aggregating thirty-five years, twenty of which shall have been in the public schools of such city and such teacher shall be entitled to receive the annuity provided for in paragraphs (a) and (b) of this subsection.

(g) On the application of any teacher coming under the provisions of this section who has complied therewith and is sixty-five years of age, said board of trustees shall retire such teacher provided he has been engaged in the work of teaching for a period aggregating twenty-five years, fifteen years of which shall have been in the said city, and such teacher shall be entitled to receive the annuity provided for in paragraphs (a) and (b) of this subsection.

(13) UNIFORMITY. All annuities granted by the board of trustees or other managing body under the provisions of this section, shall be uniform in amount except as otherwise provided herein.

(14) WHEN PAYABLE. No annuity shall be paid to any teacher until such teacher shall have contributed to the annuity and retirement fund the following sums: Two hundred dollars for the first ten years of service, one hundred fifty dollars for the next five years of service, and forty dollars for each and every succeeding year of service. Any contributing teacher, who has taught in said city for a period of four years or more, may, in addition to the monthly payments provided by subsection (11), pay into the city treasury as part of said fund, in sums of ten dollars, or any multiple thereof, until the entire sum which such contributing teacher would have paid if he had paid regularly from the time of his entering the service of such city, is paid by such teacher. No teacher shall be required to pay into such fund for more than forty years.

(15) INFORMATION TO BE FURNISHED BOARD. It shall be the duty of the managing body in charge of the public schools of any such city to notify the board of trustees, in writing, on the first day of each month, of the employment or appointment of any new teacher or teachers, and of all discharges, dismissals, suspensions, and resignations from the service, and all deaths which shall have occurred in the teaching corps during the preceding month, and such written notification shall state the dates upon which any such event or events shall have occurred. The officers and heads of departments of said managing body of such schools are hereby charged with the duty of supplying to said board of trustees, without any charge or expense to said board of trustees, all information requested by said board of trustees concerning any employe under the charge of or supervision of such officers, heads of departments, or such managing body, which such information such board of trustees shall need in the performance of its duties, and all employes of such managing body are charged with the duty of promptly supplying such information for the purposes of said board of trustees.

(16) REFUND OF CONTRIBUTIONS. Any contributing teacher who shall retire voluntarily or involuntarily from the service, not being in receipt of an annuity, shall be entitled to receive one-half of the total amount paid by him into said fund, and in case of the death of any contributing teacher, his heirs, or legatees shall be entitled to receive one-half of the total amount paid by such teacher into said fund, upon application therefor and upon proof of death of said contributing teacher, and establishment of said claim to the satisfaction of said board of trustees.

(17) EXECUTION; EXEMPT FROM. All annuities granted under the provisions of this section shall be exempt from execution, attachment and garnishment process, and no annuitant shall have the right to transfer or assign his annuity.

(18) PROBATION PERIOD. All elections or appointments of teachers in such cities shall be on probation, and after successful probation for four years, the election or appointment shall be permanent, during efficiency or good behavior, provided that teachers having taught four years or more in cities to which this section applies shall be deemed to have served their term of probation. No teacher who has become permanently employed as herein provided by reason of four or more years of continuous service, shall be discharged, except for cause upon written charges, which shall after ten days' written notice thereof to such teacher, upon such teacher's written request, be investigated, heard and determined by the board of school directors, whose action and decision in the matter shall be final.

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(19) "TEACHER" DEFINED. The term "teacher" in this section shall include all superintendents, principals, supervisors, and regular instructors employed in the public schools of such cities but nothing herein contained shall affect the election, appointment or tenure of the superintendent, assistant superintendents or special supervisors.

(20) FISCAL REPORT AND ESTIMATES. (a) The board of trustees of the annuity and retirement fund, shall report to the managing body of the schools of such city at or before the first meeting of said managing body, in July of each year, the amount of money required for the next fiscal year for the payment of annuities legally granted by such board of trustees, and for the payment of other necessary and current expenses. Such report shall set forth the estimated income of said annuity and retirement fund for the next fiscal year, and the additional amount required and it shall be the duty of said managing body to set aside from the general fund for the support of the schools in such city, an amount which shall be sufficient to cover the said excess, and such managing body, shall annually pay into the annuity and retirement fund, a sum not less than the amount paid into said fund the preceding year by the teachers.

(b) But in any year during which the amount paid into said annuity and retirement fund under the provisions of section 20.251 shall be equal to or in excess of the amounts required to be set aside and paid into said fund by said managing body under the provisions of paragraph (a) of this subsection, said managing body shall not be required to set aside and pay into said annuity and retirement fund the amounts provided for in said paragraph (a). If the amount paid into said annuity and retirement fund under the provisions of section 20.251 shall, in any year, be less than the amounts required to be set aside and paid into said annuity and retirement fund by said managing body under the provisions of paragraph (a) of this subsection, said managing body shall only be required to set aside and pay into said annuity and retirement fund an amount which, when added to the amount paid into such annuity and retirement fund under the provisions of section 20.251, shall be equal to the amounts required to be set aside and paid into said annuity and retirement fund by said managing body under the provisions of said paragraph (a).

(21) TEACHERS IN ANNEXED TERRITORY. Whenever territory shall be annexed to any such city, the teachers employed at the time of such annexation in any school situated in such annexed territory shall elect within three months after their legal appointment by the managing body of such city whether they will come under the provisions of this section. Whenever teachers employed in any school situated in territory heretofore annexed to any such city where a teachers' annuity and retirement fund under this or any previous law, heretofore existed, have already made their election to come under such law, such election shall be deemed valid under this section. The time served by the teachers in a school situated in territory so annexed, shall, for the purpose of this section only, be counted as if it has been rendered in a school of the city to which such territory has been annexed. [*Stats. 1919 s. 925—xx; 1921 c. 242 s. 310; 1921 c. 590 s. 115; 1921 c. 591; 1921 c. 9 s. 2*]

CHAPTER 43.

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STATE LIBRARY.

43.01 Trustees of. The justices of the supreme court and the attorney-general shall be ex officio trustees of the state library, and shall have full power to make and enforce, by suitable penalties, such rules and regulations for the custody, superintendence, care and preservation of the books and other property contained in said library, and for the arrangement thereof as to said trustees shall seem necessary and proper. [*Stats. 1915 s. 367; 1917 c. 453 s. 5*]

43.02 State law librarian, assistant and clerical force. The board of trustees shall appoint a librarian, who shall serve and under such conditions as shall be fixed by said board. He shall execute and file an official bond with good and sufficient surety in the sum of ten thousand dollars to be approved by the trustees. Said board may also engage an assistant librarian and such clerical and expert assistance as shall be requisite in the proper care and maintenace of the library. The president of the board shall certify its appointments hereunder to the secretary of state, with amount of salary and the date of the commencement of the service of each appointee, and shall also notify him of the termination of such service. [*Stats. 1915 s. 368; 1917 c. 453 s. 5; 1919 c. 93 s. 18; 1919 c. 362 s. 19*]

43.03 Rules and regulations. It shall be the duty of said trustees to provide by rules and regulations:

(1) That said library shall be kept open every day during the sessions of the supreme court and of the legislature, and on such other days and during such hours as they may direct, except Sundays.

(2) That books may be borrowed therefrom, under proper restrictions, by any state officer or member or officer of the legislature during the session thereof, or by any judge of the United States, upon written request, when holding court at Madison; but that no member of the legislature or officer thereof shall take more than five books at one time nor retain the same for more than five days, and that no book shall be taken out of the city of Madison.

(3) That attorneys and others shall be permitted to use, under proper restrictions, any books within said library.

(4) Such fines, penalties and forfeitures for any violation of the rules and regulations established by them for the management of said library and for the care and preservation of the books therein as to them shall seem necessary, and all such fines, penalties and forfeitures shall be sued for and collected before any court having jurisdiction of such action. [*Stats. 1915 s. 369; 1917 c. 453 s. 5*]

43.04 Catalogue. The trustees may, whenever they deem it necessary, direct the catalogue of said library or any part thereof to be printed. [*Stats. 1915 s. 370; 1917 c. 453 s. 5*]

43.05 Duty of librarian. It shall be the duty of the librarian:

(1) To give his personal attention at the library during the hours it shall be directed to be kept open.

(2) To keep an account of all books or pamphlets added to the library by purchase or otherwise, and of all lost, destroyed, worn out or sold during his term, specifying dates, cost and values, and other material facts.

(3) To keep a full and accurate catalogue of the library, noting all changes at the time when made; and whenever directed by the trustees, to cause the same to be properly printed.

(4) To keep a true account of every book or pamphlet taken from the library, charging the same to the proper officer, with proper date and name of the person to whom delivered.

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(5) To report to the presiding officer of each house, five days before the adjournment of each session of the legislature, the number of books taken out of the library by the members of each house and not returned, giving titles of books, dates of taking, and names of members to whom charged. All such books shall be immediately returned.

(6) To sue for every fine, penalty or forfeiture incurred by violation of the rules and regulations prescribed by the trustees.

(7) To forward to the library of congress one copy of the supreme court reports and two copies of the legislative journals, laws and public documents published by authority of the state, and one copy of each of such publications and of the blue book to the several states and territories which practice like comity with this state, as soon as the same are received from the superintendent of public property. He may also effect exchanges of the statutes, laws and documents of this state with the libraries of foreign governments. His account for the expenses of transporting books sent or received by exchange or purchase, to be fixed by the secretary of state, shall be paid out of the state treasury, and charged to the proper appropriation for the law library.

(8) To perform all other duties prescribed by the trustees or by their rules and regulations or imposed by law.

(9) Said librarian shall also cause to be installed and maintained in said library, in the most scientific and improved manner, a card index and catalogue of the books and material therein contained. The assistants necessary to carry out the purpose of this section shall be appointed in the manner provided by section 43.02. Said librarian may attend the annual conferences of the American Association of Law Libraries for the purpose of studying modern methods of law library administration.

(10) Subject to the approval of the trustees the librarian may sell or exchange duplicate books and pamphlets contained in the library. [*Stats. 1915 s. 372; 1917 c. 453 s. 5, 8*]

43.06 Books to be delivered to. The acts of congress received from the general government shall be deposited in the state library and be distributed as the trustees shall direct. Every officer of the state who shall receive any volume of the laws, journals, reports or other documents of any other state or territory or of the United States, or any of the officers thereof, for the use of this state, shall immediately deliver the same to the state librarian for the state library. [*Stats. 1915 s. 373; 1917 c. 453 s. 5*]

43.07 Revisor of the statutes. (1) APPOINTMENT; EXEMPT FROM CIVIL SERVICE. Upon the passage of this act, and thereafter on or after the third Wednesday in January of each year in which the legislature shall meet in regular session, the trustees of the state library shall appoint a revisor of the statutes, to be known as "Revisor." The provisions of paragraph (c) of section 16.08 shall extend to the trustees of the state library.

(2) REMOVAL. The revisor and his assistants shall be subject to removal at any time by the trustees, for any cause deemed sufficient by them, and upon any such removal they may appoint a successor to such revisor or assistant.

(3) TERM. Such revisor shall hold office for the term of two years and until his successor shall have been appointed and qualified.

(4) ASSISTANTS. Subject to the approval of the trustees of the state library he shall appoint such assistants, clerks and stenographers as may be necessary.

(5) OFFICES, SUPPLIES, ETC. The revisor shall be provided by the superintendent of public property with suitable room or rooms convenient to the state library, necessary office furniture, supplies, stationery, books, periodicals and postage, and in the use of the state library he shall be subject to the general control of the trustees and the librarian. [*Stats. 1915 s. 116; 1917 c. 453 s. 5, 8; 1917 c. 671 s. 14*]

43.08 Duties of revisor. (1) It shall be the duty of the revisor to formulate and prepare a definite plan for the order, classification, arrangement, printing and binding of the statutes and session laws, and between and during sessions of the legislature to prepare and at the beginning of each session of the legislature to present to the judiciary committee of the senate, in such bill or bills as may be thought best, such consolidation, revision and other matter relating to the statutes or any portion thereof as can be completed from time to time.

(2) The revisor of statutes is authorized to renumber any chapter or section of the statutes for the purpose of revision, and to change reference numbers to agree with any renumbered chapter or section. Where the term "preceding section" or similar expressions are used in the statutes the revisor may change the same by inserting the proper section or chapter reference. [*Stats. 1915 s. 117; 1917 c. 453 s. 5; 1921 c. 9*]

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FREE LIBRARY COMMISSION.

43.09 Free library commission. (1) The governor shall appoint two persons for terms of five years each, who, with the president of the university, the state superintendent and the secretary of state historical society, shall constitute a free library commission. The officers of the commission shall be a chairman to be elected from the members thereof for the term of one year, and a secretary not of its own number, to be appointed by the commission, under such conditions and for such compensation as to it shall seem adequate. Said secretary shall keep a record of the proceedings of the commission, keep accurate accounts of its financial transactions, have charge of its work in organizing new libraries and improving those already established, and in general perform such duties as may from time to time be assigned him by said commission. In addition to his salary he shall be allowed his actual and necessary traveling expenses while absent from his office upon the service of the commission, such expenses, when approved by the chairman or acting chairman, to be certified under oath to the secretary of state in the same manner as other bills incurred by the commission. Said commission may also engage, from time to time, as desired, such other clerical and expert assistance as shall be requisite in the performance of the work of the commission as set forth in this section.

(2) The commission shall give advice to all free libraries and to all communities which may propose to establish them as to the best means of establishing and administering such libraries, selecting and cataloguing books, and other details of library management, and may send any of its members to aid in organizing such libraries or in the improvement of those established.

(3) It shall establish a department of traveling libraries in charge of an officer especially qualified, and shall purchase books and supplies for traveling libraries and accept gifts for them. Said department of traveling libraries shall also aid in establishing and supervising county systems of traveling libraries. The said commission may also cooperate with other state library commissions and libraries in the publication of documents in order to secure the more economical administration of the work for which it is formed. Said commission shall make a biennial report to the governor. No member of such commission shall be compensated for his services, but accounts for the traveling expenses of the members thereof in attending meetings or in visiting, or establishing libraries, and other necessary incidental expenses connected with their duties, may be audited by the secretary of state when certified by the chairman and secretary of the commission. All payments arising under this section shall be charged to the proper appropriation for the free library commission.

(4) The free library commission is hereby empowered to conduct a school of library science and to hold librarians' institutes in the various parts of the state in order to train librarians of public schools and traveling libraries to make wiser and more effective use of the libraries in their charge. The commission is also authorized to accept, arrange and circulate books, traveling libraries and pictures to be loaned to public libraries, traveling library associations, study clubs, farming communities, charitable and penal institutions, and individuals, under such conditions and instructions as shall make them the greatest good to the greatest number. Said commission shall bind periodicals for traveling libraries, encourage the growth of study clubs in connection with them, train librarians to be better educators, aid more efficiently in the proper organization of new libraries, and aid in building up a better system of popular education for people who have finished their education in the schools. [*Stats. 1915 s. 373a; 1917 c. 453 s. 5; 1919 c. 362 s. 19, 32*]

43.10 School of library science. (1) The school of library science created by section 43.09 shall hereafter be known as the school of library science of the university.

(2) The regents of the university are hereby authorized to co-operate with the free library commission in the maintenance of the library school and to aid in securing specialized teaching and equipment for said school and otherwise to aid said school in such manner as will conduce to the development of said school and of library science in the state. [*Stats. 1915 s. 373am; 1917 c. 14 s. 71, 72; 1917 c. 453 s. 5, 8*]

43.11 Office, printing, etc. The commission shall also be allowed the use of suitable offices and equipment in the capitol, and the secretary of state shall audit the duly certified bills of the commission for postage, expressage and telegraphing, and the state superintendent of public property shall audit necessary bills for freight. The state printer, upon the order of the commissioners of public printing, shall print such circulars, labels and blanks and bind such material as may be required. [*Stats. 1915 s. 373b; 1917 c. 453 s. 5*]

43.12 To make check list of public documents. The Wisconsin free library commission is hereby authorized and directed to make an explanatory check list of the sev-

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eral public documents of the state, including all reports, circulars and bulletins issued by the various state departments, boards and commissions, and to publish this list, and supplementary lists as they may be required, in such form and with such notes as to show the scope and purpose of such publication; to assist state officers, members of the legislature and other citizens who are studying the growth and development of the affairs and institutions of this state, also to assist the public libraries in the state, in completing files of such publications and in so arranging them as to be of use to citizens of their several localities. The said free library commission is also directed to prepare and print catalogue cards of said public documents for the card catalogues of the said public libraries, and for the executive and administrative departments of the state. [*Stats. 1915 s. 373c; 1917 c. 453 s. 5*]

43.13 Documents to be delivered. The state printer is hereby directed promptly to deliver to the secretary of the commission, as printed, three copies of each message, report, journal, legislative bill, bulletin, circular or set of bound public documents of whatever character, printed at the expense of the state. [*Stats. 1915 s. 373d; 1917 c. 453 s. 5*]

43.14 Depositories of public documents. The secretary of said free library commission is hereby directed to ascertain and report to the state superintendent of public property what public libraries, in the state, containing more than one thousand volumes, including the libraries of normal schools, academies and colleges, can suitably care for and advantageously use, public documents printed by the state. The secretary of said commission shall designate such libraries as depositories of state documents and shall, from time to time, prepare lists of such depositories for the use of the state superintendent of public property. The state superintendent of public property is hereby directed to furnish each library which is designated as a depository of state documents one set of public documents, as they are published, and also copies of such other reports and documents, printed at the expense of the state, as may be of general interest and supplied to him in sufficient numbers to meet such demand. [*Stats. 1915 s. 373e; 1917 c. 453 s. 5*]

43.15 To maintain library in capitol. (1) The said commission is also authorized and directed to maintain in the state capitol, for the use and information of the legislature, the several state departments, and such other citizens as may desire to consult the same, a legislative reference room and a small working library, as complete as may be, of the several public documents of this and other states, and to purchase for said library standard works of use and reference. The said commission may also collect, summarize and index information of a legislative nature relating to legislation of foreign countries, of states of this country, the federal government and municipalities. The said commission may also make such investigations into statute law, legislative and governmental institutions as will aid the legislature to perform its duties in the most efficient and economical manner. The said commission is also hereby authorized and directed to co-operate, during sessions of the legislature, with the secretary and superintendent of the state historical society of Wisconsin, as trustee of the state, with a view to a joint arrangement, by which the needs of the legislature in the matter of general books of reference may be met to the fullest possible extent; and said commission shall give such space within its rooms to books brought to the capitol by said society for such purpose, as may be jointly agreed upon between them. The librarian of the state library and the officers of state departments are hereby authorized to give or loan to the free library commission for the use of the legislative reference room such books and documents as will be useful in that room. The said free library commission is also authorized to give or loan to the state historical society or to the state departments any books and documents except those in current use in the legislative reference room.

(2) The free library commission shall employ, during each legislative session and the two months next preceding each session, draughtsmen and such help as may be necessary for the draughting of bills. [*Stats. 1915 s. 373f; 1917 c. 453 s. 5*]

43.16 Additions to library. The said free library commission is also authorized to add to its working library books of permanent value to students, and to loan such books, singly or in traveling libraries, to public libraries, schools, women's clubs, debating societies, university extension circles, or students who are interested in investigating social, political and educational problems, or studying literature, science or art, and to furnish with such traveling libraries suitable outlines for study. It is the purpose of this provision to make possible in small communities by temporary supplies of good books, such serious study of worthy subjects as is not ordinarily possible to persons who have no access to large libraries, and to promote the organization and welfare of associations for serious study. [*Stats. 1915 s. 373h; 1917 c. 453 s. 5*]

43.165 Public library certification board. (1) A board known as the "Public Library Certification Board" and hereafter referred to as the "board" is created consist-

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ing of five members as follows: Two members to be appointed by the governor and who shall be librarians or full time assistants in public libraries in second, third or fourth class cities of not less than four thousand population; one member who is a trustee of a public library, to be appointed by the governor; one member who is a member of the free library commission staff to be selected by the free library commission; and one member who is a member of the faculty of the University of Wisconsin, not connected with library work, to be elected by the president of the university. Of the members first appointed, one shall serve for one year, one for two years, one for three years, one for four years and one for five years, to be determined by lot, and thereafter each member appointed shall serve for a term of five years, and until his successor is appointed and qualifies. The member selected by the free library commission shall act as secretary of the board. No member shall receive compensation or expenses incurred in the performance of his duties. The board shall issue library certificates as provided in this section.

(2) After January 1, 1923, the board of directors or other governing body of any public library, except in a city of the first class, supported in whole or in part by public funds, shall not employ to fill a vacancy or in any new position created, any librarian or full time assistant who does not hold a library certificate provided for in subsection (4). But any person employed as librarian or full time assistant in a public library on January 1, 1923, may continue in such position without a library certificate.

(3) Application for library certificates under the provisions of this section shall be made in writing to the board and with each application shall be paid to the board a fee of one dollar.

(4) Certificates issued to librarians and assistants in public libraries shall be of the following grades:

(a) Grade one: Requiring three years' college work, a one-year course in an accredited library school, and two years' successful library experience.

(b) Grade two: Requiring one year's college work, a one-year course in an accredited library school, and two years' successful library experience.

(c) Grade three: Requiring high school graduation, a six-weeks' course in an accredited library school, and one year's successful library experience.

(d) Grade four: Requiring high school graduation; and including such additional requirements as shall satisfy the board that the applicant is able to do successful library work in the position to which such library certificate makes such applicant eligible.

(5) Whenever any applicant for a library certificate does not have the academic and library school training prescribed in subsection (4), the board may issue to said applicant a certificate of any grade if it satisfy itself by examination or otherwwise that the applicant has attainments substantially the equivalent of such prescribed education and training and that all other conditions are met.

(6) Any person who has served as librarian or full time assistant in any public library in Wisconsin for at least one year at any time prior to January 1, 1923, may be granted a library certificate of any grade without examination, if the board is of the opinion that such person has demonstrated his ability to do successful library work in a library position in which the desired certificate would authorize his employment, but application for such certificate shall be made prior to January 1, 1925.

(7) The board may issue to any person who has the required academic and library training qualifications but lacks the required library experience, a license to engage in certain library work for not to exceed one year. If at the end of the year for which such license is issued, the board is satisfied that said person has done successful library work during said year, it may renew such license for one year in cases where two years' experience is required to qualify for the library certificate desired.

(8) After January 1, 1923, the board of directors or other governing body of any public library in a city of eight thousand population or over, except in a city of the first class, shall not employ to fill a vacancy or in a new position created as librarian in charge of such library any person who does not hold a first grade certificate; and when such public library is located in a city of not less than four thousand and not more than eight thousand population, the board of directors or other governing body shall not employ as such librarian to fill a vacancy or in a new position any person who does not hold at least a second grade certificate. When such public library is located in a city of not less than two thousand and not more than four thousand population, the board of directors or other governing body shall not employ as such librarian to fill a vacancy or in a new position any person who does not hold at least a third grade certificate.

(9) If the board is of the opinion that the board of directors or other governing body of any library in a city of two thousand population or over is unable to secure to be in charge of such library a librarian who holds the requisite certificate, the board may

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grant to such library board a permit to employ a person without the required certificate for a period of not to exceed six months and such permit, in case of emergency, may be once renewed for a period of six months.

(10) The provisions of subsections (2) and (8) of this section do not apply to any public library maintained wholly or in part at state expense. [*1921 c. 336*]

SCHOOL LIBRARY LAW.

43.17 General supervision; book list; suspension of law. (1) The state superintendent shall aid in promoting the establishment, maintenance and control of school libraries, and prescribe regulations for their management. He shall advise in the selection of books for such libraries and, as often as he deems necessary, prepare a list of books suitable therefor, and furnish copies of said list to each school concerned, and to each county, district or city superintendent.

(2) The state superintendent may suspend the operation of the school library law in any school district or subdistrict containing a free public library, or which is located wholly or in part in any incorporated village or city containing a free public library, whenever the board of said free public library, during the year ending June thirtieth next preceding the date of the application for suspension, has expended in the purchase of library books suitable for children in the elementary school grades a sum equal to the sum which would be released by the suspension of the school library law, as certified by the secretary of the free library commission; but the amount so expended by the said board of the free public library for any one year shall not be made the basis of such suspension for more than one year. The state superintendent shall give notice of such suspension to the clerk or secretary of the board of education of the school district affected, and to the county, district or city superintendent, county clerk and county treasurer of the county in which the district is located. [*Stats. 1919 s. 14.57 parts of sub. (2), (6) sub. (14), 40.36 sub (9); 1921 c. 452 s. 4*]

43.18 Committee to contract for purchase of books. (1) The state superintendent, secretary of the free library commission, and attorney-general constitute a committee to secure bids and make a contract with some responsible dealer for supplying books and periodicals pursuant to the school library law.

(2) Whenever the list of books provided for by subsection (1) of section 43.17 is completed, a copy thereof shall be furnished to each dealer making application therefor, together with a clear and complete statement of the conditions under which the books and periodicals are to be supplied, the date on which the bids must be filed and opened, and such other information as may be necessary.

(3) Each bidder shall deposit with the state treasurer before filing his bid the sum of one thousand dollars, to be forfeited to the state in case he shall not file the bond required by subsection (4) and make a contract in accordance with his bid, if accepted, and with all the requirements of the school library law, taking a receipt therefor from said treasurer stating the aforesaid conditions of the deposit, which shall be filed with his bid, and no bid shall be considered that does not fully comply with this subsection. On the rejection of any bid for any reason the said receipt and deposit shall be returned to the bidder. On the accepted bid the said receipt and deposit shall be retained until the bidder has filed the bond required by subsection (4) and thereupon they shall be returned to him.

(4) The committee shall require a bond from the successful bidder in the penal sum of ten thousand dollars, with good and responsible sureties, approved by it, for the faithful and reasonable performance of the terms of the contract.

(5) Immediately upon the making of the contract, the state superintendent shall give notice thereof to all officers charged with the duty of purchasing the books for school libraries, in a circular setting forth the conditions under which the books are to be furnished, the name and address of the contract dealer, and a statement to the effect that no money withheld from the common school apportionment for the purchase of school library books shall be used in the purchase of books or periodicals from any other dealer. Any person who purchases books or periodicals in violation of this subsection shall be punished by a fine equal to the amount of money expended and costs. [*Stats. 1919 s. 40.37; 1921 c. 452 s. 5*]

43.19 Control and allotment of school library moneys. (1) Between the first days of April and September of each year the county, district or city superintendent of schools shall, in the manner prescribed in section 43.21, provide for the expenditure of all moneys withheld by the county treasurer from the common school fund income, pursuant to subsection (8) of section 20.24 for the purchase of library books for the districts under

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his supervision, the schoolhouses of which are located in his county or superintendent district, in proportion to the amount of money withheld from each.

(2) Whenever a school district under the jurisdiction of a city superintendent is joint between a city and one or more towns, the city superintendent and the county superintendent having jurisdiction over the territory adjacent to the city district shall, on or before February first of each year, in a joint statement, certify to the county clerk and county treasurer the number of persons of school age in that part of the city district outside of the city limits; and the city superintendent of each city of the fourth class shall provide for the expenditure of the school library moneys on the basis of the total number of persons of school age in the city district, whether resident within or without the city limits.

(3) Whenever a school district is located in more than one county or superintendent district, the superintendent of the county or superintendent district in which the schoolhouse is located shall provide for the expenditure of the total sum of school library money withheld from such joint school district.

(4) On or before December first of each year the superintendents of any two adjoining counties shall, jointly, prepare an itemized statement of any balance of school library moneys due from one county to the other in order that the total amount of such moneys of which each superintendent has control shall be in the treasury of his county. A copy of said statement shall be transmitted to the clerk of each such county, whereupon such balance shall be transferred accordingly, without any order of the county board. [*Stats. 1919 s. 40.36 sub. (1), (2), (3); 1921 c. 452 s. 7*]

43.20 Accessioning sample books. Each county and district superintendent and each city superintendent of any city of the fourth class shall accession and care for as county, superintendent district, or city school district property, free sample books which are on the school library list and which are received by him after his election or appointment and during his term of office. [*Stats. 1919 s. 39.12; 1921 c. 452 s. 8*]

43.21 Method of purchase and distribution of books. (1) Each county or district superintendent shall keep on file in his office a list of books in the library of each school district, the schoolhouse of which is located in his superintendent district, and arrange such lists by districts and towns in numerical and alphabetical order. Guided by such lists and other information obtained regarding said libraries, each said superintendent shall select, from the school library list, and make lists of books to be purchased for each such library. He shall furnish two copies of each such list to each town and village clerk and each clerk of any city of the fourth class, respectively, affected thereby; and shall certify to the county clerk the names, numbers, contract price, and total cost of the books selected for each such town, village or city of the fourth class. Each city superintendent of any city of the fourth class shall be governed by the provisions of this subsection so far as applicable.

(2) A copy of each such list shall be furnished by the superintendent to the contract dealer, who shall deliver said books, in accordance with said lists, to the clerk of each town, village and city, respectively.

(3) Within ten days after such delivery each such clerk shall compare the same with his list, and file with the county clerk one copy of said list indicating plainly which of the listed books have been received in good condition, or shall report to said county clerk by separate writing which of said books have been received in good condition; and within three days thereafter the county clerk shall cause payment to be made therefor at contract price, as certified by the superintendent.

(4) If any error or irregularity shall have occurred in such delivery the town, village or city clerk, respectively, shall within ten days thereafter notify the contract dealer thereof in writing, and send a copy of said notice to the county, district or city superintendent, respectively; and the contract dealer shall forthwith take steps to rectify such error or irregularity.

(5) Any town, village or city clerk who fails to comply with the provisions of subsections (3) and (4) shall be liable to a forfeiture in the sum of five dollars.

(6) The express, freight and postage charges on books purchased under the school library law shall be paid by the town, village or city receiving them.

(7) Immediately upon receipt by him of any books purchased pursuant to this section, the town clerk shall distribute such books, according to his list, to the clerks of the several school districts or, if the schools are in session, to the teachers or principals in charge, who shall sign and deliver to the town clerk a receipt specifying the titles of the books and the date on which they were delivered. For this service the town clerk shall be paid from the town treasury such sum, not exceeding two dollars per day, as shall be determined by the town board. Village and city clerks, upon receiving books pursuant

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to this section, shall without unnecessary delay transmit such books to the principal or superintendent of the schools of the village or city. [*Stats. 1919 s. 40.36 sub. (5), (6), (7); 1921 c. 452 s. 9*]

43.22 Library administration. (1) While school is in session, the following persons shall be the school librarians: In one-room rural schools, the teacher; in state graded schools and in rural schools of more than one department, the principal, unless some other teacher is designated by the school board; in elementary schools supervised by a city superintendent, such teachers or other persons as are designated by the city superintendent with the approval of the school board; in elementary schools under the supervision of a principal who supervises all the schools of the district, such teachers or other persons as are designated by the principal with the approval of the school board; in high schools, a teacher or other person appointed by the school board and whose qualifications are at least equal to the minimum prescribed by the state superintendent. When school is not in session such person shall act as school librarian as is appointed by the school board; but if such appointment is not made the school clerk shall act as librarian.

(2) Except when loaned to a public library as provided in subsection (2) of section 43.23, school library books shall be housed in the school building; but between school terms they may, if necessary for convenience in safeguarding or loaning the books, be housed in such place as the district board shall designate.

(3) School library books shall be loaned by the librarian to pupils and teachers of the school, and to other residents of the district, under regulations prescribed by the state superintendent; but in school districts where there is access to a public library, the school board may restrict the use of school library books to school purposes.

(4) The librarian shall keep a record of the books received for the library, and shall report to the county, district or city superintendent, respectively, on blanks supplied by him, such information regarding the condition and needs of the school library as may be called for by such superintendent.

(5) All actions relating to school libraries or for the recovery of any penalties incurred in relation thereto shall be brought in the name of the proper school district. [*Stats. 1919 s. 40.36 sub (4), 40.22; 1921 c. 452 s. 10*]

43.23 Library exchanges. (1) School library books belonging to one school district may be loaned by the school board of the district to the school board of another school district for use in the school library of that district, in consideration of school library books similarly loaned in exchange therefor. County or district superintendents may arrange such exchanges and loans among the school districts in their jurisdiction upon mutual agreement by the school boards of the districts concerned. A school district receiving books from another district under the provisions of this section shall be responsible for all losses sustained on account of books lost or damaged beyond ordinary wear and tear; and all books loaned or exchanged shall be returned to the school library of the district from which they have been loaned not later than two weeks before the close of the annual school term of said district.

(2) The library board of any free public library and the school board or the board of education of any school district, village or city in which a free public library is provided for and maintained, may make such exchanges and loans of books as said officers shall agree upon for the purpose of increasing the efficiency of both libraries and insuring the best service to the schools and all citizens.

(3) The superintendent of agricultural institutes shall send to each town and village clerk in the state a sufficient number of bound copies of the bulletins of such institutes to enable him to supply each school district in his town with one copy of each edition thereof. The clerk shall distribute said bulletins to the school libraries in his town or village, from which they may be loaned in like manner and under the same regulations prescribed for the loaning of books therein. [*Stats. 1919 s. 40.36 sub. (8), 40.38, 40.40; 1921 c. 452 s. 11*]

43.24 Rebinding school library books. (1) The state superintendent, secretary of the free library commission, and attorney-general constitute a state committee on the rebinding of school library books.

(2) Said committee shall, during the month of January each year make an approved list of firms engaged in bookbinding to which school library books may be sent for rebinding under the provisions of this section, taking into consideration the convenience of location of such firms, the character of their work, their financial responsibility and any other matter or matters having a bearing on the satisfactory rebinding of school library books, the cost of rebinding, and the facilities and cost of transportation to and from the bindery.

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(3) Before any bookbinding firm is placed on said approved list, an agreement shall have been entered into between such firm and the committee as to prices to be charged for the rebinding of books as provided in this section, and such other matters as said committee may deem essential to carrying out the intent thereof. Each such agreement shall contain a clause authorizing said committee to drop the firm from such approved list in case the terms of the agreement are not complied with by the firm in question.

(4) During the last month of the annual school term in every school district coming under the provisions of the school library law, the teacher, principal or superintendent, as the case may be, shall set aside those books in the school library or libraries, which are in need of rebinding, and supply to the district clerk a list in duplicate of the titles of the books thus set aside, also a list of the approved bookbinding firms, together with such other readily obtainable information regarding the books set aside as may be called for by the state or county superintendent on blanks supplied for the purpose. Only those school library books shall be set aside for rebinding whose original costs, value as school library books, sanitary condition, and condition as to wear and tear and cleanliness are such as, in the judgment of the teacher, principal or superintendent, to justify rebinding.

(5) It shall be unlawful for the district clerk to make out an order for the payment of the last month's salary of the teacher, principal or superintendent, as the case may be, before the books for rebinding, if there be any such books, shall have been set aside and a list thereof received by him, as provided in subsection (4). If there are no such books a written statement to that effect signed by the teacher, principal or superintendent shall be substituted for said list of books.

(6) At the first regular or special meeting of the school board after the clerk has received the said list of books he shall present it to the board for its consideration and the board shall forthwith take formal action on the question of having the books rebound under the provisions of this section. The school board shall take such action not later than one month after the district clerk has received said list. If necessary, a special meeting shall be called for the purpose by the district clerk.

(7) Payment for the rebinding under the provisions of this section shall be made from any funds in the treasury of the school district not otherwise appropriated. The first year any school district takes advantage of this section the amount expended for this purpose shall not exceed an amount equal to twenty cents for each person of school age in the district; thereafter such amount shall not exceed ten cents per annum for each person of school age in any one school district.

(8) Lists of approved bookbinding firms as provided for in this section shall be distributed to teachers, principals, and superintendents between the first day of March and the first day of May each year, in such manner as other publications are distributed from the office of the state superintendent. [*Stats. 1919 s. 40.39; 1921 c. 452 s. 12*]

MUNICIPAL LIBRARIES.

43.25 Establishment or support of libraries. (1) Every city of the second, third or fourth class and every village, town, or county may, as hereinafter provided, establish, equip and maintain a public library or reading room, or maintain and support any public library or reading room already established therein, and may annually levy a tax or appropriate money to provide a library fund, to be used exclusively to maintain such library or reading room; and may enact and enforce police regulations to govern the use, management and preservation thereof.

(2) Every such library or reading room shall be forever free for the use of the inhabitants of the municipality by which it is established, supported or maintained, subject to such reasonable regulations as the library board shall prescribe in order to render its use most beneficial to the greatest number, and said board may exclude from the use of said library or reading room any and all persons who shall wilfully violate such regulations.

(3) In its discretion the county board of the county expending money for public library service to its inhabitants may provide in the following manner for the raising and collecting of the money necessary to reimburse the county for the amount so expended. The county clerk of any such county shall make a report to the county board at each annual November meeting, covering the year ending October first preceding, showing in detail the amount and proportion of the money expended by the county for such library service in each town, village, and city. The county board shall thereupon determine the proportionate amount to be raised and paid by each such town, village, and city to reimburse the county for the money so advanced, and thereupon within ten days after

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such determination the county clerk shall certify to the clerk of and charge to each town, village, and city the amount so advanced. Each such town, city, and village shall levy a tax sufficient to reimburse the county for such advances which shall be collected as other taxes and paid into the county treasury.

(4) Any city, town or village in any county levying a tax for a county library under the provisions of subsection (1) of this section, shall upon written application to the county board of such county be exempted from such tax levy, provided the city, town or village making such application expends for a library fund during the year for which such tax levy is made a sum at least equal to the sum which it would have to pay toward such county levy. [*Stats. 1919 s. 43.24 part, 43.31 sub (1); 1921 c. 398 s. 1, 2; 1921 c. 452 s. 13; 1921 c. 590 s. 50, 51*]

43.26 Library board, constitution. (1) Each such library shall be administered by a library board composed in each city of the second or third class of eight appointive members, in each city of the fourth class of six appointive members, and in each village, town or county of four appointive members, who shall be citizens of the municipality, of either sex, appointed by the mayor, village president, or town or county chairman, respectively, with the approval of the municipal governing body. Upon their first appointment such members shall be divided as nearly as may be, into three equal classes to serve for one, two and three years, respectively, from the first day of July in the year of their appointment in the case of towns, cities and villages and from the first day of January following their appointment in the case of counties, and thereafter each regular appointment shall be for a term of three years. The superintendent or other supervisor of schools of the municipality and, in cities under the commission form of government, one of said commissioners, shall be an additional member of said board. Not more than one member of the council or county, village or town board shall at any one time be a member of the library board. No compensation or expenses shall be paid to the members of any municipal library board for their services as such.

(2) In any city of the second or third class the common council may, by a two-thirds vote, provide for the reduction of the number of appointive members of the library board to six; and thereupon, whenever a term expires or a vacancy occurs, no appointment shall be made until the number of such members has been so reduced, whereupon the remaining members shall be by lot divided by the common council into three equal classes, to serve for one, two and three years, respectively, from the date of such completed reduction, and thereafter each regular appointment shall be for a term of three years, from the succeeding first day of July.

(3) A majority of the board is a quorum; but any such board may, by regulation, provide that three or more members thereof shall constitute a quorum. [*Stats. 1919 s. 43.17, 43.27, 43.28; 1921 c. 398 s. 3; 1921 c. 452 s. 14*]

43.27 Library board, organization and functions; librarians and assistants. (1) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter within thirty days after the time designated in section 43.26 for the beginning of terms, the members of the library board shall organize by the election, from among their number, of a president and such other officers as they deem necessary.

(2) The library board shall have exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized; and exclusive charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by the municipality for library purposes. The library board shall audit and approve all vouchers for the expenditures of such library and forward such vouchers or schedules covering the same, setting forth the names of claimants, the amounts of each claim and the purpose for which expended, to the municipal clerk with a statement thereon, signed by the secretary, that the expenditure has been incurred and that the library board has audited and approved the bill. The municipal clerk shall thereupon draw his order upon the treasurer, and the same shall be paid as other municipal orders are paid.

(3) Any person having any claim or demand against the municipality growing out of any act or omission of the library board shall file with said board a written statement thereof, and if such claim or demand or any part thereof be disallowed the claimant may bring an action against the municipality in the manner that an action may be brought after the disallowance of a claim by the common council of a city under the general charter.

(4) The board may appoint a librarian and such other assistants and employes as they deem necessary, and prescribe their duties and compensation. The librarian in

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charge of a library established by a county shall hold a first grade certificate as provided in section 43.165.

(5) The board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may co-operate with the University of Wisconsin, the state historical society, the free library commission, or boards of education to secure such lectures or by other means to foster and encourage the wider use of books and literature upon scientific, historical, economic, literary, educational and other useful subjects. [*Stats. 1919 s. 43.18 sub. (1), 43.19, 43.29, 43.30; 1921 c. 398 s. 3; 1921 c. 452 s. 15; 1921 c. 590 s. 52*]

43.28 Acquisition of library property. (1) Any such municipality may purchase the site, erect a building or buildings, and equip the same, for such library; or may adopt, take over and acquire any library already established, by consent of the authorities controlling the same.

(2) All persons desirous of making donations of money, personal property or real estate for the benefit of a public library shall have the right to vest the title thereto in the library board, to be held and controlled by such board, when accepted, according to the terms of the deed of gift, devise or bequest, and as to such property the said board shall be held and considered to be special trustees.

(3) In all cases where any gift, bequest, devise or endowment shall have been or shall be made to any public library, the library board of such library may pay or transfer such gift, bequest or endowment, or the proceeds thereof, to the treasurer of the county, city, village or town in which such library is situated, or may in the same manner pay or transfer such gift, bequest or endowment to any member of such board to be selected by them and thereafter to be known as financial secretary. Such financial secretary shall hold his office only during his membership of such library board, and shall be elected annually at the same time and in the same manner as the other officers of the library board. In all cases of any such treasurer or financial secretary holding any moneys or property whatever belonging to such library, such library board shall require a bond from such treasurer or financial secretary to the library board in such sum not less than double the amount of such money or property so held by him, and with such sureties, as the said library board shall require and approve. Such bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of such county, city, village, or town, with the necessary verbal changes to make the same applicable to the moneys and property so held by him. Such treasurer or financial secretary shall make an annual report to the library board showing in detail the amount, investment, income and disbursements from the trust funds in his charge. Such report shall also be appended to the annual report which said library board is required to make to the common council and to the free library commission. Such treasurer or financial secretary shall also send a copy of each annual report to the state commissioner of banking.

(4) Any county may receive by devise, bequest or gifts of lands, buildings, money, books or other property for the purpose of establishing a public library for the county and may enter into an agreement to maintain a public library in consideration thereof, and shall be bound to faithfully perform such agreement. In such case the library board have full power to properly administer the same.

(5) If a gift be offered to any county, city, village or town for a public library or a library building in consideration thereof such municipality may obligate itself, by an ordinance adopted by a two-thirds vote, to levy and collect an annual tax for the support and maintenance of such library or building of not to exceed fifteen per cent of such gift, and if such gift be accepted such obligation shall not be repealed. Such ordinance shall be subject to the referendum provided for in section 10.43. In the case of any such gift for a library building, the library board of directors of such municipality shall have the exclusive right to select and contract for the purchase of a site therefor, at a cost of not to exceed one-third of such gift. Such board of directors shall report forthwith to such city council or county, village or town board the amount required to pay for such site, and the council or county, village or town board shall thereupon by resolution, include such sum in the next succeeding annual tax levy, or provide for an issue of bonds in the required amount.

(6) Whenever the said library board shall certify to the city council, or county, village or town board, that it is unable to acquire the site selected for a just and reasonable price, and that a just and reasonable price for the site selected does not exceed the amount which may be legally expended therefor, said city council, or county, village or town board shall proceed to acquire such site by condemnation. Should the compensation awarded in the condemnation proceedings exceed one-third of such gift, such pro-

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ceedings shall nevertheless be valid if, within sixty days after the final award, such excess be provided for by private donation or otherwise; but in case such excess be not so provided for then said proceedings shall, upon motion, be dismissed with costs. [*1913 c. 296 s. 1, 2 parts; Stats. 1919 s. 43.31 sub. (3) last sentence, 43.23, 43.25, 43.26, 43.33, 43.34; 1921 c. 398 s. 3; 1921 c. 452 s. 16*]

43.29 Cities may aid free public libraries. In lieu of supporting and maintaining such a public library and reading room, the common council of every city of the classes named, having a board of education may, when deemed best for the interests of the city, levy such tax and authorize the board of education of such city to apply and expend the same in aid of the maintenance of any secular or nonsectarian public library and reading room free to all inhabitants of such city, already established and maintained therein by any society, association or corporation, and the board of education shall in such cases deposit with the city clerk the vouchers or bills covering the expenditures of such library from such tax fund, and the clerk shall draw orders on the treasurer, who shall pay the same as other municipal orders are paid. [*Stats. 1919 s. 43.24 part; 1921 c. 398 s. 1; 1921 c. 452 s. 17*]

43.30 Library extension and interchange. (1) The library board of any municipal library may, by contract or upon such conditions and regulations as it may prescribe, extend the use of the library to nonresidents of the municipality, or exchange books either permanently or temporarily with any other library.

(2) The library board of any municipality may, by agreement with any other municipality, provide for the loaning of books from its library, singly or in traveling libraries, to the residents of such other municipality; and any such other municipality may enter into any such agreement and levy a tax and appropriate money annually to meet its obligations thereunder.

(3) Whenever the annual sum appropriated by such other municipality pursuant to subsection (2) equals or exceeds one-sixth of the net annual income of such library during the preceding fiscal year, the mayor, village president, or town or county chairman of such other municipality, with the approval of the governing body thereof, shall appoint from among the citizens of such municipality an additional member of the library board of said library, and when such sum equals or exceeds one-third of such net annual income, two additional members, for a term of three years from the first day of July next succeeding such appointment, and thereafter for successive terms of three years each; but whenever such appropriation made is less than the one-third herein specified the office of one such additional member of the board and if less than the one-sixth the office of both shall be vacant from and after the first day of July next thereafter. [*Stats. 1919 s. 43.31 sub. (2), (3) part, (4), (5); 1921 c. 398 s. 3; 1921 c. 452 s. 18; 1921 c. 590 s. 53*]

43.31 Traveling libraries The library board of any municipal library may send out traveling libraries in its own and adjoining counties, and may make suitable provisions for receiving traveling libraries from its own and adjoining counties and from the free library commission. [*1921 c. 452 s. 19*]

43.32 County traveling libraries. (1) The library board of any county traveling library already established, or any county traveling library board established for the purposes of this section, may purchase suitable books for county traveling libraries, arrange them in proper cases, and distribute such cases of books to as many districts, as equally distant from each other, as the means therefor will permit, with the object in view of finally serving libraries within easy reach of all the people of the county. Such libraries may be located at suitable places in any town, village or city within the county, and not permitted to remain in one location longer than six months, except upon application of not less than five persons holding cards in such library, when such time may be extended not to exceed thirty days. Upon such removal another library may be loaned in its place successively for similar periods.

(2) For the purpose of such county traveling libraries any county may appropriate, the first year not to exceed five hundred dollars, and thereafter annually not to exceed two hundred dollars, for the purchase of books, for repairs, rebinding, and the cases and freight or express on same. Such money shall be retained by the treasurer of the county in a separate fund. It shall be paid out on order of the library board, signed by its president and secretary. All the books, property, moneys, donations, devises, bequests or gifts bought or appropriated or given for the purposes of such county traveling libraries shall remain the property of the county for the uses of such libraries.

(3) The county traveling library board may appoint a resident of the county of either sex as supervising librarian for such county traveling libraries, at a salary of not exceeding fifty dollars per annum and expenses not exceeding seventy-five dollars per annum. His duties shall be to arrange the books in their cases and repair them when

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slightly injured, keep the records, instruct the librarians of county traveling libraries in their duty, and perform such other functions as may be directed by the library board. He shall report annually, for the information of the county board: (a) The number of volumes in libraries; (b) stations supplied during the year; (c) expenses incurred; (d) number of books bought during the year; and (e) any other information relating thereto, as may be directed by the library board or required by the county board.

(4) The county board of any county may discontinue a traveling library system established by it under the provisions of this section, and turn the property of such system over to a county library system established under the provisions of section 43.25. [*Stats. 1919 s. 43.18 sub. (2), 43.20, 43.21; 1921 c. 398 s. 4; 1921 c. 452 s. 20; 1921 c. 590 s. 49*]

43.33 County system of libraries. (1) The county board of any county having a population of one hundred and fifty thousand or more may, pursuant to the provisions of sections 43.25 to 43.28, inclusive, establish and maintain a public library system for such county, and may for such purpose adopt, take over and acquire any library or libraries already established, by consent of the authorities controlling such library or libraries; or the county board may, by contract with any municipality within such county, extend the jurisdiction of any existing library board therein and provide for the maintenance of a county system of libraries by such municipality.

(2) The clerk of each such county shall submit to the county board, at each annual November meeting, a report covering the preceding fiscal year, showing in detail the amount and proportion of the money expended by the county pursuant to subsection (1) in each town, village and city. The county shall thereupon determine the proportionate amount to be raised and paid by each such municipality to reimburse the county for the money so advanced. Within ten days after such determination the county clerk shall charge to each such municipality and certify to the clerk thereof the amounts so due, respectively; and each such municipality shall levy a tax sufficient and pay over to the county the amounts so certified. [*1913 c. 296 part; 1917 c. 196; 1921 c. 452 s. 21*]

43.34 General supervision. (1) The Wisconsin free library commission may advise any municipal library board, so far as practicable in the conduct of its work.

(2) On or before the first day of August of each year the said library board shall make an annual report for the year. Such report shall be submitted to the Wisconsin free library commission and shall state the condition of their trust, the various sums of money received from the library fund and all other sources, and how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out, and the general character of such books, with such other statistics, information and suggestions as they may deem of general interest. The said board shall also include in the said annual report the names of the directors whose terms expire at the time the report is made.

(3) Within thirty days after the conclusion of the fiscal year of the county, town, city or village in which such library is located, the library board shall make a report stating the condition of their trust, the various sums of money received for the use of such library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the library, and from other sources. They shall also set out separately the condition of the permanent trust funds in their control. The said report shall state in detail the disbursements on account of such library and shall contain an estimate of the needs of the library for the next succeeding fiscal year. [*Stats. 1919 s. 43.22, 43.32; 1921 c. 398 s. 3; 1921 c. 452 s. 22*]

LIBRARIES AND MUSEUMS IN CITIES OF THE FIRST CLASS.

43.35 Establishment and maintenance. Any city of the first class however incorporated may establish and maintain, for the free use of the inhabitants thereof, a public library or a public museum for the exhibition of objects in natural history, anthropology and history, either the several or any one of these specifically or either of such institutions; and may receive, hold and manage any devise, bequest, donation or loan for the establishment, increase or maintenance thereof, under such regulations and conditions as may be prescribed pursuant to law or agreed upon by and between the donors and said city. [*1878 c. 7 s. 1; 1882 c. 328 s. 1, 2; 1882 c. 329 s. 1; 1897 c. 111 s. 1; 1921 c. 452 s. 23*]

43.36 Board of trustees, constitution. (1) Each such institution shall be administered by a separate board of nine trustees, consisting of the president of the school board and the city superintendent of schools as ex officio members, and seven additional appointive members who shall be appointed by the mayor on the third Tuesday in April. Three of said appointive members shall be selected from among the aldermen holding

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a four-year term, and shall serve as such trustees during their aldermanic terms. The other four shall be selected from among the residents and taxpayers of the city, for original terms of one, two, three and four years, respectively, from the third Tuesday in May next after their appointment, and for successive terms of four years each.

(2) Said trustees shall take the official oath, and be subject to the restrictions, disabilities, liabilities, punishments and limitations prescribed by law as to aldermen in such city. They shall not receive any compensation for their services as such trustees; and shall not individually become or cause themselves to become interested, directly or indirectly, in any contract or job for the purchase of any matter pertaining to the institution in their charge, or of fuel, furniture, stationery or other things necessary for the increase and maintenance thereof. [*1878 c. 7 s. 2, 3; 1882 c. 328 s. 3; 1887 c. 521 s. 1, 2; 1897 c. 111 s. 2, 11a; 1905 c. 135; 1921 c. 452 s. 24*]

43.37 Board of trustees; organization, annual meeting and general functions. (1) The annual meeting of the board of trustees of the public library shall be held on the second Monday of May, and of the public museum on the third Tuesday of May, in each year, at which meeting a president shall be chosen annually from their number.

(2) Each board shall have general care, control and supervision of the institution in its charge, its appurtenances, fixtures and furniture, and of the disbursements of all moneys belonging to the institutional funds, respectively. The trustees of the public library shall have charge of the selection and purchase of books, pamphlets, maps, and other matters pertaining to the library; and the trustees of the public museum shall have charge of the receipt, selection, arrangement and disposition of the specimens and objects pertaining to such museum. Each said board shall prescribe regulations for the management, care, and use of the institution, and adopt such measures as shall promote the public utility thereof, and may prescribe and enforce penalties for violations of such regulations. [*1878 c. 7 s. 4, 5; 1882 c. 328 s. 4, 5; 1897 c. 111 s. 3, 4; 1921 c. 452 s. 25*]

43.38 Librarian, director and employes; curators. (1) At its first meeting the board of trustees shall elect by ballot a person of suitable learning, scientific attainments, ability and experience for librarian of the public library or director of the public museum respectively. Each shall be selected in accordance with and shall be subject to the usual laws, rules and regulations of the city civil service commission. Each shall receive such compensation as shall be fixed by his board of trustees and shall be ex officio secretary of his board.

(2) The board shall appoint and fix the compensation of such assistants and employes for the institution as they deem necessary and expedient.

(3) The board of the public museum may appoint an acting director whenever, in their discretion, the service of the museum shall require it, who shall also be ex officio acting secretary of the board and whose acts as such shall receive full credit.

(4) The board of the public museum may, from time to time, appoint as honorary curators persons who have manifested a special interest in the museum or some particular department thereof. Such curators shall perform such duties and have such privileges as may be prescribed in the regulations of the museum, but shall not receive any pecuniary compensation. [*1878 c. 7 s. 6, 7; 1879 c. 152; 1882 c. 328 s. 6, 7; 1887 c. 433 s. 1; 1897 c. 111 s. 5, 6; 1921 c. 452 s. 26*]

43.39 Mill tax; institutional funds; expenditures. (1) Annually, at the next regular meeting of the board of trustees after the confirmation of the assessment roll by the common council of such city, the board of each such institution shall determine and certify to the common council and to the city comptroller a mill tax not exceeding the rate prescribed for such institution in section 65.08, and such taxes shall be levied and collected as other city taxes are levied and collected, and the entire amount thereof paid into and held in the city treasury in separate and distinct funds designated respectively, as the "public library fund" and "public museum fund."

(2) Such funds shall not be used or appropriated, directly or indirectly, for any purpose other than the maintenance and increase, payment of the salaries of the librarian or custodian and employes, purchase of fuel, supplies, furniture and fixtures, or incidental repairs of said institutions, respectively.

(3) All moneys received or raised for the purposes of said institutions shall be paid over to the city treasurer and credited to said funds, respectively. Each board of trustees shall provide for all necesary expenditures from each said fund, respectively, and all disbursements therefrom shall be made on orders of the president and secretary of the board, countersigned by the city comptroller; but, except as expressly provided otherwise, the board shall not in any one year expend or incur any liability for any sum in excess of the amount levied for each such fund for that year pursuant to subsection (1). [*1878 c. 7 s. 9, 11; 1879 c. 152; 1882 c. 60; 1882 c. 328 s. 9, 11; 1897 c. 111 s. 8, 10, 11;*

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1897 c. 168 s. 1; 1905 c. 135; 1907 c. 50 s. 1 par. 1; 1911 c. 93, 94, 109; 1921 c. 452 s. 27, 28]

43.40 Donations and miscellaneous receipts. (1) All moneys, books, specimens and other property received by devise, bequest or gift for the purposes of said institutions shall, unless otherwise directed by the donor, be under the management and control of the board of trustees of each institution, respectively.

(2) All moneys derived from penalties for violations of the regulations of said institutions, or from any other source in the course of the administration thereof, including all moneys paid to the city upon any policy of insurance or other obligation or liability for or on account of loss or damage to property pertaining to the institutions, shall be credited to said institutional funds, respectively, and may be expended in the manner prescribed in subsection (3) of section 43.39, in addition to the annual tax. [*1878 c. 7 s. 12, 13; 1879 c. 152 s. 4; 1882 c. 328 s. 12; 1921 c. 452 s. 29*]

43.41 Site, buildings and equipment. (1) The board of trustees of each such institution shall erect, purchase, hire or lease buildings, lots, rooms and furniture for the use and accommodation of the institution, and shall enlarge, improve and repair such buildings, rooms and furniture; but shall not erect, purchase, lease, or enlarge any building or lot without express authority of an ordinance or resolution of the common council. All deeds of conveyance and leases shall run to the city.

(2) The board of the public museum may enter into such agreements as it may deem wise with the board of the public library for the use and occupation by such public library of such portion of any building erected for the purposes of said museum, upon such terms and for such time as may be agreed upon. Such agreement shall contain a provision for reasonable compensation to be paid for such use and occupation, which shall be paid into and credited to the museum fund.

(3) Whenever any board lawfully in charge of any public library in any city of the first class shall place and maintain in any school building in such city a branch library open to such school or to the public, and there shall be in such building any room suitable for said purposes which any board lawfully in charge of such building shall assign for such purpose, then such room shall be heated, lighted and cared for without cost to said library board. [*1878 c. 7 s. 10; 1879 c. 152; 1882 c. 328 s. 10; 1895 c. 41 s. 1; 1897 c. 111 s. 9, 12; 1905 c. 135; 1907 c. 50 s. 1 par. 2; 1911 c. 109, 430; 1921 c. 333; 1921 c. 452 s. 30; 1921 c. 590 s. 54*]

43.42 Accountability; reports. (1) Within ten days after the appointment of a librarian or custodian or other salaried employes, the board of trustees of each such institution shall report to and file with the city comptroller a certified list of the persons so appointed, stating the salary allowed to each and the time or times fixed for the payment thereof.

(2) Immediately after any meeting of the board at which accounts and bills are allowed, the board shall furnish such comptroller with a list of all accounts and bills allowed at said meeting, stating the character of the materials or services for which the same were rendered.

(3) On or before the first day of October in each year, each such board, respectively, shall make a report to the common council, for the year ending with the thirty-first day of August next prior thereto, containing a statement of the condition of the institution, the number of books added to the library, the number of books circulated, the number of books lost or not returned, the articles added to the museums, and such other information and suggestions as they may deem important, including also an account of the moneys credited to the institutional fund, and the expenditures therefrom during the year. [*1878 c. 7 s. 8; 1879 c. 152; 1882 c. 328 s. 8; 1897 c. 111 s. 7; 1921 c. 452 s. 31*]

43.43 Art museums. Any city of the first class may establish, purchase land and erect buildings for, and equip, manage and control an art museum or museums; or enter into a contract with any art museum or art institute located in said city for the education of the people thereof in art, for such compensation as shall be determined by the common council of such city. Any such city may levy taxes, issue bonds, or appropriate money for said purposes. [*Stats. 1919 s. 43.35; 1921 c. 452 s. 32*]

AUDITORIUMS AND MUSIC HALLS IN CITIES OF THE FIRST CLASS.

43.44 Establishment and maintenance. (1) Any city of the first class may establish and maintain public auditoriums and music halls; and may establish, maintain and operate the same jointly, share and share alike, by agreement between the common council of such city and any private corporation duly organized for that purpose.

(2) Such private corporation shall execute to the city a bond, in a sum determined and with sureties approved by said common council, conditioned that the said corpora-

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tion will furnish its share of money as the same shall be required for the purposes specified in subsection (1).

(3) Said city may acquire all the stock of such corporation and become the sole owner of said auditorium and music halls; and any stockholder may transfer his stock to the city by sale, gift or otherwise. If the city shall be unable to agree with the holder upon the purchase price of any such stock, the city may purchase the same at a price to be determined by a board of arbitration consisting of three persons, one to be chosen by the common council, the second by the owner of such stock, and the third to be chosen by the aforesaid two, and the determination of said board shall be final and conclusive upon the parties.

(4) Whenever such city shall have acquired any of the stock of such corporation, the common council shall elect one of its members or the mayor to represent the city at all meetings of the stockholders of the corporation, and shall be entitled to vote said stock; and all notices of such meeting shall be given to said mayor or member of the council in the manner such notices are given to any other stockholder.

(5) Whenever the city shall have acquired all the stock of such corporation, the said corporation shall ipso facto be dissolved and the title to all its property of whatsoever nature, shall vest in said city; thereupon the auditorium board provided for in section 43.45 shall consist of only the ex officio members specified in said section.

(6) Any such city may, for the purposes specified in this section, levy a mill tax not exceeding the rate prescribed therefor in section 65.08, or issue bonds for said purposes and provide for payment of the same with interest by such a tax; and the proceeds thereof shall be paid into the city treasury and credited to a separate fund, which shall be designated as the "Auditorium Fund." [*1905 c. 426 s. 1-4, 5 sub. 2 s. 8, 10 part; 1909 c. 354; 1911 c. 99; 1919 c. 342; 1921 c. 452 s. 33*]

43.45 Auditorium board. (1) The building, maintenance and operation of said institution shall be under the full and complete control of a board of eleven members, designated as the "Auditorium Board" and constituted as follows: Five of such members shall be elected by such corporation, from among its stockholders, for first terms of one, two, three, four and five years, respectively, and successive terms of five years each; and the other members shall consist of the mayor, city attorney, city comptroller, city treasurer, and the presidents of the boards of trustees, respectively, of the public library and public museum, of said city, ex officio.

(2) Within ten days after the members of said board shall have been elected or appointed as aforesaid they shall hold a meeting and shall elect a president, a vice president, a secretary and a treasurer from their number, who shall hold office until the fourth Tuesday of April of the next following even-numbered year, and shall thereafter be elected biennially on the fourth Tuesday in April of the even-numbered years, for a term of two years. The treasurer shall, immediately upon his election furnish to the board a bond in double the amount of such funds as may come into his hands. [*1905 c. 426 s. 5 sub. 1, 6; 1919 c. 342; 1909 c. 354; 1921 c. 452 s. 35*]

43.46 Property and finance. (1) The title to all property acquired for the purposes of said institution shall be in the name of said city, and shall be held by said city perpetually for such purposes.

(2) Before incurring any liability, the auditorium board shall by resolution determine the amount of money necessary for the purposes of said institution; and thereupon said corporation shall pay into the auditorium fund one-half thereof, in such instalments as may be required and agreed upon. All receipts on account of said institution shall be paid into, and all expenditures defrayed from the auditorium fund.

(3) If said institution shall at any time become profit earning, over and above the expenses of maintenance, repairs, insurance and other expenses connected with the operation thereof, one-half of the net profits shall be paid over to said corporation, and the other half paid into the city treasury and credited to the school fund. [*1905 c. 426 s. 7, 10 part, 11; 1921 c. 452 s. 36*]

43.47 Operation. (1) The auditorium board shall regulate and control the use of said institution, and fix the terms and conditions of its use; and shall do all things necessary for the maintenance and operation thereof.

(2) Said institution shall be used primarily for public meetings, conventions, expositions, and other purposes of a public nature, which are hereby declared to be public purposes; but not for exhibits or trade shows if a charge is made for space occupied by any exhibitor or when an admission fee is exacted.

(3) When not in use for any of said primary purposes, the board may rent said institution, or any part thereof, on such terms and for such purposes as in it discretion may be deemed advisable and not inconsistent with said primary purposes.

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(4) (a) The word "convention" when used in this subsection means a county, state or national assembly of duly authorized, chosen or elected delegates or representatives meeting to accomplish some specific commercial, industrial, labor, civil, social, scientific or educational object.

(b) The term "patriotic affairs" in this subsection means affairs given for the encouragement and support of the government in time of war, or for the benefit and support of soldiers, sailors or marines who have been, or are in the service of the United States, including memorial exercises, exhibitions, fairs, reunions, entertainments, or barracks for such men, and to all of which affairs the public is admitted without charge.

(c) When not in use for any of its primary purposes, the common council of said city may authorize the gratuitous use of said institution, or any part thereof, for the purposes of conventions, or for offices, class rooms, studios, gymnasiums, lodge rooms, or accommodations for any industrial, commercial, scientific, educational, fraternal, musical, or labor organization which in its opinion will prove a public benefit to the city and promote the welfare and public interests of its citizens and to which said citizens are admitted without charge; and said purposes are hereby declared to be public purposes.

(d) For the use of said institutions as specified in this subsection the common council may appropriate to the auditorium fund such rental as shall be determined by the auditorium board; but the common council shall, by resolution, determine the aggregate amount which shall be appropriated therefor in any one year, and the particular conventions and purposes for which said institution shall be so used. [*1905 c. 426 s. 9; 1909 c. 354; Stats. 1919 s. 959—81r, 959—81s; 1921 c. 452 s. 37*]

43.48 Annual report. The auditorium board shall report annually to the common council all receipts into and disbursements from the auditorium fund, and the balance on hand. [*1905 c. 426 s. 12; 1921 c. 452 s. 38*]

CIVIC CENTRES.

43.49 Public buildings. (1) RECREATION AND AMUSEMENT. Any village or city may by ordinance, adopted by a majority of all the members of the board or council, provide for the erection, maintenance and operation of a public auditorium, opera house, or other recreation and amusement building. The erection and contracts therefor shall be governed by the provisions of law applicable to other public buildings therein. The board or council shall adopt regulations for maintenance and operation.

(2) REST ROOMS. Any city may erect, purchase, lease, or take by gift or devise, land and buildings for public rest rooms, and may equip, maintain and operate the same.

(3) COMFORT STATIONS. Every village and city shall provide and maintain a sufficient number of suitable and adequate public comfort stations for both sexes. The state board of health shall establish regulations governing their location, construction, equipment and maintenance and may prescribe minimum standards that shall be uniform throughout the state. The board or council may establish further regulations.

(4) COMFORT STATIONS AND REST ROOMS. The state, every county, city, village, and town maintaining places of public assemblage or camp sites may also provide and maintain a sufficient number of suitable and adequate public comfort stations for both sexes and may establish rest rooms separate or in connection with such comfort stations.

(5) PUBLIC CONCERTS. Any town, village or city may conduct public concerts in auditoriums and such other public places within its boundaries as the board or council shall determine. Such concerts shall be conducted by the department having charge of such place and the expenses thereof above receipts, if any, shall be paid out of such fund as the board or council shall determine. A fee to said concerts may be charged for the purpose of defraying the expenses thereof in whole or in part. [*Stats. 1919 s. 937d, 937e, 937f, 959—117; 1921 c. 269; 1921 c. 452 s. 39, 39a, 39b, 39c; 1921 c. 590 s. 70, 71*]

43.50 Use of school buildings and grounds for civic purposes. (1) Boards of school directors in cities of the first, second or third class may, on their own initiative, and shall, upon petition as provided in subsection (2), establish and maintain for children and adult persons, in the school buildings and on the school grounds under the custody and management of such boards, evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths and similar activities and accommodations to be determined by such boards, without charge to the residents of such cities; and may co-operate, by agreement, with other commissioners or boards having the custody and management in such cities of public parks, libraries, museums and public buildings and grounds of whatever sort, to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities in and upon such other buildings and grounds.

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(2) Upon the filing of a petition with the city clerk, signed by not less than ten per cent of the number of voters voting at the last school or other election in such city, the question of exercising the powers granted for any of the purposes specified in subsection (1) shall be submitted to the electors of the school district at the next election of any sort held therein, and if a majority of the votes cast upon such question shall be in the affirmative, the board of school directors shall exercise said powers in accordance with said petition, pursuant to this section.

(3) The board shall report to the common council at or before its first meeting in September of each year, the amount of money required during the next fiscal year for the support of such activities and thereupon, subject to the provisions of subsection (5), the common council shall levy and collect a special tax in the manner that other taxes are levied and collected, equal to the amount of money so required; but said tax shall not in any one year exceed the maximum mill tax rate prescribed for the school extension fund in section 65.08, for all the activities conducted in said city pursuant to this section, and said tax shall not be used or appropriated, directly or indirectly, for any other purpose.

(4) All moneys received by or raised in such city for the purposes mentioned in this section shall be paid over to the city treasurer, to be disbursed by him, in the manner that other funds at the disposal of such board of school directors in such city are disbursed.

(5) The tax provided for in subsection (3) shall not be levied or collected until after the question of the levy and collection of such tax shall have been submitted to the qualified school electors of such city pursuant to law, at some regular or special election, and shall have been favorably voted by a majority of those voting upon such question at such election. After a favorable vote on such question, as provided above, such tax shall be levied and collected annually until the voters of the school district of such city shall, by majority vote, order the discontinuance thereof. The question of such discontinuance shall be submitted in the manner the question of authorizing the levy and collection of the said tax is required by law to be submitted.

(6) The board may receive and expend for the purposes of this section any sums of money appropriated by the common council of such city for such purposes, and the common council may appropriate from the general fund to said board such sums of money as said council may deem expedient for the purposes of this section. [*Stats. 1919 s. 40.69; 1921 c. 452 s. 40*]

COMMUNITY CENTRES.

43.51 Community centres. (1) ORGANIZATION. (a) A community centre may be created in any tract of contiguous territory containing either an area of not less than sixteen square miles, or a population of at least five hundred inhabitants, and bounded by town, school district, section, quartersection or ward lines, or streams, lakes, swamps or similar natural boundaries and no part of which is included in any other community centre.

(b) A petition for referendum on establishing a community centre may be presented to the chief executive of the town, village or city in which the proposed tract or the larger part thereof lies. The petition shall designate the boundaries and a proposed name, and shall be signed by not less than one-fourth of the persons resident in the tract and qualified to vote at a school district meeting.

(c) Within five days of the receiving of the petition, the executive shall fix a time and place for the referendum, unless the tract lies in more than one municipality, in which event the executive shall call a meeting with the chief executive of all the municipalities to be held within ten days of the presenting of the petition. The executives at such meeting shall fix such time and place. If any executive is unable to attend he shall designate some other officer to attend and act in his place. The referendum shall be held not more than sixty days after presentation of the petition, and the clerk of the municipality in which it is held shall give at least ten days' notice thereof, by posting in at least six different public places in the tract or by publication in a newspaper published therein, once a week for two weeks immediately prior to the time set for the referendum.

(d) The referendum shall be conducted by the election officials of the municipality in which it is held, and in the manner provided for town meetings, including qualification of electors. The vote shall be by ballot with separate boxes for each municipality. The ballot may be written or printed in any manner plainly showing the intent.

(e) If a majority of the electors from each municipality voting are in favor of a community centre, the result shall be certified within six days to the clerk of each municipality, and to the county clerk and by him to the secretary of state, each of whom

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shall file such certificate, and thereupon, from the date of such election such tract shall constitute a public corporation of the name designated in the petition. The inclusion of all or a part of the territory of a community centre in a newly incorporated village or city shall not affect the community centre corporation.

(f) The expenses of the referendum shall be paid by the municipality to whose chief executive the petition is presented, which municipality shall be reimbursed by the community centre, if organized, and proportionately by the other municipalities, on the basis of the assessed valuation, if the community centre is defeated.

(2) OFFICERS. (a) The officers of a community centre shall be a director, treasurer, and clerk, who shall have the usual powers and duties of such officers, constitute the community board, and conduct and manage its affairs and have power, subject to change by any succeeding centre meeting, to change the name of the community centre.

(b) The term of office shall be three years, beginning with the annual meeting. At the first annual meeting the clerk shall be chosen for one year, the treasurer for two years, and the director for three years. Temporary officers may be chosen at the referendum by a separate ballot box and a plurality vote. Every officer shall hold until his successor is chosen.

(c) The board may fill by appointment any vacancy that may occur in their number within ten days after such vacancy shall occur; and if such vacancy shall not be so filled the town, village or city clerk of the town, village or city in which the community house is situated, shall fill such vacancy by appointment. Any person upon being notified of his appointment shall be deemed to have accepted the same, unless within five days thereafter he shall file with the clerk or director a written refusal to serve, and any person so appointed shall hold office until the next annual meeting, at which the electors shall fill such vacancy for the unexpired term.

(3) ANNUAL MEETING. (a) The annual community centre meeting shall be held on the second Monday in March, or if that be a legal holiday, on the day following, and in the community house or some building designated by the board and specified in the notice. Each resident person qualified to vote at a school district meeting shall be a voter of the community centre. The clerk shall give at least six days' previous notice of the annual meeting by posting notices therefor in six or more public places in the district, one of which shall be affixed to the outer door of the community house, and he shall give like notice for any adjourned meeting, if the adjournment be for more than one month.

(b) The election of officers shall be by ballot conducted publicly by the board. The polls shall be opened at one o'clock and close at eight o'clock in the afternoon. The ballots shall then be publicly counted and the result announced and recorded, whereupon the other business of the meeting shall be transacted.

(4) SPECIAL MEETING. Special meetings shall be called by the clerk or in his absence by the director or treasurer on the written request of one-fifth of the legal voters of the district, and notices thereof specifying particularly the business to be transacted shall be posted in the manner prescribed for calling the annual meeting; and the electors when lawfully assembled at a special meeting shall have power to transact the same sort of business as at the first or annual meeting except the election of officers. No tax or loan or debt shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified either personally or by a written or printed notice left at their places of residence, stating the time, place, and objects of the meeting, and specifying the amount proposed to be voted at least six days before the time appointed therefor, exclusive of the day on which the meeting is to be held and then voted by a two-thirds vote of the members present.

(5) POWERS. The annual community centre meeting shall have power:

(a) To appoint a chairman and clerk pro tem to act in the absence of either, and to adjourn from time to time.

(b) To vote a tax, not to exceed nine mills on each dollar of the assessed valuation of all the taxable property within the district for the year in which the tax is levied.

(c) To purchase or lease a suitable site, and to build, hire or purchase a community house, and to equip and maintain the same, and to provide for such meetings and proceedings therein as shall be directed.

(d) To authorize the community centre board to borrow money for any of its lawful purposes.

(6) ANNUAL REPORT. It shall be the duty of the board to meet on the Saturday immediately preceding the annual meeting, carefully examine the accounts of the treasurer and make up a full and itemized report of all receipts and expenditures since the last annual meeting, of the amount in the hands of the treasurer or the amount of the deficit, if any, for which the centre is liable, of the amount necessary to be raised by taxes for

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the maintenance of the community house for the ensuing year, and of the amount required to pay the interest or principal of any debt due or to become due during the year; which report shall be submitted in writing at the annual meeting and recorded by the clerk at length with the action thereon in the proceedings of the meeting.

(7) LEVY BY BOARD. If any community centre at its annual or any subsequent special meeting, prior to the third Monday of November following, shall not vote a tax sufficient to maintain a community house for the current year, the board, on or before the next Wednesday following said third Monday in November, shall determine the sum necessary to be raised to maintain such community house, and the clerk shall forthwith levy and certify to the town, village or city clerks, as the case may be, the amount so determined.

(8) COLLECTION AND PAYMENT. All taxes provided for in this section shall be certified, levied, collected and paid over as in the case of single or joint common school districts of the state.

(9) COMMUNITY HOUSE. The community house shall be used for the following purposes: Public gatherings for information, discussion, recreation, amusement; public banquets, suppers, and festivals; athletics, games; rest rooms; rooms for community agricultural projects; and such other purposes as the electors may deem fit, and the board shall adopt rules and regulations governing its maintenance, operation and management.

(10) DISSOLUTION. (a) A community centre may be dissolved by vote of a majority of the electors thereof at any annual meeting more than four years after organization. Petition for vote on dissolution signed by at least two-fifths of the community centre electors must be filed with the clerk and notice thereof included in the notice of annual meeting. The dissolution vote shall be by ballot during the hours when the polls are open.

(b) The dissolution shall be certified and recorded as provided in paragraph (e) of subsection (1) of this section for certifying organization.

(c) After vote of dissolution, the property shall be disposed of and the proceeds applied to the discharge of debts, and the surplus, if any, shall be paid over to the treasurers of the different municipalities within which the community centre lay, apportioned according to the assessed valuation of the property in the community centre located in each municipality. [*Stats. 1919 s. 937—1 to 937—15; 1921 c. 452 s. 41 to 41r*]

CHAPTER 44.

STATE HISTORICAL SOCIETY AND LOCAL HISTORICAL SOCIETIES.

STATE HISTORICAL SOCIETY.

44.01 Powers of; executive committee; real estate.
44.02 Historical society; duties.

LOCAL HISTORICAL SOCIETIES.

44.03 Incorporation of.
44.04 Acceptance of provisions of law.
44.05 Report of state society.
44.06 Articles of organization.
44.07 Meetings.

STATE RECORDS.

44.08 Records of state offices to be transferred to historical society; certified copies.
44.09 Accessioning state records.

STATE HISTORICAL SOCIETY.

44.01 Powers of; executive committee; real estate. The state historical society of Wisconsin, organized under an act of the legislature approved on the fourth of March, one thousand eight hundred and fifty-three, shall continue to possess the powers and privileges thereby conferred, subject to the limitations of this chapter and such laws as shall hereafter be enacted, and its acceptance of the benefits herein granted and renewed shall be conclusively deemed its complete acquiescence therein. Said society shall be the trustee of the state, and as such shall faithfully expend and apply all money received from the state to the uses and purposes directed by law, and shall hold all its present and future collections and property for the state; and shall not sell, mortgage, transfer or dispose of in any manner, or remove, except for temporary purposes, from the historical library building any article therein without authority of law; provided, this shall not prevent the sale or exchange of any duplicates that the society may have or obtain. There shall continue to be an executive committee of said society, constituted with substantially the same powers as at present, of which the governor, secretary of state and state treasurer shall be ex officio members and take care that the interests of the state are protected. The society may sell for such price and upon such conditions as its finance committee may deem best for its interests, and convey real estate acquired by it by gift or bequest or through the foreclosure of any mortgage. [*Stats. 1915 s. 374; 1917 c. 453 s. 6*]

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44.02 Historical society; duties. It shall be the duty of said society:

(1) To collect books, maps, charts and other papers and materials illustrative of the history of this state in particular and of the west generally.

(2) To procure from the early pioneers narratives of their exploits, perils and adventures.

(3) To procure facts and statements relative to the history, progress and decay of our Indian tribes so as to exhibit faithfully the antiquities and the past and present resources and conditions of this state.

(4) To purchase books to supply deficiencies in the various departments of its collections, and especially reports on the legislation of other states, on railroads and geological surveys, and of educational and humane institutions, for legislative reference, and such other books, maps, charts and materials as will facilitate the investigation of historical, scientific and literary subjects.

(5) To bind the unbound books, documents, manuscripts, pamphlets, and especially newspaper files containing legal notices, in its possession.

(6) To thoroughly catalogue the entire collections of said society for the more convenient reference of all persons who have occasion to consult the same.

(7) To keep its rooms open at all reasonable hours on business days for the reception of the citizens of this state who may wish to visit the same, without fee.

(8) To loan, in its discretion, for such periods and under such rules and restrictions as it may adopt, to libraries, educational institutions and other organizations or to private individuals in good standing, such books, pamphlets or other materials that if lost or destroyed could easily and without much expense be replaced; but no work on genealogy, newspaper file, or book, map, chart, document, manuscript, pamphlet or other material whatsoever of a rare nature shall be permitted to be sent out from the library under any circumstances. [*Stats. 1915 s. 376; 1917 c. 453 s. 6; 1917 c. 671 s. 15; 1919 c. 509*]

LOCAL HISTORICAL SOCIETIES.

44.03 Incorporation of. Local societies without capital stock may be incorporated for any purposes mentioned in section 44.02, and as auxiliaries to the state historical society, to gather and preserve incidents, experiences or biographies of the soldiers, sailors or citizens of this state in any way relating to the war of the rebellion. No fees shall be charged by any register of deeds for recording nor by the secretary of state for filing the articles of organization or any amendments thereto, nor for a certificate of incorporation of any such society. [*Stats. 1915 s. 376a; 1917 c. 453 s. 6, 8*]

44.04 Acceptance of provisions of law. The organizations in this state of the military order of the Loyal Legion, the Grand Army of the Republic, the Woman's Relief Corps, the Sons of Veterans, the Sons of the American Revolution, and the Daughters of the American Revolution, and any local society heretofore organized for any of the purposes mentioned in section 44.03, by a resolution passed and a verified copy thereof filed in the office of the secretary of the state historical society may accept the provisions and be entitled to all the benefits of sections 44.03 to 44.07, inclusive. Any such auxiliary society shall be a member and entitled to one vote in any general meeting of the state historical society. [*Stats. 1915 s. 376b; 1917 c. 453 s. 6, 8*]

44.05 Report of state society. Any such auxiliary society may make a report of its work annually to said state historical society, which, or portions or a synopsis thereof, may be included in the publications of said state society, and upon application of any auxiliary society the state society may become, in behalf of the state, the custodian of the records of such auxiliary society. [*Stats. 1915 s. 376c; 1917 c. 453 s. 6*]

44.06 Articles of organization. The state historical society, for the purpose of establishing uniformity in organization and methods of work, may prepare and furnish uniform articles of organization and by-laws to any such auxiliary society, but such auxiliary may adopt, from time to time, such additional by-laws as it may desire. [*Stats. 1915 s. 376d; 1917 c. 453 s. 6*]

44.07 Meetings. The state historical society may provide for annual or other meetings of officers or representatives of such auxiliary societies at times and places to be fixed by its secretary, or by such officers or representatives, and the proceedings of such meetings, or such portions thereof as its secretary may select, may be included in its published reports. Each auxiliary society shall receive a copy of each of the publications of said state society. [*Stats. 1915 s. 376e; 1917 c. 453 s. 6*]

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STATE RECORDS.

44.08 Records of state offices to be transferred to historical society; certified copies. For the purpose of the permanent preservation and expert indexing of state records, any state official is hereby authorized and empowered to transfer to the custody of the state historical society of Wisconsin, in its capacity as trustee for the state, any records, documents, original papers, manuscripts, newspaper files, or printed books not specifically required by law to be retained in the office of such official as a part of the public records, five years after the current use of the same, or sooner in the discretion of the head of the department. After such transference of said records or other material, copies therefrom shall on application of any citizen of Wisconsin interested therein, be made and certified by the secretary and superintendent of said state historical society, or his authorized representative in charge, which certification shall have all the force and effect as if made by the official originally in custody of them. [*Stats. 1915 s. 376m; 1917 c. 453 s. 6*]

44.09 Accessioning state records. Said state historical society is hereby required, as soon as practicable, adequately and conveniently to classify and arrange such state records or other official material as may be transferred to its care, under the provisions of section 44.08 of the statutes, and to keep the same accessible to all persons interested, under such proper and reasonable regulations as may be found advisable. [*Stats. 1915 s. 376n; 1917 c. 453 s. 6, 8*]

CHAPTER 45.

MEMORIAL HALL; MONUMENTS AND MEMORIAL BUILDINGS; VETERANS' HOME.

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MEMORIAL HALL.

45.01 Soldiers' memorial hall; providing rooms for. It shall be the duty of the superintendent of public property to provide suitable rooms in the capitol and properly prepare them for the purpose of a memorial hall dedicated to the soldiers and sailors who served in Wisconsin commands in the civil war of 1861 to 1865 or any subsequent wars. [*Stats. 1915 s. 376—1; 1917 c. 453 s. 7*]

45.02 Purpose of. Said rooms when so set aside for the purpose indicated, shall be the headquarters of the grand army of the republic, department of Wisconsin, and the offices of the department commander, assistant adjutant general and assistant quartermaster-general of the grand army of the republic, department of Wisconsin, shall be in said rooms. [*Stats. 1915 s. 376—2; 1917 c. 453 s. 7*]

45.03 Stationery for G. A. R. headquarters. The superintendent of public property shall furnish all stationery, pens, ink, printing and other supplies necessary for the proper use of the headquarters of the Grand Army of the Republic, on proper vouchers of the quartermaster-general of the Grand Army of the Republic. [*Stats. 1915 s. 376—4; 1917 c. 453 s. 7*]

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45.04 Custodian; appointment; term; duties; salary. A custodian and superintendent of said memorial hall, who shall be an ex-soldier or sailor, shall be appointed by the governor for a term of four years, whose duty shall be to take proper care of said memorial collection and to procure additions thereto and to so display them as to make them attractive and instructive to visitors to the state capitol. [*Stats. 1915 s. 376—5; 1917 c. 453 s. 7*]

MONUMENTS AND MEMORIAL BUILDINGS.

45.05 Monuments and memorial structures. (1) BY TOWNS, VILLAGES AND CITIES. Any town, village, or city may by referendum vote determine to erect a suitable monument or memorial building to the memory of any former residents thereof who lost their lives in the military or naval service of the state or of the United States, or in rendering great state or national service or in consequence of any such service.

(2) BY CITIES ONLY. Every city is empowered to erect within its boundaries a monument to the memory of any president of the United States, or to assist in the erection of such a monument by a donation either of money or of land for that purpose.

(3) BY COUNTIES. Any county may, pursuant to referendum vote as provided in subsection (4), appropriate not exceeding ten thousand dollars for the erection of a suitable monument or building to commemorate the deeds of soldiers and sailors who served the nation in the late civil war; and may also appropriate funds for the erection of monuments to the memory of distinguished citizens of the county.

(4) REGULATION. The town or village board, the common council or the county board, as the case may be, of the municipality proposing to act under either of the preceding subsections shall, except as provided otherwise by law, first adopt a resolution specifying the character of the proposed monument or building, or the amount and character of the proposed donation of money or lands, or the amount of any proposed county appropriation, and the amount of the tax proposed for the purpose specified. Such resolution shall then be submitted to a referendum vote of the electors of the municipality, and if it shall be approved by them it shall be carried into effect by such governing board or body by the enactment of an ordinance when necessary, by the levying of the tax, and by any other or further appropriate procedure, including the supervision of the work and the expenditure of the money raised. But the tax in any town, village, or city shall not exceed five mills on each dollar of the assessed valuation of all taxable property therein for the year in which such tax is levied, and the aggregate amount expended in any case shall never exceed the amount authorized by the referendum vote. Such supervision may be entrusted to a committee of the board.

(5) CARE AND MAINTENANCE. The governing boards or bodies mentioned in this section may make appropriations from time to time out of the general funds of their respective municipal treasuries for the purpose of defraying the cost of caring for and maintaining any monuments or buildings erected under this section, and to care for the graves of distinguished citizens. [*Stats. 1915 s. 937; 1917 c. 453 s. 7; Stats. 1917 s. 670 sub. (12), (12m), 959—118; 1919 c. 544*]

45.055 Monuments and memorials, war against Germany, counties. County boards are empowered to provide for the erection or establishment of suitable memorials to the soldiers, sailors and marines of the respective counties of this state who served the nation during the late war against Germany and its allies, or to contribute funds to corporations of the respective counties organized without capital stock for the purpose of erecting and completing such memorials; and for the purpose of raising funds for such memorial purposes or contributions to levy taxes upon the taxable property of the county not exceeding five mills on the dollar in all, which said taxes may be spread over a period of five years or to borrow money and issue the bonds of the respective counties therefor in the manner and under the regulations provided by chapter 67 of the statutes; also to take by condemnation, lands necessary for a site for such memorials when the county board shall so order, by a two-thirds vote. [*1919 c. 598; 1919 c. 702 s. 53; 1921 c. 576 s. 9*]

45.056 Monuments and memorials, towns, cities and villages. (1) Any town, city or village, however organized, by a majority vote of all the members of its respective board or council may determine and provide for the erection, construction, establishment or purchase of a suitable monument, building or any other memorial in honor of the deeds and memory of the soldiers, sailors and marines of said respective town, city, or village who served the nation during the great war against Germany and its allies and contribute funds to assist in so doing. Any commission or corporation without capital stock may organize for the purpose of erecting, constructing, establishing or purchasing

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such memorial as may be deemed appropriate and situated within the limits of said town, city or village.

(2) Any town, city, or village for the purposes and contributions mentioned in subsection (1) of this section may levy taxes upon the taxable property of said town, city, or village not exceeding five mills in all; said taxes may be spread over a period of five years if so ordered by a majority vote of the respective electors thereof.

(4) No popular vote shall be required for the issue of such bonds unless request therefor be made in accordance with the provisions of subsection 7 of section 943 of the statutes. If such request shall be made within thirty days after the passage by the respective town, or village board or common council of the city of a resolution or ordinance authorizing the issue of such bonds then the question of the issue of such bonds shall be submitted to a vote of the people in accordance with the provisions of section 943 of the statutes.

(5) For the purpose of providing a suitable site for a memorial to the soldiers, sailors and marines who served the nation in the great war against Germany and its allies any town, city, or village may grant the use of a designated portion of one of its public parks or other land owned by it or may condemn lands which the town, or village board or common council of the city shall decide by a two-thirds vote are necessary and appropriate for such purpose. [*1919 c. 598; 1919 c. 702 s. 53a, 53b; 1921 c. 576 s. 5*]

45.057 Memorial parks, care of. (1) Whenever any memorial to the soldiers, sailors and marines who served the nation in the great war against Germany and its allies shall be constructed, erected, established or purchased and consists of a park or highway it shall then be under the supervision and care of the highway or park commissioners or officials within whose district it may be located.

(3) If said memorial be created, constructed, erected or purchased by a city it shall be managed, maintained and controlled by a commission of five citizens of the city chosen by the common council, whose term of office shall be so arranged that the respective commissioners shall go out of office in successive years.

(4) If said memorial shall be created, constructed, erected or purchased by a town or village it shall be managed, maintained and controlled by a commission of five citizens of the respective town or village chosen by the respective town or village board. The term of office of said commissioners shall be so arranged that the respective commissioners shall go out of office in successive years.

(5) If said memorial shall be created, constructed, erected or purchased by a commission or corporation organized without capital stock and receiving funds and contributions from the city, village or town or individual subscriptions then it shall be managed, maintained and controlled by a commission of five citizens of the city, town or village in which such memorial may be located in whom the title to said memorial shall be vested as trustees for the public and said commissioners shall be chosen as follows: One by the common council of the city or the village board or the town board in which said memorial may be located and four by the county judge of the county. The terms of office of the commissioners first chosen shall be determined by lot so that one commissioner may go out of office each year, and thereafter the term of each commissioner chosen shall be for the term of five years.

(6) All members of commissions selected by virtue of the authority of this section shall serve without pay and until their respective successors have been chosen and qualified.

(7) Any monument, building or other memorial erected, constructed, created or purchased by any of the boards enumerated in section 45.056 may be designed upon the plans, specifications and regulations submitted to and approved by the state board of examiners of architects, if said respective boards shall so determine. [*1919 c. 598; 1919 c. 702 s. 53c*]

45.06 Rooms may be furnished by counties. The action of any county board or municipality, or department thereof, in granting soldiers of the civil war or Spanish-American war rooms and space within public buildings for the establishment of memorial halls and museums, and occupancy thereof by such ex-soldiers, is hereby authorized and confirmed. Such county board or municipality is hereby empowered and authorized to permit the use and occupancy of such rooms and space for such term and subject to such conditions and provisions as may be by them imposed, provided, however, that any contract, lien or agreement between said county board, municipality or department thereof and any such ex-soldiers of either the civil or Spanish-American wars now in force shall continue in force according to the terms thereof. [*1913 c. 718 s. 1; 1917 c. 453 s. 7*]

45.065 Lands for memorial parks. (1) Any town, village or city, however organized, by a majority vote of all the members of its respective board or council, may pur-

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chase cutover land or land bare of trees as a memorial park in honor of the deeds and memory of the soldiers, sailors and marines of said respective town, city or village who served the nation during the great war against Germany and its allies. Each such town, village or city upon purchasing said lands shall make immediate provisions for the planting of trees thereon to the end that such land shall be reforested as soon after its purchase as is reasonably possible.

(2) Land so purchased must be easily accessible by the residents of the town, village or city purchasing the same, but need not be located within its corporate limits.

(3) The care and maintenance of any such park shall be under a commission appointed as provided in subsections (3) and (4) of section 45.057.

(4) Any town, city, or village for the purposes and contributions mentioned in subsection (1) of this section may levy taxes upon the taxable property of said town, city, or village not exceeding five mills in all; said taxes may be spread over a period of five years if so ordered by a majority vote of the respective electors thereof.

(5) For the purpose of raising funds for the memorial purposes mentioned in subsection (1) of this section said town, city, or village may borrow money and issue its bonds therefor to an amount not exceeding five mills on the dollar of its taxable property provided that such bonds shall be payable in series and shall all mature within twenty years from the date thereof and shall be issued in the form and manner provided in section 926—11 of the statutes.

(6) No popular vote shall be required for the issue of such bonds unless request therefor be made in accordance with the provisions of subsection (7) of section 943 of the statutes. If such request shall be made within thirty days after the passage by the respective town or village board or common council of the city of a resolution or ordinance authorizing the issue of such bonds then the question of the issue of such bonds shall be submitted to a vote of the people in accordance with the provisions of section 943 of the statutes. [*1921 c. 30*]

VETERANS' HOME.

45.07 Veterans' home; who entitled to maintenance and burial. (1) The department commander of the Grand Army of the Republic for the department of Wisconsin and six persons appointed by the governor shall constitute and shall be known as "Board of Managers of the Wisconsin Veterans' Home." Said board shall have the control and management of the veterans' home located at Waupaca, Wisconsin. On the first Monday of July, 1917, the governor shall appoint two members of said boards whose terms shall expire on the first Monday of July, 1918; two members whose terms shall expire on the first Monday of July, 1919, and two members whose terms shall expire on the first Monday of July, 1920. On the first Monday of July, 1918, and annually thereafter, the governor shall appoint two members of said board for the term of three years. Each member so appointed shall hold his office until his successor is appointed and qualified. Any vacancies shall be filled by appointment by the governor for the unexpired term. Before making such appointments the governor may request the Grand Army of the Republic for the department of Wisconsin to recommend persons for appointment on said board, which recommendation shall be taken into consideration by the governor when making such appointments, but he shall not be confined in making appointments to the persons so recommended. No member of said board shall be compensated by the state for his services, traveling expenses, or for any disbursements or obligations incurred in the discharge of his duties. Within ten days after the first Monday of July of each year said board shall meet at the veterans' home at Waupaca and elect one of their members president, another of their members secretary and another of their members treasurer.

(2) The allowances appropriated by subsection (3) of section 20.15 are for the maintenance of employes who are actually maintained in the Wisconsin veterans' home, and for the following inmates:

(a) Indigent soldiers, sailors and marines of the civil war who have been honorably discharged from the service of the United States, and who are residents of this state or have served in any Wisconsin regiment or command, or in the navy of the United States being credited to Wisconsin.

(b) The mothers, wives, and widows of the persons mentioned in paragraph (a).

(c) Indigent mothers, wives and widows residing in this state, of union soldiers, sailors and marines of the civil war.

(d) Indigent women residing in this state who served as army nurses in the civil war. [*Stats. 1915 s. 1529a; 1917 c. 14 s. 21, 22; 1917 c. 68; 1917 c. 453 s. 7; 1919 c. 679 s. 37*]

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45.08 Bonds of officers; property vested in state; accounts and records; investigation. (1) The members of the board of managers of the said Wisconsin veterans' home, except the treasurer, shall execute to the state of Wisconsin a joint and several bond on their part in the penal sum of twenty-five thousand dollars, with two or more good and sufficient sureties, conditioned that they will faithfully expend and apply moneys appropriated by the state for and to the several objects and purposes for which the same are appropriated, and all moneys received at any time from the state of Wisconsin for the use and benefit of the home, and that they will, in all respects, faithfully discharge their duties as such managers. And the treasurer of the said board shall make and execute to the state of Wisconsin a bond in the penal sum of fifty thousand dollars, with two or more sufficient sureties, which bond shall be conditioned that all moneys appropriated by any act of the legislature of the state of Wisconsin, or in any wise derived from the state of Wisconsin, shall be paid out by him only for the uses and purposes specified in the act making such appropriation, and for the faithful accounting therefor, and the payment to his successor in office as such treasurer or the return to the state treasurer of this state of all moneys so received by him in pursuance of any act of appropriation. The sureties upon such bond shall severally justify their responsibility as such sureties by affidavit affixed thereto, and the total of the amounts in which the sureties to each such bond shall justify shall not be less than double the penalty of said bond, and the said bonds shall be approved by the governor, and filed in the office of the secretary of state. Until the bonds hereinbefore provided shall be each properly made, approved, and filed as so required, no money shall be paid out of the state treasury in pursuance of any act of appropriation by the state, and the treasurer of said Wisconsin veterans' home for the time being, who may receive any moneys so appropriated, shall not, upon the expiration of his term of office, or his resignation thereof or removal therefrom, in any manner pay any moneys so received from the state to the treasurer of the board of managers until such treasurer shall have executed and filed an approved bond as herein required, but may discharge himself from further liability by depositing any balance of such moneys in his hands with the state treasurer.

(2) If any additional land shall be purchased with the moneys at any time appropriated by the state to the said Wisconsin veterans' home, the title thereto shall be taken to the state and shall be held by and for the uses and purposes of the said home so long as used for the present objects and purposes thereof, and no payment shall be made out of the state treasury or otherwise for any such land until the title shall have been examined and the conveyance thereof to the state of Wisconsin approved by the attorney-general, and every such deed of conveyance shall be immediately recorded in the office of the proper register of deeds by the board of managers of said home, and thereafter filed with the secretary of state.

(3) It shall be the duty of the board of managers of said home to cause to be kept a true and accurate account of the disbursements of all moneys derived from the state at any time, and annually to make report in writing to the governor, giving a true and itemized account in such form as he may require or prescribe, of all expenditures made of moneys appropriated or in any manner derived from the state, and also of the names and number of inmates, the date of admission, time of occupancy, age, and residence of each, the regiment, company, battery, or other similar organization in which such inmate served during the civil war, or of the person on account of which such inmate was admitted to the home, and also the names, number and salaries of the officers, employes, and laborers employed in said home, and the fund from which they are paid, and also the total amount of the receipts and expenditures of the said Wisconsin veterans' home, and such other detail pertaining to or affecting expenditures for its maintenance or benefit, as may be required by the governor. Such report shall cover the period of the fiscal year ending June thirtieth, and be submitted on or before the first day of August, each year.

(4) The state board of control, or such board as may be by law intrusted with the supervision of state institutions, shall, not less than twice in each year, cause the said Wisconsin veterans' home to be visited by a committee of at least two of the members of such board, who shall carefully examine into the management of said home, its system of accounts and of keeping books, and methods of purchase of supplies therefor, and the manner of their issuance and expenditure, and care and keeping of the inmates of said home, the provision made for the comforts of such inmates, their treatment by officers and employes, and such other details of the management of the said home as they may deem proper to inquire into and as shall be thought likely to promote the objects for which the same is maintained; and they shall make full report thereon to the governor and to the legislature in the manner required by law, and it shall be the duty of the board of managers and the officers and employes of said home to facilitate such exam-

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ination and inquiries by disclosing all facts in relation to the same, and exhibiting all books, papers, and vouchers affecting the expenditure of moneys. But this section shall not give to the said state board of control any power of direction or any authority to interfere with the management of the said home by the said board of managers thereof, established and provided in accordance with the articles of organization and by-laws thereof; it being designed hereby only to enable full and correct information in respect to such circumstances to be presented to the governor and laid before the legislature. [*Stats. 1915 s. 1529a—1; 1917 c. 68; 1917 c. 453 s. 7*]

45.09 Police powers of veterans' home police. (1) The officers, guards, janitors and members of the police force of the Wisconsin veterans' home, are hereby authorized and empowered to summarily arrest all persons within or upon the grounds of said institution who shall be guilty of any offense against the laws of the state of Wisconsin or the rules and regulations governing said Wisconsin veterans' home; to arrest any vagrant or idle person who shall refuse to leave said premises and grounds when requested so to do, take such offender before any court of competent jurisdiction and cause proper complaint to be made against him, or them; and for such purposes said officers, guards, janitors and members of the police force shall possess and have all the power and authority of police officers and constables.

(2) Any person who shall be guilty of any noisy, boisterous, or disorderly conduct, or of fighting, immoderate drinking, drunkenness, indecent exposure of the person, lewd, wanton, or obscene conduct, or vulgar or obscene language, or of any offense against the laws of the state of Wisconsin, or the rules and regulations governing the said institution, within the grounds thereof, may be summarily arrested by said officers, guards, janitors, and members of the police force, or any of them, and shall upon conviction be punished by a fine of not less than one dollar, nor more than fifty dollars, or by imprisonment in the county jail not less than two days, nor more than sixty days; but if a different penalty or punishment is prescribed by law for any such offense, the same may be imposed instead of the penalty or punishment prescribed in this section. [*Stats. 1915 s. 1529a—2; 1917 c. 68; 1917 c. 453 s. 7*]

45.10 County tax for needy soldiers, etc. It shall be the duty of every county board to annually levy, in addition to all other taxes, a tax sufficient to carry out the purposes of this section, such tax to be levied and collected as other county taxes for the purpose of providing relief to needy soldiers, sailors or marines, who performed military or naval service for the United States in time of war, the indigent wives, widows, minor and dependent children of such deceased soldiers, sailors and marines, and the indigent parents of such soldiers, sailors or marines, who have not left surviving them widows or children entitled to relief under the provisions of sections 45.10 to 45.19, inclusive. At the end of each fiscal year, any unexpended balance in such fund shall be used as a fund for the purpose of this section for the next ensuing year. [*Stats. 1915 s. 1529b; 1917 c. 453 s. 7; 1919 c. 542 s. 1; Spl. S. 1919 c. 7 s. 1; 1921 c. 325*]

45.11 Reports to county board, names of needy, amounts required. The chairman of each town board, the board of trustees of each village, and the supervisors of each ward of a city, shall make a written report to the county board of their respective counties, on or before the first day of their annual meeting, containing the names of all resident indigent persons of the classes mentioned in the preceding section in their respective towns, villages or cities, who may require and be entitled to relief thereunder, and the probable amount necessary for that purpose for the ensuing year; and each county board shall, at the November session thereof, make such levy as will raise the necessary amount. [*Stats. 1915 s. 1529c; 1917 c. 453 s. 7; 1919 c. 542 s. 2, 3; 1919 c. 702 s. 31; Spl. S. 1919 c. 7 s. 2, 3, 4*]

45.12 The soldiers' relief commission, organization. (1) Every county judge shall on or before the second Monday in December after such report is made, appoint three residents of the county, each of whom shall be an honorably discharged soldier, sailor, or marine who performed military service for the United States in time of war, one of such appointees to serve three years, one to serve two years, and one to serve one year from the date of appointment, as the "Soldiers' Relief Commission" of such county.

(2) Such commission shall be organized by the election of one of their number as chairman, and one as secretary; said judge after the expiration of the terms of those first appointed, shall annually appoint one person as a member of such commission for the term of three years. He shall require the members of the commission to execute to the county a joint and several bond, with sufficient sureties to be approved by him, in a sum equal to the tax levied in the current year for expenditure by the commission; said bond

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or bonds shall be filed with the county clerk. [*Stats. 1915 s. 1529d; 1917 c. 453 s. 7; 1919 c. 109; 1919 c. 362 s. 34; 1919 c. 542 s. 2; Spl. S. 1919 c. 7 s. 3, 4*]

45.13 [*Repealed by 1919 c. 542 s. 2*]

45.14 Commission, examination, relief. Such commission shall meet at the office of the county clerk on or before the first Monday of January in each year and at such other times as may be necessary, and at such annual meeting carefully examine the lists reported pursuant to section 45.11, and being satisfied that the persons named on such lists are entitled to assistance shall fix the amount to be paid to each. They may also furnish relief to any person within section 45.10 whose name is not on any such list if the right of such person to relief shall be established to their satisfaction. The secretary of the commission shall make and deposit with the county clerk a list containing the name, place of residence and the amount to be paid each such person whose name is on either such lists, which shall be signed by the chairman and secretary; provided, that the total disbursements made by the commission shall not exceed the amount collected from the tax levied. When such lists are made and filed the county clerk shall issue an order upon the county treasurer for the sum designated therein in each case and deliver it to the person entitled thereto, taking a receipt for the same; provided, that when the commission shall deem it best to furnish relief in a different manner than by supplying money the county clerk shall issue an order upon the county treasurer to the chairman of the commission for such sum as they may have determined upon, and the commission may furnish such supplies as it deems best. The commission shall make a detailed report to the county board at each annual session thereof showing the amount expended and the name of each person who has received aid. [*Stats. 1915 s. 1529e; 1917 c. 453 s. 7, 8; 1917 c. 671 s. 34; 1919 c. 542 s. 2; Spl. S. 1919 c. 7 s. 3, 4*]

45.15 Commission, compensation. The county board shall allow the members of the commission the same rate of compensation as is fixed by law for their own compensation and also the amount of their actual expenses incurred in the performance of their duties, on the presentation of an itemized statement thereof; provided, that compensation shall not be allowed for more than four meetings in each year; and provided further that any such county board may allow each year, to the secretary of such commission a sum not to exceed fifty dollars, the same to be in lieu of all other compensation, and that in any county having a population of one hundred thousand or over according to the last previous census the board may fix a salary for the members of the commission, other than the secretary, not exceeding five hundred dollars per annum, which shall be in full for all services and expenses, and which shall be payable at the same time as other salaries are paid; and provided further, that the board of any such county may fix a salary not exceeding one thousand dollars per annum, to be paid out of the county treasury when other salaries are payable therefrom, for the secretary of the commission, which shall be in full for all services rendered and expenses incurred by him except disbursements for stationery and postage. [*Stats. 1915 s. 1529f; 1917 c. 116; 1917 c. 453 s. 7; 1919 c. 542 s. 2; Spl. S. 1919 c. 7 s. 3, 4; 1921 c. 281*]

45.16 Burial. Each town board, village board and the aldermen of each ward in every city, shall cause to be interred in a decent and respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, at an expense to the county of not less than thirty-five, nor more than fifty dollars, the body of any honorably discharged soldier, sailor or marine and the wives or widows of such soldiers, sailors or marines who shall have, at any time, served in the army or navy of the United States, and who shall die not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances which would distress his family to pay the expenses of such burial. [*Stats. 1915 s. 1529g; 1917 c. 453 s. 7*]

45.17 Investigation and report. It shall also be the duty of such officers before assuming such charge and expense to make a careful inquiry into and examination of all the circumstances in any such case for the purpose of ascertaining the existence of either of the facts required by the preceding section, and they shall also report the same to the county clerk of their county, setting forth the fact that they found the family of such deceased person in indigent circumstances and all the facts on which they based their action, together with the name, rank and command to which he belonged, the date of death, the place where buried, his occupation while living and an itemized statement of the expenses of such burial. [*Stats. 1915 s. 1529h; 1917 c. 453 s. 7*]

45.18 Order for expenses; headstone. It shall be the duty of the chairman of the board and the clerk of such county on the receipt of such report to draw an order on the county treasurer for the amount of expenses so incurred, payable to the person or persons designated in said report as being entitled thereto. And the county board of each county shall, upon the death and burial of any such soldier, sailor or marine resid-

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ing therein at the time of his death, make application to the proper authorities for a suitable headstone as provided for by act of congress, and at the expense of the county cause the same to be placed at the head of his grave. [*Stats. 1915 s. 1529i; 1917 c. 453 s. 7*]

45.185 Care by counties of soldiers' graves. (1) Every town board, village board, or common council of every city shall at all times see that the graves and tombstones of all soldiers, sailors or marines who shall at any time have served in the army or navy of the United States, and of the wives or widows of all such soldiers, sailors or marines, receive proper and decent care, and may employ all necessary assistance to carry out the provisions of this section. The expense of the care of such graves and tombstones shall be borne by the respective counties where the said graves are located, except where suitable care is otherwise provided.

(2) It shall also be the duty of such officers to report to the county clerk of their respective counties the respective locations of the graves so taken care of by them, together with the name and command to which every such soldier, sailor or marine belonged, and his rank at the date of his death.

(3) It shall be the duty of the chairman of the board and the clerk of such county, upon receipt of such report, to draw an order on the county treasurer for the amount of the expenses so incurred, payable to the person or persons designated in said report as entitled thereto. [*1919 c. 366; 1919 c. 671 s. 13*]

45.19 Army nurses given privileges and compensation. Every person who has resided one year or more in Wisconsin, and who served at least ninety days as an authorized union army nurse between the fifteenth day of April, 1861, and the fourth day of July, 1865, shall upon due proof of the facts hereinbefore stated, be entitled to the same privileges and compensation as soldiers of the said civil war have to the following:

(1) To relief from the county fund for the benefit of indigent soldiers.

(2) To admission to the Wisconsin veterans' home at Waupaca. [*Stats. 1915 s. 1529j; 1917 c. 453 s. 7*]

45.20 Temporary aid to soldiers, sailors and marines, and their dependents. Temporary aid shall be given, granted, furnished and provided, according to the provisions of chapter 49, to and for any honorably discharged indigent soldier, sailor, or marine of any war of the United States and the indigent wife, widow or minor child of any such, without requiring the removal of any such person to any poorhouse, but such temporary aid shall not continue longer than three months at any one time or in any one year unless the authorities charged with the relief of the poor shall determine otherwise. [*Stats. 1917 s. 1524; 1919 c. 42; 1919 c. 345 s. 18*]

45.21 Registration of certificate of discharge. Every soldier, sailor, marine or nurse who served in the war against Germany and its allies and who has been honorably discharged or relieved from active service shall cause to be recorded with the register of deeds of some county within this state, in a suitable book to be provided by the county for that purpose, his or her certificate of discharge or release. The register of deeds so recording such certificate shall make no charge for such service, except that in counties where the register of deeds is under the fee system and not paid a fixed salary he shall be paid a fee of twenty-five cents, by the county, for each such certificate so recorded. The record of any such certificate heretofore made is hereby legalized. [*1919 c. 465*]

45.25 Wisconsin memorial hospital. (1) A hospital, to be known as the "Wisconsin Memorial Hospital," is hereby established, to be constructed, erected and equipped as hereinafter provided. Such hospital shall be for the care and treatment of discharged soldiers, sailors, nurses and marines, residents of this state at the time of their enlistment, who served in the armed forces of the United States in the late war against Germany and her allies, who are suffering from mental diseases and who are or may hereafter become beneficiaries of the federal war risk insurance act.

(2) A commission is hereby created with power and authority to do all things necessary in constructing, erecting and equipping such memorial hospital, such commission to consist of the governor and eight other members appointed by him. One of such appointed members shall be an ex-service man, one shall be appointed from the service recognition board, one shall be appointed from the state department of engineering, one shall be appointed from the state board of control, and four shall be appointed from the membership of the 1921 legislative visiting committee; such commission shall serve without compensation, and shall be known as the "Commission for the Wisconsin Memorial Hospital."

(3) Said commission shall select a site for such hospital on grounds owned by the state. When selected such site shall be made available for said commission by the state agency controlling the site selected. When such hospital is completed and ready for occupancy, the commission for the Wisconsin memorial hospital shall cease to exist and

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the management and supervision thereof shall immediately vest in the state board of control of Wisconsin, which shall thereafter exercise the same supervision over such hospital as it is by law authorized to exercise over the state charitable, reformatory and penal institutions, and the state board of control shall succeed to all the rights, privileges or responsibilities of any unexecuted contracts entered into between the commission for the Wisconsin memorial hospital on behalf of the state and the United States government, or any of its agents for any of the purposes set forth in subsection (4) of section 45.25, and thereafter any further contracts for such purposes as are set forth in said subsection shall be entered into on the part of the state by the state board of control.

(4) The commission for the Wisconsin memorial hospital is authorized and empowered to enter into contracts on behalf of the state of Wisconsin with the federal war risk insurance bureau or any other legally authorized department, bureau or commission of the United States government for the maintenance, care and medical treatment at federal or joint federal and state expense of discharged soldiers, sailors, nurses and marines, who were residents of the state of Wisconsin at the time of their enlistment, and who served in the armed forces of the United States in the war against Germany and Austria and are suffering from mental diseases and who have or may become beneficiaries under the federal war insurance bureau; for the erection, construction and equipment at federal expense or at joint state and federal expense of a suitable hospital building or buildings for the care, maintenance and treatment of such disabled soldiers, sailors, nurses, and marines, the employment of physicians, nurses and attendants, the purchasing of medicines, surgical equipment, therapeutical appliances, and all other equipment, appliances and apparatus needed to properly equip a hospital for the care and treatment of persons suffering from mental diseases.

(5) All moneys received by each and every person from the federal government on any or all of such contracts shall be paid within one week after receipt into the general fund and are reappropriated therefrom to the commission for the memorial hospital for the carrying on of its functions as provided in section 45.25 of the statutes. The total amount of all moneys received on such contracts for the erection and equipment of a hospital building or buildings shall reduce by such amount the appropriation made by section 20.155. [*1921 c. 305 s. 1; 1921 c. 590 s. 91*]

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TITLE VII.

Charitable, Curative, Reformatory and Penal Institutions and Agencies.

CHAPTER 46.

STATE BOARD OF CONTROL AND LOCAL BOARDS.

STATE BOARD OF CONTROL.

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STATE BOARD OF CONTROL.

46.01 Organization. (1) To secure the just, humane and economical administration of the laws concerning the charitable, curative, reformatory, and penal institutions of this state, there is hereby constituted a board of three members, one of whom shall be a woman, which shall be known as the "State Board of Control of Wisconsin." The board shall be a body corporate, and, in addition to the functions expressly authorized by law, shall have all powers necessary to the full and complete performance thereof. Such board shall have a seal, with the words "State Board of Control of Wisconsin," and such other design as the board may prescribe, engraved thereon, by which it shall authenticate its proceedings, and of which the courts shall take judicial notice.

(2) Immediately after the passage and publication of this act, the governor shall, by and with the advice and consent of the senate, appoint such members, but no member so appointed shall be qualified to act until so confirmed. The term of the first appointee shall terminate on the first Monday of February, 1921; the term of second such appointee shall terminate on the first Monday of February, 1923; and the term of the third such appointee shall terminate on the first Monday in February, 1925. In January, 1921, and biennially thereafter, there shall be appointed and confirmed in the same manner, one member for the term of six years from the first Monday in February of such year. Such member so appointed shall hold his office until his successor is appointed and qualified. Any vacancies shall be filled by appointment by the governor for the unexpired term, subject to confirmation by the senate, but any such appointment shall be in full force until acted upon by the senate. Each member shall receive an annual salary of five thousand dollars, and his actual and necessary traveling expenses incurred in the discharge of his official duties.

(3) Each person who accepts such appointment shall take and file the official oath.

(4) Each member of said board shall devote his entire time and attention to the duties of his office.

(5) The governor may at any time remove any member for inefficiency, neglect of duty or malfeasance in office. Before such removal, he shall give such member a copy of the charges against him, and shall fix a time and place when he can be heard in his own defense, which shall be not less than ten days thereafter, and such hearing shall be open to the public. If he shall be removed, the governor shall file in the office of the secretary of

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state a complete statement of all charges made against him, with a record of all proceedings, and his findings thereon.

(6) The members first appointed under this section shall, within ten days after their appointment and confirmation, meet at the capitol and organize by electing one of their members president, who shall serve until the second Monday in February, 1921. On the second Monday of February in each odd-numbered year the members shall meet at the office of the board and elect one of their members president, who shall serve for two years, and until his successor is elected. A majority of said members shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining members to exercise all the powers of the board.

(7) The board, shall at their first meeting, and at each biennial meeting thereafter, appoint a secretary, fix his compensation, and prescribe his duties. [*Stats. 1917 s. 561, 561a sub. 1–3; 1919 c. 328 s. 4, 5; 1919 c. 403 s. 1–3*]

46.02 Board meetings and supplies. Said board shall be provided with a room or rooms in the capitol as its office. The board shall be supplied with all necessary furniture, blanks, blank books and printing. It may subscribe for not more than two hundred copies, in any one year, of the proceedings of the national conference of charities and corrections, and may purchase books or periodicals for its library at a cost not to exceed one hundred dollars per annum. [*Stats. 1917 s. 561b; 1919 c. 328 s. 6; 1919 c. 403 s. 2*]

46.03 General functions of the board. The said board shall:

(1) Maintain and govern the Wisconsin state hospital for the insane, the Wisconsin psychiatric institute for the treatment of insane persons, the northern hospital for the insane, the central state hospital for the insane, the state prison, and the state prison farms, the Wisconsin state reformatory, the Wisconsin industrial home for women, the Wisconsin industrial school for boys, the Wisconsin industrial school for girls, the Wisconsin school for the blind, the Wisconsin institute for blind artisans, the Wisconsin school for the deaf, the state public school, the Wisconsin home for the feeble-minded, the southern Wisconsin home for the feeble-minded, the Wisconsin state tuberculosis sanatorium, the northern state tuberculosis sanatorium, the state tuberculosis camp, and all other charitable, curative, reformatory, and penal institutions that may be established or maintained by the state.

(2) Supervise and direct the management and affairs and preserve and care for the buildings, grounds, and all other property pertaining to said institutions, and promote the objects for which they are established.

(3) Take and hold in trust, whenever the board may deem the acceptance thereof advantageous, all property, real or personal, transferred in any manner to the state to be applied to any specified purpose, use or benefit pertaining to any of said institutions or the inmates thereof, and apply the same in accordance with the trust.

(4) On or before July first in each year, make full and complete inventories and appraisals of all the property of each such institution, which shall be recorded and so classified as to show separately the amount, kind, and value of such property.

(5) Make and cause to be printed regulations for its own government, the management of said institutions, and the accomplishment of the purposes for which they are established.

(6) Visit and inspect each of said institutions at least once in each month, either as a body or by some member or members, and ascertain whether the officers, teachers and employes therein are competent and faithful in the discharge of their duties, all inmates properly cared for and governed, all accounts, books and vouchers properly kept, and all the business affairs properly conducted.

(7) Establish and maintain a system and prescribe forms for keeping the books, accounts, and records, and for rendering reports of all said institutions, which shall be as nearly uniform as is practicable.

(8) At the close of each fiscal year, cause all the financial transactions and accounts of or relating to said several institutions to be thoroughly examined by an accountant, pursuant to the provisions of chapter 15 of the statutes; and said accountant shall submit a full and detailed report of such examination to the governor as soon as practicable.

(9) All persons committed to any reform school, prison, parental school, industrial school, home for dependent children or other place of confinement or commitment, shall be allowed spiritual advice and ministration from any recognized clergyman of the denomination or church to which they may respectively belong or did belong prior to their commitment or confinement, which advice and ministration shall be given within the place of confinement in such manner as will secure to such persons the free exercise of their religious belief and under such reasonable rules and regulations as the officers in charge of such place shall prescribe.

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(10) The state board of control may give such instruction in occupational therapy at such institutions under its control as it shall deem wise; such instruction shall consist of vocational advice and technical training necessary for the proper qualifications of the inmates of such institutions for present and future usefulness. [*Stats. 1917 s. 561j sub. (1) to (7), (13), (14), 561dn, 4951; 1919 c. 78 s. 10; 1919 c. 328 s. 7; 1919 c. 332 s. 1; 1919 c. 671 s. 13a, 15a; 1919 c. 703 s. 35; 1921 c. 150*]

46.04 Officers and employes of the board. (1) The board shall appoint a secretary, who shall be a competent and experienced bookkeeper, and shall keep its books, records and accounts under such regulations as it may prescribe. He shall keep a separate book account with each department of the several institutions, including all items purchased or sold on account thereof, and the products thereof, with an estimate of their value, in such manner as to show the relative cost and expenditure on account of each department, and the income thereof; and in case the income or profits of any department shall be made to contribute to the income or support of any other department of any such institution the books shall show the fact.

(2) The board may appoint and fix the compensation of such agents and inspectors as may be necessary to inspect and investigate all institutions subject to its inspection and investigation, such agents and inspectors to make a report of such inspection and investigation to the board. Such agents and inspectors shall be exempt from the provisions of chapter 16 of the statutes.

(3) The board shall appoint and employ one or more officers to be known as field officers who shall carefully look after the welfare of all persons paroled from any state penal institution or from the house of correction of Milwaukee county, or placed on probation pursuant to section 57.01 and subject to its control as provided in section 57.02.

(4) The state board of control shall establish a department of that board, which shall be known and designated as the "Juvenile Department," which department shall exercise such of the powers and duties delegated by law to the state board of control as such board shall prescribe for the proper care, education, protection or reformation of dependent, neglected, mentally defective or delinquent children. The state board of control shall appoint a director and such assistants as may be needed to perform properly the work of such department. The state board of control shall fix the compensation of such director and of such assistants, who shall be paid for their services in the same manner as other employes of said board are paid, and shall be reimbursed their necessary traveling expenses. [*Stats. 1917 s. 561k, 564 sub. (9), 4734f; 1919 c. 328 s. 8; 1921 c. 531*]

46.05 Officers and employes of institutions; police powers; complaints. (1) The board shall annually appoint for each hospital for the insane a superintendent, one assistant physician, a matron, and a steward; for the state reformatory a superintendent, an assistant superintendent, and a steward; for the central state hospital, the school for the blind, the school for the deaf, and the industrial school for boys, each a superintendent and a steward; for the industrial home for women a superintendent and a steward, who shall be women; for the institute for blind artisans, the industrial school for girls, the state tuberculosis sanatoriums, and the state tuberculosis camp, each a superintendent; for the state public school, and the homes for the feeble-minded, each a superintendent, a steward, and a matron; and for the state prison a warden, a steward, a deputy warden, a chaplain, and a matron. The duties of said officers shall be fixed by said board, except as otherwise provided by law; but the board may combine the functions and duties of superintendent or warden and steward in one person at any of said institutions except the state hospitals for the insane.

(2) The salaries of the officers of said institutions, if not otherwise fixed by law, shall be fixed by the board of control; but no salary shall exceed twenty-five hundred dollars per annum, except the salaries of the superintendents of the northern hospital for the insane and the Wisconsin state hospital for the insane, which shall not exceed thirty-five hundred dollars per annum. The steward of each institution shall execute and file an official bond in such sum and with such sureties as said board may prescribe. Said board shall also require any other officer or other person having the possession or custody of any money or property belonging to the state or any institution under its control or supervision to give an official bond, and from time to time to renew the same.

(3) Except as otherwise provided by law the board shall fix the number and prescribe the duties and compensation of subordinate officers, teachers and employes in each such institution, who shall be appointed by the officer in charge subject to approval by the board; and may remove or discharge any officer, teacher or employe who shall be guilty of any malfeasance or misbehavior in his office or employment or of neglect or improper discharge of duty.

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(4) Physicians to be employed in the Wisconsin state prison, Wisconsin state reformatory, and Wisconsin industrial home for women, shall be exempt from the provisions of chapter 16 of the statutes.

(5) The officers, janitors and guards of all the state charitable, curative, penal and reformatory institutions, and of the county asylums for the chronic insane, and the keepers of poorhouses not located within the corporate limits of any village or city are empowered to summarily arrest all persons within or upon the grounds of such institutions whom they have reasonable cause to believe guilty of any offense against the laws or regulations governing the same, or of any other violation of section 4444*n*; to arrest any vagrant or idle person who shall refuse to leave any of said institutions or premises when requested so to do; and to take any such offender before any court of competent jurisdiction and cause proper complaint to be made against him; and for such purpose said officers, janitors, guards and keepers shall possess all the powers and authority of police officers and constables.

(6) Said board shall investigate all complaints against any of the institutions hereinbefore designated by name, or against the officers or employes thereof; may summon, compel the attendance of and swear witnesses, and compel the production of books and papers; and may at any time, on its own initiative, investigate the affairs of any such institution in such manner as may seem best. Any written communication or complaint addressed to such board or either of its members by any inmate, employe, or subordinate of any such institution shall be forthwith forwarded as addressed without the breaking of the seal or the reading thereof or other interference by any officer or employe of the institution from which it shall be sent. [*Stats. 1917 s. 561g, 561j sub. (8), (9), (10), 561l, 564 sub. (10), 609; 1919 c. 328 s. 9*]

46.06 Acquisition and disposition of lands. (1) Whenever the said board is authorized by law to acquire land for a specified public purpose and the owner thereof refuses to agree upon the compensation therefor, or whenever by reason of the absence or legal incapacity of the owner, or other cause, such agreement cannot be had without unreasonable delay, the said board may acquire such land by condemnation proceedings in the manner prescribed in chapter 32.

(2) Said board may construct and operate, or may grant license to any railway company to construct and operate, a spur railroad track over lands belonging to the state to connect any of the state institutions under its charge with a general line of railroad, but any license granted in pursuance hereof shall be revocable at the will of the legislature.

(3) The board may convey to any city land not exceeding one acre in extent, to be used by said city for waterworks purposes, for such compensation as said board shall deem reasonable; and may permit any city on such terms as may be just and reasonable to make such exploration on the lands of any state institution under its control as may be needful in locating a water supply for a municipal waterworks.

(4) The board may enter into a contract with the officers of the village of Union Grove, permitting them to connect the sewer system of said village with the main sewer drain of the southern Wisconsin home for feeble-minded and shall fix the value or compensation which shall be received by the state for the granting of such permission. The board shall submit such sewer system plans to the state board of health for its approval. [*Stats. 1917 s. 561h, 561t, 567e, 605, 606, 607; 1919 c. 328 s. 11*]

46.07 Receipts on behalf of the state or inmates. (1) All moneys received by each and every person for or in behalf of the board of control or any state institution under said board, shall be paid within one week of receipt, into the general fund of the state treasury and except as expressly provided otherwise shall be available for state account generally. Such deposits derived from the binder twine plant and other prison industries shall be accompanied by a schedule showing the various amounts received from each person or persons, together with the residence of each.

(2) All money or property paid or delivered to any officer or employe of either such institution for the benefit of any inmate thereof shall forthwith be paid or transmitted to the steward thereof, who shall enter the same upon his books to the credit of the person or persons for whose benefit it was designed and make report thereof to said board at its next regular meeting. Such money or property shall be used only under the direction and with the approval of the superintendent or warden of the institution and for the benefit of the person or persons for whom it was designed. [*Stats. 1917 s. 561em, 561p; 1919 c. 328 s. 12*]

46.08 Monthly estimates and audits. Said board, once in each month, with the aid of such officers of the several institutions as it may require, shall prepare an estimate of the expenditures which it will be necessary to make for each institution during the month next ensuing; which estimate, made out in detail, shall be certified and filed with the secre-

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tary of the board, and a duplicate thereof with the steward of each institution. No member of said board and no officer of either institution shall incur any liability without such estimate being first made. Said board shall also fix a regular time, as often as once in each month, for auditing all accounts and charges against the institutions under its charge. [*Stats. 1917 s. 561n; 1919 c. 328 s. 13*]

46.09 Purchases; bills and claims. (1) The steward of each institution shall be the local business manager and purchasing agent thereof, subject to the direction and the rules and regulations of the state board of control, and within the limits of the monthly estimates made for the purpose shall purchase all materials and supplies necessary therefor. He shall have the immediate charge of all books, accounts, papers and records relating to its financial management, and shall keep detailed accounts of all receipts and expenditures, be responsible for the safe-keeping and economical use of all stores and supplies, and require verified bills of all articles bought.

(2) All materials and supplies shall be purchased at the lowest practicable price, and whenever in the opinion of the board economy can be promoted thereby purchases thereof may be made in quantities sufficient for several or all the institutions under its charge, and distribution thereof made as occasion may demand; provided, that no butter or cheese not made wholly and directly from pure milk or cream, salt and harmless coloring matter shall be purchased for or used in any of the charitable, reformatory or penal institutions of the state.

(3) On the receipt of property purchased he shall compare the articles received with the bills therefor, and see that they are correct as to quality, quantity and the price charged, and to every bill which shall be so found he shall attach a certificate setting forth the fact that he has made such examination and has proven the extensions and footings, and that the bill is in all respects just and correct. All such bills shall be laid before the board at its next regular meeting for allowance, and no bill or account shall be audited nor any appropriation made for the payment thereof which shall not first be so certified and presented, and verified by the affidavit of the claimant or his agent.

(4) No bills incurred by said board in the management of such institutions shall be paid until they have been audited by it, and a list of such bills as allowed, containing the names of the persons in whose favor they are allowed, the purpose and institution for which they were incurred, shall be made and certified by the president or secretary of the board and filed with the secretary of state as often as once in each month. Warrants therefor in favor of each claimant shall be drawn on the state treasurer and delivered to the secretary of said board, who shall transmit them to the payees. [*Stats. 1917 s. 561m, 561o; 1919 c. 328 s. 14*]

46.10 Settlements between the state and the several counties for maintenance of inmates. (1) Whenever any person shall be brought before any court, judge, magistrate, or board for examination and commitment to any of the charitable, curative, reformatory, or penal institutions of the state, or of any county, for whose support in whole or in part any county may be chargeable, the application for such examination shall state the county in which such person resides. The said court, judge, magistrate, or board shall give due notice of the hearing to the district attorney of such county, if within the state, who shall attend said hearing; and the said court, judge, magistrate, or board shall upon proper evidence determine the legal residence of such person, and his general financial ability. If the evidence does not disclose property sufficient to save the county harmless from the expenses of his support, the said court, judge, magistrate, or board shall ascertain, by further proof, the residence and financial ability of any person, if any, liable for such support pursuant to law, and shall order proper proceedings to be brought for the enforcement of such liability; but if the evidence discloses that the legal residence of the person so examined and found destitute is within some other county within the state, such hearing shall be continued and the district attorney of such other county shall be duly notified and shall appear at such continued hearing. At the conclusion of said hearing the court, judge, magistrate, or board shall determine the chargeability for the support of such person and certify such determination to the superintendent of the institution; and thereupon such person shall be admitted.

(2) On the first day of July in each year the state board of control shall prepare a statement of the amounts due from the several counties to the state, pursuant to law, for the maintenance, care, and treatment of inmates at public charge in state or county charitable, curative, reformatory, and penal institutions. Such statement shall cover the preceding fiscal year and shall specify the name of every inmate in each state institution whose support is partly chargeable to some county, and the name of every inmate in each county institution whose support is wholly chargeable in the first instance to the state and partly chargeable over to some county; and shall further specify, with respect to each in-

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mate, his residence, the number of weeks for which support is charged, the grounds of the liability, and the amount due to the state from such county, itemized as to board and clothing. The president and secretary of the board shall certify said statement, file it with the secretary of state, and mail a duplicate to the clerk of each county charged; and thereupon the secretary of state shall charge to the several counties the amounts so due, which shall be certified, levied, collected, and paid into the state treasury with the state tax as a special charge.

(3) On the first day of July in each year the superintendent or other officer in charge of each county charitable, curative, reformatory, and penal institution shall prepare a statement of the amount due from the state to the county in which such institution is located, pursuant to law, for the maintenance, care, and treatment therein of inmates at public charge. Such statement shall cover the preceding fiscal year and shall specify the name of each inmate whose support is partly chargeable to the state, or wholly chargeable in the first instance to the state and partly chargeable over to some other county; and shall further specify, with respect to each inmate, his residence, the number of weeks for which support is charged, the grounds of the liability, and the amount due to the county from the state, itemized as to board and clothing. Said statement shall be verified by affidavit by the officer making it and certified by the trustees of the institution to the state board of control, for examination and approval; and, when approved, the president and secretary of the board shall certify said statement to the secretary of state, who shall credit the aggregate amount found due on the state tax next accruing from said county.

(4) Whenever any inmate in any charitable, curative, reformatory, or penal institution of the state or of any county is improperly charged to the state or to any county, the attorney-general on behalf of the state, or the district attorney of such county on its behalf, may make written application to the state board of control for relief from such charge. The application shall designate the county to which such inmate is chargeable, or if it be claimed that he is chargeable to the state it shall be so stated. Said board shall give reasonable notice to the parties interested of the time and place at which and when they may be heard. Such application may be supported by affidavits and other proper evidence. If upon the hearing said board shall grant the relief asked for it shall order a proper charge against the county chargeable, or against the state, as the case my be; and from and after the making of such order such inmate's support shall be charged accordingly; but the county named in such order may, in like manner apply to said board for relief from the burden thereby imposed, in which case the matter shall be heard and disposed of as herein provided.

(5) Any party aggrieved by any such order may, within one year from the making thereof, appeal to the circuit court of Dane county, by serving a notice of the appeal upon the president or secretary of said board, the district attorney of any county which is a party in interest and upon the attorney-general. Within twenty days after the service of such notice the secretary of said board shall transmit to the clerk of such court all the original papers used upon the hearing before it, together with a certified copy of all the proceedings, orders and decisions made thereon. When a complete determination of the controversy cannot be had without the presence of other parties than those to the original proceeding the court shall order such parties to be brought in, and for that purpose may make such order as it may deem necessary. Such appeal shall be tried by a jury unless such mode of trial is waived, in the manner in which actions originally brought in the circuit court are tried. The jury shall find a special verdict naming the county to which the support of such inmate is chargeable or whether it is chargeable to the state, and judgment shall be entered accordingly. An appeal may be taken from such judgment to the supreme court as in other cases. The prevailing party in either court shall be entitled to the usual costs. Upon the rendition of final judgment said board shall make the proper charges or credits on its books and certify the same to the secretary of state.

(6) If any error has been or shall be committed in the accounts between the state and any county in making charges for the support of any inmate in any charitable, curative, reformatory, or penal institution, or in the amount certified to any county as due and to be assessed upon it on account of such support, and such error shall be certified by the state board of control, the secretary of state shall correct such error by a proper charge or credit on the state tax next accruing. [*Stats. 1917 s. 561e, 573u, 573v, 584a, 591, 592, 593; 604e; 1919 c. 328 s. 15*]

46.11 Transfer of inmates. (1) Whenever any inmate lawfully committed to any state or county penal, reformatory, curative, or charitable institution shall be removed in a case authorized by law from any one of these institutions to any other of them by the

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state board of control the superintendent of the institution from which any such removal is made shall notify the court or judge who committed such inmate of the fact of such removal.

(2) The board may designate in the order of removal, the superintendent of the institution from which or to which such removal is made or any other discreet citizen, to make such removal. The person so designated shall receive no mileage or per diem for making such removal, but shall be paid his actual and necessary traveling expenses and those of the person removed and of any necessary assistant, to be adjusted by the board and charged to the current expense fund of the institution from which such removal is made; but if some county is chargeable with any portion of the expense of maintaining the person so removed such county shall be charged therewith, and such charge shall be adjusted in the same manner that charges for the maintenance of such inmates are adjusted. [*Stats. 1917 s. 561jj; 1919 c. 328 s. 17*]

46.115 Board of control, patients, applications. The board of control of the state of Wisconsin shall make application to the board of regents of the university, for the admission to the state of Wisconsin general hospital of any inmate of any state institution under the board of control, or of any person committed to or applying for admission thereto, who is afflicted with any disease, malady, deformity or ailment, which can probably be remedied, or which can be advantageously treated by proper medical or surgical care, at the state of Wisconsin general hospital, in all cases where such person cannot receive proper care at the institution to which he has been committed or to which he has made application for admission. Said application shall be accompanied by the report of the physician of said institution or by a physician appointed by the board of control, in the same form as reports of other physicians for admission to patients to said hospital. The board of control shall pay to the regents of the university for the treatment of such patients at the same rates charged the county for county patients, and the expense of such treatment and of transporting such patient to and from the hospital shall be paid out of the appropriation for operation of the institution from which said patient is sent. Said board may, when necessary, send an attendant with such patient and pay his traveling expenses in like manner. [*Spl. S. 1920 c. 17*]

46.12 Sterilization of defectives. (1) The state board of control is hereby authorized to appoint, from time to time, one surgeon and one alienist, of recognized ability, whose duty it shall be, in conjunction with the superintendents of the state and county institutions who have charge of criminal, insane, feeble-minded and epileptic persons, to examine into the mental and physical condition of such persons legally confined in such institutions.

(2) Said board of control shall at such times as it deems advisable submit to such experts and to the superintendent of any of said institutions the names of such inmates of said institution whose mental and physical condition they desire examined, and said experts and the superintendent of said institution shall meet, take evidence and examine into the mental and physical condition of such inmates and report said mental and physical condition to the said state board of control.

(3) If such experts and superintendent unanimously find that procreation is inadvisable it shall be lawful to perform such operation for the prevention of procreation as shall be decided safest and most effective; provided, however, that the operation shall not be performed except in such cases as are authorized by the said board of control.

(4) Before such operation shall be performed, it shall be the duty of the state board of control to give at least thirty days' notice in writing to the husband or wife, parent or guardian, if the same shall be known, and if unknown, to the person with whom such inmate last resided.

(5) The said experts shall receive as compensation a sum to be fixed by the state board of control, which shall not exceed ten dollars per day and expenses, and such experts shall only be paid for the actual number of days consumed in the performance of their duties.

(6) The record taken upon the examination of every such inmate shall be preserved and shall be filed in the office of said board of control at Madison, Wisconsin, and semi-annually after the performing of the operation, the superintendent of the institution wherein such inmate is legally confined, shall report to said board of control the condition of such inmate and the effect of such operation upon such inmate.

(7) The state board of control shall report biennially in its regular biennial report the number of operations performed under the authority of this section and the result of such operations. [*Stats. 1917 s. 561jm; 1919 c. 328 s. 19*]

46.13 Wasserman tests and other chemical examinations. The board of control is hereby authorized to make necessary arrangements with the laboratory of the psychiatric

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institute of Mendota for the giving of the Wasserman test to any person confined in any state or county institution, and of making such test for any practicing physician of this state who makes application therefor in behalf of any resident of this state, free of charge. Arrangements shall also be made with said institute for the making of chemical examinations of the cerebrospinal fluid for any practicing physician of this state free of charge. [*Stats. 1917 s. 561jn; 1919 c. 328 s. 20*]

46.14 Reports from state institutions. (1) The officer in charge of each state institution under the control of said board shall make a monthly report to the board, comprising an itemized statement of all receipts and disbursements, and of the daily number of inmates, officers, teachers, and employes, and the wages paid to each.

(2) On the first day of July in each even-numbered year the officer in charge of each such institution shall make a report to said board, covering the preceding biennial fiscal term, comprising a summarized statement of the management of every department of the institution and of all receipts and disbursements, and such other information as may be required by the board. [*Stats. 1917 s. 562; 1919 c. 328 s. 21*]

46.15 Biennial report of the board. (1) On or before December first in each even-numbered year the board shall make to the governor a report of its proceedings during the preceding biennial fiscal term, with such recommendations as it may deem fit respecting the subjects in its charge or under its supervision, and including also: A detailed statement of all expenditures from the state treasury on behalf of the board and all state and county charitable, curative, reformatory, and penal institutions; a summary of the results of all its visits, inspections, and investigations in respect to matters committed to it, and of all statistical information collected by it, properly tabulated; and a concise statement showing the condition of said institutions.

(2) Said report shall further show, with respect to each state institution:

(a) The kind and estimated value of all the property in its charge at the commencement of the biennial term;

(b) The kind and cost of all permanent additions and improvements made;

(c) The amount of money received from all public and private sources;

(d) The receipt of all money and property from private sources for the benefit of inmates, and the disposition made thereof;

(e) The amount and estimated value of all products of the farm, shop, industries and other sources of support and supply in its charge and the cost and application thereof;

(f) The number of all inmates maintained at the commencement and at the close of each fiscal year, the average number during the year, and the average cost of maintenance per capita per week, based upon the total amount expended during the year for subsistence and for repairs and renewals of property, including the net value of all products of the farm and garden consumed at the institution and of all labor expended in the care and repair of the property but excluding the cost of permanent additions to and improvements of property and private contributions for inmates;

(g) Such further facts relating to the financial condition as the board may deem necessary for the information of the legislature;

(h) An estimate of the expenses for the ensuing biennial fiscal term;

(i) Such parts of the reports of the officers in immediate charge as the board shall deem proper to lay before the legislature. [*Stats. 1917 s. 561d; 1919 c. 328 s. 22*]

LOCAL BOARDS.

46.16 General supervision and inspection. (1) The state board of control shall:

(a) Investigate and supervise all the charitable, curative, reformatory, and penal institutions of every county and other municipality, and all industrial schools, hospitals and asylums, organized or existing or which shall be organized under chapter 86 of these statutes, and familiarize itself with all the circumstances affecting their management and usefulness.

(b) Visit the poorhouses in the state, and ascertain how many persons of each sex, how many insane, idiotic, deaf and dumb, or blind persons, and how many children are supported in each, at what cost and under what circumstances affecting their health, comfort, morals, and education; collect statistics of the number and cost of support, and other important facts, of the poor relieved at public expense outside of poorhouses; and collect such other information as may throw light on the adequacy and efficiency of existing laws for the support and relief of the poor, and the causes operating to increase or diminish pauperism in the state.

(c) Visit the jails, municipal prisons, houses of correction, workhouses, and all other places in which persons convicted or suspected of crime or insane persons are confined, and ascertain their sanitary condition and arrangement for the separation of the hardened

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criminals from juvenile offenders and persons suspected of crime or detained as witnesses; collect important statistics concerning the inmates, their treatment, employment, and reformation; and collect information of all other important facts and considerations affecting the increase or diminution of crime and insanity.

(d) Visit each of the institutions hereinbefore referred to and inquire into their methods of treatment, instruction, government, and management of their inmates; the official conduct of their trustees, managers, directors, superintendents, and other officers and employes; the condition of the buildings, grounds, and all other property pertaining to said institutions, and all other matters and things pertaining to their usefulness and management; and recommend to the officers in charge such changes and additional provisions as it shall deem proper.

(e) Inspect each such institution annually, or oftener if necessary; and, whenever directed by the governor, make special investigation into their past or present management, or anything connected therewith, and report to him the testimony taken, the facts found, and conclusions thereon.

(f) Inform the governor, and the district attorney of the county in which the institution is located, of any violation of law disclosed in any investigation of any such institution.

(2) All trustees, managers, directors, superintendents and other officers or employes of the institutions aforesaid shall at all times afford to every member of said board, or its agents, unrestrained facility for inspection of and free access to all parts of the buildings and grounds and to all books and papers of such institutions and shall give, either verbally or in writing, such information as the board may require; and if any such person shall offend against this requirement he shall forfeit not less than ten nor more than one hundred dollars. Each member of the board is authorized to administer oaths and take testimony; and may cause depositions to be taken pursuant to law. All expenses of such investigations, including fees of officers and witnesses, shall be charged to the appropriation for the state board of control. [*Stats. 1917 s. 564 sub. (1), (2), (4) to (8), 565; 1919 c. 328 s. 23*]

46.17 Establishment, approval, and inspection of buildings. (1) The state board of control, with the advice and approval of the state chief engineer, shall ascertain and fix reasonable standards and regulations for the construction, repair and maintenance of poorhouses, asylums for the insane, tuberculosis hospitals and sanatoriums, houses of correction, workhouses, jails, and lockups, with respect to their safety, sanitation, and adequacy and fitness for the needs of the community which they are to serve.

(2) The establishment of, purchase of the site, and erection of buildings for any such institution shall be subject to the approval of the state board of control.

(3) No building for any such institution shall be constructed until the plans and specifications therefor have been approved by said board, or its secretary when directed by the board, and the state chief engineer as conforming with such standards and all other requirements of law.

(4) Before the occupancy of any such building, and semiannually thereafter, the board shall cause such building to be inspected with respect to its safety, sanitation, adequacy and fitness, and report to the authorities conducting said institution any deficiency found, stating the nature of the deficiency, in whole or in part, and ordering the necessary work to correct it or that a new building shall be provided. If within six months thereafter such work be not commenced, or not completed within a reasonable period thereafter, to the satisfaction of the board, it shall suspend the allowance of any state aid for, and prohibit the use of such building for the purposes of, said institution until said order shall have been complied with. [*Stats. 1917 s. 564 sub. (3), 566a, 566b, 603, 604, 604x—1, 697a, 1421—9, 1421—10, 1518, 1523; 1919 c. 328 s. 24*]

46.18 Board of trustees of county institutions. (1) The management of every poorhouse, asylum for the chronic insane, tuberculosis hospital or sanatorium, house of correction, or workhouse, established by any county whose population is less than two hundred and fifty thousand, shall be controlled and directed, subject to regulations approved by the county board, by a board of trustees composed of three electors of the county, elected by ballot by the county board. Upon completion of the buildings for any such institution the county board shall, at an annual or special meeting, elect three trustees whose terms shall begin at once and end, respectively, on the first Monday of the second, third, and fourth January next thereafter. At its annual meeting in every subsequent year the county board shall elect one trustee for a term of three years to begin on the first Monday of January next thereafter. Any vacancy in the board of trustees shall be filled

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for the unexpired term, at any meeting of the county board; but the county chairman may appoint a trustee to fill such vacancy until such action by the county board.

(2) No member of the county board shall serve as such trustee during the term for which he was elected. No such trustee shall have any other lucrative office or employment in the county government; nor be eligible, during the term for which he was elected, to the office of superintendent of the institution in his charge.

(3) Any trustee may be removed from office for misconduct or neglect, by an affirmative vote of two-thirds of the members of the county board, on due notice in writing and hearing of the charges preferred against him.

(4) Each trustee shall take and file the official oath, and execute and file an official bond to the county, the amount of which shall be determined by the county board, and the sufficiency of the sureties whereof shall be approved by the chairman of said board. He shall be reimbursed his traveling expenses necessarily incurred in the discharge of his functions, and shall receive such compensation as shall be fixed by the county board, unless otherwise provided by law.

(5) The trustees shall organize by the election of a president. The superintendent of the institution shall be ex officio secretary of the board.

(6) At least once each month the trustees shall audit all claims against the county incurred on behalf of said institution, when presented to them verified under oath by the claimant or his agent, and when allowed the president and secretary shall certify such claims to the county clerk, who shall thereupon issue county orders for their payment. They may sue and defend, in the name of the county, any cause of action involving the interest of said institution, and may employ counsel for that purpose. All receipts on account of said institution shall be paid into the county treasury by the superintendent of the institution within one week after receipt.

(7) (a) The fiscal year of each such county institution shall commence with July first of each year and end with June thirtieth of the following year.

(b) The state board of control shall formulate a uniform system of keeping all the books, accounts and records, and shall prescribe and furnish blanks for a uniform system of the reports of said institutions, which shall definitely and accurately show, with respect to each institution: The itemized gross earnings and expenses; the net earnings or expenses; a classified summary of all products of the farm sold, consumed, and on hand; the amounts invested in land, buildings, improvements, and personal property; the depreciation of the personal property; the per capita cost per week of maintaining the inmates, and the items upon which such per capita cost is computed; the total expense or saving to the county on account of the maintenance of the institution; and such other information as may be required by the board in order to give a full understanding of the investment, operation, and management of the institution and the financial results of such management.

(c) The trustees of each such institution shall cause said system of accounting and reporting to be installed, under the supervision of the board of control, and shall conduct its business in conformity therewith; and the board of control shall from time to time inspect, examine, and audit the books, records, documents, accounts, and transactions of each institution.

(d) On the first day of July of each year the trustees shall prepare a report covering the preceding fiscal year, concerning the matters specified in paragraph (b), and shall transmit one copy to the state board of control, one copy to the clerk of the county in which said institution is located, and keep one copy on file at the institution. Such report shall be accompanied by an inventory of all properties on hand on the last day of the fiscal year, an estimate of the receipts and expenditures for the ensuing fiscal year, and the reports of the superintendent and visiting physician, if any, of the institution.

(8) The county board shall annually appropriate for operation and maintenance of each such institution, in addition to the amount appropriated for construction and improvement of grounds and buildings, a sum not less than the amount of state aid estimated by the trustees to accrue to said institution; or such lesser sum as may be estimated by the trustees to be necessary for operation and maintenance.

(9) The county board may provide that the board of trustees of any such institution already existing shall be, ex officio, the board of any other such institution. [*Stats. 1917 s. 15.17 to 15.20, 604a, 604g, 604h, 604ha, 697y—1 to 697y—4, 697y—5 sub. 3, 4; 1421—9 sub. 2, 1421—11, 1421—15, 1518, 1520, 1521, 1526; 1919 c. 328 s. 25*]

46.19 Superintendent and other officers and employes of county institutions. (1) Every such county institution shall be managed, pursuant to regulations prescribed by the

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board of trustees, by a superintendent, who shall be appointed by and be removable at the pleasure of said board.

(2) The trustees shall fix the compensation and prescribe the duties of the superintendent, who shall execute and file an official bond with sureties approved and in an amount fixed by the trustees.

(3) Except as otherwise provided by law, the superintendent shall, subject to the approval of the trustees, appoint, fix the designation and compensation of, and prescribe the duties of all necessary additional officers and employes of said institution, and may remove them at his discretion, subject to the county civil service law. [*Stats. 1917 s. 604h, 697b, 697y—5 sub. 1, 2; 1421—11 sub. 2, 1421—16, 1522; 1919 c. 328 s. 26*]

46.20 Joint county institutions. (1) Any two or more counties may jointly, by majority vote of all the members of each county board, provide for a poorhouse, asylum for the chronic insane, tuberculosis hospital or sanatorium, house of correction, or workhouse, which shall be established, maintained, and operated pursuant to all the statutes relating to the establishment, maintenance, and operation of similar institutions, respectively, by any single county whose population is less than two hundred and fifty thousand, except as otherwise provided in this section; and in all respects, except as herein specified, each such institution shall be the county institution of each of the counties so joining.

(2) The county board of each such county shall elect three of its members to represent the county in a joint committee to select the site, anywhere within either of said counties, and prepare the plans and specifications of the buildings, for such institution; and said joint committee shall be vested with all functions, relative to the establishment of such institution, possessed by the county board relative to like county institutions.

(3) Upon approval of the site, plans and specifications, as provided in section 46.17, the joint committee shall report to the several county boards the estimated cost of said site and buildings, and the amount thereof chargeable to each county on the basis set forth in paragraph (a) of subsection (6), appending to each report a copy of the plans and specifications and all matter relating to said site and buildings; and if the said report shall be approved by each county board, the joint committee shall purchase said site and cause said buildings to be erected in accordance with the plans and specifications.

(4) The functions of the joint committee shall terminate upon completion of said buildings; and the board of trustees thereupon elected shall be composed of two electors from each county when two counties join, and of one elector from each county in all other cases; which trustees, except those elected at first elections, shall hold during terms of four years in the former case, and as many years as there are counties joining in the other cases. Trustees elected at first elections shall hold for terms beginning at once and so ending that the terms of one member only will expire on the first Monday of each succeeding January, beginning with January of the second year thereafter; which terms shall be allotted to the respective trustees at their first meeting. The county board of each county joining shall at an annual meeting elect a successor to any trustee from such county whose term will expire on the first Monday of the next following January. The trustees shall have the qualifications and functions and be subject to the limitations and restrictions of trustees elected pursuant to section 46.18. They shall be reimbursed their traveling expenses necessarily incurred in the discharge of their functions, and shall receive compensation similar to that of the trustees, respectively, of like county institutions; and if the county board is empowered to fix the latter, the compensation of the joint trustees shall be fixed by joint action of the county boards.

(5) All receipts on account of such institution shall be paid into the treasury of the county in which said institution is located.

(6) Prior to the election of the trustees the joint committee, and thereafter the board of trustees, shall audit all claims against said counties on account of such institution; and all such claims shall, in the first instance, be certified to and paid by the county in which said institution is located, subject to apportionment and adjustment among the several counties as follows:

(a) All expenditures for the site, buildings, furniture, equipment, and permanent improvements, after deducting all receipts therefor except county appropriations, shall immediately upon payment be apportioned by the clerk of the county in which the institution is located and certified to the clerks of the other counties, on the basis of the percentage which the valuation of the taxable property in each county bears to the valuation of the aggregate taxable property in all said counties, as determined pursuant to section 70.57.

(b) All expenditures for repairs, maintenance, and operation, after deducting all receipts therefor except county appropriations, shall be so apportioned for each month, on the first day of the next succeeding month, on the basis of the percentage which the ag-

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gregate cost of keeping the inmates at public charge from each such county bears to the aggregate cost of keeping the inmates at public charge from all such counties, adopting as the unit of cost the total average cost per capita per week of keeping all the inmates, at public charge and otherwise, in said institution.

(c) Immediately upon receipt of such certified apportionment each such other county shall pay over to the county in which said institution is located its proportion of said expense.

(7) If any net profit shall arise from the operation of said institution it shall be apportioned among the several counties on the basis prescribed in paragraph (b) of subsection (6); and the county in which said institution is located shall pay over to the other counties, respectively, their proportions of such profit.

(8) The trustees shall transmit one copy of their annual report to the state board of control, one copy to the clerk of each joint county, and shall file one copy at the institution. It shall be itemized with respect to the several counties and shall, in addition to the requirements of subsection (7) of section 46.18, include an itemized statement showing the amounts of the receipts and profits credited and expenditures charged to the several counties for the past fiscal year, and an estimate of such amounts for the ensuing fiscal year; and each county board shall provide for meeting its estimated share of said expenditures.

(9) At any time after the organization of any such institution, any additional county or counties may join in the support and conduct thereof upon payment of such equitable proportion of the original cost of its establishment, and any joint county may withdraw upon such terms, as may be agreed upon among the county boards of the counties interested; and thereupon the board of trustees of such institution shall be reorganized, in such manner as may be determined by the county boards of the participating counties, to conform to the provisions of subsection (4).

(10) Any county or counties maintaining a tuberculosis sanatorium may convey said property or any part thereof or any interest therein to any other county or counties upon such terms and conditions as the respective county boards thereof shall agree by a majority vote of all the members of each of said county boards. [*Stats. 1917 s. 604i to 604m, 697f to 697k, 1421—17 to 1421—24; 1919 c. 328 s. 29; 1921 c. 250*]

46.21 Board of administration in populous counties. (1) ELECTION; ORGANIZATION; COMPENSATION. (a) In each county having a population of two hundred and fifty thousand or more a manager of county institutions shall have charge, subject to the control and direction of a board of trustees as hereinafter provided, of the county hospital for destitute sick persons, county poor farm, almshouse, department of outdoor relief, home for dependent children, hospital for the insane, asylum for the chronic insane, tuberculosis hospital, and school of agriculture and domestic science, and of all lands used in connection with any and all such institutions.

(b) Said board of trustees shall consist of five members, constituted as follows: Before the first day of August, 1921, the county board shall, at a regular or adjourned meeting elect by ballot one member for a term of two years, one for a term of three years, and one for a term of four years; each of whom shall be an elector in said county, one elected from the membership of said county board who shall serve until the next organization meeting of the board, and the governor shall appoint one member for a term of one year, all of said terms to commence on the first day of August after this act shall become applicable. Thereafter each succeeding member shall be elected by the county board or appointed by the governor respectively, for the term of four years, except the member chosen from said county board who shall serve for a term of two years. Each of the three dominant political parties shall be represented on said board in the elections made thereto by the county board. The manager shall be appointed by the board of trustees, subject to the provisions of sections 16.31 to 16.44, inclusive, of the statutes, and shall reside on the grounds.

(c) The manager and trustees shall take and file the official oath and shall execute and file an official bond with sureties approved and in a reasonable sum fixed by said county board.

(d) The salaries of the manager and the members of the board of trustees, including a reasonable compensation, in addition to the regular salary of the member of said county board, shall be fixed by the county board and shall be paid as other county officers are paid.

(e) Said board of trustees shall annually elect a president and vice president. The manager shall be secretary. The county board shall provide said board with suitable quarters for the transaction of its business.

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(f) In all matters relating to the school of agriculture and domestic science the county superintendent of schools shall be ex officio a member of said board, but without additional compensation.

(2) FUNCTIONS OF THE BOARD. (a) The manager, subject to the control and direction of said board of trustees, shall have and exercise exclusively the same functions in all matters relating to the care and support of the inmates of said institutions and the management and operation thereof, as are now vested in the board of administration now organized and now provided by law for such counties, and all the functions of boards of trustees of similar institutions in other counties, so far as consistent herewith. The board of trustees may designate one of its members to perform the duties of the manager during the temporary absence or disability of the latter.

(b) The manager, subject to the control and direction of said board, shall let all contracts and make all purchases for whatever may be necessary to maintain and from time to time improve said institutions, and maintain, support and care for the inmates therein.

(c) The board of trustees shall make all necessary regulations for the government and maintenance of the institutions in its charge and for the admission and discharge of patients or inmates.

(d) The powers and duties hereby vested in said manager and board of trustees shall be subject to the general supervision of the county board and to such regulations as it may prescribe.

(3) SUPERINTENDENTS; OFFICERS AND EMPLOYES. (a) The board of trustees shall appoint, pursuant to sections 16.31 to 16.44, inclusive, of the statutes, eight superintendents who shall, under the direction of the manager, have the charge and management, respectively, of the county hospital, almshouse and waterworks, outdoor relief, hospital for the insane, asylum for the chronic insane, tuberculosis hospital, school of agriculture and domestic science, and home for dependent children. The superintendents of the county hospital, hospital for the insane, asylum for the chronic insane, and tuberculosis hospital, shall each be a legally qualified physician, shall reside on the grounds of the institution in his charge, and shall provide and manage all necessary medical aid and attendance for the inmates thereof; and the superintendent of the county hospital shall also provide and manage all necessary medical aid and attendance for the inmates of the almshouse and county farm. The superintendent of the almshouse and waterworks shall reside on the grounds of the almshouse; the superintendent of outdoor relief shall be stationed at and have charge of the poor office and the support and relief of the poor; and the superintendent of the school of agriculture and domestic science shall manage the instructional, demonstrational, and experimental work of that institution.

(b) Each such superintendent shall within ten days after written notice of his appointment take and file the official oath and execute and file an official bond with sureties approved and in a reasonable sum fixed by said board of trustees.

(c) Each of said superintendents shall have power to appoint and remove all officers and employes in his respective department, subject to the approval of said manager.

(d) The said superintendents may make regulations for such institutions subject to approval by said board of trustees.

(e) The county treasurer shall be ex officio the treasurer of said institutions and shall keep separate accounts of all moneys appropriated or otherwise received for the aforesaid institutions and pay the same only upon orders issued by the county clerk on vouchers certified to the clerk by the manager or board of trustees.

(f) The board shall biennially appoint as many district county physicians as it may deem necessary to care for all sick and poor, and shall prescribe rules and regulations governing the work of and territory to be covered by such district physicians.

(4) ADMISSION OF INMATES FOR PAY. (a) Any resident of this state not indigent may be received into the county hospital, and any such resident not indigent who is blind, old, lame, impotent or decrepit may be received into the almshouse and county farm, to be treated, cared for and maintained upon such terms and conditions and at such rate of pay as may be established by the board of trustees; but indigent and destitute persons shall be cared for and have preference of admission to said institutions.

(b) The provisions of sections 49.10 to 49.13 shall govern the support and maintenance of persons in any of the institutions in charge of said manager.

(5) REPORTS; APPROPRIATIONS; EXPENDITURES. (a) On the first day of July of each year, or within thirty days thereafter, said board of trustees shall render an annual report, together with the reports of the said superintendents, including an itemized state-

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ment of receipts and disbursements for the year ending on the last day of June in each year. Said manager shall maintain the uniform system of books, accounts, records, and reports prescribed by the state board of control, conforming in all respects with the provisions of subsection (7) of section 46.18.

(b) The county board shall make sufficient appropriation annually for the support, maintenance, salaries, repairs and improvements of said institutions and district physicians, and complying with subsection (8) of section 46.18 so far as consistent with section 59.84, and such appropriation so made shall be used for such purposes and subject to the order of said manager in such manner as the regulations of the board of trustees may provide; but neither the manager nor the board of trustees shall incur any expense or make any contract for new buildings or for additions to present buildings, or for the purchase of land, without first being authorized so to do by the county board, nor until the county board has appropriated or provided for the raising of the money to defray such expense.

(6) CLINICS. The manager is hereby empowered to establish and conduct clinics in connection with the county hospital, subject to such rules and regulations as the board of trustees may prescribe.

(7) POWERS OF BOARD OF TRUSTEES; EMERGENCY HOSPITAL. The board of trustees, as aforesaid, upon authorization of the county board and subject to such rules and regulations as may from time to time be prescribed by said county board, shall have and exercise the following additional powers:

(a) To establish and maintain a public health and medical dispensary and conduct same as may be proper and necessary for the preservation of the public health and the prevention of disease in said county.

(b) To establish and maintain in connection with said county hospital, an emergency unit or department for the treatment, subject to such rules and regulations as may be prescribed by said board of trustees, of persons in said county who may meet with accidents or be suddenly afflicted with sickness, not contagious; provided, however, that medical care and treatment shall only be furnished in such unit or department until such time as the patient may be safely removed to another hospital or to his or her place of abode or regularly admitted to said county hospital.

(c) To establish and maintain in connection with the institutions and departments under the control of said board of trustees a training school for nurses and to purchase or take over all property and to assume all obligations and to conduct any training school now operated in connection with said institutions or departments or any of them. [*Stats. 1917 s. 697—45 to 697—49n; 1919 c. 328 s. 30; 1919 c. 459; 1919 c. 671 s. 15b; 1919 c. 686; 1921 c. 416; 1921 c. 584; 1921 c. 590 s. 9*]

46.22 Municipal hospital board. In any city of the third or fourth class, however organized, having a municipal hospital therein, the board of trustees or other governing board of such municipal hospital shall have power and authority:

(a) To prescribe rules of order for the regulation of their own meetings and deliberations and to alter, amend, or repeal the same from time to time;

(b) To enact, amend and repeal rules and regulations relating to the government, operation and maintenance of such hospital and relating to the employes thereof;

(c) To contract for and purchase all fuel, food and other supplies reasonably necessary for the proper operation and maintenance of such hospital;

(d) To enact, amend and repeal rules and regulations for the admission to and government of patients at such hospital;

(e) To enter into contract for the construction, installation or making of additions or improvements to or alterations of such hospital whenever such additions, improvements or alterations have been ordered and funds provided therefor by the city council;

(f) To engage all necessary employes at such hospital for a period not to exceed one year under any one contract and at a salary not to exceed the sum of twenty-five dollars per week, excluding board and laundry, unless a larger salary be expressly authorized by the city council;

(g) To audit all accounts and claims against said hospital or against said board of trustees and, if approved, to issue orders upon the city treasurer for the payment of the same, such orders to be issued and signed by the president and secretary of said board of trustees, and countersigned by the city comptroller, if any. [*Stats. 1917 s. 959—130; 1919 c. 328 s. 34*]

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CHAPTER 47.

EDUCATION AND RELIEF OF THE BLIND AND DEAF.

SCHOOLS FOR THE BLIND AND DEAF.

47.01 Objects; summer school for the blind.
47.02 Admission; nonresident tuition; school year; degrees.
47.03 Compulsory education of the blind and deaf.
47.04 Library for the blind.

WISCONSIN INSTITUTE FOR BLIND ARTISANS.

47.05 Establishment and administration.
47.06 Inmates other than artisans; transportation for artisans.

STATE AID TO THE BLIND.

47.07 Scholarships for blind students.

COUNTY AID TO THE BLIND AND DEAF.

47.08 Persons entitled to aid; charge against county of residence.
47.09 Examiner of the blind and deaf; record and fees.
47.10 Application for aid; examination; tax levy.
47.105 Credit on state taxes.
47.11 Field agent for the adult blind.

STATE BUREAU FOR CARE OF BLIND.

47.135 State bureau for care of blind.

SCHOOLS FOR THE BLIND AND DEAF.

47.01 Objects; summer school for the blind. The objects of the Wisconsin school for the blind and the Wisconsin school for the deaf are to afford to those unfortunate classes, respectively, so far as possible, enlightened and practical education, which may aid them to obtain the means of subsistence, discharge the duties of citizens, and secure all the happiness which they are capable of attaining. A summer school for adult blind persons shall be maintained in connection with such school for the blind. [*Stats. 1917 s. 568, 574; 1919 c. 81 s. 3*]

47.02 Admission; nonresident tuition; school year; degrees. (1) All the blind and deaf residents of this state between the ages of eight and twenty-five years, of suitable capacity to receive instruction, shall be received and taught in said schools, respectively, free of charge. Like pupils may also be received from any person or corporation without this state upon the payment quarterly in advance of the sums prescribed by the state board of control; but no such pupil shall ever be received to the exclusion of any resident pupil from any of the privileges or benefits of the institution. All pupils shall equally and freely enjoy all the benefits and privileges of the school and institution, have the use of the library and books of instruction, and receive board, lodging, washing, and fuel, without preference or distinction. The steward of the school may provide means of transportation for resident indigent pupils going from and returning thereto.

(2) The state board of control shall fix the period of the school year in said schools at not less than forty weeks, prescribe the school terms and confer upon meritorious pupils therein such academic and literary degrees as are usually conferred by similar institutions, and grant diplomas accordingly. [*Stats. 1917 s. 561j sub. (11), (12), 569, 575; 1919 c. 81 s. 4*]

47.03 Compulsory education of the blind and deaf. Whenever it shall be made to appear, by affidavit, to any county or municipal judge that any blind or deaf child of proper age is deprived of a suitable education by the neglect or refusal of its parents or either of them, or its guardian or other person having the care or custody of such child, such judge shall summon such parents or parent, guardian or other person to bring such child before him, and if the material allegations of such affidavit be denied he shall subpœna witnesses and hear testimony. If the facts be admitted or established the judge may, in his discretion, order such child to be sent to the Wisconsin school for the blind or the Wisconsin school for the deaf or to some other public or private institution for the instruction of the blind or deaf; but in no case shall such order be made so as to cause any direct charge to be made by such institution against any county. [*Stats. 1917 s. 571, 576; 1919 c. 81 s. 5*]

47.04 Library for the blind. The books printed in embossed type and purchased pursuant to law, or otherwise acquired for the Wisconsin school for the blind constitute a state circulating library for the blind, which shall be kept at the school for the blind and be in charge of the superintendent thereof. All blind citizens of the state shall have the privilege of using such books on compliance with and subject to such regulations as said superintendent may make, on their approval by the state board of control. [*Stats. 1917 s. 570; 1919 c. 81 s. 6*]

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WISCONSIN INSTITUTE FOR BLIND ARTISANS.

47.05 Establishment and administration. The state board of control is directed to make provisions for the leasing of such suitable buildings or apartments as may be necessary, for the use of the Wisconsin institute for blind artisans, to provide for the heating and lighting of such buildings or apartments and for such water as may be necessary to be used therein. The rent of such buildings or apartments and the cost of such heating, lighting and water shall be paid by the state under the direction of the board of control. The board is also authorized to furnish to such artisans as avail themselves of the privileges of said institute, a limited amount of materials and tools required in their employments. [*Stats. 1917 s. 572a; 1919 c. 81 s. 7*]

47.06 Inmates other than artisans; transportation for artisans. The said board may, in its discretion, provide means of instruction in such institute to any adult blind residents of the state who desire to learn a trade; and may provide for or make a reasonable allowance for the board of indigent blind artisans who are not residents of the city of Milwaukee, for a reasonable time so as to enable them to learn a trade and become self-supporting, such allowance not to exceed in any case the sum of seventy-five dollars. Said board may also provide means of transportation from any point within the state to Milwaukee for any indigent blind artisan who is a resident of the state and who desires to avail himself of the privileges of said institute. [*Stats. 1917 s. 572b; 1919 c. 81 s. 8*]

STATE AID TO THE BLIND.

47.07 Scholarships for blind students. Any blind person who has been a resident of this state for at least five years next preceding the making of an application for aid under this section and who is a regularly enrolled student in any university, college or conservatory of music, may under the direction of the superintendent of the Wisconsin school for the blind, and subject to the approval of the state board of control, receive aid for the purpose of defraying his necessary expenses, including a reader, while in attendance at such university, college or conservatory of music. The amount of such aid to any such person shall not exceed three hundred dollars in any one year, nor shall the total amount of such aid exceed two thousand dollars. [*Stats. 1917 s. 572x; 1919 c. 81 s. 10; 1919 c. 355 s. 6*]

COUNTY AID TO THE BLIND AND DEAF.

47.08 Persons entitled to aid; charge against county of residence. (1) Any male person over the age of twenty-one, and any female person over the age of eighteen years, who is declared to be blind or blind and deaf in the manner hereinafter set forth, and who is not an inmate of any charitable, reformatory or penal institution in this state, and who

(a) Has an income of fifty dollars but less than two hundred and fifty dollars per annum, and who has been a bona fide resident of this state for ten years and of the county in which such application is made for at least one year next preceding the making of the application hereinafter set forth, shall receive from the county in which such person or persons are residents, a benefit of not to exceed one hundred and fifty dollars per annum if blind and not to exceed three hundred dollars if both blind and deaf; or

(b) Has an income of less than fifty dollars per annum and who has been a bona fide resident of this state for ten years and is a resident of the county wherein application is made at the time of making the application shall be entitled to receive from said county a benefit of not to exceed three hundred dollars annually if blind and not to exceed six hundred dollars if both blind and deaf.

(c) The benefits provided for in paragraphs (a) and (b) shall be paid at such times, in such manner and amounts and for such period of time as the state bureau for the care of the blind, shall, from time to time, determine as most likely to assist in the rehabilitation of such blind or blind and deaf persons. As often as any such determination is made the proper county clerk shall be furnished with a copy thereof.

(2) Payments made under paragraph (b) of subsection (1) by any county to any person within and for the first year after such person takes up residence therein, shall be and constitute a charge against the county in this state wherein such person resided for one full year or more next preceding removal into the county which paid such benefits. The clerk of the county wherein such benefits were paid shall certify to the clerk of such other county the amount of the benefits so paid, and said clerk, upon receipt of such certificate, shall draw his warrant upon the county treasurer in favor of the county which paid such

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benefits for the amount named in such certificate. [*Stats. 1917 s. 572i; 1919 c. 81 s. 11; 1919 c. 563; 1921 c. 579 s. 1, 2*]

47.09 Examiner of the blind and deaf; record and fees. The county board shall appoint a regular practicing physician, whose official title shall be "Examiner of the Blind and Deaf," and whose duty it shall be to examine all applicants for benefits and to indorse on the application a certificate showing whether such applicant is blind or blind and deaf or not, and file the application so indorsed in the office of the county clerk. Such examiner shall keep a register in which he shall enter the name and address of each applicant so examined, and the date and result of such examination. Such examiner shall be paid by the county for his services the sum of two dollars for each applicant so examined. The county clerk for each county shall forward immediately to the state bureau for the care of the blind the name and residence of all blind persons applying for benefits. [*Stats. 1917 s. 572j; 1919 c. 81 s. 12; 1919 c. 563; 1921 c. 579 s. 1*]

47.10 Application for aid; examination; tax levy. (1) Any person claiming a benefit as provided in section 47.07 shall make an affidavit before the county clerk of the county in which he resides of the facts which bring him within the provisions thereof, which affidavit shall be deemed an application for said benefit. Such application shall be accompanied by an affidavit of two freeholders residing in the county, that they are personally acquainted with such applicant and know that he has been a bona fide resident of this state for ten years and of said county for one year immediately preceding the filing of such application; or, if application is made for a benefit under paragraph (b) of subsection (1) of section 47.08 said freeholders' affidavit shall state that the applicant is a bona fide resident of said county and shall set forth the name of the county from which he removed to the county in which such application is made and the length of time the applicant resided in such former county.

(2) The county clerk shall, upon receiving such application, file the same with the examiner of the blind and deaf.

(3) The county clerk shall register the name and address of each applicant and the date of the examination, and on or before the first day of November of each year he shall certify to the county board of the county the name and residence of each applicant who has been found blind by the examiner of the blind.

(4) The county board of any county in which such application has been made shall annually levy a tax upon the taxable property in the county sufficient to pay said benefits to the persons entitled to the same. [*Stats. 1917 s. 572k, 572l, 572m, 572n; 1919 c. 81 s. 13; 1919 c. 563; 1921 c. 579 s. 1*]

47.105 Credit on state taxes. On the first day of January, in each year, the county treasurer of each county shall certify under oath, in duplicate, to the secretary of state and to the state board of control the amount paid out of such county during the preceding year for aid under the provisions of section 47.08, and if the board of control shall approve the same and shall cause its approval to be indorsed by the president and secretary of said board on the certificate received by the secretary of state, the secretary of state shall credit such county with one-third of the amount so certified on the state taxes next due therefrom, and the state treasurer shall credit such county with said one-third of such amount in his annual settlement with said county for taxes due the state. If the total amount due all counties shall exceed the sum appropriated by subsection (7a) of section 20.17 the same shall be pro rated among the various counties. [*1921 c. 579 s. 2*]

47.11 Field agent for the adult blind. (1) The state board of control is authorized to appoint a field agent for the adult blind of the state, whose duties shall be as follows:

(a) To devise means to facilitate the circulation of books among the blind.

(b) To visit the aged and helpless blind at their homes, or by such other means as may be deemed proper, to suggest improvements in their living conditions and home surroundings, and to give to them such instructions and assistance as conditions seem to warrant.

(c) To arrange for the placing of indigent blind persons in suitable homes when such homes can be secured, and to make such arrangements as may be necessary with county officials for the support of such persons.

(d) To arrange for the payment of pensions to blind persons who are entitled to it, and to secure positions for blind persons who are physically able to take employment.

(e) To perform such other duties to assist the blind as may be designated by the state board of control.

(2) The state board of control shall fix the salary to be paid to the said field agent, which shall be in addition to traveling expenses incurred by him. The traveling expenses shall be paid out of the general fund of the state upon the approval of the state board of control.

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(3) The state board of control shall make a report to the legislature of 1921, which report shall show the number of blind persons in the state, their condition, causes of the blindness, and the capacity provided for their education and industrial training, and shall make such recommendations for the improvement of the condition of blind persons in the state as it deems proper. [*1919 c. 499*]

STATE BUREAU FOR CARE OF BLIND.

47.135 State bureau for care of blind. (1) A state bureau for the care of the blind of this state is created in the department of the state board of control. Said bureau shall be composed of three persons to be appointed by the governor on or before July 1, 1921. One member of said bureau shall be an educator, one member a licensed physician who shall be a specialist on diseases of the eye and the remaining member shall be a woman resident of this state.

(2) The term of one such appointee shall terminate on the first Monday in February, 1923; the term of the second such appointee shall terminate on the first Monday in February, 1925; and the term of the third appointee shall terminate on the first Monday in February, 1927. In January, 1923, and biennially thereafter, there shall be appointed, in the same manner, one member of said bureau for the term of five years from the first Monday in February of such year. Each member of said bureau so appointed shall hold his office until his successor is appointed and qualified. Each of said members shall receive ten dollars per diem, not to exceed five hundred dollars per year per member, and their traveling and other necessary expenses, incurred in the performance of their official duties. Said sum of money shall be paid out of the appropriation provided for in paragraph (g) of subsection (7) of section 20.17.

(3) The bureau shall within thirty days of the appointment of all its members hold its first meeting and elect one of its members as president. The president or any two members shall have power to call meetings when and where they deem advisable. The central office of the bureau shall be in Milwaukee. One meeting shall be held at least once a month.

(4) It shall be the duty of the bureau to prepare and maintain a complete register of the blind in the state of Wisconsin, which shall describe the condition, cause of blindness, capacity for educational and industrial training of each, together with such other facts as may seem to the bureau to be of value.

(5) The bureau shall act as a source of information and industrial aid, the objects of which shall be to aid the blind in finding employment and to teach them industries which may be followed in their homes.

(6) The bureau may establish schools for industrial training and work schools for the employment of suitable blind persons, and shall be empowered to equip and maintain the same, to pay the employes suitable wages and to devise means for the sale and distribution of the products thereof. The bureau may also provide or pay for, during their training, temporary lodging and support for pupils or workmen received at any industrial schools and workshops established by it.

(7) The bureau may ameliorate the condition of the aged or helpless blind by promoting visits to them in their homes for the purpose of instruction, and by such other lawful methods as may seem to the bureau to be expedient.

(8) The bureau may appoint such officers, agents, and home teachers, as may be necessary, and fix their compensation within the limits of the annual appropriation. No person so appointed shall be a member of the bureau. The bureau shall make its own by-laws, and shall prepare an annual report to the governor and the legislature of its proceedings embodying therein a properly classified and tabulated statement of its expenses for the ensuing year. Said report shall also present a concise review of the work of the bureau for the preceding year, with such suggestions and recommendations for improving the condition of the blind as may be expedient.

(9) It shall be the duty of the bureau, in making inquiries concerning the cause of blindness, to learn what proportion of these cases are preventable, and to co-operate with the state board of health in adopting and enforcing proper preventative measures.

(10) Said bureau shall have full authority to request the counties of the state, to provide proper medical attention for the eyes of those indigent blind residents of the respective counties, who in the opinion of the members of the bureau would profit thereby. Said bureau may use a part of its fund for this purpose upon the refusal of any county to act.

(11) Authority is hereby given the bureau to use, in the furtherance of the purpose of this section, any receipts or earnings that may accrue from the operation of industrial

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schools and workshops, as provided in subsection (6) of this section, provided that a detailed statement of receipts or earnings and expenditures shall be made monthly to the auditors of the state.

(12) Said bureau shall be under the direction and control of the state board of control and shall have authority, with the consent of the state board of control, to supervise and direct the work of the state institutions for the care, maintenance and rehabilitation of the blind, except educational institutions. [*1921 c. 577 s. 1*]

CHAPTER 48.

CHILD PROTECTION AND REFORMATION.

JUVENILE COURTS.

48.01 Designation of court; jurisdiction; officers; jury trial.
48.02 Appointment and compensation of probation officers.
48.03 Duties of probation officers.
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AID TO DEPENDENT CHILDREN.

48.33 Mothers' pension.
48.34 Earnings of self-supporting minors.

JUVENILE COURTS.

48.01 Designation of court; jurisdiction; officers; jury trial. (1) All courts of record in this state shall have original jurisdiction of all cases of neglected, dependent, or delinquent children, as defined in this subsection, concurrent with that of the circuit courts of this state. The judges of the several courts of record in each county of this state shall, at intervals of not exceeding one year, designate one or more of their number, whose duty it shall be to hear at such places and times as he or they may set apart for such purpose, all such cases; and in case of the absence, sickness or other disability of such judge, he shall designate a judge of any court of record whose duty it shall be to act temporarily in his place.

(a) The words "dependent child" and "neglected child" shall mean any child under the age of sixteen years, who for any reason is destitute or homeless, or abandoned or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; or any child under the age of eight years who is found begging, or singing or playing any musical instrument upon the street for gain or is used in aid of any person so doing.

(b) The words "delinquent child" shall include any girl under the age of eighteen years and any boy under the age of seventeen years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or im-

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moral persons; or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated; or who knowingly visits, or enters a house of ill repute; or who patronizes, visits or enters any stall saloon, or wine room, or any saloon frequented by men or women of bad repute; or who attends, visits or enters any dance held in any room or hall in connection with a saloon, unless accompanied by parents or legal guardian; or who loafs or congregates with groups or gangs of other boys at or about any railroad yard or tracks; or who habitually uses obscene, vulgar or profane language, or is guilty of immoral conduct in any public place, or about any schoolhouse; or who is habitually truant or habitually insubordinate in any school.

(c) Where a parental school is available, a juvenile disorderly person may be classed as a delinquent.

(2) The findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "juvenile record;" the court shall be called for convenience the "juvenile court;" and the clerk and stenographic reporter of the court so designated shall be, respectively, the clerk and the reporter of such "juvenile court." The reporter shall attend all sessions of said court, take down in shorthand the testimony taken and proceedings had at such sessions and promptly transcribe the same, and forthwith file a copy with the clerk of such court, and shall furnish such other copies as the judge shall order. Unless the judge shall order otherwise, or unless the person against whom the proceeding is instituted demands a public hearing or trial, the hearing or trial of all matters relating to dependent, neglected or delinquent children shall be private, and all persons, except the officers of the court, the parties, their witnesses, and counsel, shall be excluded therefrom; and the record thereof shall not be open to the public except upon the order of the judge.

(3) Whenever in any county containing one or more cities of the second or third class any court is designated as the juvenile court and there is no clerk of such court other than the register in probate, the judge may appoint, by an instrument in writing filed with the county clerk, a clerk of the juvenile court, who shall be a stenographer and shall perform the duties of clerk and reporter of said court. Such clerk shall take and file the official oath and shall receive a salary of seven hundred and twenty dollars per annum, unless otherwise fixed by the county board.

(4) In the trial in a juvenile court of any dependent or delinquent child, any person interested may demand a jury of six persons, or the judge of his own motion may order such jury, to try the case. Such jury shall be obtained and the trial shall proceed in the manner provided in sections 4750 to 4758, both inclusive. [*Stats. 1917 s. 573—1, 573—2 sub. 1 to 3m, 7; 1919 c. 614 s. 2; 1921 c. 472, 585*]

48.02 Appointment and compensation of probation officers. (1) In counties whose population is one hundred fifty thousand or over the judges of the several courts of record shall in each odd-numbered year appoint, for a term commencing on the first day of July in said year, a chief probation officer and three or more probation officers of the juvenile court, at least one of whom shall be a woman over twenty-five years of age.

(2) In counties having less than one hundred and fifty thousand population the county board may, in its discretion, provide for the appointment of one or more probation officers; and in case such provision is made the judge of the juvenile court shall biennially appoint such officer or officers, to serve in said court.

(3) In case of the absence or disability of any of said probation officers for any period of more than three weeks the judge of the juvenile court shall designate some competent person, having the qualifications of an original appointee to act as probation officer during such period.

(4) Such probation officers and temporary substitutes shall receive such annual salary for their services as shall be fixed by the county board; which shall be payable monthly by the county in which such juvenile court is situated. A reasonable amount for postage and stationery shall be allowed to the probation office upon requisition therefore made to the county clerk.

(5) Any probation officer or his substitute may be removed, by the judge or judges by whom he was appointed, for incompetence, or wilful or habitual neglect to perform the duties of his office. [*Stats. 1917 s. 573—2 sub. 4, 4m, 5, 6; 1919 c. 362 s. 22; 1919 c. 614 s. 8*]

48.03 Duties of probation officers. (1) In counties where a chief probation officer is appointed, said officer shall have office hours daily during the same hours as the clerk of the courts, in an office which shall be furnished and equipped for the use of said officer and his assistants by the county board in the building in which said juvenile court is held.

(2) The said chief probation officer shall attend all sessions of the juvenile court, and take such action as shall be for the best interests of the children brought before such

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court; know before each session of the juvenile court the full list of cases to appear before the court, and secure before trial such investigation of the conditions surrounding each child's life, as shall be necessary for the protection of the child in court; receive all persons having business before the juvenile court and assist them in procuring necessary and suitable papers, and, in general, advise all persons needing information in regard to cases in which children are concerned, and assist in the proper disposition of such matters coming before the courts; supervise the work of all probation officers appointed to serve the court and receive and file in his office, in systematic order, their monthly and final reports; and supervise the records of the probation office. But it shall not be part of the duties of such chief probation officer to visit families or to perform the ordinary duties of a probation officer especially appointed for an individual child.

(3) Every other salaried probation officer shall attend all sessions of the juvenile court; perform such work of investigation and office work pertaining to said court, as the chief probation officer or the judge may direct; and act as probation officer for an individual child when appointment to such case is made by the court, such duty to be performed in the same manner as prescribed for special probation officers.

(4) Salaried probation officers shall have the powers of police officers and deputy sheriffs for the purpose of apprehending dependent, neglected and delinquent children. [*Stats. 1917 s. 573—3 sub. 3 to 6; 1919 c. 614 s. 9*]

48.04 Special probation officers; duties. (1) The juvenile court may appoint one or more persons to serve, without compensation, as special probation officers during the pleasure of the court. Whenever any child is to be brought before the court the clerk shall, if practicable, notify any such special probation officer, if one has been appointed, in advance; and said probation officer shall make such investigation as may be required by the court, be present in court to represent the child, when the case is heard, furnish the court such information and assistance as the judge may require, and take such charge of the child before and after trial as may be directed by the court.

(2) Any probation officer appointed for a particular child, shall become thoroughly conversant with the conditions surrounding the child; be ready to report upon the child's progress at any time until dismissed from the case; and file with the chief probation officer or the court at least monthly, and at such other times as may be required, written, particularized reports in regard to the case. [*Stats. 1917 s. 573—3 sub. 1, 2; 1919 c. 614 s. 10*]

SUPERVISION AND CUSTODY OF JUVENILES.

48.05 Children not to be sent to the poorhouse; crippled children. (1) No child under sixteen years of age shall be sent as a poor person to any county poorhouse for support and care, excepting for a period not to exceed three months pending the finding of a suitable home or institution for it; but the county superintendents or other officers having the care of the poor shall bring all such cases, when brought to their notice, into the juvenile court in the manner provided in section 48.06.

(2) The juvenile court may commit any child deformed or physically defective at the time of birth, or cause such child to be committed, to the state public school, or to such other appropriate hospital as the court may determine, for surgical or other treatment and care whenever in its judgment such child would be benefited thereby and such treatment has not been or is not likely to be otherwise provided.

(3) The board of school directors in cities of the first class may provide transportation, to places set apart for their education, for children mentally or physically disabled, who are of school age and desire to attend school, and the board may provide school lunches for such children under such terms as it shall determine. [*Stats. 1917 s. 561j sub. (13m), 1527; 1919 c. 614 s. 11; Stats. 1919 s. 925—116m; 1921 c. 396 s. 96; 1921 c. 445*]

48.06 Petition and summons for commitment. (1) Any resident of any county, having knowledge of a child in said county who appears to be either neglected, dependent, or delinquent, may file with the juvenile court a verified petition setting forth the facts. The person making such affidavit shall suffer no personal risk greater than when the proceeding is upon warrant, providing said affidavit is made in good faith.

(2) Upon the filing of the petition, a summons shall issue from the court, requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at the place and time stated in the summons, which time shall be not less than twenty-four hours after service. The parents of the child, if living, and their residence known, or its legal guardian if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative if there be one and his residence is known, shall be notified of the proceedings, and in any case the judge may

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appoint some suitable person to act in behalf of the child. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, he may be proceeded against as in case of contempt of court.

(3) In case the summons cannot be served, or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may be issued on the order of the court, either against the parent, or guardian, or the person having custody of the child, or with whom the child may be, or against the child itself, to take and bring such person before the court. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner, subject to the provisions of subsection (4).

(4) In case the summons or notice of hearing cannot be served upon and there shall be no appearance at the hearing in said proceeding by the parents, legal guardian or other person entitled to the custody of such child, no order shall be entered permanently depriving such person of the care and custody of such child, except upon publication of notice and hearing by the juvenile court in the manner provided by section 4022; but the court may make a temporary disposition of the case as provided in section 48.07. [*Stats. 1917 s. 573—4, 573—5 sub. 1, 2, 2a; 1919 c. 614 s. 12*]

48.07 Disposition of dependent and neglected children. (1) When any such child shall be found to be dependent or neglected the court may make an order committing the child to the care, custody and guardianship of some suitable state or county institution as provided by law, or to the care, custody and guardianship of some incorporated association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children; or the court may make a temporary disposition of such case by placing such child in the care and custody of the probation officer or of some suitable person or institution for such period of time as the court shall see fit, not exceeding three months at one time, not exceeding, however, a total period of one year, during which the parent or other person from whose custody such child is taken may be put upon probation and required to report to the court.

(2) If it shall appear to the court, during such period of probation, that the conditions have ceased to exist which caused such child to be dependent or neglected, and that it will be for the best interests of the child to be returned to the parent or person from whom he was taken, the court may release such child to the care and custody of such parent or other person and may dismiss the proceeding or extend the period of probation pending final disposition of the case.

(3) During such period of probation the county shall be liable for the reasonable expense of the maintenance of such child such expense to be definitely fixed by order of the court; but the court may, as a part of the conditions of probation, require any person who is before the court and who is legally liable for such support to pay in the first instance or to refund to the county all or any part of such cost of maintenance. [*Stats. 1917 s. 573—5 sub. 3, 4, 5; 1919 c. 614 s. 13*]

48.08 Disposition of delinquent children. When any such child shall be found delinquent the court may by order:

(1) Place the child on probation and commit it to the care of a probation officer allowing it to remain in its own home, subject to the visitation of the probation officer. Such child shall report to the probation officer as often as may be required, and may be returned to the court on the original charge for further proceedings whenever such action may appear necessary. Any such order of probation shall continue, subject to the further order of the court, until the child, if a girl, has reached the age of eighteen years, or if a boy, the age of seventeen years; but when a girl between the ages of seventeen and eighteen years, or a boy between the ages of sixteen and seventeen years, shall be found delinquent, the order of probation may continue for one year from the date of the original hearing, in the same manner and upon the same condition as in other cases.

(2) Cause the child to be placed in a suitable family home or institution, subject to the friendly supervision of a probation officer and the further order of the court; or authorize a probation officer to board out the child in some suitable family home, if provision is made by voluntary contribution or otherwise for the payment of such board, until a suitable provision may be made for the child in a home without such payment.

(3) Commit the child, to an industrial school for boys, or girls, respectively; or commit the child to the care and custody of some association or institution that will receive it, embracing in its objects the care of neglected, dependent or delinquent children. [*Stats. 1917 s. 573—6 sub. 1; 1919 c. 614 s. 14*]

48.09 Commitments; transfer of inmates. (1) The juvenile court shall, before committing children to industrial schools, asylums or other institutions for the care of

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such children, upon application of the parents or guardians thereof, take into consideration, in selecting the institution to which the commitment shall be made, the wishes of such parents or guardians; but if no such application is made, the child, if of proper age and condition, shall be sent to the state public school.

(2) No child now or hereafter committed by any such court to any such institution or provided for therein shall be removed therefrom to the state public school, or to any other institution for the care of dependent or neglected children, without the express consent of the officers of the institution to which it has been committed, or in which it is provided for, or of the parents or general guardian of such child, or of the state board of control unless by a majority vote of the county board in a case in which the county supports or contributes to the support of such child. When such consent is obtained or such action taken by the proper county board, the state board of control may make the necessary order transferring such child to the state public school.

(3) Whenever in the opinion of that board it shall be for the best interest of a child committed to that school that he become an inmate of the industrial school for boys or the industrial school for girls, the board may cause such child to be transferred to such industrial school. [*Stats. 1917 s. 573b; 1919 c. 614 s. 15*]

48.10 Supplemental orders; conviction not evidence; costs; appeal. (1) The juvenile court may, when a child is found delinquent, dependent or neglected, order the person having charge of such child, to cause such child to be placed in a public hospital or other institution for treatment or special care, or in a private hospital or institution, which will receive it without pay from the public treasury.

(2) Evidence of any conviction in a juvenile court shall not be admitted in any other court. No costs shall be taxed against nor fines imposed upon the defendant in any case in a juvenile court.

(3) In any case where a child is found, determined or adjudged by the juvenile court to be dependent, neglected or delinquent appeal may be taken directly to the supreme court within twenty days from the date of said finding, determination or judgment, in the manner in which appeals are taken from judgments in civil actions in the circuit court. No undertaking shall be required on such appeal. The finding, determination or judgment of said juvenile court shall stand, pending the determination of said appeal; but the court may, upon application and in its discretion, stay said finding, determination, or judgment pending said appeal, upon the giving of suitable bond for the care and maintenance of said child in wholesome and proper surroundings to be approved by the court. [*Stats. 1917 s. 573—6 sub. 1m, 2, 3; 1919 c. 614 s. 16*]

48.11 Trials of minors in other courts. (1) When any delinquent child is arrested, with or without warrant, charged with the violation of any law of this state the penalty for which is not imprisonment in the state prison, or the violation of any city or village ordinance, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before the juvenile court; or if the child be taken before a justice of the peace or police magistrate, such justice of the peace or police magistrate shall transfer the case to the juvenile court, and the officer having the child in charge shall take such child before that court; and in any such case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as provided in section 48.06; but in any such case a petition shall be filed and the court shall require notice to be given and investigation to be made and may adjourn the hearing from time to time for the purpose.

(2) When in any county a male child under the age of seventeen years or any female child under the age of eighteen years is arrested with or without a warrant, charged with the violation of any law of this state, the penalty for which is imprisonment in the state prison, the magistrate before whom the prisoner is brought shall, as soon as may be, hold a preliminary examination of the offender, and all the provisions of chapter 195 of the statutes, relative to the arrest and examination of offenders, shall be applicable, except that in case it shall appear that an offense has been committed, and that there is probable cause to believe the prisoner guilty, the magistrate shall admit the prisoner to bail or commit him for trial to the juvenile court, or to the current term of the court having jurisdiction of such cases, and the case shall immediately be placed on the calendar for trial, and all provisions of law relating to proceedings in criminal cases in circuit courts shall be applicable to the trial, sentence and commitment of such offenders in such courts; provided, however, that such court may in its discretion commit such offenders as provided in section 48.08. [*Stats. 1917 s. 573—7, 573—8; 1919 c. 614 s. 17*]

48.12 Detention and confinement of children. (1) No court or officer shall commit a child under fourteen years of age to a jail or police station, but if such child is unable

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to give bond and there is probable reason to believe that a summons will be ineffectual, the child may be placed in the care of the sheriff, police officer, or probation officer, who shall deliver the child to some suitable place which shall be provided by the county outside of the building or inclosure of any jail or police station.

(2) In the case of a child, being under arrest or against whom a petition has been filed, the written order of a sheriff, police lieutenant or chief probation officer, or a probation officer duly deputized by the chief probation officer, and in the case of a child subject to the court by reason of probation, the written order of a chief probation officer or a probation officer duly deputized by him, shall be sufficient for the holding of such child in a duly appointed detention home until the next session of the juvenile court.

(3) When any child under sixteen years of age shall be confined in any institution in which adult convicts are held, it shall be unlawful to confine such child in the same room with such adult convicts, or to confine such child in the same yard or inclosure with such adult convicts, or to bring such child into any yard, hall or room in which such adult convicts may be present. [*Stats. 1917 s. 573—9; 1919 c. 614 s. 18*]

48.13 Board of visitation. The judge of the juvenile court may appoint a board of six reputable inhabitants, who will serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as once a year, all institutions, societies and associations receiving children committed thereto by said court; said visits shall be made by not less than two of the members of the board, who shall go together or make a joint report; the said board of visitors shall report to the court from time to time the condition of the children received by or in charge of such associations, and institutions, and shall make an annual report to the state board of control in such form as the board may prescribe. The county board may at its discretion, make appropriations for the payment of the actual necessary expenses incurred by the visitors in the discharge of their official duties. [*Stats. 1917 s. 573—10; 1919 c. 614 s. 19*]

STATE INDUSTRIAL SCHOOLS.

48.14 Object. The Wisconsin industrial school for boys, shall be the place of confinement and instruction of all male children and the Wisconsin industrial school for girls, of all female children, within the age limits prescribed in section 48.15, who shall be committed thereto in the cases provided by law. [*Stats. 1917 s. 4961; 1919 c. 614 s. 20*]

48.15 Commitment to industrial schools. (1) Any male child under the age of seventeen or any female child, under the age of eighteen, convicted of a criminal offense may, in the discretion of the judge or magistrate before whom the case is tried, be committed to one of the industrial schools of this state instead of to the state prison, house of correction, county jail or police station, as the case may be.

(2) The courts of record of this state may, in their discretion commit to one of the industrial schools of this state any male child between the ages of eight and seventeen years, or any female child under the age of eighteen, having a legal residence in the county who, upon complaint and due proof, is found to be a vagrant or so incorrigible and vicious that a due regard for the morals and welfare of such child manifestly requires that it shall be committed to said school.

(3) All commitments to any industrial school shall in the case of boys be to the age of eighteen years, and in the case of girls to the age of twenty-one years, but no child shall be committed as a vagrant or incorrigible until one of the supervisors of the town, one of the village trustees or a superintendent of the poor in the village or city in which the child resides, shall be notified of the arrest of such child and be heard by the judge before whom the child is arraigned.

(4) In all commitments to industrial schools the court shall state, in the commitment paper, the date of the birth of the child committed. The court sentencing any child to be confined in said school shall, together with a copy of the record or certificate of the sentence, transmit to the superintendent of said school a copy of all the evidence in the case, together with a concise statement of all the facts pertinent to the history of the person so committed. [*Stats. 1917 s. 4966, 4968; 1919 c. 614 s. 23; 1921 c. 472*]

48.16 Removal or discharge of inmates; restoration to parents. (1) The state board of control is hereby clothed with the sole authority to discharge any child or children from either of said industrial schools who shall have been legally committed thereto, subject to the power of the governor to grant pardons, and it may return any such child to the court, justice or other authority which ordered or directed its commitment, when in its judgment such child is an improper subject for its care and management or shall be found incorrigible, whose continuance in the school it may deem prejudicial to the management and discipline thereof, or who, for any other cause, in its judgment, ought to be

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removed therefrom; and in such case said court, justice or other authority shall have power and is hereby required to proceed as might have been done if the commitment had not been ordered to such school.

(2) The board may restore any child duly committed to either of said schools to the care of its parents or guardians before the expiration of its term of commitment if in its judgment it would be most for the future benefit and advantage of such child. [*Stats. 1917 s. 4962, 4967; 1919 c. 614 s. 24*]

48.17 Instruction and maintenance; escapes; fees. (1) The state board of control shall cause the children committed to either of said industrial schools to be placed at such employments and to be instructed in such branches of useful knowledge as shall be suited to their years and capacities. The superintendent of each said school shall charge to each of the several counties, in a book provided by him for that purpose, the sum of two and one-half dollars per week for the care and maintenance of each child in said schools from each of such counties; and the cost of the original commitment of all persons to said school shall be chargeable to the county from which the person committed thereto is sent; and said superintendent shall procure the arrest and return of any person escaping therefrom; and any justice of the peace, marshal or constable, upon information of such escape, shall arrest and return any such fugitive as above mentioned.

(2) When any sheriff or other officer or other person appointed by the board shall execute a commitment to any state industrial school he shall be entitled to receive therefor from the proper county his actual and necessary expenses and the further sum of five dollars, and no more, for each day while necessarily engaged in executing such commitment. [*Stats. 1917 s. 4963; 1919 c. 614 s. 26*]

48.18 Reports and record as to liability of counties. (1) The superintendents of the Wisconsin industrial school for boys and the Wisconsin industrial school for girls, respectively, and the managers of every other industrial school which has the right to claim compensation from any county for the support of inmates therein, shall, on the first day of July in each year, report to the juvenile court of each county the names of all children in such school during the preceding year whose support is chargeable to the county, with the date when each was received and the date when each ceased to be an inmate thereof, whether by death, escape, final discharge, binding out or otherwise, with such other information as may show the extent to which the county is liable.

(2) Each juvenile court judge shall record in a book all the information obtained pursuant to this section and similar information as to commitments made by himself and his predecessors in office, so far as the same are in force. [*Stats. 1917 s. 4970; 1919 c. 614 s. 28*]

STATE PUBLIC SCHOOL.

48.19 Object. The object of the state public school shall be to care for and educate physically, intellectually, vocationally and morally such dependent or neglected children as may be placed therein until such times as temporary or permanent homes can be procured in good families for those who are eligible for such placing. [*Stats. 1917 s. 573; 1919 c. 614 s. 29; 1921 c. 540*]

48.20 Children entitled to admission; return; homes; fees and expenses. (1) The board of control shall admit to said school such children under sixteen years of age who shall be found dependent upon the public for support.

(2) Children received into the school, unless sent therefrom as hereinafter provided, may in the discretion of the board be retained until they are eighteen years of age; and may, in the discretion of the board, be retained after they have reached that age until a home or other suitable place is provided for them. Any child may be returned to the county from which it was sent to said school on its attaining the age of eighteen years or be returned to the custody of its parents, or be declared competent to make its own contracts, or at any time after its admission be transferred by the board to some other more appropriate institution. On the return of any child to the county pursuant to law, the guardianship of the board of control shall cease and the child so returned shall become a charge on the county from which it was sent. Said board shall give the superintendent of the poor of the proper county its reasons in writing for returning such child.

(3) Every three months the superintendent of said state public school shall report in writing to the board of control the names of the inmates remaining in the school, together with such data as will acquaint the board with the reason why each child has not been placed in a home as well as such additional information as the board may desire regarding the changes occurring during the preceding three months.

(4) The compensation paid to any person for taking any child to the state public school, shall not exceed the sum of two dollars per day and the necessary expenses, and

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no charge shall be made for more than one person escorting each child; and whenever practical a woman shall be employed as such escort for any child under three years of age, and for all girls over five years of age. [*Stats. 1917 s. 573a; 1919 c. 614 s. 30; 1921 c. 429 s. 1, 2, 3; 1921 c. 430, 444*]

48.21 Crippled children. (1) In addition to the classes of children received at the state public school pursuant to section 48.20, there shall also be received any children under twenty-one years of age, residents of this state, who are crippled or deformed in body; provided said crippled or deformed conditions are amenable to cure or amelioration by surgical or other means. All existing provisions of law for the commitment, care, disposition, control and discharge of the inmates of said school, and all restrictions upon their admission, except as otherwise provided in this section, shall apply to such crippled or deformed children.

(2) The board of control shall engage and fix the salaries of additional physicians, surgeons, nurses, teachers and other employes necessary to carry out the provisions of this section, and shall equip such school with the necessary appliances, material, equipment and facilities therefor.

(4) The board shall, whenever suitable and reasonable arrangements can be made, transfer any child designated in subsection (1) of this section, or cause any such child to be committed, to some other appropriate hospital in this state wherein such treatment, surgical assistance and care may be given. [*Stats. 1917 s. 573aa, 573ab; 1919 c. 614 s. 31; 1921 c. 429 s. 1, 3*]

48.22 Instruction; guardianship; binding out; adoption. (1) The children in the state public school shall be educated in the branches usually taught in the common schools and shall have proper physical, vocational and moral training.

(2) The state board of control is the legal guardian of all said children. It may place them in families and make written contracts with responsible and suitable persons for keeping them during their minority, or, in the discretion of the board, until they attain the age of eighteen years; provide therein for their education in the public schools where they may reside, for teaching them some useful occupation, for their kind and proper treatment as members of the families in which they are placed, and for the payment, on the termination of such contracts, to said board, to the use of the children, of such sum of money as may have been stipulated in the contracts.

(3) The board may consent to the adoption of any such child by any person or persons in the manner provided by law; and such consent given in writing shall have the same force and effect as if given by the parent or parents of such child. Such consent shall be in duplicate, one copy to be filed with the secretary of the board and the other delivered to the county court in which the proceedings for adoption are taken. On the consummation of such proceedings the guardianship of said board over the child shall cease.

(3a) No child who is feeble-minded, epileptic or suffering from syphilis, or any other disease that may later on cripple such child, or who has had a feeble-minded parent, or one whose parent has suffered from any nervous or mental disease that is likely to be repeated in the child, shall be placed in any home on indenture or for adoption under any of the provisions of this section, except that this subsection shall not apply to any child sixteen years of age or older who, in the opinion of the board, may safely be placed in a home on a wage contract for a temporary period not to exceed one year.

(4) Said board may appoint, to serve during its pleasure, one or more agents of the state public school; who shall investigate all applications to take any such children by adoption or otherwise and the persons who make the same. As often and at such times as shall be directed by the board, each such agent shall visit any or all children placed in charge of any person by said board, inquire into and investigate the condition of such children, and thereupon report to said board. Each such agent, while acting as such, shall be paid his necessary traveling expenses which shall be charged against the appropriation for said school. [*Stats. 1917 s. 573c, 573d, 573j, 573h; 1919 c. 614 s. 33; 1921 c. 429 s. 2, 3*]

48.23 School record. The board shall provide and keep in said school a record in which shall be entered the names, residences and ages of all children received, the names, post-office addresses, business, habits and character of their parents if living and known, the date of the reception of the children, of the contract of indenture, and the names, occupations and post-office addresses of the persons with whom children are placed. Such history shall include the results of a physical and laboratory examination and a test of the mentality of such child, by a competent physician known to be well versed in psychiatry and mental diseases. As complete a history as possible of each child shall also be kept and continued during the guardianship of the board. [*Stats. 1917 s. 573g; 1919 c. 614 s. 34; 1921 c. 392*]

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TRUANT DAY SCHOOLS; PARENTAL SCHOOLS.

48.24 Authority to establish. (1) In any city of the first class, the board of education or any board with similar powers, may establish and maintain truant ungraded day schools for the purpose of providing for the proper training of children between the ages of seven and sixteen years, who are habitually truant, or insubordinate or disorderly at any school, or who habitually frequent the streets or other public places, having no lawful occupation or employment; and may, through their truant officers and superintendents of schools, require such children to attend such schools.

(2) For the care and instruction of the same classes of children as aforesaid, such board may establish and maintain a parental boarding school within or without the corporate limits of such city, and may, when such school is maintained, after a notice of seven days to such child and to its parent, guardian or custodian, order such child to be restrained and cared for in such school, with the written consent of such parent, guardian or custodian, upon such terms, financial or otherwise, as shall be arranged between them.

(3) Whenever a parental school is available, such child may be proceeded against in any juvenile court, as a juvenile disorderly person, and upon the court so finding, may be committed to such parental school until eighteen years of age, subject to earlier discharge as provided in section 48.25.

(4) The authorities of any city or school district not having a parental boarding school, may contract with a city having such school, and in such case all the provisions relating to the commitment and custody of children in said school shall be in force as to such city or school district. [*1903 c. 447 s. 1; 1907 c. 186; 1919 c. 614 s. 36*]

48.25 Management of parental school. (1) The board having charge of such parental boarding school shall appoint necessary officers, teachers and agents for said school and make regulations for the government of said school, and the children attending the same, and also rules under which said children may be allowed to return to their homes on parole, but to remain in the legal custody and under the control of the officers of the school, subject to be returned by order of the superintendent of such school upon failure to comply fully with the terms of the parole, or if for any other reason the welfare of the child may demand such return; except as provided in subsection (2).

(2) No child shall be released upon parole in less than three months from the time of his commitment, nor thereafter until the superintendent of such parental school is satisfied from the conduct of such child and the conditions of his home that he will attend school or work regularly. If such child, so released on parole, continues in regular, orderly attendance at school or work for a period of one year from the date on which he was released on parole, he shall then be finally discharged.

(3) There shall be appointed one or more agents for the regular oversight of children on parole from said school; or regular hours for such parole duty shall be appointed to certain officers or teachers of the school.

(4) Said board shall make suitable provision, so that children confined in a parental school shall be allowed, at least once in each week, to freely receive within the institution, spiritual advice and ministration from any clergyman of good standing in the church or denomination to which such children respectively belong. [*1903 c. 447 s. 2, 4; 1907 c. 186; 1919 c. 614 s. 37*]

48.26 Clothing and maintenance of children. It shall be the duty of the parent, guardian or custodian of any child committed to a parental school, to furnish suitable clothing for such child as it may be needed, and if able to do so, pay all or a reasonable part of the maintenance of such child; such cost to be fixed by the court committing the child. [*1903 c. 447 s. 3; 1907 c. 186; 1919 c. 614 s. 38*]

COUNTY HOMES FOR DEPENDENT CHILDREN.

48.27 Establishment. Any county may establish a home for dependent children as provided in section 46.17. In all counties whose population is less than two hundred and fifty thousand, such home shall be governed pursuant to the provisions of sections 46.18, 46.19 and 46.20. [*Stats. 1917 s. 697—2, 697—3, 697—4, 697—5; 1919 c. 362 s. 22, 28, 34; 1919 c. 614 s. 39*]

48.28 Commitment and custody of children. (1) The board of trustees of said home may receive into its charge and under its control by commitment, or otherwise, and become the legal guardian of any child under sixteen years of age residing in the county for which such home for dependent children has been organized, who shall be committed thereto by the juvenile court, or whose parent, or person standing in his place, by an in-

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strument in writing, shall assign and commit such child to the care and custody of such home.

(2) Such home for dependent children may procure suitable and proper homes for and give away by adoption or place in families in this state upon written contracts any and all such children during their minority and is hereby constituted the legal guardian of all children committed to or received by it as aforesaid, and may consent in the courts of this state to the adoption of any such child by any person or persons in the manner provided by law; and such consent given in writing shall have the same force and effect as if given by the parent or parents of such child. Such written consent shall be given in duplicate, and one copy shall be filed with the secretary of said trustees, and the other delivered to the county court in which the proceedings for adoption are taken to be there filed. On the consummation of such proceedings, the custody of said trustees over the child adopted shall cease, except as hereinafter provided. It shall be the duty of the court making the order of adoption to transmit a certified copy of such order to the trustees of the institution from which such child was received.

(3) The board of trustees of such home for dependent children may enter into a written contract with any person who shall take or receive any such child otherwise than by adoption, and such contract shall provide for the proper care, education, and maintenance of such child during its minority, and specify the amount to be paid it at the expiration of the period of such contract, provided that in no case shall such contract contain any provision of a sectarian or partisan nature regarding its care, custody, or education.

(4) It shall be the duty of the court before whom such child is presented to procure a full statement as near as possible setting forth all facts, showing why such child or children should be committed to such home for dependent children. Such statement shall give the exact name or names, age or ages of said child or children, when and where born, full name of both parents, their family history in reference to tuberculosis, syphilis, insanity, and epilepsy, whether living or dead, their present residence, their previous residence, their financial condition, the name and residence of their nearest relatives, and whether they are able or not to support said child or children. The said statement must show whether such child or children are dependent upon their respective county for support.

(5) If the judge shall find as the result of such examination that such child is dependent or neglected, he shall cause it to be examined by the county physician if there be one, and if there is none, by a respectable practicing physician. Such physician shall certify in writing that he is of the opinion that the child examined by him is of sound mind and is not affected by any chronic or contagious disease and ascertain whether there is or has been any tuberculosis, syphilis, insanity, or epilepsy, and had not been exposed to any contagious disease within fifteen days previous to the examination, and verify such opinion by his affidavit, which shall be attached thereto and filed in the judge's office. A certified copy of such finding and a statement of the facts ascertained as aforesaid, with a copy of the certificate of the physician shall be delivered with the child at such home for dependent children. [*Stats. 1917 s. 697—7; 1919 c. 614 s. 40*]

48.29 Apprenticeship and adoption of children. (1) Such trustees may bind out all minors, who are supported at the expense of the county, in the same manner and with like effect as municipal authorities are authorized to do by section 49.05; but before consenting to the binding out or the adoption of any such minors, shall carefully investigate the qualifications and fitness of such persons to whom such children are to be bound out, or by whom they are to be adopted, and shall inquire into the treatment of children to whose adoption they have given their consent, as herein provided, or who shall have been bound out by such trustees, or by their predecessors in office, and defend them from all cruelty and neglect on the part of those persons who have adopted them, or to whom they have been bound out.

(2) If any child so adopted shall be misused, illtreated or neglected by the person or persons who shall have adopted such child, or by any person under their direction or by their permission, said trustees or any one thereof, in behalf of such child, may file a complaint in the county court for the county in which such person or persons so adopting such child or children reside, setting forth the facts and circumstances of the case, and the court, after having caused such notice as it shall deem reasonable to be given to the person or persons having adopted such child, shall proceed to hear and determine the cause, whether such person or persons who have adopted such child, shall appear or not; and if the complaint be sustained, may make an order revoking and setting aside all orders and proceedings made in the adoption of such child by any court, and shall further order in

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his discretion, that said child shall be returned to the dependent home from which such child was adopted, and that the costs of the proceedings be paid by such person or persons against whom such complaint is made. If such complaint made by the officer authorized to bind out minors, or consent to their adoption, be not sustained, the court shall not award costs against such officer, unless it shall appear that the complaint was made without just or reasonable cause. Either party may appeal from any such order to the circuit court in the manner provided for appeals from orders made in probate proceedings. [*Stats. 1917 s. 697—6, 697—8, 697—9, 697—10; 1919 c. 614 s. 41*]

COUNTY INDUSTRIAL SCHOOLS.

48.30 Establishment. Any one or more counties having a several or joint population exceeding fifty thousand may establish a county industrial school, as provided in section 46.17, for the purpose of keeping and educating delinquent children committed to it by the juvenile court. In any county having a population of two hundred and fifty thousand or more such school shall be governed pursuant to section 46.21, and the board shall appoint an additional superintendent to have charge thereof. In all other counties it shall be governed pursuant to the provisions of sections 46.18, 46.19 and 46.20. In any such school the board in charge shall, in addition to the superintendent, appoint a visiting physician and a matron, who shall continue in office at the pleasure of the board, and shall perform such duties and render such reports as may be required by the board. [*Stats. 1917 s. 697—18 to 697—23, 697—27 to 697—31; 1919 c. 362 s. 34, 39; 1919 c. 614 s. 42*]

48.31 Removals from state or private institutions to county industrial schools. Upon the request of the chairman of the county board and of the district attorney of any county maintaining a county industrial school, either singly or jointly with one or more other counties, the superintendent of such school may demand and receive the custody of any and all children committed as delinquents to any state or private institution within the state for the support of whom said county or counties are liable. Such removal however, shall be subject to such rules as the state board of control may adopt. In case any of said state or private institutions shall refuse any such demand properly made, the counties to whom the expense of caring for and maintaining said children is chargeable may at their option, refuse to pay any and all claims of said state or private institutions for the maintenance of said children incurred after such request shall have been duly made. Any county not maintaining such industrial school may contract with another county or counties maintaining such institution for the care, maintenance and education of its delinquent children. [*Stats. 1917 s. 697—24; 1919 c. 614 s. 43*]

48.32 Placing children in homes. Whenever it shall be deemed advisable by the trustees of said institution to remove any child or person from any such institution to a place or home where they can be taken care of or adopted under the law with the consent and approval of the state board of control, they may do so. [*Stats. 1917 s. 927—26; 1919 c. 614 s. 44*]

AID TO DEPENDENT CHILDREN.

48.33 Mothers' pension. (1) If any person shall have knowledge that any child is dependent upon the public for proper support or that the interest of the public requires that such child be granted aid, such person may bring any such fact to the notice of a judge of a juvenile court or of a county court of the county in which such child resides.

(2) The said judge may make or cause to be made such investigation and examination before the granting of aid for such child as he may deem necessary. To assist in making investigations and examinations the judge may appoint a board of child welfare for his county to consist of three members, who shall hold office at the pleasure of the judge making the appointment. No salary or wages shall be paid to the members of said committee but they shall be reimbursed their actual and necessary expenses incurred in the performance of their duties, such expenses to be approved by the appointing judge and to be audited and paid by the county as other claims against such county are audited and paid. Such board shall advise and consult with the judge regarding the best method of investigating cases under the provisions of this section; establish a basis of household expenses to compute the amount of aid to be extended to needy families; help needy mothers to expend aid granted economically, and advise them how to keep accounts of expenses; recommend discontinuance and reductions in aid and generally to act, consult and confer with each other and the court relative to any and all problems relating to families to be aided and as to the best methods of carrying out the provisions of this section economically and efficiently.

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(3) The proceedings provided for by this section may include one or more children, all of whom may be named in the same notice and order of the judge thereon.

(4) Upon such investigation the judge may, as the best interest of such child requires, grant aid to it or to its parents or to any person having the care and custody of such child, or commit such child to the state public school, or place such child in the home of a relative or friend of the family or in the home of a person interested in public welfare or make such other disposition of such child as he may deem wise.

(5) Aid for dependent children shall only be granted upon the following conditions: There must be one or more children living with or dependent upon the mother or grandparents or person having the care and custody of such children, one or more of whom shall be under the age of fourteen or between the ages of fourteen and sixteen and unable to secure a permit to work; the mother or grandparent or such other person must have resided in the county in which application is made for aid for at least one year prior to the date of such application; the mother must be without a husband or the wife of a husband who is incapacitated for gainful work by permanent mental or physical disability, or of a husband who has been sentenced to a penal institution for one year or more, or of a husband who has continuously deserted her for six months or more during which time all provisions of law have been used to enforce support and none has been obtained, or such mother must be divorced from her husband and must show that she has used all provisions of law to compel her former husband to support her and has not been able to do so. Such deserted or divorced woman need not show that she has used all provisions of law to enforce support, if the court shall be of the opinion that such procedure on her part would be of no avail; the mother or grandparents or person having the care and custody of such children must be a fit and proper person to have the custody and care of the dependent children and the period of aid must be likely to continue longer than one year. The ownership by a mother of a homestead shall not prevent the granting of aid under the provisions of this section if the rental thereof would not exceed the rental which a family of the same size as the family of such parent, receiving aid, would be obliged to pay for living quarters.

(6) The aid granted shall be sufficient to enable the mother, grandparents or person having the custody of such children to properly care for the children and shall not exceed fifteen dollars per month for the first child excepting in emergency cases where the aid to such first child shall be left to the discretion of the court and ten dollars per month for each additional child. Such aid shall be the only form of public assistance granted to the family excepting medical aid and no aid shall continue longer than one year without reinvestigation.

(7) The parent or other person receiving aid under the provisions of this section shall file monthly with the judge of the juvenile or county court of the proper county a statement showing the expenditures of all moneys received as aid under the provisions of this section together with the original receipts or vouchers therefor. The judge may require the mother to do such remunerative work as in his judgment she can do without detriment to her health or the neglect of her children or her home, and may prescribe the hours during which the mother may work outside of her home.

(8) The county board of each county shall annually appropriate a sum of money sufficient to carry out the provisions of this section. Upon the orders of the judge of the court having jurisdiction, the county treasurer shall pay out the amounts ordered to be paid as aid, under the provisions of this section.

(9) The county clerk of each county having a population of one hundred thousand or more shall make a report to the county board at its annual November meeting showing in detail the amount of money advanced by the county to the residents of each town, village and city under the provisions of this section. The county board at such meeting shall determine the amount to be raised and paid by each such town, village and city to reimburse the county for the money so advanced. Within ten days after such determination the county clerk of each county shall certify to the clerk of and charge to each such town, village and city the amount so advanced. Each such town, city and village shall levy a tax sufficient to reimburse the county for such advances to be collected as other taxes and paid into the county treasury. If any town, city or village shall fail to raise and pay over such money to the county the county board shall have authority to compel such payment.

(10) On the first day of January of each year the county treasurer shall certify under oath, in duplicate, to the secretary of state and the state board of control the amount paid out by such county during the preceding year for aid under this section, and if the board of control shall approve the same and shall cause its approval to be indorsed by the president and secretary of said board on the certificate received by the secretary of state, the

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secretary of state shall credit one-third of the amount so certified to be due such county on the state taxes next due therefrom, and the state treasurer shall credit such county with said one-third of such amount in his annual settlement with said county for taxes due the state; provided, that the amount paid by the state to any county in any one year shall not exceed a sum equal to one dollar for each thirty inhabitants thereof; provided, further, that if the total amount paid by all the counties under this section as certified by the county treasurers shall exceed the sum appropriated by subsection (13) of section 20.17, the secretary of state and the state treasurer shall prorate the said sum among the various counties according to the amount paid out. [*Stats. 1917 s. 573f; 1919 c. 251, 308, 466; 1919 c. 614 s. 45; 1921 c. 86*]

48.34 Earnings of self-supporting minors. During any time when, by reason of abandonment, drunkenness or profligacy, a parent of a minor shall neglect or refuse to provide for his support, or for his support and education, the earnings of such minor shall be his sole property as against such parent or any creditor of such parent. [*Stats. 1917 s. 2344a; 1919 c. 614 s. 46*]

CHAPTER 49.

RELIEF AND SUPPORT OF THE POOR.

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49.01 Municipalities must support the poor. Every town, village and city shall relieve and support all poor and indigent persons lawfully settled therein whenever they shall stand in need thereof, except as hereinafter provided. The town board, village trustees, or common council, respectively, in each town, village, or city shall have the oversight and care of all such poor persons and indigents so long as they remain public charges; and shall see that they are properly relieved and taken care of in the manner required in this chapter. [*Stats. 1917 s. 1499, 1501; 1919 c. 345 s. 2*]

49.015 Suspension of tax. (1) The council of any city and the board of any town or village may by resolution direct its treasurer to pay any tax legally assessed against the real estate of any worthy, indigent person resident therein.

(2) A copy of such resolution with a statement of the amount and date paid and description of the property, certified by the clerk of the paying municipality, may be recorded with the register of deeds of the proper county and the amount shall thereby become a lien upon such real property in favor of the paying municipality prior to any other lien than prior outstanding tax certificates or prior liens hereunder for the amount paid, with legal interest, and shall be enforceable after transfer of title of the property by sale, inheritance or will, in the manner provided by law for the enforcement of mechanic's liens.

(3) The owner of such property, his heirs, personal representatives or assigns may discharge such lien at any time by paying the amount of such lien with accrued interest to the treasurer of the proper municipality who shall execute a proper satisfaction piece which may be duly recorded with the said register of deeds.

(4) The holder of any subsequent lien may purchase such lien by payment of the amount thereof with accrued interest to the treasurer of the proper municipality who shall execute a proper assignment thereof to such payer, and on recording such assignment, such assignee shall have the same rights the assignor had. [*Stats. 1919 s. 937c; 1921 c. 396 s. 90*]

49.02 Legal settlements. Legal settlements may be acquired in any town, village, or city so as to oblige such municipality to relieve and support the persons acquiring the same in case they are poor and stand in need of relief, as follows:

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(1) A married woman shall always follow and have the settlement of her husband if he have any within the state; otherwise her own at the time of marriage, and if she then had any settlement it shall not be lost or suspended by the marriage; and in case the wife shall be removed to the place of her settlement and the husband shall want relief he shall receive it in the place where his wife shall have her settlement.

(2) Legitimate children shall follow and have the settlement of their father if he have any within the state until they gain a settlement of their own; but if the father have no settlement they shall in like manner follow and have the settlement of their mother if she have any.

(3) Illegitimate children shall follow and have the settlement of their mother at the time of their birth if she then have any within the state; but neither legitimate or illegitimate children shall gain a settlement by birth in the place where they were born unless their parent or parents had a settlement therein at the time.

(4) Every person of full age who shall have resided in any town, village, or city in this state one whole year shall thereby gain a settlement therein; but no residence of a person in any town, village, or city while supported therein as a pauper shall operate to give such person a settlement therein.

(5) Every minor whose parent and every married woman whose husband has no settlement in this state who shall have resided one whole year in any town, village, or city in this state shall thereby gain a settlement therein.

(6) Every minor who shall be bound as an apprentice to any person shall, immediately upon such binding, if done in good faith, thereby gain a settlement where his or her master or mistress has a settlement.

(7) Every settlement when once legally acquired shall continue until it be lost or defeated by acquiring a new one in this state or by voluntary and uninterrupted absence from the town, village, or city in which such legal settlement shall have been gained for one whole year or upward; and upon acquiring a new settlement or upon the happening of such voluntary and uninterrupted absence all former settlements shall be defeated and lost.

(8) Whenever any territory shall be organized into or attached to any town, village, or city every person having a legal settlement in such territory, and who actually dwells or has his home, or if absent, had his last dwelling place or home therein, shall thereafter have a legal settlement in such new town, village, or city or in the town, village, or city to which such territory is so attached, as the case may be. The organization into or attachment to any town, village, or city of any territory shall not prevent any person from acquiring a legal settlement therein within the time and by the means by which he would have gained it there if no such new town, village, or city had been organized or such territory had not been attached. [*Stats. 1917 s. 1500; 1919 c. 345 s. 3*]

49.03 Local relief of transient paupers. (1) When any person not having a legal settlement therein shall be taken sick, lame, or otherwise disabled in any town, city or village, or from any other cause shall be in need of relief as a poor person and shall not have money or property to pay his board, maintenance, attendance and medical aid, the town board, village board or common council shall provide such assistance to such persons as it may deem just and necessary, and if he shall die, it shall give him a decent burial. It shall make such allowance for such board, maintenance, nursing, medical aid and burial expenses as it shall deem just, and order the same to be paid out of the town, city, or village treasury.

(2) The expenses so incurred shall be a charge against the county. The account therefor shall be audited by the county board and paid out of the county treasury, and may be recovered by said county of the town, city or village in which such person so relieved has a legal settlement; or if such settlement be in a county operating under the county system of maintaining its poor, the recovery may be from such county.

(3) The clerk of the municipality furnishing such relief shall ascertain, if possible, the municipality in which such settlement is located, and within ten days after such person becomes a public charge, shall serve upon the county clerk of his county a written notice which shall state the name of the person who has received public aid, the name of the municipality where such person claims a legal settlement, or, if such place could not, after due diligence, be ascertained, a statement of such fact, and the date on which the first aid or support was furnished. In case such notice is not given within ten days, the same may be given at any other time, but the county shall be liable only for the expense incurred for the support of such person from and after the time of the giving of such notice.

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(4) The county clerk shall file such notice in his office, and shall within ten days after the receipt thereof serve a written notice, containing the information so received, upon the county clerk of the county in which such person claims a legal settlement, and, if such county is not under the county system of maintaining its poor, the county clerk thereof shall at once forward such notice to the clerk of the town, city, or village in which such person claims a legal settlement. In case such notice is not given within such ten days the same may be given at any other time, but the municipality so notified shall only be liable for the expense incurred by such county for the support of such person from and after the time of the giving of such notice.

(5) The authorities having charge of the poor of the municipality in which such person claims a legal settlement, and until they shall do so, the authorities having charge of the poor of the county in which such person may be, may take charge of such poor person and relieve him in such other manner as they deem proper.

(6) The clerk of any municipality which may disallow a claim for such expenses or any part thereof, shall within ten days after such disallowance, notify in writing the county clerk of the county making such claim of the action thereon, and until such notice is received by such county clerk, the time in which an action may be brought to recover the amount disallowed shall not begin to run.

(7) Upon receipt of notice of the disallowance of the claim of any county, the county clerk receiving such notice shall forthwith notify the district attorney of his county, who shall be authorized and empowered to institute an action in the name of the county, for the recovery of so much of said claim as shall have been disallowed, and in such action no county shall be required to give bond for the faithful prosecution thereof or payment of costs adjudged therein.

(8) The mailing within such ten days, of any notice herein provided for, in the manner provided by section 2821 shall be a sufficient service of such notice. [*Stats. 1917 s. 1512, 1512a; 1919 c. 345 s. 4*]

49.04 County relief of transient and local paupers. (1) The county board of each county shall have the care of all poor persons in said county who have no legal settlement in the town, city or village where they may be, except as provided in section 49.03, and shall see that they are properly relieved and taken care of at the expense of the county.

(2) The board may make regulations, not inconsistent with law, in relation to the support and maintenance of such persons and may also contract with any town, village, or city in said county to keep and maintain at the place where the poor supported by the county are kept, such poor persons as may be a charge upon such municipality, at a stipulated price, the amount of which shall be levied and collected in such municipality in the manner county taxes are levied and collected therein.

(3) The board may also, by resolution adopted at its annual or special meeting, at the expense of the county, relieve and take care of all permanent poor persons who may be a charge upon any municipality in such county and cause them to be committed to the poorhouse of such county, pursuant to section 49.07. [*Stats. 1917 s. 1517; 1919 c. 345 s. 5*]

49.05 Apprenticeship of minors by municipal boards. When any minor who is not a neglected, dependent or delinquent child as defined in section 48.01 shall become or be likely to become chargeable to any municipality, either because of being an orphan or because the parents or other relations are unable or refuse to support such minor, the authorities having charge of the poor of such municipality shall bind such minor as an apprentice to some respectable householder of the county by written indenture, which shall be executed in like manner and shall be of the same tenor and effect as indentures executed pursuant to chapter 110; and every minor so bound, and the authorities binding him, and his master shall be subject to all the provisions of said chapter. [*Stats. 1917 s. 1511; 1919 c. 345 s. 6*]

49.06 Bringing paupers into the state. Any person who shall bring or remove or cause to be brought or removed any poor person from any place without this state into any municipality within it, with intent to make such municipality chargeable with his support, shall forfeit fifty dollars; and the justice or court before whom such person shall be proceeded against for a violation of the provisions of this section shall, by its judgment, require of such person satisfactory surety that he will, within a reasonable time to be fixed, transport such poor person out of the state or indemnify such municipality for all charges and expenses which have been or may be incurred in his support; and in case of neglect or refusal so to do commit such person to the county jail until he shall comply with said judgment, but for a term not exceeding three months. [*Stats. 1917 s. 1515; 1919 c. 345 s. 7*]

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49.07 Commitments to the poorhouse. Whenever it shall appear to the satisfaction of any judge of any court of record by a petition signed by the officer, if there be but one, or by any two officers charged with the care of the poor in any town, city, village or county that any person having a legal settlement therein is without sufficient means of support and necessary care and is by reason of sickness, infirmity, decrepitude, old age, drunkenness or pregnancy likely to become a public charge, either temporarily or permanently, or that such person lives in a state of indigence, squalor or filth likely to induce disease, or has removed to another town, city, village or county and has applied for and received temporary relief therein, and that the town, city, village or county represented by the petitioner or petitioners has reimbursed the municipality affording such relief, such judge may commit such person to the poorhouse of his county, if there be one therein, otherwise to the poorhouse of some other county for a definite time, not less than sixty days, or for an indefinite time, subject to such further order as he may make; but no person shall be so committed without having an opportunity to be heard in person or by some one in his behalf. Any order or process issued by such judge under this section may be served and such commitment may be made by any officer charged with the care of the poor in the county where the proceedings are had. [*Stats. 1917 s. 1513; 1919 c. 345 s. 8*]

49.08 Reports to county judge. Any officer charged with the care of a poor person whose support may be chargeable in whole or in part to any county or any municipality therein and who shall place such person in any institution shall forthwith report to the county judge of the said county the name and age of said person, the institution in which he is placed, the terms of the contract made for his support or care, and any other information necessary to show the extent of the liability which may thereby rest upon the municipality liable for such support or care; and shall also report to said judge the fact that such person has ceased to be a public charge as soon as he is aware thereof. Each such judge shall keep a record of the information received by him pursuant to the above provisions. [*Stats. 1917 s. 1514; 1919 c. 345 s. 9*]

49.09 Estimates and expenditures for town poor relief. The town boards of the several towns shall present at each annual town meeting therein a report showing the amount of money expended by them for the relief and support of poor persons in such town during the then preceding year, the name of each poor person or family relieved and the amount appropriated for the support of each, together with all such other items of expenditures incurred agreeably to the provisions of this chapter; they shall also in said report present an estimate of such sum as in their opinion will be required for the support of the poor in such town for the then ensuing year. [*Stats. 1917 s. 1516; 1919 c. 345 s. 10*]

PROCEEDINGS AGAINST INDIGENTS AND THEIR RELATIVES FOR SUPPORT.

49.10 Property of indigent chargeable; recovery. If any person who has received any relief, support, or maintenance at public charge, under this chapter or as an inmate of any state or municipal institution, was at the time of receiving such relief, support, or maintenance the owner of property, the authorities charged with the care of the poor of the municipality, or the board in charge of the institution, chargeable with such relief, support, or maintenance may sue for and collect the value of the same against such person and against his estate. In any such action or proceeding the statutes of limitation shall not be pleaded in defense; but the court may, in its discretion, refuse to render judgment or allow the claim in favor of the claimant in any case where a parent, wife, or child is dependent on such property for future support. The records kept by the state or municipality for the purpose of showing the names and the value of the relief, support, or maintenance furnished shall be prima facie evidence. [*Stats. 1917 s. 1505a; 1919 c. 345 s. 12*]

49.11 Liability of relatives; enforcement. (1) The father, mother, husband, children and wife of any poor person who is blind, old, lame, impotent, or decrepit so as to be unable to maintain himself, shall, relieve and maintain such poor person, so far as they are able, in a manner approved by the authorities having charge of the poor in the municipality, or by the board in charge of the institution, where such poor person may be; but no child of school age shall be compelled by this section to labor contrary to the child labor laws.

(2) Upon failure of any such relative so to do the said authorities or board shall apply to the county judge of the county of which such poor person is a resident for an order to compel such relief.

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(3) At least fourteen days prior to the hearing on said application notice thereof shall be served upon the person to whom it is directed in the manner provided for the service of summons in courts of record.

(4) At the time and place fixed in said notice the county judge shall in a summary way hear the allegations and proofs of the parties and by order require relief and maintenance from such relatives, if living and of sufficient ability, in the following order: First the husband or wife; then the father; then the children; and lastly the mother. Such order shall specify a sum which will be sufficient for the support of such poor person, to be paid weekly, during a period fixed therein, or until the further order of the court. If satisfied that any such relative is unable wholly to maintain such poor person, but is able to contribute to his support, the judge may, in his discretion, direct two or more such relatives to maintain him and prescribe the proportion each shall contribute and if satisfied that such relatives are unable together wholly to maintain such poor person, but are able to contribute something therefor, the judge shall direct a sum to be paid weekly by each such relative in proportion to his ability. At any time during the pendency of said order, upon application of any party affected thereby and upon like notice and procedure, the said judge may modify such order. The costs and expenses of the original application shall be paid by such relative or relatives. Full obedience to every such order may be enforced by proceedings as for a contempt.

(5) Any party aggrieved by any such order may appeal therefrom to the circuit court pursuant to the provisions of chapter 175, so far as applicable and necessary; but when the appeal is taken by the authorities having charge of the poor person an undertaking need not be filed. [*Stats. 1917 s. 1502, 1502a, 1502b, 1503, 1504; 1919 c. 345 s. 13*]

49.12 Action against relatives. If any relative who shall have been required by such order to relieve or maintain such poor person shall neglect to do so as prescribed in said order, the said authorities or board may recover in an action on behalf of the municipality or institution against such relative the sum so prescribed for every week the said order shall have been disobeyed up to the time of judgment, with costs of suit, for the use of the poor. [*Stats. 1917 s. 1505; 1919 c. 345 s. 14*]

49.13 Abandonment of wife or children. (1) Whenever the father, or mother, being a widow or living separate from her husband, shall abscond or be about to abscond from his or her children, or a husband from his wife, or when such father, mother, or husband shall be about to remove permanently from the town, village, or city in which he or she may reside, leaving a wife or children, or both, chargeable or likely to become chargeable upon the public for support, or shall neglect or refuse to support or provide for such wife or children, the mayor of the city, president of the village or supervisors of the town where such wife or children may be may apply to the county judge or any justice of the peace of any county in which any estate, real or personal, of the said father, mother or husband may be situated for a warrant to seize the same.

(2) Upon due proof of the facts aforesaid such judge or justice shall issue his warrant authorizing such mayor, president or supervisors, respectively, to take and seize the goods, chattels, effects, things in action, lands and tenements of such person, wherever found in said county; and they shall, respectively, be vested with all the rights and title, as limited in this section, to any such property and things in action which such person had at the time of his departure; and may seize and take the same into their possession. They shall immediately make an inventory thereof and return the same with said warrant and their proceedings thereon to the county court. All sales and transfers of any real or personal property or things in action left in the county from which any such person shall have absconded, made by him after the issuing of such warrant, whether in payment of an antecedent debt or otherwise, shall be absolutely void.

(3) Upon such return the county court may inquire into the facts and circumstances and may confirm such seizure or discharge the same; and if the same be confirmed shall from time to time direct what part of the personal property shall be sold and how much of the proceeds of such sales and the rents and profits of the real estate shall be applied toward the maintenance of the wife or children of such person. All such sales shall be at public auction.

(4) The mayor, president or supervisors, respectively, shall receive the proceeds of all property so sold and the rents and profits of the real estate of such person and apply the same to the maintenance and support of the wife or children of such person; and they shall account to the said court for the moneys so received and for the application thereof from time to time.

(5) If the person whose property shall have been so seized shall return and support the wife or children so abandoned or give security to the mayor, president or supervisors, respectively, to be approved by them, that such wife or children shall not thereafter be

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chargeable to such city, village, or town the said court shall discharge such warrant and order the restoration of the property seized by virtue thereof and remaining unappropriated, or the unappropriated proceeds thereof, after deducting the expenses of such proceedings. [*Stats. 1917 s. 1506, 1507, 1508, 1509, 1510; 1919 c. 345 s. 15*]

COUNTY ADMINISTRATION OF POOR RELIEF.

49.14 County poorhouse; officers of the poor. (1) Each county, whether having abolished the distinction between county poor and town, village or city poor or not, may establish a county poorhouse for the relief and support of the county poor, pursuant to the provisions of section 46.17.

(2) In all counties whose population is less than two hundred and fifty thousand such poorhouse shall be governed pursuant to sections 46.18, 46.19 and 46.20; and the trustees and superintendent of the poorhouse shall also have charge of all county poor relief outside of the poorhouse, and may administer oaths concerning any matter submitted to them, or either of them, in connection with their functions.

(3) In all counties in which a county poorhouse is not established the county board may place all county relief of the poor in charge of a board of trustees and superintendent governed pursuant to sections 46.18 and 46.19, so far as applicable; or may provide for the support and maintenance of the county poor in such other manner as they shall direct.

(4) Each municipality in which a poorhouse is established shall not contract with any person to conduct the same or to support and maintain the inmates thereof; and all agreements in violation of this subsection are void. [*Stats. 1917 s. 1518, 1522, 1523, 1526; 1919 c. 345 s. 16*]

COUNTY SYSTEM OF POOR RELIEF.

49.15 Adoption of county system. The county board of any county may, at an annual meeting or at a special meeting called for that purpose, by a resolution adopted by an affirmative vote of a majority of all the supervisors entitled to a seat in such board, abolish all distinction between county poor and town, village and city poor in such county and have the expense of maintaining all the poor therein a county charge; and thereupon the county shall relieve and support the poor in said county, and all the powers conferred and duties imposed by this chapter upon towns, villages, and cities shall be exercised and provided for pursuant to section 49.14. [*Stats. 1917 s. 1519; 1919 c. 345 s. 17*]

49.16 Abandonment of county system. Any such county may, at an annual meeting or at a special meeting called for that purpose, by a similar vote repeal said resolution; and thereafter the poor of such county shall be supported in the same manner as if such distinction had never been abolished. [*Stats. 1917 s. 1525; 1919 c. 345 s. 19*]

49.17 Special laws not repealed. Nothing in this chapter shall be construed to repeal any law making special provisions for the management and support of the poor in any county. [*Stats. 1917 s. 1529; 1919 c. 345 s. 20*]

CHAPTER 50.

TUBERCULOSIS SANATORIUMS.

STATE TUBERCULOSIS INSTITUTIONS.
50.01 Establishment of state sanatoriums.
50.02 Admission of patients; medical examination.
50.03 Maintenance charges.

STATE TUBERCULOSIS CAMP.
50.04 Establishment and operation.
50.05 Admission of patients; maintenance charges.

COUNTY TUBERCULOSIS INSTITUTIONS.
50.06 Establishment.
50.07 Admission of patients; maintenance charges.
50.075 Indigent, chargeable to.
50.08 Public health dispensary.

STATE TUBERCULOSIS INSTITUTIONS.

50.01 Establishment of state sanatoriums. (1) The Wisconsin state sanatorium is established for the treatment of persons afflicted with pulmonary tuberculosis, especially in its incipient stages.

(2) The state board of control shall establish an institution, to be located north of the center line of the state, and to be known as the "Northern State Sanatorium," for the treatment of persons afflicted with pulmonary tuberculosis, especially in its incipient

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and moderately advanced stages. The board shall construct the necessary buildings for such sanatorium on lands owned by the state if in its judgment any such lands will furnish a site which is appropriate and practicable; otherwise said board is authorized to purchase a suitable site at a price of not to exceed twenty-five dollars an acre, and erect on such site, and equip, such buildings as it deems proper for the purposes of said institution. [*Stats. 1917 s. 1421—1, 1421—5, 1421—31, 1421—32, 1421—33; 1919 c. 346 s. 2; 1921 c. 507*]

50.02 Admission of patients; medical examination. (1) Any person who has resided in this state not less than one year last previous and is affected with pulmonary tuberculosis in the incipient or slightly advanced stage may be admitted to either of said institutions, but preference shall be given to those suffering from the disease in the incipient form. Applicants for admission shall be given a preliminary medical examination at various places throughout the state, designated by the board of control, as provided in subsection (2).

(2) The board may appoint as medical examiner or examiners of said institutions any reputable physician or physicians, having citizenship in Wisconsin, whose duty it shall be to examine all persons applying for admission. The fee of the examining physician shall not exceed four dollars in any case, payable by the applicant; but if the applicant is unable to pay such fee, it shall be paid as provided in section 50.03. The physician's report of such examination shall be forwarded at once to the superintendent of the institution; and thereupon, on notice from the superintendent, the applicant shall be admitted. [*Stats. 1917 s. 1421—6, 1421—7; 1919 c. 346 s. 5*]

50.03 Maintenance charges. (1) All patients admitted to the said institutions shall pay the cost of their maintenance, except as otherwise provided in this section. Such cost shall be determined by the superintendent and the board of control.

(2) Any indigent patient shall file an application with the county judge of the county within which he has a legal settlement, setting forth the fact that he is unable to pay the maintenance charges. Said judge, upon further presentation of the report of the examining physician, and a statement from the superintendent of the sanatorium that the applicant is eligible and can be received, shall make an investigation in the manner prescribed in subsection (1) of section 46.10, except that in such investigation the term "residence" or its equivalent shall be construed to mean "legal settlement."

(3) The support, maintenance and necessary traveling expenses including the expenses for an attendant when such patient cannot travel alone, and emergency surgical and dental work of every patient supported in said institution at public charge shall be paid by he state; but the state shall charge over, as provided in subsection (2) of section 46.10, to the county in which such patient has his legal settlement one-half the cost of his maintenance in the institution and the entire amount of all other expenses.

(4) Any person who may be unable to pay the full charge for maintenance may be received and maintained, without the investigation prescribed in subsection (2), upon payment of the amounts chargeable to the county, if the state board of control, after investigation, shall have found that the patient has truly represented his circumstances and is unable to pay more than the amount so chargeable. [*Stats. 1917 s. 1421—9; 1919 c. 346 s. 6; 1921 c. 403 s. 1*]

STATE TUBERCULOSIS CAMP.

50.04 Establishment and operation. (1) The state board of control shall establish and operate a state tuberculosis camp, in which persons who are threatened with or recovering from tuberculosis may be received and cared for.

(2) The board shall prescribe regulations for admission to and for the administration of such camp, not inconsistent with this section. [*Stats. 1917 s. 1421—30; 1919 c. 346 s. 7; 1919 c. 590 s. 1*]

50.05 Admission of patients; maintenance charges. (1) Any person who is threatened with or recovering from tuberculosis and who shall have been a resident of the state not less than one year may be received into this institution and cared for at the rate determined by the superintendent and board of control to be the cost of maintenance.

(2) Any such person who is unable to pay said rate may, with the approval of the board, be credited for work or services performed in lieu of the payment of a part, not to exceed one-half, thereof.

(3) Any such person who is indigent may be admitted pursuant to subsections (2), (3), and (4) of section 50.03, except that the county chargeability shall be determined by his legal residence in the county charged. [*Stats. 1917 s. 1421—34; 1919 c. 346 s. 8*]

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COUNTY TUBERCULOSIS INSTITUTIONS.

50.06 Establishment. Every county may, pursuant to section 46.17, establish a county tuberculosis hospital or sanatorium, for the treatment of persons afflicted with pulmonary tuberculosis. In counties whose population is two hundred and fifty thousand or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19 and 46.20; but the superintendent shall be either a graduate trained nurse or a regular licensed physician, and if a trained nurse is appointed the trustees shall also appoint and fix the compensation of a visiting physician, and may also appoint and fix the compensation of a business manager other than the superintendent, and a director of occupational therapy, the latter of whom may be employed on a part time basis jointly with other county or state institutions; and the trustees shall receive the same compensation as is allowed to members of the county board. [*Stats. 1917 s. 1421—9 sub. 1, 3, 1421—11 sub. 2; 1919 c. 346 s. 10; 1919 c. 679 s. 38*]

50.07 Admission of patients; maintenance charges. (1) Any person suffering from tuberculosis, who shall have been a resident of the state not less than one year, may be received into any such county institution and cared for upon payment of a rate which shall not exceed the actual cost of maintenance therein, upon furnishing to the superintendent a certificate of a regularly licensed physician that he is suffering from tuberculosis.

(2) Any such person who is indigent may be admitted and maintained in such institution at the charge of the county in which he has his legal residence, pursuant to subsection (2) of section 50.03, except that the county chargeability shall be determined by his legal residence in the county charged. Such maintenance shall include necessary traveling expenses including the expenses for an attendant when such person cannot travel alone, necessary clothing, toilet articles, emergency surgical and dental work, and all other necessary and reasonable expenses incident to his care in such institution.

(3) Each county maintaining such an institution shall be credited by the state, to be adjusted as provided in section 46.10, for each patient cared for therein at public charge, as follows:

(a) For each such patient whose support is chargeable against said county, such amount of state aid as shall have been appropriated therefor by the legislature.

(b) For each such patient whose support is chargeable against some other county, the total cost of his maintenance as determined by the board of trustees of the institution; and the state shall charge over to such other county the difference between such total cost and the amount of state aid so appropriated. [*Stats. 1917 s. 1421—14 sub. 1; 1919 c. 346 s. 11; 1921 c. 403 s. 1*]

50.075 Indigent, chargeable to. Whenever the county chargeable with the support, maintenance and other expenses of an indigent person under sections 50.03, 50.05 or 50.07 cannot be determined because his legal residence or settlement is in doubt, the total cost of such support, maintenance and other expenses shall be a charge against the state. [*1921 c. 403 s. 2*]

50.08 Public health dispensary. Any county may establish and maintain an outpatient department or a public health dispensary for tuberculosis and other communicable diseases; which may also be used in connection with the correction of physical defects of school children and child welfare work. In counties whose population is two hundred and fifty thousand or more such institution shall be governed either pursuant to section 46.21, or sections 46.18 and 46.19. In all other counties it shall be governed pursuant to sections 46.18 and 46.19. [*1919 c. 529*]

CHAPTER 51.

HOSPITALS AND ASYLUMS FOR THE INSANE.

51.01 Judicial determination of insanity; application and examination.
51.02 Notice and hearing; guardian ad litem.
51.03 Jury trial.
51.04 Detention, pending the inquiry.
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51.06 Execution of commitment; expenses and fees.
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STATE HOSPITALS.
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COUNTY ASYLUMS FOR THE INSANE.
51.25 Establishment.
51.26 Admission of patients; state aid; private patients.
51.27 Tubercular patients; segregation and separate maintenance; state aid.
51.28 Burial of deceased inmates.

51.01 Judicial determination of insanity; application and examination. (1) Whenever any person within this state shall be believed to be insane, application may be made in the manner prescribed in subsection (2), by any three citizens to the judge of the county court or of a district court which is a court of record, or in the absence or disability of such judge to the judge of any court of record acting in his place, for the county in which such person is found, for a judicial inquiry as to his mental condition and for an order of commitment.

(2) Such application shall be in writing, and substantially in the following form:

To ...., County (or District) Judge of .... County, Wisconsin:

The undersigned, citizens of the said state, hereby make application in behalf of ...., whom we believe to be insane, now at .... (naming the city, town or village) in the county of ...., for a judicial inquiry as to the mental condition of said person, and for an order committing him to a hospital or asylum for the insane, if found to be insane.

Dated this .... day of ...., 19.. ....
....
....

(3) On receipt of such application the judge to whom it is directed, or in case of his absence or other disability to act, any other judge of a court of record in said county, shall appoint two disinterested physicians to examine the person believed to be insane, who shall have been duly licensed to practice and shall have had at least two years' experience in the practice of their profession or one year's experience after graduation as physicians in an insane hospital and shall be registered by the county judge as thus qualified on a list which shall be kept for that purpose in his office.

(4) Said physicians shall, either in the presence of the judge or elsewhere, as he may direct, by personal examination of such person and inquiry, satisfy themselves as to his mental condition, and report, as prescribed in subsection (6), the result of their examination to said judge.

(5) Said physicians shall, before making such examination, give notice to the person to be examined that application has been made for an inquiry into his mental condition, withholding the names of the applicants if they deem wise, and that he can be heard in respect to the same; but if in their judgment such notice would be injurious to such person or of no advantage to him, they may withhold such notice and shall set forth at length their reasons for so doing in their report.

(6) The report of the physicians shall consist of the following questions and the answers of said physicians thereto:

(a) What is the age of the patient?
(b) Where was the patient born?
(c) Present place of residence?
(d) Married, widowed or single?
(e) If children, how many, and the age of the youngest?
(f) What has been the occupation of the patient and the pecuniary circumstances?
(g) When were the first symptoms of the disease manifested, and what were they?
(h) Is this the first attack? If not, when did others occur, and what was their duration?
(i) What was the cause of this attack?
(j) Is the disease increasing or stationary?
(k) Are there rational intervals? If so, how often and what is their duration?
(l) Have any changes occurred in condition of body or mind since the attack?

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(m) On what subject or in what way is derangement now manifested? State fully. Are there any permanent halucinations or delusions?

(n) Has the patient shown any disposition to injure others, and if so, was it from sudden passion or premeditation?

(o) Has suicide or homicide ever been attempted? If so, in what way? Is the propensity now active?

(p) Has the patient any disposition to destroy clothing or other property?

(q) Is there any disposition to filthy habits?

(r) What treatment was pursued for the relief of the patient? Mention fully particulars and effects.

(s) Have you made a physical examination of patient? State fully what is the present physical condition.

(t) Has restraint or confinement ever been employed? If so, what and how long?

(u) Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease; and predominant passions, religious impressions, etc.?

(v) Was the patient ever addicted to the intemperate use of intoxicating drinks, drugs or tobacco, or any improper habits?

(w) Has the patient ever had any injury to the head, paralysis, epilepsy or other fits; any sign of tubercular or syphilitic disease; any suppressed eruptions, discharges or sores, or any strong predisposition to hereditary disease?

(x) Has the patient been successfully vaccinated?

(y) If epileptic, state duration and frequency of paroxysms and duration of disease.

(z) Has the patient served in the army or navy of this or any other country?

(za) What relatives, including grandparents and cousins have been insane?

(zb) Were the parents blood relations to each other?

(zc) State any other matter supposed to have a bearing on the case.

(zd) To whom should letters be addressed in case of death, need of clothing, etc.?

(ze) Has the patient any infectious disease?

(zf) In your opinion is the patient insane? If such is your opinion state fully the grounds upon which it is founded unless you have so stated in your answer to paragraph (m) of this subsection.

(zg) Should the patient be placed in temporary detention quarters or be sent to an insane hospital or asylum for treatment?

(zh) Have you given notice to the patient that application has been made for an examination into his or her mental condition, and of the opportunity of a hearing? If not, state fully your reasons for withholding such notice.

(zi) Does the patient desire a hearing in person?

(7) To such report shall be attached the oath of the examining physicians which shall be substantially in the following form:

STATE OF WISCONSIN, }
.... County. } ss.

.... and ...., being each duly sworn, each for himself says that he has made personal examination and inquiry as to the mental condition of ...., and that the answers to the foregoing questions are true, to the best of his knowledge and belief.

....
....

Subscribed and sworn to before me this .... day of ...., 19..

(8) Such report of the physicians shall be made in each case, whether the question of insanity is tried before a jury or otherwise, and shall be forwarded with the commitment to the superintendent of the hospital.

(9) All proceedings hereunder to determine the question of the insanity of any person and for his commitment shall be filed with the judge to whom the application is directed; and each such judge shall keep a record book in which all applications for judicial inquiries, orders, verdicts, judgments and commitments shall be recorded. [*Stats. 1917 s. 585; 585b, 604u; 1919 c. 347 s. 2–4; 1919 c. 679 s. 39*]

51.02 Notice and hearing; guardian ad litem. (1) If it appears from the report of the examining physicians that the notice prescribed by subsection (5) of section 51.01 was not given by them the judge may appoint a time and place for hearing the application, and shall cause notice thereof to be served upon the alleged insane person in the manner a summons is required to be served as prescribed in subsection (1) of section 2636, which notice shall state that application has been made for an examination into his mental con-

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dition, withholding the names of the applicants, and that such application will be heard at the time and place named in such notice; but if it shall be made to appear to the satisfaction of said judge, by the report of such physicians or otherwise, that such hearing and the service of such notice would be injurious or without advantage to the alleged insane person by reason of his mental condition, such service of notice may be omitted.

(2) If such notice be ordered and served and a jury trial be not awarded, as provided in section 51.03, the judge may proceed at the time and place specified in such notice, or if such notice be not ordered, then upon the report of the physicians, he may proceed summarily, to make such further investigation as may seem to him necessary and proper; and if he shall be satisfied by all the evidence adduced that said person is insane, he may order him to be committed to the hospital or asylum for the insane as provided in section 51.05, stating in such order that the same was made without personal notice to the person adjudged insane, and the reasons, in brief, for failure to require such notice.

(3) At any stage of any such proceeding, the judge may, if he thinks the best interest of the alleged insane person requires it, appoint a guardian ad litem for such person, the expenses thereof and such reasonable compensation of the guardian as may be allowed by the judge to be paid by the county in which the proceedings are had. [*Stats. 1917 s. 585a; 1919 c. 347 s. 5*]

51.03 Jury trial. If a jury trial be demanded by the alleged insane person or by any relative or friend acting in his behalf, before or after commitment, the judge shall direct that a jury be summoned to hear and determine the question whether such person is insane. If such a trial is demanded the procedure shall be the same as in trials by jury in justices' courts, and the trial shall be in the presence of the alleged insane person and his counsel and immediate friends and the medical witnesses. All other persons shall be excluded. If the jury find such person to be insane their verdict, which shall be signed by them, shall be in substantially the following form:

STATE OF WISCONSIN, }
County of .... } ss.

We, the undersigned jurors in the case of ...., having heard the evidence in the case, are satisfied that the said .... is a fit person to be sent to a hospital or asylum for the insane.

If the jury find that the supposed insane person is sane their verdict shall so state, in which case the judge shall forthwith order his discharge. [*Stats. 1917 s. 585b; 1919 c. 347 s. 6*]

51.04 Detention, pending the inquiry. (1) On the receipt by any such judge of the application or the report of the physicians provided for by section 51.01, such judge may, if in his opinion the public safety requires it, deliver to the sheriff a written order requiring him forthwith to take and confine the alleged insane person in some specified place until the further proceedings provided for by said section can be had or until further order.

(2) The judge may also order the detention of any person whose sanity is being investigated by him, during the investigation and for such reasonable time thereafter as he may deem necessary for proper medical observation to enable him to determine the necessity of committing him.

(3) Such person shall not be confined in any place established for the confinement of criminals or in any poorhouse, unless it shall appear to the judge that confinement therein is essential to the safety of such person or some other person or persons or to the maintenance of the public peace and safety; and the period of confinement under this section shall not exceed ten days unless otherwise ordered by the judge. [*Stats. 1917 s. 586; 1919 c. 347 s. 7*]

51.05 Commitments. (1) If the judge or a jury find that the person thus alleged to be insane is a fit subject to be sent to a hospital or asylum for the insane, the judge shall order him to be committed as hereinafter provided.

(2) All commitments, from any county except Milwaukee, of insane persons whose insanity has not become chronic, or of transient or nonresident insane persons, and all commitments of chronic insane persons from any county not having an asylum for the chronic insane, shall be to the state hospital for the insane in the district of which the county in which the proceedings were had is a part.

(3) If such person is a resident of the county in which the proceedings are had and there is therein a county asylum for the chronic insane, and the judge is satisfied by the examination and proofs that the insanity of such person has become chronic, he may commit such person to such asylum.

(4) In the county of Milwaukee the commitment shall be either to the Milwaukee county hospital for the insane or the Milwaukee county asylum for the chronic insane, in

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the discretion of the judge, having due regard to the condition of the person committed and the nature of his or her malady.

(5) No person idiotic from birth shall be committed to either state hospital for the insane; neither shall any person physically infirm or mentally imbecile and not deemed dangerous when at large be committed solely because of such infirmity or imbecility.

(6) Should an insane person who is violent or dangerous, or about to become so, be brought to any hospital or asylum under a commitment which for any reason is void or irregular, the superintendent may detain him for a period not exceeding ten days to permit the procurement of a valid and regular commitment. [*Stats. 1917 s. 584, 585c, 587; 1919 c. 347 s. 8; 1921 c. 146*]

51.06 Execution of commitment; expenses and fees. (1) If any relative or friend of any person committed to any hospital or asylum for the insane, being of legal age and competent to perform the duty, shall so request, the warrant for such commitment may be delivered to and executed by him, for which he shall be paid his necessary expenses, not exceeding the fees and expenses now allowed to sheriffs according to law; otherwise it shall be delivered to the sheriff, who, taking such assistants as the court issuing such warrant may deem necessary, shall receive such insane person and convey him to the hospital or asylum. Every female over ten years of age so committed shall be accompanied by a competent female.

(2) The sheriff shall be allowed the following fees for services performed under this chapter: For arresting and bringing a person alleged to be insane before the judge and subpœnaing witnesses the same fees as are allowed in other cases; for taking an insane person to the hospital or removing one therefrom, five dollars per day, railroad fare and other actual expenses and the actual expenses for the support and transportation of such person and three dollars per day, railroad fare and necessary expenses of such assistants as may be ordered by such judge, vouchers to be rendered for expenses in all cases; witnesses subpœnaed before the judge shall be entitled to the same fees as are allowed by law in other cases before courts of record; said fees and charges to be paid out of the county treasury. [*Stats. 1917 s. 601, 602; 1919 c. 347 s. 9*]

51.07 Fees of judge and examining physicians; costs and expenses of proceedings. (1) The judge, except in Milwaukee county, shall receive a fee of five dollars for the hearing of an application to commit a person alleged to be insane, which fee shall include the making of necessary copies of the order to commit such person and the commitment papers, together with the certificate required by section 51.05 when the insane person is committed to the county asylum.

(2) Each of the examining physicians shall receive a fee of four dollars for his examination and certificate, and ten cents per mile for necessary travel in complying with the requirements of his appointment; and in any contested matter arising under this chapter or in any case where the judge, in his discretion, shall postpone the examination of such person, a fee of four dollars for each day he may be required by the county judge to attend before him on such examination.

(3) All expense of the proceedings, from the presentation of the application to the actual commitment or discharge of the alleged insane person, whether such person is a resident or nonresident of the county in which the proceedings are had, shall be allowed and paid by the county from which such person is committed or discharged, in the same manner as the expenses of a criminal prosecution in a justice's court are allowed and paid.

(4) If the insane person is a resident of any county in this state other than the county from which he was committed, the commitment shall not be invalid for that reason, and the county in which such person resides shall reimburse the county from which he was committed all lawful expenses of the examination and commitment, payment thereof to be enforced in the manner that charges for the maintenance of such persons are enforced. [*Stats. 1917 s. 585d; 1919 c. 347 s. 10*]

51.08 Maintenance and clothing of inmates. (1) The expense of the maintenance, care, and treatment of each inmate in any state or county hospital or asylum for the insane shall be computed at the rate of four dollars and twenty-four cents per week. For each such inmate maintained at public charge elsewhere than in the county of his residence the whole rate shall be chargeable to the state and one-half thereof chargeable over by the state against the county, if any, of which such inmate is a resident. For all other such inmates maintained at public charge one-half of said rate shall be chargeable to the state and one-half to the county of which such inmate is a resident. All such charges shall be adjusted as provided in section 46.10.

(2) Whenever any insane person is committed or transferred to any state hospital, or to any hospital or asylum in any county other than the county of his residence, he shall, in addition to the maintenance charge, be furnished with all necessary clothing. On his

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admission this shall not be less than the following: For a male, three new shirts, a new and substantial coat, vest, two pairs of pantaloons of woolen cloth, two undershirts, two pairs of drawers, three pairs of socks, a black or dark stock or cravat, two pocket handkerchiefs, a good hat or cap, a pair of new boots and shoes and a pair of slippers. For a female, in addition to the same quantity of undergarments, shoes and stockings, there shall be two woolen and two white petticoats or skirts, three good dresses, two nightgowns, cloak or shawl and a decent bonnet. Unless such clothing be delivered in good order the superintendent shall not be bound to receive the patient; but he may receive and furnish him with proper clothing; inmates shall also be furnished with necessary dental work but not to exceed thirty-five dollars for each person, but before any expenditure is made for dental work an estimate of the cost shall be made by the visiting physician and the superintendent of the asylum and forwarded to the state board of control; if the board shall approve such expenditure then the necessary dental work shall be done. The expense of furnishing all clothing and dental work shall be chargeable to the state, and chargeable over to the county, if any, of which such inmate is a resident, and shall be adjusted as provided in section 46.10, and in addition to the clothing required on admission no county shall be liable for more than fifty-five dollars for clothing for any one patient in any one year, and thirty-five dollars for dental work for any one patient in any one year. [*Stats. 1917 s. 589; 1919 c. 347 s. 11; 1919 c. 462; 1921 c. 146*]

51.09 Confinement of insane paupers. Whenever it shall appear to the satisfaction of any county judge, by a petition of a majority of the supervisors of any town, of the common council of any city or of the board of trustees of any village, containing a statement of all the facts in the case, that the public safety requires the close custody of any poor insane person having a legal settlement in such town, city or village, such judge shall make and deliver to the sheriff an order in writing requiring him forthwith to take and confine such insane person in some proper place to be therein specified. Such insane person, when so confined, shall be subject to the directions of the said judge and shall receive such care, attention and treatment as such judge shall deem proper and necessary. All expenses incurred in confining, taking care of and maintaining such person, when properly certified to by the county judge, shall be audited by the county board and paid out of the county treasury. [*Stats. 1917 s. 1528; 1919 c. 347 s. 12*]

51.10 Voluntary patients in institutions for the insane. Any person who may be insane or suffering from mental disorder, may, upon his written application stating his mental condition, supported by the certificate of at least two physicians possessing the qualifications prescribed by section 51.01, based upon personal examination of such person, be admitted as a voluntary patient to any public hospital for the insane in this state in the discretion of the superintendent thereof for treatment. Such person, if so admitted to either of the state hospitals, if not indigent, shall be required to pay such sum for his maintenance and at such times as the state board of control may by rule or by-law prescribe, and no charge for his maintenance shall be made against any county; if so admitted to any other public institution for the insane, if not indigent, the trustees thereof shall, in like manner, fix the compensation to be paid for such maintenance and the times of payment thereof, and no part thereof shall be paid by the state. Otherwise all voluntary patients shall have the same standing and be subject to the same laws, rules and regulations as insane persons, except that they shall have the right to leave such hospital at any time if in the judgment of the superintendent they are in fit condition, on giving five days' notice to the superintendent of their desire to do so. [*Stats. 1917 s. 587a; 1919 c. 347 s. 13*]

51.11 Re-examination of persons adjudged insane. (1) Except as otherwise provided in sections 4697, 4700, and 51.22, any person adjudged insane by any court, tribunal, or officer having lawful authority so to adjudge, or restrained of his liberty because of his alleged insanity, may on his own verified petition or that of his guardian or some relative or friend have a retrial or re-examination of the question whether such person is sane or insane before the judge of any court of record of the county in which such person resides or in which he was adjudged insane.

(2) The petition shall state the facts necessary to show that the judge to whom it is addressed and presented has jurisdiction to retry or re-examine the question of the present mental condition as to sanity or insanity of the person in whose behalf such petition is presented. It shall also state whether such person has a general guardian and if so, the name and residence of such guardian, and whether such person is detained in any hospital or asylum for the insane, and if so, its name and location and the name of the superintendent thereof.

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(3) The judge shall thereupon by order appoint two physicians, each having the qualifications prescribed by section 51.01, to examine and report to him whether in their opinion the person in whose behalf the petition is made is sane or insane; and shall fix the time and place of such examination and cause reasonable notice thereof to be given to the guardian of the person to be examined, if he has a general guardian, and to the superintendent of the hospital or asylum in which the person is detained, if he is so detained.

(4) The petitioner and parties notified and any relative or friend of the person to be examined, may appear at such examination, offer testimony, and be heard. Should the state board of control certify that such superintendent cannot attend such examination without danger of injury to his institution, his deposition may be taken and received pursuant to law.

(5) If such physicians report such person sane and the judge is satisfied that he is sane and no demand for a jury trial is made, the judge shall forthwith cause judgment to be entered to that effect and order his immediate discharge; but if the judge shall direct, or the person examined or his guardian or any of his friends or relatives shall demand, a trial by jury, an order for such trial shall forthwith be entered, and thereupon the procedure shall be, as near as may be, as prescribed in section 51.03. If the judge or jury find that such person is insane, the judge shall order him returned to the hospital or asylum or other place of detention of which he is an inmate; but if at large on parole or leave of absence, he shall be allowed to remain at large, unless the judge is satisfied that it will be unsafe to do so, in which case the judge may order him to be so returned.

(6) All persons who render services in such proceedings shall receive the same compensation as is allowed by law to persons rendering similar services in a judicial inquiry as to the mental condition of a person alleged to be insane, and all expenses of such proceedings shall be allowed, paid and adjusted as provided in section 51.07.

(7) When a proceeding for such retrial or re-examination is not pending in a court of record and a jury trial is not desired by the persons authorized to commence such proceeding, the state board of control acting as a commission in lunacy may, on application, by like procedure determine the sanity or insanity of any such person committed to any hospital or asylum for the insane, and its determination shall be recorded in the office of the county judge of the county in which such inmate resides or was adjudged insane, and shall have the same force and effect as though made by such judge. The board may also, on or without application, if it has reason to doubt the insanity of any such inmate, request the county judge of the county in which such inmate resides or was adjudged insane to determine his mental condition, pursuant to this section; and it shall be the duty of said judge to do so. [*Stats. 1917 s. 587; 1919 c. 347 s. 14*]

51.12 Transfer and discharge of patients; insane soldiers; nonresidents; tubercular patients. (1) The state board of control may transfer patients from one hospital or asylum to another if in its judgment it is for the best interest of the patient to be so transferred; and whenever in its opinion it would be for the benefit of patients in either of the state hospitals to remove therefrom any of the chronic insane not chargeable to any county, it may cause their removal to some county hospital or asylum.

(2) The board may, whenever in its opinion any county has not made provision for the proper care of its acute or chronic insane, direct the removal of either class thereof to the asylum of some other county, or to any county possessing suitable accommodations for them; and such removal shall be made at the expense of the county in which such persons reside. Any county whose asylum can accommodate a larger number of chronic insane than are resident therein may receive such insane persons.

(3) Whenever, by a fair trial, it shall have become reasonably certain that any patient in either state hospital is incurably insane, and such patient is retained to the exclusion of others whose cases are of a more hopeful character, the board may transfer him to some county asylum authorized by law to receive such patients.

(4) If the relatives or friends of any patient in either state hospital shall ask the discharge of such patient, before such patient has recovered from insanity, the board may, in its discretion, discharge such patient, and may require such relatives or friends or either of them to give a bond to be executed to the state of Wisconsin, in such sum and with such sureties as it may deem proper, conditioned for the safe-keeping of such patient.

(5) Whenever it shall be brought to the notice of the board that any insane person within the state is legally entitled to receive care and support in the national hospital for insane soldiers, it shall take proper measures to procure his admission to said hospital and to transport him there.

(6) Whenever it shall be found that any inmate of any hospital or asylum for the insane is a nonresident of the state the board shall, if possible, ascertain the state, country, or other political division in which such inmate has his legal residence or is entitled to

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support, and cause him to be transported there if that can be done at a cost not exceeding two hundred fifty dollars; provided that such transportation shall be by the most direct and usual route both going and returning and shall be accomplished in the shortest practicable time and that only necessary and reasonable expenses shall be allowed and actual time necessarily taken by said trip.

(7) The board shall make provision for the segregation, care and treatment of tubercular insane patients in the state and northern hospitals for the insane, and for that purpose may set apart one ward for male patients, and one ward for female patients, in said hospitals and equip said wards for the care and treatment of such patients. Said board shall transfer from any other parts of the said institutions any tubercular patients who are liable to spread the disease or whose association with other patients is dangerous to them. [*Stats. 1917 s. 566, 584, 587d, 594, 596, 599, 604f; 1919 c. 347 s. 16; 1919 c. 517 s. 3*]

51.13 Parole of inmates; leave of absence; presumption of sanity and discharge by lapse of time. (1) Each superintendent of the state and northern hospitals for the insane and the Milwaukee county hospital for the insane may permit any inmate in his hospital to go at large on parole, if in his opinion it is safe and proper to do so. Whenever within two years after granting such parole it becomes unsafe or improper to allow such persons to remain longer at large, the superintendent shall require his return to the hospital, unless such person shall have been adjudged sane by competent authority.

(2) The superintendent of any county asylum may, upon the written recommendation of the visiting physician thereof, allow any of its inmates to go therefrom on leave of absence for such time and under such conditions as such physician may direct.

(3) Upon the expiration of two years from the time of granting such parole or such leave of absence the authority of the superintendent to require the return to the hospital or asylum of the person paroled or granted leave shall end, and the presumption of insanity against such person because of the original adjudication that he was insane shall cease, and until a new adjudication to the contrary, he shall be presumed sane the same as though his sanity had been established by a judicial determination. [*Stats. 1917 s. 587c, 604p; 1919 c. 347 s. 17*]

51.14 Reports to county judge; record. Whenever any person is committed to any hospital or asylum for the insane from any county other than the county of his residence, the superintendent of such hospital or asylum shall immediately notify the county judge of the county of which such person is a resident of the fact of such commitment. Said superintendent shall also notify such judge of the fact whenever any such inmate dies, is discharged, transferred to any other institution, escapes, is paroled or granted leave of absence, or returns from such parole or leave. The county judge shall keep a record of the facts so reported. [*Stats. 1917 s. 604p; 1919 c. 347 s. 18*]

STATE HOSPITALS.

51.15 Location and name; hospital districts. (1) The hospital for the insane located near the city of Madison shall be known as the "Wisconsin State Hospital for the Insane," and the hospital for the insane located near the city of Oshkosh shall be known as the "Northern Hospital for the Insane."

(2) The governor and the state board of control shall constitute a special board who shall divide the state by counties into two districts, all the insane persons from one district to be sent to the hospital near Madison, all from the other to the hospital near Oshkosh; and from time to time shall change the bounds of these districts as may be necessary, arranging them in reference to the number of insane persons supposed to be in them, the capacity of the hospitals and the convenience of access to them. [*Stats. 1917 s. 580, 581; 1919 c. 347 s. 20*]

51.16 Superintendent's oath and duties; subpœnas on. (1) The superintendent of each said hospital shall take and file the official oath, and shall devote all his time and attention to his official duties.

(2) The superintendent shall not be compelled to obey the subpœna of any court in any case, civil or criminal, if he shall file with the magistrate or clerk his affidavit that to obey the same would be seriously detrimental and hazardous to the welfare of the hospital under his charge, except when an accusation of murder is to be tried; nor in such case unless the judge shall make a special order therefor, and the subpœna, with a memorandum thereof indorsed thereon, be served one week before the time when he shall be required to appear; but no superintendent shall be entitled in any case to make and file such affidavit, who shall, upon tender of the usual fees of witnesses in courts of record, refuse

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to be present and to give his deposition at his office, usual place of business, or usual place of abode; and any superintendent so present and giving his deposition who shall be detained four hours from the time fixed for the taking thereof or from the time to which the taking of the same may have been adjourned may make affidavit that further detention would be seriously detrimental or hazardous to the welfare of the persons or business in his charge whereupon the officer before whom such deposition is being given shall adjourn further proceedings thereon to a future day. [*Stats. 1917 s. 582; 1919 c. 347 s. 21*]

51.17 Admission of patients. (1) Patients shall be admitted into said hospitals from the several counties as provided in sections 51.05, 51.08, 51.10 and 51.15.

(2) Whenever it shall appear by the commitment to a state hospital for the insane that the residence of a person lawfully adjudged insane is unknown and cannot with due diligence be ascertained such person shall be received by the superintendent into the hospital as a patient from the state at large, and not charged to any county; but such person shall be charged to the proper county when his residence therein shall have been ascertained.

(3) The relatives, friends, or guardian of any patient may pay for his maintenance and clothing, or any part thereof, and the account of such patient shall be credited with any sums so paid; and they may provide him with special care or a special attendant as may be agreed upon with the superintendent upon payment quarterly in advance of the charges and expenses thereof. [*Stats. 1917 s. 583, 588; 1919 c. 347 s. 22*]

51.18 Fund and clothing on discharge. When any patient is discharged from either of said hospitals as cured the superintendent shall furnish him with suitable clothing and a sum of money not exceeding twenty dollars, unless otherwise supplied, all of which shall be charged to the county, if any, of which such patient is a resident. [*Stats. 1917 s. 598; 1919 c. 347 s. 23*]

51.19 Child born in hospital. If any patient shall give birth to a living child while such patient is an inmate of either hospital and has not been such for more than nine months, such child shall be immediately removed from the hospital by her friends or by the county in which the patient resided when admitted. The superintendent shall notify the county judge to make such removal, and if such child be not immediately thereafter removed he shall make suitable provision for its care and comfort, and charge all expenses thereof to such county, to be adjusted as provided in section 46.10. [*Stats. 1917 s. 590; 1919 c. 347 s. 24*]

51.20 Record of inmates. The superintendent of each state hospital for the insane shall cause to be kept a daily record of each inmate, and shall on the first Monday of each month report to the board such information as it may require, showing:

(1) The name, age, residence and date of admission of each person received as an inmate of the hospital during the next preceding month, with a brief statement of his or her mental and physical condition and form of insanity, and name and residence of the guardian or person chargeable for the support of such inmate.

(2) The name, age and residence of each inmate discharged or removed during such month, the condition of each at such time, the reason for each discharge or removal and the place to which each inmate was sent or taken.

(3) The name, age and residence of each inmate who died during the preceding month, the immediate cause of death and the disposition made of the body.

(4) A statement of any unusual restraint or confinement to which any inmate was subjected during such month and the necessity therefor.

(5) The name and particular service required of each person discharged from or who quit his employment during such month, with the reasons for his discharge and the date thereof or of his voluntary retirement from service. [*Stats. 1917 s. 561q; 1919 c. 347 s. 25*]

CENTRAL STATE HOSPITAL FOR THE INSANE.

51.21 Location and name; object. (1) The hospital for the criminal insane, located at Waupun is hereby designated the "Central State Hospital for the Insane."

(2) The said institution shall be used for the custody, care, and special treatment of insane persons committed thereto pursuant to sections 4697, 4700 and 51.22. [*Stats. 1917 s. 604—1, 604—9; 1919 c. 347 s. 26*]

51.22 Transfer of insane convicts and dangerous patients. The state board of control, acting as a commission in lunacy, as provided in section 51.11, may adjudge any prisoner in the state prison, the state reformatory, the industrial home for women, any county jail or in the Milwaukee house of correction to be insane, or feeble-minded, and may, with the approval of the governor, remove him to the central state hospital for the insane or to

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one of the homes for the feeble-minded. Said board may likewise transfer to said hospital any insane person confined in any state or county hospital or asylum for the insane who, because of suicidal or homicidal tendencies, is dangerous to himself or others. When a prisoner thus removed recovers his reason before the expiration of his sentence he shall, by order of the board, be returned to the prison from whence he was taken. [*Stats. 1917 s. 604—4, 4944; 1919 c. 347 s. 31*]

51.23 General statutes applicable; exceptions; contracts with Milwaukee hospital. (1) The provisions of all statutes relating to state hospitals for the insane, except subsections (1), (2), (4), (5), and (6) of section 51.12 and section 51.13, are applicable to the central state hospital for the insane.

(2) With the approval of the governor the state board of control may contract, at a price not exceeding four dollars and twenty-five cents per week for each person, with the board of administration in charge of the Milwaukee hospital for the insane for the care and maintenance of persons who have been committed to the central state hospital for the insane, pursuant to law; and when any such person shall be transferred to such hospital he shall be cared for and maintained under such rules and regulations as may be prescribed by said board of control. All such persons shall be subject to the statutes governing inmates of the central state hospital for the insane.

(3) All persons required by law to be committed or transferred to the central state hospital for the insane, but remaining or confined in any other state hospital because sufficient provision has not been made for their care and treatment at said central state hospital, shall be subject to the statutes governing inmates of the said central state hospital. [*Stats. 1917 s. 604—6, 604r; 1919 c. 347 s. 32*]

51.235 Wisconsin psychiatric institute. (1) The psychiatric institute at Mendota is hereby designated as the "Wisconsin Psychiatric Institute."

(2) The provisions of the statutes relating to the commitment, custody, transfer, parole, and discharge of insane persons in state hospitals for the insane are hereby made applicable to the Wisconsin psychiatric institute, which is hereby authorized to admit any duly committed insane person from any county in the state. [*1921 c. 145*]

MILWAUKEE HOSPITAL FOR THE INSANE.

51.24 Compensation from state for care of indigent patients. (1) Any county having a population of two hundred and fifty thousand may, pursuant to section 46.17, establish and maintain a hospital for the insane, for the detention and care of persons adjudged or alleged to be insane pursuant to law and whose insanity has not become chronic. Such hospital shall be governed pursuant to section 46.21.

(2) The state shall compensate the county of Milwaukee for all insane persons maintained at public cost at the Milwaukee hospital for the insane, commencing July first, nineteen hundred nineteen, at the rate of four dollars and twenty-four cents per week for each acute insane person, and two dollars and twelve cents per week for each chronic insane person. The first period of computation for such compensation shall be the year ending June thirtieth, nineteen hundred twenty, and each succeeding period of computation for such compensation shall be each succeeding six months next after the expiration of said year.

(3) The number of weeks that each insane person has been so maintained during each period of computation, shall be ascertained; and the state board of control of Wisconsin shall determine the number of weeks that acute patients have been maintained and the number of weeks that chronic insane patients have been maintained in said institution, and the compensation for the maintenance of such patients shall be based upon the determination made by said board.

(4) The superintendent of said hospital shall, as soon as practicable after the expiration of each such period of computation, prepare a statement giving the name of each insane person maintained at public cost at said hospital during the next preceding period of computation and the number of weeks he or she has been maintained during said period, also showing the aggregate of such weeks for all insane persons so maintained during said period and the amount of compensation to be made by the state to said county therefor, at the rates and upon the basis above fixed by said board, which statement shall be verified by said superintendent and approved by the board of administration in charge of said hospital as correct and true in all respects and delivered to the state board of control.

(5) Said board of control shall attach to said statement a certificate showing the number of weeks' maintenance furnished to acute insane patients and the number of weeks' maintenance furnished to chronic insane patients, which shall be certified by the secretary and president of said board and filed with the secretary of state, who shall thereupon draw

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his warrant for the aggregate amount of compensation specified in said certificate and deliver said warrant to the state treasurer who shall thereupon pay the amount of said warrant to said Milwaukee county.

(6) The county of Milwaukee shall not be entitled to such credit or any compensation whatever from the state for the care of any person who has not been duly adjudged to be insane and properly committed as such, nor for the care of any insane person whose support is not properly a public charge. [*Stats. 1917 s. 604v; 1919 c. 347 s. 33; 1919 c. 462; 1919 c. 552*]

COUNTY ASYLUMS FOR THE INSANE.

51.25 Establishment. Every county may, pursuant to section 46.17, establish a county asylum for the chronic insane for the detention and care of persons adjudged or alleged to be insane pursuant to law; and in connection therewith a separate hospital or pavilion for the care of the chronic insane who are affected by pulmonary tuberculosis. In counties whose population is two hundred and fifty thousand or more such institution shall be governed pursuant to section 46.21. In all other counties it shall be governed pursuant to sections 46.18, 46.19 and 46.20; but the trustees shall, in addition to the superintendent, appoint a visiting physician of said asylum; and they shall receive the same compensation for their services as is allowed members of the county board. [*Stats. 1917 s. 603, 604, 604a, 604h, 604x—1, 604x—2; 1919 c. 347 s. 34*]

51.26 Admission of patients; state aid; private patients. (1) Upon completion of the building for such asylum patients may be admitted thereto as provided in sections 51.05, 51.08 and 51.10, and as hereinafter provided, subject to all statutes relating to the supervision of the insane by the state board of control.

(2) The trustees may transfer to and receive into said asylum all inmates of the state institutions for the insane who are residents of said county and held as chronic or incurable, all insane inmates of the poorhouse thereof, all inebriate persons and persons adjudged to be insane according to law, resident in said county and who may be lawfully committed to said asylum.

(3) The trustees may receive into said asylum, any inebriate or insane person resident in any other county in the state, not admitted to either of the state hospitals, and such person shall be subject to the provisions of law governing inebriates and insane persons resident in the county in which such asylum is located; but the cost of maintaining such inebriate or insane person shall be adjusted on the basis prescribed in section 51.08.

(4) The trustees may receive into said asylum, for care and treatment at private charge, any inebriate person and any person adjudged to be insane according to the laws of this state, but without extra expense to the state or the county in which the asylum is located. [*Stats. 1917 s. 604b, 604c, 604d; 1919 c. 347 s. 35*]

51.27 Tubercular patients; segregation and separate maintenance; state aid. (1) Whenever any county has erected a separate hospital or pavilion for chronic tubercular insane, the state board of control may transfer thereto such chronic insane persons as it may be satisfied are afflicted with pulmonary tuberculosis to such a degree as to render them carriers or spreaders of that disease.

(2) In lieu of the rates prescribed by section 51.08, the state shall be chargeable at the rate of four dollars and fifty cents per week for each such patient resident in the county which maintains said hospital, and seven dollars and fifty cents per week for each other patient; and of the latter rate three dollars and seventy-five cents for each such patient shall be chargeable over to the county, if any, of which such patient is a resident. All such charges shall be adjusted as provided in section 46.10. [*Stats. 1917 s. 604x—3, 604x—4, 604x—5; 1919 c. 347 s. 37; 1921 c. 334*]

51.28 Burial of deceased inmates. (1) Whenever a patient in any county asylum for the insane, whose maintenance is chargeable to the state or to any other county, shall die, the superintendent shall immediately notify one or more of the relatives or friends of the deceased of the fact, if such notification be possible by ordinary means; and if such relatives or friends cannot be so notified or will not make provision for the burial of the deceased (and if the body be not claimed as provided in sections 1437 and 1437*a*) the superintendent shall provide for the decent and proper burial of his remains.

(2) The reasonable and proper expenses of such notification and burial services not exceeding in the aggregate thirty-five dollars, shall be chargeable to the state and chargeable over to the county, if any, of which such patient was a resident at the time of his death, and adjusted as provided in section 46.10. [*Stats. 1917 s. 604x; 1919 c. 347 s. 38; 1921 c. 84, 146*]

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CHAPTER 52.

HOMES FOR THE FEEBLE-MINDED.

52.01 Name and purpose; departments.
52.02 Commitment of inmates.
52.03 Transfer and discharge of inmates.
52.04 Post-mortem examinations.

52.01 Name and purpose; departments. (1) The object of the Wisconsin home for the feeble-minded, and of the southern Wisconsin home for the feeble-minded, is to care for and have the custody and training of feeble-minded, epileptic and idiotic persons.

(2) Said homes shall be divided into departments as follows: A school department for the educable grades or classes; a custodial department for the helpless and lower types; such other departments or colonies as the welfare of the inmates may require. The board of control shall establish therein such trades and manual industries as are adapted to the several departments. [*Stats. 1917 s. 573k, 573o; 1919 c. 85 s. 2*]

52.02 Commitment of inmates. (1) Except as otherwise provided, sections 51.01 to 51.11, 51.17 and 51.19 shall govern the examination, commitment and custody of feeble-minded, epileptic, and idiotic persons; but all commitments of such persons shall be to one of the institutions named in section 52.01. In cases of alleged feeble-mindedness, the examination may be made by a clinical psychologist and a licensed physician skilled in mental diagnosis; but no person shall be recognized as a clinical psychologist unless he has received the doctorate degree in psychology, with work in neurology and psychiatry, and has had not less than two years of successful experience in clinical psychological work.

(2) The appointment of the physicians to examine any person alleged to be feeble-minded shall be in writing and substantially in the following form:

The county judge of .... county, Wisconsin, to ...., M. D., and ....., Ph. D., M. D., qualified examiners for feeble-mindedness of said state:

You are hereby appointed to make personal examination of ...., who is alleged to be feeble-minded, or an epileptic, and by such examination and by inquiry to satisfy yourselves fully as to the mental condition of the said ...., and report the result of such examination and inquiry to me at the earliest practicable time. Such report will consist of your answers to the following questions:

(a) What is the name of the person alleged to be feeble-minded?
(b) What is his age and date of birth?
(c) Where was he born?
(d) What has been his general health and bodily condition?
(e) What is now his general health?
(f) Does he walk?
(g) At what age did he begin to walk?
(h) At what age was any peculiarity first noticed?
(i) In what manner did such peculiarity first manifest itself?
(j) Is he defective in memory?
(k) Is he defective in judgment?
(l) Is he defective in moral sense?
(m) Does he learn as rapidly as the average normal child?
(n) Did normal mental defect become apparent after the age of puberty?
(o) Is there any peculiarity or defect of speech? If so, describe the same.

(Cases of dementia developing in adults and cases of other forms of adult insanity are not eligible for admission to the home.)

(p) Is there any infirmity of body or limbs, any paralysis, or any striking physical peculiarity? If so, describe the same.

(q) Is he now subject or has he ever been subject to epilepsy, convulsions, or fits of any kind? If so, describe fully.

(r) Are sight and hearing good?
(s) Does he understand language?
(t) At what age did he commence to talk?
(u) Can he dress and undress himself?
(v) Can he do any work? If so, what kind?
(w) Does he sleep well and quietly?

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(x) Has he any unfortunate or vicious habits?

(y) How does he pass his time?

(z) What cause has been ascribed for his mental deficiency?

(za) State any other facts that may have a bearing on the question under investigation.

(zb) In your opinion is he feeble-minded or an epileptic, and if so, state the grounds for your opinion?

(3) Whenever it shall reasonably appear to the supervisor of any town, city, village, or ward in which any feeble-minded, epileptic or idiotic person resides that such person is dangerous to be at large because of his or her vicious and demoralizing acts or tendencies, or is a female of childbearing age and, by reason of her condition, a menace to society, such supervisor shall take measures to have such person brought before the county judge for examination and commitment pursuant to law.

(4) All persons who are or shall be confined in any charitable, curative, reformatory or penal institution in the state who shall, after examination by the board of control, acting as a commission in lunacy as provided in section 51.11, be found to be feeble-minded, epileptic or idiotic may, by order of said board, be committed and transferred to either of the said homes. [*Stats. 1917 s. 573p, 573s; 1919 c. 85 s. 4; 1919 c. 533; 1921 c. 19*]

52.03 Transfer and discharge of inmates. (1) The board of control shall make all necessary regulations to govern the temporary or final discharge of all inmates in said homes.

(2) Whenever any person shall be committed to either home for the feeble-minded and such home shall be filled to its capacity, the board of control may transfer such person to the other home, or, if both homes are filled, to a county asylum for the chronic insane.

(3) The superintendent of each home, with the approval of the board of control, shall have power to discharge inmates, but no epileptic inmate shall at any time thereafter be sent or returned to any poorhouse.

(4) In case any person not an epileptic shall be sent to either home through mistake in the diagnosis of his disease or from any other cause, to be determined by the board of control acting as a commission in lunacy, such person shall be returned to, and the traveling expenses of such return shall be paid by, the county from which such inmate was sent to the home.

(5) Should an epileptic inmate of either home become insane he shall be sent to the state hospital for the insane in the district of which he was a resident just prior to his admission to the home, in the manner prescribed by law. [*Stats. 1917 s. 573j—1, 573j—2, 573r; 1919 c. 85 s. 6*]

52.04 Post-mortem examinations. It shall be the duty of the superintendent of each home, whenever any properly committed inmate of said home shall die, to cause an examination to be made in said home, by the physician in charge, upon the brain of such inmate if in the judgment of said superintendent such post-mortem examination may prove of benefit to scientific research and investigation. [*Stats. 1917 s. 573q; 1919 c. 85 s. 7*]

CHAPTER 53.

STATE PRISON.

53.01 Object; venue.

ADMINISTRATION.

53.02 Warden; duties, bond, oath and report.
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UNITED STATES CONVICTS.

53.16 Custody and employment.
53.17 Settlement of accounts for maintenance.
53.18 Special report concerning United States convicts.

53.01 Object; venue. (1) The state prison shall be the general penitentiary and prison for the punishment and reformation of all offenders committed and sentenced according to law by any court of the state of Wisconsin or any court of the United States held in the districts of Wisconsin to imprisonment therein.

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(2) For the purpose of all judicial proceedings the prison and precincts thereof shall be deemed to be within and a part of the county of Dodge, and the courts of said county shall have jurisdiction of all crimes and offenses committed within the same.

(3) All process served within the precincts of the prison, either upon convicts or upon persons or officers employed therein, except the warden and deputy warden, shall be served and returned by the warden or deputy warden; and all officers and employes of the prison are exempt from military duty, and from serving on juries in any court. [*Stats. 1917 s. 4883, 4884, 4885; 1919 c. 348 s. 3; 1919 c. 443 s. 1*]

ADMINISTRATION.

53.02 Warden; duties, bond, oath and report. (1) The warden shall, under the direction of the state board of control, have the charge and custody of the prison, with all lands, buildings, furniture, tools, implements, stock and provisions and every other species of property pertaining thereto or within the precincts thereof, and superintend the police of the prison and discipline of the convicts. He shall enforce the regulations of the board for the government of the officers and convicts of the prison; shall reside in the warden's residence on the prison property; and neither he nor any other officer or employe of the prison shall, directly or indirectly, have any interest or concern pecuniarily in any contract, either verbal or written, which may be entered into for any purposes whatever connected with the business of the prison.

(2) The warden shall take and file an official oath and execute and file an official bond in the sum of twenty thousand dollars with sureties approved by the board; and whenever the board deems further security necessary it may require the warden to execute and file an additional bond or bonds and fix the amount thereof. [*Stats. 1917 s. 4895 to 4899; 1919 c. 348 s. 4*]

53.03 Deputy warden. The deputy warden shall perform the duties of the warden in the absence of that officer, reside within the prison grounds, and, under the direction of the warden, assist in administering the government and discipline of the prison; and he shall perform all the duties, have all the powers and be subject to all the obligations and liabilities of the warden in case of the disability of that officer or vacancy in that office. [*Stats. 1917 s. 4901; 1919 c. 348 s. 5*]

CUSTODY, CARE, AND DISCIPLINE OF CONVICTS.

53.04 Delivery of convict to prison. (1) The sheriff of each county shall convey to the state prison every person convicted in his county and sentenced to be confined in said prison as soon as may be after such conviction and sentence; and after delivering such convict to the warden, together with a copy of the certificate of conviction of the court ordering such imprisonment, the warden shall deliver to such sheriff a receipt, acknowledging receipt of the prisoner, naming him, which receipt the said sheriff shall file in the office of the clerk of the court where such conviction and sentence were had. Such sheriff shall be entitled to receive from said county the amount actually and necessarily expended by him in transporting such prisoner, including the amount paid for boarding and lodging and such guards as may have been necessarily employed, and such further reasonable sum as shall be a fair compensation for the time necessarily spent in transporting such prisoner, to be fixed and allowed by the proper auditing officer or auditing board of said county.

(2) Whenever a sheriff shall deliver to the warden a prisoner who is under the influence of spirituous liquors said warden shall state such fact in his receipt to the sheriff and send a duplicate of said receipt to the clerk of the court where the conviction and sentence of such prisoner were had, who shall file the same in his office. [*Stats. 1917 s. 4913, 4914; 1919 c. 348 s. 6*]

53.05 Ordinary custody and maintenance. (1) All convicts in the prison shall be in the charge and custody of the warden, who shall govern and employ them in the manner prescribed by law and regulations of the prison and in conformity to the respective sentences under which they were committed.

(2) Spirituous liquors or any articles of indulgence shall not be allowed any convict except by order of the physician, which shall be in writing and for a definite period, not exceeding one month; but the warden may in his discretion make a moderate allowance of tea or tobacco to convicts as a reward for industry and good behavior. [*Stats. 1917 s. 4915, 4920; 1919 c. 348 s. 7*]

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53.06 Religious ministration, and other instruction. (1) The chaplain shall hold divine service in the chapel once on each Sunday, instruct the prisoners in their moral and religious duties and visit the sick on suitable occasions. He shall also act as librarian and prepare and keep a list of the number and titles of the books in the library; be in attendance at the prison daily during usual business hours, unless excused by the warden; devote not less than three hours per day, once in each week, and oftener, if the board of control shall consider it necessary, to instructing those prisoners who need such instruction in the common branches of English education; and with the consent of the warden call to his assistance in such educational labors such convicts as he may deem qualified. He shall make full report to the warden on the thirtieth day of June in each even-numbered year of all matters connected with his labors during the preceding term; the substance of which report shall be embodied in the report of the warden to the board.

(2) A Catholic clergyman may also be engaged by the warden to hold services once each month for the benefit of prisoners of that faith, at an expense not exceeding two hundred dollars per annum. [*Stats. 1917 s. 4905, 4906; 1919 c. 348 s. 8*]

53.07 Maintenance of authority and order. All necessary means shall be used, under the direction of the warden, to maintain order in the prison, enforce obedience, suppress insurrections and effectually prevent escapes, even at the hazard of life; for which purpose he may at all times command the aid of the officers of the institution and of the citizens outside of the precincts of the prison; and any citizen refusing to obey such command shall be held liable to such fines, penalties and forfeitures as apply to persons refusing to obey a sheriff or other officer calling upon the aid of the county to assist in serving a process or for quelling insurrection. [*Stats. 1917 s. 4922; 1919 c. 348 s. 9*]

53.08 Humane treatment and punishment. The warden and all prison officers shall uniformly treat prisoners with kindness, and the warden shall require of the officers that, in the execution of their respective duties, they shall, in all cases, refrain from boisterous and unbecoming language in giving their orders and commands. There shall be no corporal or other painful and unusual punishment inflicted upon convicts for violation of prison rules. [*Stats. 1917 s. 4923; 1919 c. 348 s. 10*]

53.09 Hard labor and restrictions. All convicts sentenced to the punishment of hard labor in said prison shall be constantly employed for the benefit of the state, as provided in chapter 56 of the statutes. Communication shall not be allowed between male and female convicts, or between convicts and any person without the prison, except under supervision, as prescribed in the regulations of the prison. They shall be confined in separate cells in the nighttime, and in the daytime all intercourse between them shall, as far as practicable, be prevented. [*Stats. 1917 s. 4918; 1919 c. 348 s. 11*]

53.10 Solitary confinement. (1) Every convict against whom the punishment of solitary imprisonment shall be awarded by sentence of the court or for violation of any of the rules and regulations of the prison shall be confined to one of the solitary cells, and during such confinement shall be fed on bread and water only, unless a physician, called upon to ascertain the fact, shall certify to the warden that the health of such convict requires other diet.

(2) When any convict sentenced to periodical terms of solitary confinement, who shall obtain from the deputy warden a certificate that such convict has suffered at least one term of solitary confinement and that ever after such term the conduct of such convict has been good for peaceful obedience, industry and integrity, the board of control may exempt him from further solitary confinement during good behavior. [*Stats. 1917 s. 4917, 4929; 1919 c. 348 s. 12*]

53.11 Credit for good conduct; forfeiture for bad. (1) The deputy warden shall keep a true record of the conduct of each convict, specifying each infraction of the rules of discipline. At the end of each month the said deputy shall give a certificate of good conduct to each convict who shall require it, against whom is recorded no infraction of the rules of discipline. Every convict who is now or may be hereafter confined in the state prison and shall conduct himself in a peaceful and obedient manner and faithfully perform all the duties required of him shall be entitled to a diminution of time from the term of his sentence, not exceeding the amounts specified in the following table, for the respective years of his sentence and pro rata for any part of a year, where the sentence is for more than a year:

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Year of sentence.	Good time granted.
First year	One month
Second year	Two months
Third year	Three months
Fourth year	Four months
Fifth year	Five months
Every year thereafter	Six months

(2) Any convict who violates any regulation of the prison or refuses or neglects faithfully to perform all the duties required of him, and has become entitled to any diminution of his sentence, shall forfeit from his good time earned, for the first offense, five days; for the second offense, ten days; and for the third and each subsequent offense, twenty days; and in addition thereto, the warden may, with the consent of the board of control, cancel and deprive him of all or any part of the good time theretofore earned.

(3) Whenever any convict is committed under several convictions with separate sentences they shall be construed as one continuous sentence for the purpose of computing the good time made or forfeited under this section. [*Stats. 1917 s. 4928; 1919 c. 348 s. 13*]

53.12 Time credit for labor; earnings; rewards for exceptionally good conduct. (1) Every convict employed on construction or other work outside of the prison walls on the honor system who shall conduct himself in a peaceful and obedient manner and shall faithfully perform all the duties required of him shall be entitled to a diminution of time of five days for each month of thirty days while he is so employed, in addition to the credit for good conduct prescribed by section 53.11.

(2) The board of control may provide for the payment to convicts of such pecuniary earnings as it may deem proper, under such regulations as it may provide, payable out of the fund provided for carrying on the work in which the prisoner is engaged when employed on state account, and by the contractor when the prisoner is employed under contract. The rate of such earnings shall vary for different prisoners in accordance with the pecuniary value of the work performed, willingness, and good behavior.

(3) Whenever any convict, by continued good behavior, diligence in labor or study or otherwise, shall surpass the general average of convicts the state board of control may, in its discretion, compensate him therefor by the allowance of a sum of money out of his earnings or otherwise, and said board may adopt rules for the payment to deserving convicts, on their discharge or while in prison, of such sums as it may see fit.

(4) Any money accruing to convicts under this section shall be and remain under the control of the board of control, to be used for the benefit of the prisoner, his family, or dependent relatives, under such regulations as to time, manner and amount of disbursements as the board may prescribe; but should any such prisoner wilfully escape or become a fugitive from justice, or commit any breach of discipline, the board may, in its discretion, declare the forfeiture of all earnings remaining to the prisoner's credit, and the same shall be replaced in the fund from which it was originally taken or, in the case of earnings paid by the contractor to the prisoner employed under contract, in the current expense fund of the institution. [*Stats. 1917 s. 4928a, 4942, 4942a, 4942b; 1919 c. 348 s. 14*]

53.13 Recapture of escaped convicts. The warden may adopt such measures as he may deem proper to aid in detecting and capturing escaped convicts. [*Stats. 1917 s. 4930; 1919 c. 348 s. 15*]

53.14 Burial of deceased convicts. The warden shall, in case of the death of any convict, cause the body to be decently buried or deliver it to the relatives or friends of such convict, if demanded by them within twenty-four hours. [*Stats. 1917 s. 4926; 1919 c. 348 s. 16*]

53.15 Property of convicts; bonus and employment on discharge. (1) The money and effects, except the clothes, in possession of each convict when committed to the state prison shall be preserved by the warden and restored to the convict when discharged.

(2) Every convict, when discharged, shall be provided with a decent suit of clothes and a sum of money, not to exceed five dollars, in addition to transportation, or the means to procure the same, from Waupun to any place within this state, which the warden may, at his discretion and as necessity may seem to require, furnish; and may also be allowed employment in the prison, under the rules established for the government of convicts, for such period of time and at such rate of compensation as the warden, under the direction

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of the state board, shall deem proper and equitable. [*Stats. 1917 s. 4924, 4925; 1919 c. 348 s. 17*]

UNITED STATES CONVICTS.

53.16 Custody and employment. The warden shall receive into the state prison all persons convicted before any court of the United States, held within the state of Wisconsin, and sentenced by such court to the punishment of imprisonment at hard labor in said prison, and shall safely keep and employ each such convict pursuant to his sentence and the regulations of the prison, until such sentence shall be performed or the said convict be otherwise discharged by due course of law of the United States. [*Stats. 1917 s. 4931; 1919 c. 348 s. 18*]

53.17 Settlement of accounts for maintenance. (1) The warden once every six months shall make out and present for settlement to the proper auditing officer of the United States for this state a certified account of the amount which shall then be due and unsettled for the support and maintenance of United States convicts in the state prison of this state.

(2) Whenever said account shall have been audited and allowed, as provided by law, the warden shall file with the secretary of state a copy of such account with the amount allowed thereon. The secretary of state shall thereupon draw his warrant upon the state treasurer for the amount so allowed, payable to the warden out of the state treasury, when the same shall be received from the United States. [*Stats. 1917 s. 4932, 4933; 1919 c. 348 s. 19*]

53.18 Special report concerning United States convicts. The warden when making his biennial report shall include therein the number of United States convicts in the prison at the date of such report, the whole number therein during the preceding term, the number received and the number discharged during the same time, the amount received from the general government for their support and maintenance and also the amount that may then be due and unaudited for like purpose. [*Stats. 1917 s. 4934; 1919 c. 348 s. 20*].

CHAPTER 54.

STATE REFORMATORY AND INDUSTRIAL HOME FOR WOMEN.

54.01 Objects; service of process.
54.02 Sentence and commitment.
54.03 Nature and effect of sentences.
54.04 Trial and commitment records; execution.
54.05 Custody and discipline; allowances for good conduct.
54.06 Institutional record.
54.07 Transfers of convicts.

54.01 Objects; service of process. (1) The objects of the Wisconsin state reformatory and the Wisconsin industrial home for women are to correct and remove those criminal or evil tendencies and influences which render the persons confined therein a menace to society, and help them to become good citizens.

(2) The board of control shall equip and maintain one ward or department of the said industrial home with suitable hospital facilities for the treatment of women afflicted with venereal disease; and shall also equip and maintain a psychological laboratory for the study and treatment of mental disorders to which women and girls addicted to immoral practices are subject. Such females shall be committed for treatment and such industrial training as shall enable them to support themselves properly, and shall be subject to such examinations, treatments, operations and tests, under the regulations of the board as may be deemed necessary by the state board of health to improve their physical and mental condition.

(3) All process served within the precincts of the reformatory or industrial home, either upon those committed thereto, or upon officers or employes other than the superintendent, shall be served and returned by the superintendent; and all officers and employes of either institution shall be exempt from military duty, serving on juries in any court, and highway poll tax. [*Stats. 1917 s. 4944a, 4944—r, 4944—s sub. 2; 1919 c. 349 s. 2*]

54.02 Sentence and commitment. (1) Male persons not less than seventeen nor more than thirty, and female citizens of this state not less than eighteen nor more than thirty years of age, of the following classes, may, in the discretion of the court, be sentenced and committed, respectively, to the said reformatory or industrial home, namely:

Class one: Persons convicted the first time, of a felony; except male persons convicted of murder in the first or second degree, and female persons convicted of murder in the first, second or third degree.

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Class two: Male persons convicted the first time, and female persons whenever convicted, of any misdemeanor punishable by imprisonment in the county jail or house of correction for one year or more.

Class three: Female persons convicted of any other misdemeanor.

(2) Persons previously convicted and committed by the juvenile court shall be classified as above, as though no such previous conviction had occurred. [*Stats. 1917 s. 4944c, 4944—n; 1919 c. 349 s. 4*]

54.03 Nature and effect of sentences. (1) Except as provided in subsections (2), (3) and (4), the sentence of any person belonging to either of said classes one or two shall be for a specific term, not less than one year, within the limits of imprisonment prescribed by law for the offense of which he is convicted, which term shall commence at the time prescribed in section 4733 for the commencement of terms of sentence to the state prison.

(2) Upon the recommendation of the superintendent and the board of control, the governor may without the procedure required by chapter 57 of these statutes, discharge absolutely, or upon such conditions and restrictions, and under such limitations as he may think proper, any inmate of the reformatory after he shall have served the minimum term of punishment prescribed by law for the offense for which he was sentenced. Such discharge shall have the force and effect of an absolute or conditional pardon, respectively.

(3) The court may, in its discretion, sentence any such female person belonging to class one or two to the industrial home for women for a general or indeterminate term not less than the minimum nor more than the maximum term of imprisonment prescribed by law for the offense, such term to be not less than one year. Such general sentence shall be substantially as follows: "You are sentenced to the Wisconsin industrial home for women for a general or indeterminate term of not less than .... (the minimum for the offense) years, and not more than .... (the maximum for the offense) years," and shall have the force and effect of a sentence for the maximum term, subject to the power of release from actual confinement by parole or absolute discharge by the board of control, or by pardon, as provided by law.

(4) In lieu of the penalty provided by statute, or city or village ordinance, under

(3) The court may, in its discretion, sentence any such female person belonging to class two or three to the industrial home, for a general or indeterminate term, which term shall not exceed five years in any case, subject to the power of release from actual confinement, by parole or absolute discharge by the board of control or by pardon, as provided by law. [*Stats. 1917 s. 4944d, 4944k, 4944—o sub. 1, 2, 3; 1919 c. 349 s. 6*]

54.04 Trial and commitment records; execution. (1) When any offender is sentenced to the reformatory or to the industrial home, the commitment papers shall consist of the warrant of commitment, and certified copies of the information, indictment or complaint, the plea of the accused, the testimony taken at the trial, the verdict, if there be one, and the judgment and sentence; which copies shall be delivered with the order or warrant of commitment to the officer executing it, and to the superintendent of the institution when the convict is delivered.

(2) In case no testimony is taken at the trial, a statement of the district attorney who prosecuted such case, giving the facts in connection with the case, and the statement of the defendant in court, shall be delivered in lieu thereof.

(3) The clerk of the court furnishing such copies or record shall be entitled to such compensation as may be fixed by the presiding judge, and shall be paid by the county in which trial is had as part of the court expenses.

(4) Whenever any person is sentenced to the reformatory, the order or warrant of commitment shall authorize the officer to whom it is issued to take charge of such convict and convey him to the reformatory and deliver him to the superintendent of that institution, who shall receive and confine him therein until he shall be discharged by due process of law.

(5) Whenever any woman is sentenced to the industrial home the superintendent of said industrial home shall, upon being notified of such sentence, designate and send some suitable woman who is employed in said industrial home to take charge of the convict and convey her to said home; and said employe shall have all the powers of a police officer from the time of her appointment until such convict is delivered to the superintendent of said home. The expenses of making such transfer shall be paid by the county in which such person was convicted.

(6) Whenever any person is sentenced to either of said institutions the court or magistrate pronouncing sentence shall immediately notify the superintendent of said institution thereof. If said institution be filled to the limit of its capacity, the convict shall

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be retained in the county jail until he or she can be received into said institution; but, if convicted of a felony, the court may, in its discretion, commit such convict temporarily to the state prison to be thence transferred as soon as may be. Notice of such temporary commitment shall be given to the superintendent and the commitment papers shall be delivered with the convict to the warden of the prison, who shall deliver them to said superintendent when the convict is transferred. [*Stats. 1917 s. 4944h, 4944—x sub. 3; 1919 c. 349 s. 7*]

54.05 Custody and discipline; allowances for good conduct. (1) The provisions of section 53.07 and subsection (1) of section 53.15 shall apply to the reformatory, and the powers therein conferred upon the warden and deputy warden are hereby conferred upon the superintendent and assistant superintendent, respectively, of the reformatory.

(2) The time during which any inmate of the reformatory or of the industrial home, who has escaped therefrom, is at large, shall not be computed as any portion of the time for which he or she was sentenced.

(3) Any inmate of the reformatory or of the industrial home under sentence may be prosecuted, before discharge therefrom, for any criminal offense, and if convicted may be sentenced to undergo the punishment prescribed by law for such offense, to commence at the expiration of the current term of imprisonment. If convicted of more than one offense sentences on such convictions shall be cumulative as provided in section 4733.

(4) The allowances for good conduct prescribed in section 53.15 shall likewise be made to the inmates of the reformatory and of the industrial home who have not been paroled or discharged, and any good time earned in either institution by inmates transferred to or from the state prison shall be allowed in the institution to which they have been transferred. Subsections (2), (3) and (4) of section 53.16 shall apply to inmates of the reformatory. [*Stats. 1917 s. 4944l, 4944i, 4944—o sub. 7; 1919 c. 349 s. 9*]

54.06 Institutional record. When any convict shall be received into said reformatory or industrial home the board of control shall cause to be entered in a register, the date of such admission, the name, age, nativity, and nationality, with such other facts as may be obtained as to the parentage, education and previous environments of said inmate. A semiannual entry shall be made on such register of the progress made by each inmate, and in case such inmate is paroled, an entry shall be made on such register of that fact, and also a statement as to her condition at the time of parole. Such register shall show at all times the progress made by the inmates who have been placed upon parole. [*Stats. 1917 s. 4944—v; 1919 c. 349 s. 11*]

54.07 Transfers of convicts. (1) With the approval of the governor any inmate of the reformatory or of the industrial home, belonging to class one, whose continued presence there is considered detrimental to the other inmates may be transferred by the board of control to the state prison, and his original term of imprisonment shall be continued therein.

(2) Convicts in the state prison and in the Milwaukee county house of correction belonging to class one, and in any county jail belonging to class two, may with like executive approval be transferred from any of these institutions to the reformatory or to the industrial home and may be returned to the institution from which they were respectively taken.

(3) Inmates of the industrial school for boys who have reached the age of seventeen years and inmates of the industrial school for girls who have reached the age of eighteen years, and inmates of other institutions, public or private, who have reached like ages, respectively, and who were committed to said institutions by court orders and were then eligible for commitment to said industrial schools, may also be transferred to the reformatory or to the industrial home, respectively, by the board of control; but such boys may be retained at the reformatory only until they are eighteen years of age. Or they may sooner be returned to the school or to the counties from which they were sent to the school.

(4) With each person transferred to the reformatory or to the industrial home from any other institution the warden or superintendent of such other institution shall transmit to the superintendent of the reformatory, or of the industrial home copies of the original commitment of such person, and of his record of service, conduct and history; and with each person transferred from the reformatory or industrial home the superintendent shall furnish to the institution to which such convict is transferred a like record of service, conduct, and personal history of the convict while in the reformatory or industrial home. [*Stats. 1917 s. 4944f, 4944g; 1919 c. 349 s. 12*]

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CHAPTER 55.

COUNTY JAILS AND OTHER MUNICIPAL PRISONS.

55.01 Erection and objects of county jails.
55.02 Restrictions on location of prisons.
55.03 Maintenance of prisoners.
55.04 Use of jail in another county.
55.05 Removal of prisoners in case of fire or other casualty.
55.06 Segregation of prisoners.
55.07 Maintenance and sanitation of prisoners.
55.08 Bibles and religious instruction.
55.09 Discipline; solitary confinement.
55.10 Annual inspection.
55.11 Custody of United States prisoners.

55.01 Erection and objects of county jails. The county board of each county shall cause to be erected, at the county seat, a county jail, which shall be used:

(1) For the detention of persons charged with offenses and duly committed for trial.

(2) For the detention of persons duly committed to secure their attendance as witnesses on the trial of any criminal cause.

(3) For the confinement of persons committed pursuant to a sentence for an offense, or duly committed or held in custody by the sheriff for any cause authorized by law.

(4) For the confinement of persons sentenced to imprisonment in state penal institutions or the Milwaukee house of correction, until such time as they shall be removed to said institutions. [*Stats. 1917 s. 4945; 1919 c. 78 s. 2*]

55.02 Restrictions on location of prisons. The county jail shall not be located, constructed, or arranged for in the basement of any other building; and no prison, lockup, or temporary place of confinement for insane persons, or persons arrested for breach of ordinance or statute, shall be erected in any village, or city of the third or fourth class, within three hundred feet of any public, private, or parochial school building, or building used regularly or principally for school purposes. [*Stats. 1917 s. 566m; 1919 c. 78 s. 3*]

55.03 Maintenance of prisoners. All charges for maintaining, while in county institutions, convicts who have been sentenced to confinement in the state penal institutions, prisoners charged with offenses and duly committed for trial, prisoners committed for the nonpayment of fines and expenses, and prisoners sentenced to imprisonment therein, shall be paid out of the county treasury; but no claim shall be allowed to any sheriff or jailer for keeping or boarding any person in the county jail unless such person shall have been committed thereto pursuant to law. [*Stats. 1917 s. 4947; 1919 c. 78 s. 4*]

55.04 Use of jail in another county. Courts, magistrates and officers of any county having no jail may sentence, commit, or deliver any person to the jail of any other county as if such jail existed in their own county; and the keeper of such jail shall receive and keep the prisoner in all respects as if committed from such other county; but the cost of such keep shall be paid by the county from which the prisoner was sentenced, committed, or delivered. [*Stats. 1917 s. 4946; 1919 c. 78 s. 5*]

55.05 Removal of prisoners in case of fire or other casualty. (1) If the prisoners in any prison shall be exposed to danger by fire or other casualty, the keeper may remove them to a place of safety and there confine them so long as may be necessary to avoid such danger, and such removal and confinement shall not be deemed an escape of such prisoners.

(2) Whenever the county jail in any county shall be destroyed by fire or other casualty or shall be insecure for the safe-keeping of prisoners the sheriff of such county may remove any prisoner to the jail of some other county, where he shall be received and kept the same as if committed thereto, but at the expense of said first mentioned county.

(3) An indorsement on the back of the commitment by which any prisoner is held in custody, made by the sheriff in charge of such prisoner, directed to the jailer or sheriff of such other county, shall be sufficient authority for such jailer or sheriff to hold such prisoner. [*Stats. 1917 s. 4955, 4956, 4957; 1919 c. 78 s. 6*]

55.06 Segregation of prisoners. All jails and other municipal prisons shall be provided with suitable apartments or buildings for the separation of criminals from prisoners not criminal; persons of different sexes; persons alleged to be insane; and children under sixteen years of age. All prisoners shall be kept segregated accordingly. [*Stats. 1917 s. 4952; 1919 c. 78 s. 7*]

55.07 Maintenance and sanitation of prisoners. (1) The keeper of each prison shall see that the same is constantly kept in a cleanly and healthful condition, and that strict attention is paid to the personal cleanliness of all the prisoners in his custody, and

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shall cause the apparel of each prisoner to be properly laundered. He shall furnish each prisoner daily with as much clean water as may be necessary and with a clean towel once a week. He shall serve each prisoner three times daily with wholesome food, well cooked and in sufficient quantity. The county board shall prescribe the diet of the prisoners in the county jail as to kind and fix the maximum compensation to be paid therefor.

(2) Neither the sheriff, jailer or keeper of any prison nor any other person shall, under any pretense, give, sell or deliver to any person committed to prison for any cause whatever any spirituous liquors or any mixed liquor, part of which is spirituous, or any wine, cider or strong beer unless a physician shall certify in writing that the health of such prisoner requires it, in which case he may be allowed the quantity prescribed, and no more.

(3) The keeper of each prison shall furnish necessary bedding, clothing, fuel and medical aid, and in case of a house of correction necessary hospital care and treatment, for all prisoners who shall be in his custody, and shall be paid therefor as provided for the payment for the weekly support of such prisoners and in addition thereto. [*Stats. 1917 s. 669 sub. (12), 4949, 4950, 4954; 1919 c. 78 s. 8*]

55.08 Bibles and religious instruction. The keeper of each prison shall provide, at the expense of the county, for each prisoner under his charge, who may be able and desirous to read, a copy of the Bible or New Testament, to be used by such prisoner at proper seasons during his confinement; and any minister of the gospel or person duly delegated by any regularly organized Young Men's Christian Association or any other religious association or corporation within the county, disposed to aid in reforming the prisoners and instructing them in their moral and religious duties, shall have access to them at reasonable and proper times. [*Stats. 1917 s. 4951; 1919 c. 78 s. 9, 10*]

55.09 Discipline; solitary confinement. Whenever any person committed to prison for any cause whatever shall be unruly or shall disobey any of the regulations established for the management of prisons the sheriff or keeper may order such prisoner to be kept in solitary confinement and fed on bread and water only for a period not exceeding twenty days for each offense. [*Stats. 1917 s. 4953; 1919 c. 78 s. 11*]

55.10 Annual inspection. At least once in each year the county board of each county shall visit, inspect and examine each prison therein, as to health, cleanliness and discipline, and the keeper thereof shall lay before it a calendar setting forth the name, age and cause of committal of each prisoner; and if it shall appear to the said board that any of the provisions of law have been violated or neglected it shall forthwith give notice thereof to the district attorney of the county. [*Stats. 1917 s. 4948; 1919 c. 78 s. 12*]

55.11 Custody of United States prisoners. (1) All sheriffs, jailers, prison keepers and their and each and every of their deputies within the state, to whom any person or persons shall be sent or committed by virtue of legal process issued by or under the authority of the United States, shall be and they are hereby enjoined and required to receive such persons into their custody and to keep them safely until they be discharged by due course of the laws of the United States; and all such sheriffs, jailers, prison keepers and their deputies offending in the premises shall be liable to the same pains and penalties and the parties aggrieved shall be entitled to the same remedies against them or any of them as if such prisoners had been committed to their custody by virtue of legal process issued under authority of this state; provided, that no person sentenced to imprisonment by any court of the United States for a term exceeding eighteen months shall be received in the house of correction of Milwaukee county, the state prison or any other penal institution within this state.

(2) The United States shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of this state.

(3) Before every stated term of the United States court to be held within this state the said sheriffs, jailers and prison keepers shall make out, under oath, a calendar of prisoners in their custody under the authority of the United States, with the date of their commitment, by whom committed and for what offense, and transmit the same to the judge of the district court of the United States for the district, and at the end of every six months they shall transmit to the United States marshal for the district, for allowance and payment, their account, if any, against the United States for the support and keeping of such prisoners, as aforesaid. [*Stats. 1917 s. 4958, 4959, 4960; 1919 c. 78 s. 13*]

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CHAPTER 56.

PRISON INDUSTRIES AND LABOR.

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CONVICT LABOR IN STATE PENAL INSTITUTIONS.

56.01 Prison industries and products. (1) The state board of control may establish and conduct various industries, and purchase machinery and raw materials, for the employment of prisoners in the state reformatory and state prison, in the manufacture of articles for the state and its municipalities, and for sale in the open market; and shall fix the price of all articles produced as near the market price as possible.

(2) The said board may lease or purchase land within the state for the employment of such prisoners at farm work, beds of limestone for the manufacture of fertilizer, and beds of rock for road-building material; and may employ such prisoners and construct temporary barracks for their custody and safe-keeping outside the prison inclosure.

(3) Whenever the said board is prepared to furnish prison products, it shall give notice to the proper officials of the state and each county, or other municipality, of the kind or kinds of products that it is prepared to furnish; and on or before July first in each year thereafter, the officials so notified shall report to said board estimates of the amounts of such prison products which they will require for the ensuing year.

(4) The state, or county, or other municapility, receiving such notice shall not purchase, otherwise than from said board, any products of the kind or kinds specified in said notice, other than road-building material, except upon a permit issued by the said board; and any official who shall violate or participate in the violation of this subsection shall forfeit not to exceed one hundred dollars, for each such violation; but any party aggrieved by a refusal of such permit may appeal to the governor, who may order the granting of such permit, and such order shall be final and conclusive.

(5) The said board shall include in its biennial report to the governor, a statement showing in detail the amount of each of the various articles produced in the prison industries, the disposition of these articles, the cost of the raw material purchased, the new machinery installed and the cost thereof, the land purchased or leased and the cost thereof, and the rates and total amount of wages paid or credited to prisoners pursuant to this section. [*Stats. 1917 s. 4918m; 1919 c. 350 s. 2*]

56.02 Binder twine plant at the state prison. (1) The board of control shall, at a cost not exceeding the sums appropriated therefor, purchase, erect and maintain at the state prison the necessary buildings, machinery and equipment for the manufacture of binder twine, and shall operate such plant.

(2) The warden of the state prison shall give an additional bond to the state of Wisconsin, in the penal sum of fifty thousand dollars, conditioned for the faithful performance of the additional duties devolving upon him in the operation of said binder twine plant, and to be approved by the governor.

(3) The price of the binding twine and cordage manufactured in said plant shall be fixed from time to time by the board of control and the warden of the state prison. The product of said plant shall be sold at such times and places, and in such manner as the

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said board and warden shall determine to be for the best interests of the state; but citizens of the state shall have the preference in purchasing said products. [*Stats. 1917 s. 4918—1, 4918—14, 4918—15; 1919 c. 350 s. 3*]

56.03 Convict labor on the prison farm and on construction of public buildings. The warden of the state prison may employ the convicts outside the prison yard in quarrying or getting stone from and cultivating the prison farm, or in doing any work necessary to be done in the prosecution of the regular business of the institution; and also away from the prison grounds in the construction of buildings being erected by the state. In all such cases the warden shall detail such force from the prison police as he shall deem necessary to watch and guard such convicts; and any such convict who escapes shall be deemed as having escaped from the prison proper. [*Stats. 1917 s. 4927; 1919 c. 350 s. 4*]

56.04 Convict labor on highways. (1) The board of control may employ inmates of the state prison in the construction and improvement of such roads and highways as the said board and the state highway commission may determine, in such manner and under such terms as may be agreed upon.

(2) The board may purchase or lease such tools and machinery as said board and the state highway commission deem necessary for the purpose of carrying out the provisions of this section. [*Stats. 1917 s. 4937m; 1919 c. 350 s. 5*]

56.05 Prison farms. (1) The commissioners of the public lands, the state conservation commission and the state board of control are authorized to select from the state forest reserves a quantity of land not to exceed five thousand acres to be converted into farms for the state prison.

(2) After such selection has been made the board of control shall take possession of said lands and put them in a tillable condition by the employment of the labor of convicts in the state prison. [*Stats. 1917 s. 4937n, 4937o, 4937p; 1919 c. 350 s. 6*]

56.06 Leasing of convict labor. (1) The state board of control is authorized to lease, from time to time, the labor of such portion of the prisoners confined in the state prison, together with such shop room, machinery and power as may be necessary for their proper employment, to such persons, for such purposes, upon such terms and conditions and for such length of time, not exceeding five years at any one time, as it shall deem most conducive to the interests of the state and the welfare of the prisoners.

(2) Before entering into any such contract the board shall, by public advertisement, for at least four weeks in one newspaper published in each of the cities of Milwaukee and Chicago, and in the official state paper, invite sealed proposals for the hiring of such labor and the shop room, machinery and power. Such advertisements shall specify the time and place when and where such proposals will be opened and considered, and shall reserve the right to reject any or all bids.

(3) Every such contract shall reserve to said board and to the warden and each and every of his subordinates full power and authority to prevent the demanding or imposition of unusual or severe labor or labor whereby the health or safety of the convicts may be impaired or jeopardized; and the said board may, from time to time, prescribe all needful rules for the government and conduct of all contractors, their overseers and agents in their relations to the convicts, and may require summary dismissal of any individual employed by any contractor in said prison whenever it shall appear that the presence or the conduct of such individual is prejudicial to the discipline of the prison or the welfare of the convicts.

(4) Adequate security shall be exacted of all contractors for the faithful performance of all the provisions of the contract on their part to be performed, and the board of control shall use its utmost endeavors to have all the terms and conditions of said contract fully complied with on its part; but no contractor shall have or claim from the state of Wisconsin, the state board of control, the warden or from the prison or any of its funds any damages, whether by way of recoupment, setoff or otherwise, for or on account of the failure or neglect of said board to furnish to such contractor the labor of the full number of convicts specified in its contract.

(5) The state board of control may make all needful rules and regulations for the guidance of the warden in the execution of any contract made by it and may, whenever in its judgment it is impracticable to furnish the labor of convicts to any contractor, determine and cancel any contract, and thereupon, after six months' notice to such contractor, all obligations to said board under such contract shall cease and determine, and such contractor shall not have or be entitled to have any compensation, whether by way of damages, setoff, recoupment or otherwise, in consequence thereof. [*Stats. 1917 s. 4938, 4939, 4940, 4941, 4943; 1919 c. 350 s. 7*]

56.07 Vocational instruction at the reformatory and industrial home. The state board of control may maintain in the state reformatory a manual training school, and

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cause the inmates to be instructed in trades; and may establish and maintain in connection with the industrial home for women such systems of training, and instruction in trades and domestic science, and create such industries as may seem to said board for the best interests of the inmates of said industrial home. [*Stats. 1917 s. 4944b, 4944—s; 1919 c. 350 s. 8*]

PRISON LABOR IN COUNTY JAILS.

56.08 Employment for the benefit of dependents. (1) In any county having no workhouse any person, and in all other counties any female person, convicted of any offense and sentenced to imprisonment in the county jail shall be committed to hard labor. Every such prisoner shall be required to do and perform any suitable labor provided for by the sheriff anywhere within said county; but the hours of labor in farm work shall be not less than ten nor more than twelve hours, and in all other work not more than ten hours, each day.

(2) At the time such sentence is imposed or at any time before its termination, the court sentencing such person may, upon consideration of his health and training, ability to perform labor of various kinds, and the ability of the sheriff to find and furnish various kinds of employment, direct the kind of labor at which such person shall be employed, and the nature of the care and treatment he shall receive during such sentence.

(3) The county jail of such county is extended to any place within the county where said work is provided, and the sheriff shall at all times have the custody of such prisoners. Subsection (2) of section 55.07 shall apply to such prisoners; and the district attorney shall cause notice to be given, as provided in sections 1554 to 1556*a*, inclusive, and with like effect, forbidding any person to sell, furnish or give to such prisoners any intoxicating liquor during the term of his sentence.

(4) Every prisoner employed under the provisions of this section who shall perform faithfully all the duties assigned to him shall, for willingness, industry, and good behavior in such performance, be credited with one-fourth of the time of his sentence. Any such prisoner who, being of sufficient ability, shall refuse to work diligently may be punished by solitary confinement and fed on bread and water only, at the discretion of the sheriff, for a period not exceeding ten days for each such refusal.

(5) The sheriff shall make contracts in writing for the employment of all such prisoners, if not employed in doing work for the county, and shall make all needful regulations for their profitable employment and the collection of their earnings. For unreasonably neglecting or refusing to carry out the provisions of this section the sheriff shall be subject to a fine of not to exceed one hundred dollars; and for a repetition of such neglect or refusal he shall, in addition to such fine, be removed from office.

(6) At the time of sentencing such convicted person the court shall take proof and determine what person or persons if any are actually dependent on such convicted person for support, and shall cause their names to be entered in the docket, and in the commitment of such convicted person. The court shall at the same time designate and enter in said docket and commitment the name of a person to whom payments shall be made for the use of such dependent person or persons, as hereinafter provided. At the end of each week the sheriff shall pay over to said payee for the use of said dependents the earnings of such prisoner collected by him; and if the prisoner worked for the county the sheriff shall issue and deliver to the said payee for the use of said dependents an order on said county, for an amount equal to one dollar per day for the number of days of such labor, specifying in said order who earned said money and who are entitled to it for support, and such order shall be paid by the county treasurer from the general fund.

(7) All balances of money collected by the sheriff by virtue of this section and not paid out pursuant to subsection (6) shall, at the end of each month, be deposited by the sheriff with the county treasurer, together with an itemized statement showing by whom the same were earned and by whom paid, and shall be the property of the county. The sheriff shall also render to the county board, at each session thereof, a sworn itemized statement of all money so collected, by whom earned, and by whom paid; and also of all sums paid out, to whom paid and for whom, including all orders drawn on said county as provided herein.

(8) In counties in which the sheriff is paid a salary, he shall receive no extra compensation for carrying out the provisions of this section. In all other counties the sheriff shall receive therefor such extra compensation as may be fixed by the county board; but until such compensation shall be fixed, he shall receive a fee of five cents per mile for each mile actually and necessarily traveled in carrying out the provisions of this section.

(9) At the termination of the sentence of such prisoner the sheriff shall report to the court by whom the prisoner was committed, as to the attitude, industry, and behavior of

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such prisoner in the performance of duties assigned to him, and as to his general conduct. [*Stats. 1917 s. 697c sub. 2; 1919 c. 350 s. 10*]

56.09 Breaking rock for highways. (1) The county board in any county whose population is less than one hundred thousand may provide in a convenient place near the county jail a quantity of rock and appropriate implements for the breaking of such rock into suitable material for road making.

(2) All male persons convicted in any court and sentenced and committed to imprisonment in the county jail where such rock is provided, if not employed as provided in section 56.08, shall, unless certified by the county physician to be physically unable to perform such labor, be employed in breaking rock for the building and repair of public highways not exceeding eight hours each day.

(3) The county board shall prescribe all necessary regulations for the maintenance of such rock and implements at the county jail, and for the carrying on of such labor. All receipts and expenditures pursuant to this section shall be supervised and controlled by the county board. [*Stats. 1917 s. 4947a; 1919 c. 350 s. 13*]

WORKHOUSES.

56.10 Establishment and purpose. Any county board may, pursuant to sections 46.17, 46.18, 46.19, and 46.20, establish a workhouse and necessary outbuildings, and purchase the furniture and fixtures requisite therefor, for the detention and employment of prisoners as hereinafter provided. The compensation of each trustee of such workhouse shall not, in any one year, exceed one hundred and twenty dollars. [*Stats. 1917 s. 697a; 1919 c. 350 s. 15*]

56.11 Commitments. (1) Upon the completion of any such workhouse the superintendent shall, in writing, notify the county clerk, each justice of the peace, police justice, and the judge of every court of record in his county of the fact; and thereafter, whenever any male person within such county is sentenced to imprisonment in the county jail, the commitment shall be to hard labor, either in the workhouse, or in the county jail as provided in section 56.08, in the discretion of the court.

(2) Any officer who shall receive the commitment of any person to the workhouse shall convey such person thereto as soon as practicable; and shall be entitled to compensation at the rate of ten cents per mile for each mile actually traveled in such service, going and returning, and in addition five cents per mile for the transportation of each prisoner.

(3) Any person committed to such workhouse who, being of sufficient ability to do so, shall refuse to work diligently may be punished by solitary confinement therein and fed on bread and water only, at the discretion of the superintendent, for a period not exceeding ten days for each such refusal.

(4) All the provisions of chapter 55 which relate to prisons generally shall apply to any such workhouse. [*Stats. 1917 s. 697c sub. 1, 697e; 1919 c. 350 s. 16*]

56.12 Record of commitments. The superintendent of the workhouse shall number and file all commitments and certificates of conviction received by him, and keep a record of all persons received by him for confinement in such workhouse, stating the date when received, name, age, residence, court in which sentenced, crime of which convicted, term of sentence, time of discharge, death or escape, and such other particulars as the trustees may direct. [*1919 c. 350 s. 17*]

56.13 Work; disposition of product. All persons committed to such workhouse shall be employed for not to exceed ten hours of each day at such work as may be provided by the trustees. The product of such work shall be the property of the county and may be sold or otherwise disposed of by the trustees. [*Stats. 1917 s. 697d; 1919 c. 350 s. 18*]

CITY AND VILLAGE LOCKUPS.

56.14 Labor in payment of fines. The common council of any city of the fourth class, however organized, and every village board shall have power to compel any person committed to the watchhouse or place of confinement of such city or village who is not physically disabled, to perform labor upon any public work under such supervision and control as such city or village may provide, and for each day's labor performed, said person so sentenced shall be credited with the sum of two dollars, which shall apply on such fine and costs until the same are paid or until such person is released from custody. [*Stats. 1917 s. 893 [892] sub. (27m), 959—115; 1919 c. 350 s. 19*]

SUNDAYS AND HOLIDAYS.

56.15 Work on Sundays and holidays. No prisoner in any penal institution within this state shall be compelled to work on any Sunday or legal holiday, except on necessary

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household work or when necessary to maintain the management or discipline of such institution. [*1919 c. 350 s. 20*]

HOUSES OF CORRECTION.

56.16 Establishment and purpose. (1) The county board of any county whose population is two hundred and fifty thousand or more may, pursuant to section 46.17, establish, relocate, and maintain within the limits of said county a house of correction for the safe-keeping, reformation, and employment of persons sentenced and committed to confinement therein as hereinafter provided.

(2) The expenses of maintaining said house of correction, over and above all receipts for the labor of persons confined therein and for the support of prisoners therein whose support is not chargeable to said county shall be audited by the said county board at its annual meeting, and paid out of the county treasury, and shall be raised, levied and collected as part of the ordinary expenses of said county. [*P. & L. 1855 c. 318 s. 1, 6; 1865 c. 189; P. & L. 1868 c. 442; 1880 c. 249; 1899 c. 212; 1903 c. 40; Stats. 1917 s. 603, 604, 697—1; 1919 c. 351 s. 1*]

56.17 Administration and management. (1) The management of every such house of correction shall be controlled by the county board, pursuant to such regulations as said board shall prescribe. No such regulation shall be finally adopted on the day on which it is first presented to said board for consideration, nor until it shall have been considered and reported upon by a select committee appointed for that purpose.

(2) Every such house of correction shall be managed, pursuant to the regulations of the county board, by an inspector, who shall be elected by the county board, at its annual meeting, for a term of two years, commencing on the first Monday of January next after such election.

(3) The inspector shall be the principal keeper, and shall have charge and control of the house of correction and of the persons confined therein. His compensation shall be fixed by the county board at the time of his election, and shall not be increased or diminished during his term. He shall take and file the official oath, and execute and file an official bond in such sum as shall be fixed by the county board, and with sureties approved by the chairman of said board.

(4) The inspector shall appoint and be responsible for the acts of all necessary assistants under him; but the county board shall prescribe the number and compensation of such assistants, and the duties to be performed by them.

(5) In every county maintaining a house of correction, the judges of the county, municipal, and district courts, district attorney, and sheriff, and the mayor and city attorney, of its most populous city shall constitute a board of visitors, who shall investigate the affairs of such house of correction on the first Monday of August in each year, and thereupon report in writing to the county board at its annual meeting, setting forth the condition of such house of correction, and suggesting such alterations, improvements, or other matters respecting the management, discipline, and government of the same as may promote the purposes thereof and the interests of said county. [*P. & L. 1855 c. 318 s. 4, 15; 1865 c. 189; 1899 c. 212; 1919 c. 351 s. 2*]

56.18 Commitments; municipal prisoners; contracts with other counties. (1) Every court, justice, magistrate, or other officer, in such county or in any village or city therein, authorized to commit or sentence any person to the county jail upon conviction of any offense or violation of any city or village ordinance, or authorized to sentence any person to imprisonment in the state prison for any term not exceeding five years, may in lieu of such sentence commit or sentence such person to said house of correction for an equivalent term, at hard labor, or solitary confinement, or in part to each, at the discretion of such court or officer. All mittimuses and warrants of commitment in such cases shall be issued and directed to the inspector of said house of correction, and shall be his authority for the detention of the person sentenced or committed.

(2) Each village or city in such county shall, on the first Monday of January in each and every year, pay to the county the sum of one dollar and fifty cents per week per capita for each and every person confined in the house of correction for the violation of any of the ordinances of such city or village during the preceding year.

(3) Any such county may contract with any other county, upon such terms as may be agreed upon by their respective county boards, to receive into said house of correction any person who may be sentenced to confinement therein by any court, justice, or other officer of such other county; and thereupon, so long as such contract remains in force, every court, justice, or other officer in such other county, authorized to commit or sentence any person to the county jail may, in lieu of such sentence or commitment, sentence or com-

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mit such person to said house of correction for an equivalent term, at hard labor, or solitary confinement, or in part to each, at the discretion of such court or officer; and any officer to whom the process of commitment in such case is delivered for execution shall, by virtue of such process, convey such person to the said house of correction, and deliver him with the commitment papers, to the inspector; and thereafter such person shall be detained and treated by all persons, courts, and officers, respectively, as if sentenced and committed to said house of correction by any court, justice, or other officer, in the county in which said house of correction is established.

(4) Whenever it shall appear, to the satisfaction of the state board of control, that any person convicted of a felony and committed to any house of correction had previously been convicted of a felony, said board may, with the approval of the governor, transfer such person to the state prison. [*P. & L. 1855 c. 318 s. 10, 13; 1865 c. 189; P. & L. 1866 c. 439; P. & L. 1868 c. 442; P. & L. 1872 c. 5; 1899 c. 212; Stats. 1917 s. 4733c; 1919 c. 351 s. 3*]

56.19 Employment of prisoners; time credits, earnings, and rewards. (1) The inspector of said house of correction shall place all prisoners therein at such employments, and shall cause all prisoners therein who are minors to be instructed in such branches of useful knowledge, as shall be prescribed by the regulations of the county board.

(2) He may employ such prisoners outside of said house of correction, for the purpose of cultivating the farm of said institution or in doing any other work necessary to be done in the regular business thereof, or in the construction of public highways within said county. In all such cases he shall detail such force from the house of correction as he may deem necessary to watch and guard such prisoners.

(3) The inspector shall keep a true record of the conduct of each prisoner, specifying each infraction of the rules of discipline; and at the end of each month shall give a certificate of good conduct to each prisoner against whom no such infraction is recorded, subject to annulment by the governor for subsequent misconduct of the prisoner. Upon each such certificate issued to any such prisoner serving sentence for a misdemeanor the prisoner shall be credited, at the discretion of the inspector, with a diminution of the sentence not exceeding five days. Each such prisoner serving sentence for a felony shall receive time credits as provided in section 53.15.

(4) The county board may, pursuant to regulations prescribed by said board and approved by the state board of control, extend to such prisoners similar time credits, pecuniary earnings, and rewards, subject to similar conditions and limitations, as those prescribed by section 53.16 for convicts in the state prison. [*P. & L. 1855 c. 318 s. 11, 12; 1865 c. 189; 1875 c. 174; 1899 c. 212; 1909 c. 411; Stats. 1917 s. 670 sub. (21); Spl. S. 1918 c. 8; 1919 c. 351 s. 4*]

56.20 United States convicts. The county of Milwaukee may contract with the United States for the keeping and support, within its house of correction, of all prisoners who are sentenced to imprisonment by the courts of the United States within this state, upon such terms as may be agreed upon by the county board and the officers of the United States having authority for that purpose. [*1865 c. 189 s. 7; 1919 c. 351 s. 6*]

CHAPTER 57.

PROBATION, PAROLES, AND PARDONS OF CONVICTS.

PROBATION FOR FELONIES.

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57.02 Control of probationers.
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PROBATION FOR FELONIES.

57.01 Suspension of sentence. Whenever any adult is convicted of a felony punishable by imprisonment for a term not exceeding ten years, convictions under section 4587c excepted, and it appears to the satisfaction of the court that such person has never

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before been convicted of a felony, in this state or elsewhere, that the character of the defendant and the circumstances of the case indicate that he is not likely again to commit crime, and that the public good does not require that he shall suffer the penalty provided by law, said court may, except as otherwise provided for by law, by order suspend the judgment or stay the execution thereof and place the defendant on probation, stating therein the reasons for the order, which shall be made a part of the record, and may impose as a condition of making the order or of continuing the same in effect that the defendant shall make restitution or pay the costs of prosecution, or do both. [*Stats. 1917 s. 4734a; 1919 c. 30 s. 5; 1919 c. 615 s. 2*]

57.02 Control of probationers. (1) The state board of control shall furnish the clerk of every court of record in this state exercising criminal jurisdiction with blank forms, setting forth all requirements and conditions used by them in the parole of persons from the state institutions, but amended so as to be applicable to the probation of convicts.

(2) Except as provided otherwise in subsection (3), every defendant placed on probation pursuant to section 57.01 shall be subject to the control and management of the said board under the regulations applying to persons paroled from state institutions after a period of imprisonment therein; and immediately upon the entry of the order of probation the clerk of the court shall certify a copy of the record in the case and deliver the same, to the said board, whereupon the custody of the convict shall vest in the said board.

(3) In all counties having a population of two hundred and fifty thousand or more, the municipal court shall have charge of all persons placed on probation pursuant to section 57.01, instead of the state board of control; and said court shall appoint one chief probation officer, who shall be a resident of said county, at a salary of not less than fifteen hundred dollars per annum and such necessary expenses as may from time to time be allowed by the county board, to be paid as other county officers are paid. Said probation officer shall be an officer of said court and subject to its control, shall have power of arrest, and shall execute all orders of the court affecting such probationers. The county board shall provide quarters and stationery for the use of said chief probation officer and may, from time to time, provide for and fix the salaries of additional probation officers, who shall be subordinate to said chief probation officer. Said chief probation officer shall report to the court as provided in subsection (4) of section 57.04 and the clerk of the court shall transmit a copy of such reports to the state board of control. [*Stats. 1917 s. 4734c, 4734d, 4734e, 4734m; 1919 c. 30 s. 5; 1919 c. 615 s. 3*]

57.03 Recommitment on violation of probation; discharge. (1) Whenever it appears to the board of control that any such probationer in its charge has violated the regulations or conditions of his probation, the said board may, upon full investigation and personal hearing, order him to be brought before the court for sentence upon his former conviction, which shall then be imposed without further stay, or if already sentenced to any penal institution, may order him to be imprisoned in said institution, and the term of said sentence shall be deemed to have begun at the date of his first detention at such institution. A copy of the order of the board shall be sufficient authority for the officer executing it to take and convey such probationer to the court or to the prison; but any such officer may, without order or warrant, whenever it appears to him necessary in order to prevent escape or enforce discipline, take and detain the probationer and bring him before the board for its action.

(2) Whenever, in the judgment of the board the probationer has satisfactorily met the conditions of his probation, he shall be discharged from further supervision, and said board shall issue to him a certificate of final discharge; but the period of probation shall not be less than the minimum nor more than the maximum term for which he might have been imprisoned. [*Stats. 1917 s. 4734g, 4734h; 1919 c. 30 s. 5; 1919 c. 615 s. 5*]

PROBATION IN OTHER CASES.

57.04 Probation for misdemeanors and desertion. (1) When any adult is convicted in any court of record of a misdemeanor or of any violation of section 4587c the court, in its discretion, may by order suspend the judgment or stay the execution thereof and place the defendant on probation for such period of time, not exceeding the maximum penalty prescribed, and upon such terms and conditions, including the payment of any fine imposed, as it shall determine, so that the defendant may be given the opportunity to pay the fine, if one is imposed, within a reasonable time. Upon payment of the fine the judgment shall be satisfied and the probation cease.

(2) In such case the court shall by said order place the probationer in charge of the state board of control or designate some suitable person to act as probation officer who

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shall be entitled to necessary expenses in the performance of his duties, to be paid out of the county treasury the same as other court expenses, and, for causes hereinafter named, may, without warrant or other process, or upon the order of the court, at any time until the final disposition of the case, take the probationer and bring him before the court; and thereupon, if the court shall have reason to believe from the report of the probation officer, or otherwise, that the probationer has violated or is violating the conditions of his probation, or is engaging in criminal practices, or has formed improper associates, or is leading a vicious life, it may revoke such probation and pronounce sentence on the former conviction, or if sentence has been pronounced, issue commitment on the sentence or judgment without deduction of the period of probation.

(3) The court may at any time after such revocation of probation again stay further execution on any terms and conditions which it could have imposed originally; and may, whenever the ends of justice shall be subserved thereby, and the good conduct and reform of the probationer shall warrant it, terminate the period of probation and discharge him from custody; but in all cases, if the court has not revoked the probation, or discharged the probationer, he shall at the end of the term of probation be discharged from custody, and said judgment or sentence be deemed fully satisfied.

(4) Each probation officer appointed under this section shall report to the court appointing him at least once each month, and at such other times as may be designated by the court, concerning the conduct of the probationer in his charge. The necessary blanks for such reports shall be supplied by the state board of control.

(5) Whenever any person is placed on probation under this section, the clerk of the court shall immediately mail to the state board of control certified copies of the information or indictment, the plea, the sentence or judgment, the order for probation, and, from time to time thereafter, each report of the probation officer; and shall receive for such services the compensation provided by law for certifying copies of papers in his custody, which shall be paid out of the treasury of the county in which the probationer was convicted. [*Stats. 1917 s. 4734j, 4734k, 4734n; 1919 c. 30 s. 5; 1919 c. 615 s. 6*]

57.05 Probation of minors. (1) If any minor other than delinquent children as defined in section 48.01 be found guilty of any misdemeanor, or be convicted the first time of a felony for which the prescribed penalty does not exceed ten years, the court in its discretion may suspend sentence and place such minor under the guidance and control of the state board of control as in the case of an adult, or of some adult person who shall have consented in writing to become responsible for the good behavior of such minor for such period of probation not exceeding the maximum penalty prescribed as the court shall fix; and the court may require as a condition of the making or continuing in effect of the order, the payment of costs or the making of restitution, or both, in the court's discretion.

(2) Such minor may be returned to such court on the original charge for sentence, at any time within such period of probation; and upon the expiration of such period, he may be sentenced, discharged, or continued under probation for an additional period to be then fixed by the court, subject to like return, discharge, sentence, or further probation thereafter. [*Stats. 1917 s. 4725a, 4734b; 1919 c. 30 s. 1, 2; 1919 c. 615 s. 7; 1921 c. 194*]

PAROLE OF PRISONERS.

57.06 Paroles from the state prison and the Milwaukee house of correction. (1) The board of control, with the approval of the governor, may, upon ten days' written notice to the district attorney and judge who participated in the trial of the prisoner, parole any prisoner convicted of a felony and imprisoned in the state prison or in the house of correction of Milwaukee county who, if sentenced for less than life, shall have served at least one-half of the term for which he was sentenced, not deducting any allowance of time for good behavior, or who, if sentenced for life, shall have served thirty years less the diminution which would have been allowed for good conduct, pursuant to law, had his sentence been for thirty years.

(2) No such prisoner shall be paroled until it shall appear, to the satisfaction of said board, that some suitable employment has been secured for him; and the paroled prisoner, shall at least once each month render a written report to said board giving such information as may be required by the board, which shall be approved by the person in whose employment the prisoner may be at the time.

(3) Every such paroled prisoner remains in the legal custody of the state board of control and may at any time, on the order of the board, be reimprisoned in said prison or said house of correction; and shall be reimprisoned whenever found exhibited in any show or exhibition. A certified copy of said order shall be sufficient authority for any

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officer executing it to take and convey the prisoner to the institution from which he was paroled, and all officers shall execute such order in the same manner as a warrant for arrest, but any such officer may, without order or warrant, whenever it appears to him necessary in order to prevent escape or enforce discipline, take and detain the prisoner and bring him before the board for its action. [*Stats. 1917 s. 4960c—1 to 4960c—7; 1919 c. 615 s. 8*]

57.07 Paroles from other penal institutions. (1) The state board of control may parole any inmate in the state reformatory, industrial home for women, industrial school for boys, or industrial school for girls, whenever suitable employment has been secured for such inmate, and his past conduct for a reasonable time has satisfied said board that he will be law abiding, temperate, honest, and industrious.

(2) Every such paroled inmate remains in the legal custody of said board, and may be returned to the institution from which he was paroled, in the manner prescribed in subsection (3) of section 57.06. [*Stats. 1917 s. 4944j, 4944—o sub. 4, 5, 6; 4964, 4969, 4970—4; 1919 c. 615 s. 9*]

57.075 Probationers' fund. The state board of control shall create a revolving fund out of any moneys in its hands belonging to persons who have been placed on probation, and who have violated their contracts and absconded, or who may in the future violate their contracts and abscond, or whose whereabouts is, or may become, unknown. Said funds shall be used to defray the expenses of clothing or other necessaries, and for transporting probationers who are without money or other means to secure the same; provided that all payments made from such funds shall be re-collected from such probationers for whose benefit they are paid whenever collection thereof is possible; and provided further that any moneys belonging to any absconding probationers so paid into the said revolving fund shall be repaid to such probationers in accordance with law, with interest at three per cent, in case a lawful claim therefor is filed with said board of control showing the legal right of the claimant to such money. [*1919 c. 454 s. 4; 1919 c. 671 s. 37*]

PARDONS.

57.08 Applications for pardon; regulations. All applications for pardon of any convict serving sentence of one year or more, except for pardons to be granted within ten days next before the time when the convict would be otherwise entitled to discharge pursuant to law, shall be made and conducted in the manner hereinafter prescribed, and according to such additional regulations as may from time to time be prescribed by the governor. [*Stats. 1917 s. 4855, 4861, 4864; 1919 c. 615 s. 10*]

57.09 Notice of application. Notice of such application, stating the name of the convict, the crime of which he was convicted, the date and term of his sentence, the place of his imprisonment, and the date when the application will be filed with the governor, shall be served upon the judge and the district attorney, if they can be found, who participated in the trial of the convict, at least three weeks before the hearing of the application and shall be published at least once each week for two successive weeks before such hearing in some newspaper of general circulation in the county where the offense was committed, or, if there be no such newspaper such notice shall be posted in a conspicuous place on the door of the courthouse of such county for three weeks before such hearing and published once each week for two consecutive weeks before such hearing in some newspaper published in an adjoining county. [*Stats. 1917 s. 4856; 1919 c. 615 s. 11; 1921 c. 389*]

57.10 Application papers. Each such application shall be accompanied by the following papers:

(1) The notice of application, with acknowledgments or affidavits showing due service and affidavits showing due publication thereof, and of its posting whenever required by law.

(2) A certified copy of the whole record, including docket entries, the indictment or information, pleas, transcript of the testimony, and all other papers on file in the court relating to the case.

(3) A full verified statement by the applicant of all the facts and reasons upon which the application is based.

(4) Written communications from the judge and the district attorney who participated in the trial of the convict, if such can be obtained, indicating their views regarding the application and stating briefly any circumstances within their knowledge in aggravation or extenuation of the guilt of the convict.

(5) If the convict was sentenced for the crime of murder, a recommendation of the judge in office when the application is made in the circuit where the trial was had.

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(6) A certificate of the warden or keeper of the prison where such convict shall have been confined showing whether or not the convict has, during his confinement, conducted himself in a peaceful and obedient manner. [*Stats. 1917 s. 4857; 1919 c. 615 s. 13*]

57.11 Conditional pardon. (1) Whenever, in any case, the governor has granted a pardon upon conditions, or with restrictions or limitations, he may issue his warrant or warrants for carrying into effect such conditional pardons, which warrants shall be obeyed and executed in lieu of the sentence.

(2) Whenever it shall appear to the governor that the convict to whom such pardon has been granted has violated or failed to comply with any such conditions, restrictions, or limitations, during the term of his sentence, he may issue his warrant, directed to the sheriff of any county, commanding said sheriff to arrest such convict and bring him before the governor; and the sheriff shall execute such warrant without delay.

(3) If, upon inquiry it shall further appear, to the satisfaction of the governor, that such convict has so violated or failed to comply with any of such conditions, restrictions or limitations, he may issue his warrant remanding such convict to the institution from which he was discharged, who shall thereupon be confined therein until the expiration of his sentence; otherwise he shall be discharged, subject to such conditional pardon. [*Stats. 1917 s. 4859, 4862, 4863; 1919 c. 615 s. 14*]

57.115 Temporary release from confinement. Whenever an emergency exists which, in the opinion of the governor makes it advisable, the governor may permit the temporary removal of a convict from confinement for such period and upon such conditions as he may determine. [*1921 c. 389*]

57.12 Execution, return, and record of warrants. Whenever any convict is pardoned or his punishment commuted, or whenever he shall be remanded to imprisonment for the violation of any of the conditions, restrictions, or limitations of his pardon, the officer to whom the warrant for that purpose is issued, after executing the same, shall make return thereon, to the governor as soon as may be; and shall also file with the clerk of the court in which the offender was convicted an attested copy of the warrant and return, who shall enter and file the same with the records of the case. [*Stats. 1917 s. 4860; 1919 c. 615 s. 15*]

CHAPTER 58.

PRIVATE ASYLUMS, HOSPITALS AND SOCIETIES.

58.01 Private institutions for orphans, indigents and delinquent children.
58.02 Home finding corporations.
58.03 License of home finding agencies.
58.04 Maternity homes and baby farms; license, inspection and reports.
58.05 Private institutions for the insane and feeble-minded.
58.06 Private tuberculosis sanatoriums.
58.07 Humane societies.

58.01 Private institutions for orphans, indigents and delinquent children. (1) Any corporation organized for the establishment and maintenance of any hospital, asylum or other institution for the care, maintenance and education of orphan children, or for the care and relief of sick, infirm, indigent or homeless persons, or for any similar charitable purpose may receive all such persons as shall be lawfully committed thereto or placed therein, and shall have and maintain the custody, care and control of such persons until lawfully discharged.

(2) Any corporation organized for the establishment and maintenance of any industrial school for the keeping and reformation of children lawfully committed to the same may receive any child lawfully committed thereto or placed therein and shall thereafter have and maintain the exclusive custody, care and guardianship of every such child for the term of commitment or until discharged according to law, and any regular commitment, consent or order shall be full authority to all the corporate agents and servants therefor.

(3) Every such corporation may contract with any person, parent, guardian, or municipality responsible therefor, for the maintenance, care and education of every such inmate, or recover a reasonable price therefor, if no contract be made, not exceeding the amount fixed by its by-laws or regulations.

(4) Every such corporation shall cause all such children, and all other persons if so required by contract or by the terms of the commitment, to be instructed in such branches of useful knowledge as may be suited to their respective years and capacities; and all female inmates shall especially be taught domestic avocations, sewing, mending, knitting and housekeeping in all its departments, besides the common branches of education.

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(5) Any clergyman of good standing shall be granted reasonable facilities, at proper times and places, freely to minister and impart moral and religious instruction, according to the usages of his church or denomination, to every inmate of such institution belonging to such church or denomination, or who shall desire him so to do.

(6) The officers designated therefor by the by-laws of such corporation may at any time discharge any adult inmate when, in their discretion, it is for his interest or the interest of the corporation, or any such child when in their judgment it is for his best interest; or may at any time return or bring any such child to the juvenile or county court for disposition as provided by law, or may give away for adoption or bind out as an apprentice or servant, any such child during its minority; and the provisions of chapter 110 shall apply to such minors so bound, the officers binding him and the person to whom bound. [*Stats. 1917 s. 1785, 1786; 1919 c. 616 s. 2*]

58.02 Home finding corporations. (1) Any corporation organized for the purpose of seeking out and receiving orphans or homeless, abandoned, neglected or grossly ill-treated children and of procuring homes in families for them may receive into its charge and under its control any neglected or dependent child, as defined in section 48.01, or any child assigned to its care and custody by an instrument in writing, executed by its parent or some person standing in place of such parent.

(2) Every such corporation is hereby constituted the legal guardian of all children committed to or received by it; may consent to the adoption of any such child by any person in the same manner and with the same force and effect as such consent could be given by its parent; and may enter into a written contract with any person who shall take or receive any such child otherwise than by adoption, which contract shall provide for the proper care, education and maintenance of such child during its minority and specify the amount to be paid to it at the expiration of the contract; but such contract shall not contain any provision of a sectarian or partisan nature regarding the care, custody or education of the child.

(3) Subsections (3) and (4) of section 48.20 shall apply to every such corporation.

(4) Such corporation shall not in any case charge or receive from the person adopting any child any compensation therefor except the actual expense of taking such child to the home of such person and a reasonable fee for preparing and furnishing the papers and documents necessary to secure the legal adoption of such child; and in no case shall any person adopting any such child receive from such corporation any compensation for the care, clothing or medical attendance of such child if it shall be returned to the corporation.

(5) Such corporation shall keep and maintain careful supervision of all children placed in homes as aforesaid, and require of every person who takes any such child, otherwise than by legal adoption a full report of its condition and welfare, at least once a year; and the corporate officers and agents may, as often as they deem necessary, visit all such persons and families and investigate the condition and welfare of any child taken by adoption or otherwise. Whenever such corporation shall become satisfied that any such child is subjected to vicious or harmful influences or seriously lacks wise and considerate care and attention, it may require the return of such child to its care and custody at its principal office at the expense of the person required to return the same. [*Stats. 1917 s. 1786b, 1786c; 1919 c. 616 s. 3*]

58.03 License of home finding agencies. (1) No individual other than the parent or legal guardian of the child, and no agency, association or corporation shall, until duly constituted legal guardian and duly licensed therefor as hereinafter provided, place in any family with or without contract or give away by adoption any neglected or dependent child as defined in section 48.01.

(2) Upon application by any individual, agency, association or corporation, to the state board of control and upon satisfactory proof made to said board that the applicant is in all respects qualified to engage in the work of finding homes for children, giving them away by adoption, or placing them in families with or without contract during their minority, said board may, upon payment of a fee of five dollars therefor, issue to said applicant an annual license to engage in said business. Each such license shall bear date the first Tuesday of June and shall be in force for one year next thereafter, but shall not be transferable and may be revoked by said board at any time upon thirty days' notice to the licensee and due hearing, when in the opinion of said board the licensee is not in all respects qualified to continue in said business.

(3) Every such licensee shall report to said board whenever required such facts with reference to all children committed to his care and custody upon such blanks as it may prescribe; and the board may investigate the home in which any such child is placed. If the board shall at any time determine that any such child is placed in an improper home,

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or is subjected to vicious and harmful influence, or is not properly cared for, it may order the licensee to transfer the child to a proper home, and if such transfer is not made within thirty days next thereafter the board may take charge of and make suitable provision for the child. [*Stats. 1917 s. 1786d, 1786d—1 sub. (1), (2), (3); 1919 c. 616 s. 4*]

58.04 Maternity homes and baby farms; license, inspection and reports. (1) Every individual, firm, association, or corporation, owning, keeping, conducting or managing any institution or home for the boarding or sheltering of infant children, or so-called "Baby Farm," or any lying-in hospital, hospital ward, maternity home or other place for the reception, care and treatment of pregnant women, shall obtain an annual license which shall be issued by the state board of health without fee, shall not be transferable to other persons or other premises, and shall expire on the thirty-first day of December next following the issuance; but said board may revoke any such license for reasonable cause. The application for such license shall state the name and address of the licensee, the specific location of the building used, and the number of inmates which may be boarded there at one time, and shall be approved by the local health officer. No greater number of inmates shall be housed at one time in the building than is authorized by the license, and no pregnant woman or infant shall be kept in a building or place not designated in the license. A record of licenses issued shall be kept by the state board of health.

(2) Whenever any such license is issued, the board shall forthwith give notice of the granting and terms thereof to the local health officer, who shall keep informed of the nature and reputation of every such institution in his jurisdiction, and shall visit and inspect the same from time to time, and for such purposes shall at all reasonable hours be given free and unrestricted access to such institution.

(3) Every such licensee shall report to the local health officer, within twenty-four hours next after it occurs: The birth of any child, including stillborn or prematurely born children, at such institution; the arrival of any child, stating the name, sex, age and color, and from whom received; and the removal of any child, stating its name, age, and the disposition made of it. [*Stats. 1917 s. 1542a to 1542e, 1542g; 1919 c. 616 s. 5*]

58.05 Private institutions for the insane and feeble-minded. (1) The articles of organization of any corporation organized under the laws of this state for the establishment and maintenance of any hospital, asylum or other institution for the care, treatment or relief of insane or feeble-minded persons, or both, may contain provisions authorizing it to receive general, special, permanent or temporary endowments and to secure the repayment of the same in accordance with the terms and conditions upon which they may be made by a mortgage upon its real or personal property, or both, or otherwise, in the manner in such articles provided.

(2) Any insane or feeble-minded person may, upon the written request of his guardian, be committed to any such hospital, asylum or institution in the manner insane persons are committed to the state hospitals for the insane; but the county in which such person resides shall be liable for his support, maintenance and treatment only when he has been committed upon the request of the county board thereof, and such hospital, asylum or institution shall not be required to keep, care for or treat any insane or feeble-minded person longer than his guardian or friends or the county from which he shall have been committed shall defray the expenses of his care and treatment. Any person may voluntarily place himself in such hospital, asylum or institution for care and treatment.

(3) If at any time complaint is made to the state board of control that any person is improperly confined in any such hospital, asylum, or institution, the board shall examine into the case in such manner as it deems best; and if it shall appear to the board that such person is improperly confined it shall order his immediate release, and thereupon such person shall be released. The corporation owning or maintaining any such hospital, asylum or institution shall not, nor shall any officer or employe thereof, be liable for the detention of any person duly committed or detained at the request of his guardian or friends or of any county board unless such person shall have been detained after the state board of control shall have ordered his release or after a court or judge shall have directed his discharge; and such liability shall exist only for such detention as shall have occurred after the service of a copy of the order of such board, court or judge upon the superintendent or other officer in charge of such hospital, asylum or institution.

(4) Any letter, communication or complaint addressed to such board or to any member thereof by any inmate, employe or subordinate officer in any such hospital, asylum or institution shall be forthwith forwarded as addressed without interference therewith, breaking of the seal or reading thereof by any officer or employe therein.

(5) Every such corporation shall, on or before the first day of each July make a report to the state board of control for the preceding year, which shall be in form and sub-

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stance as required by said board and be verified by the president of such corporation or the superintendent or other officer having charge of such hospital, asylum or institution.

(6) Every such corporation that shall receive nonresident patients into such hospital, asylum or institution for care, treatment or relief shall execute to this state and file in the office of the secretary of state a bond in such sum and with such surety or sureties as the governor shall determine and approve, conditioned to indemnify the state and every municipality therein against expense in case any such patient shall become a pauper in this state. When any nonresident patient shall have been discharged from such hospital, asylum or institution and shall leave this state all liability of such corporation upon its bond on account of such patient shall thereupon cease. [*Stats. 1917 s. 1786a; 1919 c. 616 s. 7*]

58.06 Private tuberculosis sanatoriums. Any fraternal or mutual benefit society organized for the sole purpose of providing disability benefits in cases of tuberculosis may purchase or lease the necessary lands and buildings for the operation of a tuberculosis sanatorium or sanatoria for the benefit of its members. Whenever the sanatorium facilities are not all needed for the treatment of members, nonmembers of the society may be admitted to any such sanatorium upon payment of at least the cost of maintenance and treatment, which payments shall be placed in the funds of the society. [*Stats. 1917 s. 1957 sub. 10; 1919 c. 616 s. 8*]

58.07 Humane societies. (1) The superintendent or other chief officer of any humane society, upon approval of his appointment by the governor, is vested with the powers of a police officer and constable, and may exercise the same throughout the state.

(2) Any agent of any such society, appointed for the purpose of aiding in the enforcement of the laws for the prevention or punishment of cruelty to animals, children, women, aged or dependent people or criminals in any municipality, and whose appointment as such shall have been approved by the governor, is vested for that purpose with the powers of a police officer and constable in such municipality.

(3) The authority of any such superintendent or agent shall be evidenced by the governor's certificate of approval; and all police officials shall co-operate with him in the exercise of his functions.

(4) Such superintendent or agent shall not be entitled to any compensation for his services, except as provided in subsection (5); but shall be paid witness fees and mileage and expenses for the transfer of any child committed to the state industrial schools or the state public school at the rate and in the manner other officers are paid in like service.

(5) Any county, city, or village may appropriate for the maintenance and support of such societies in the prosecution within their respective boundaries of the work for which they are organized any sum of money deemed needful; but the aggregate of all such appropriations in any county shall not exceed twelve hundred dollars in any one year. Each county may, in addition thereto, appropriate and pay to one authorized and active agent of any such society such salary as the county board may fix. [*Stats. 1917 s. 1636k, 1636o; 1919 c. 616 s. 9*]

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TITLE VIII.

Functions and Government of Municipalities.

CHAPTER 59.

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59.01 Body corporate. Each county organized in this state is a body corporate, empowered to sue and be sued, to purchase, take and hold real and personal estate for public uses, including lands sold for taxes, to sell and convey the same, to make such contracts and to do such other acts as are necessary and proper to the exercise of the powers and privileges granted and the performance of the duties charged upon it by law, and shall so continue until altered by law. [*Stats. 1917 s. 650; 1919 c. 695 s. 3*]

59.02 Powers how exercised; direct legislation. (1) Except as provided in subsection (2) of this section, the powers of a county as a body corporate can only be exercised by the county board thereof, or in pursuance of a resolution or ordinance adopted by such board.

(2) Ordinances and resolutions may be adopted by any county board by a majority vote when a quorum is present, or by such larger vote as may be required by law in special cases; also in the special manner provided for cities by section 10.43, which section is applicable to counties. [*Stats. 1917 s. 652, 670m; 1919 c. 695 s. 4, 5*]

COUNTY BOARD.

59.03 County boards; composition; election; terms; substitutes; compensation; compatibility. The boards of supervisors of the several counties classified according to population as shown by the last preceding state or United States census, shall be composed of representatives from within the county elected and compensated as follows:

(1) SPECIAL COUNTIES. In each county having a population of at least two hundred and fifty thousand:

(a) *Composition.* Of a supervisor from each assembly district therein elected by the electors of said district.

(b) ELECTION; TERM. At the election held on the first Tuesday in April, 1922, one supervisor from each even-numbered assembly district shall be elected for a term of two years. Thereafter, beginning with the election held on the first Tuesday in April, 1924, all supervisors shall be elected for terms of four years at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms. The supervisors elected prior to the election in 1924 shall be elected from and represent the assembly districts as the same existed on the first day of June, 1921.

(c) *Compensation.* Each such supervisor shall be paid out of the county treasury fifteen hundred dollars per annum, except the chairman of the board who shall be paid eighteen hundred dollars. They shall receive no further compensation for services rendered in their official capacity.

(2) OTHER COUNTIES. In each county containing less than two hundred fifty thousand population:

(a) *Composition.* Of the chairman of the town boards of the several towns therein.

(b) *Same.* Of a supervisor from each city ward or part of city ward in the county.

(c) *Same.* Of a supervisor from every incorporated village or part of such a village in the county.

(d) *Election; terms.* A supervisor for a part of a city ward or a part of an incorporated village in the county shall be elected by the electors of such part of ward or village at the same time and in the same manner that city and village officers are elected.

(e) *Substitutes.* If from sickness or other cause the chairman of any town board is unable to attend any meeting of the county board, either of the other two members of the town board, to be designated by themselves (and if they disagree they shall decide by lot), shall attend such meeting and act as a member of the county board, but he shall not be permitted to so act until the town clerk certifies to the county clerk that he was designated therefor.

(f) *Compensation.* Each member of the county board, of each county to which this subsection is applicable, subject to the limitations herein provided, shall be allowed and paid by the county a compensation for his services and expenses in attending the meet-

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ings of the board at the rate of four dollars per day for the time he actually attends, excepting Sundays, and six cents for each mile traveled in going to and returning from the place of meeting by the most usual traveled route; but any county board may at its annual meeting, by resolution, fix the compensation of the members of such board to be elected at the next ensuing election, at any sum not exceeding five dollars per day. No per diem allowance shall be made for any time occupied in travling, where mileage is allowed therefor, except when on account of distance or lack of train service a member cannot attend the opening session of any county board meeting without leaving his home on the day preceding such session, or when for either of said causes he cannot return to his home until the day following the adjournment of such meeting, he may, in the discretion of the county board, be allowed and paid a per diem for such time, in addition to the time for which he can draw pay as provided for in this section, and such days shall not count as part of the limited number of days' attendance herein referred to. No supervisor in counties containing fifteen thousand population or less shall be paid for more than fifteen days' attendance on the county board in any one year and no supervisor in any other county to which this subsection is applicable shall be paid for more than twenty days of such attendance, except, in either case, for services as a member of a committee as provided in section 59.06.

(3) COMPATIBILITY. No county officer of any county or deputy of any such officer, or undersheriff, is eligible to the office of supervisor, but a county supervisor may also be a member of the common council of the city or of the board of trustees of the village in which he was elected or appointed. [*Stats. 1917 s. 662, 663, 663a, 695; 1919 c. 59; 1919 c. 362 s. 33; 1919 c. 494; 1919 c. 695 s. 11 to 14; 1919 c. 702 s. 54; 1921 c. 238; 1921 c. 527*]

59.04 Meetings; adjournment; quorum; absentees. (1) Every county board shall meet on the Tuesday next succeeding the second Monday of November in each year at the county seat for the purpose of transacting business as a board of supervisors. Such meeting may be adjourned by the county clerk, upon the written request of a majority of the members of such board, to such a day as is designated in such request, but not less than one week nor more than three weeks from the said Tuesday next succeeding the second Monday of November. Upon such adjournment being made, such clerk shall give each member of the board written notice of the time to which the annual meeting has been adjourned.

(2) A special meeting of any county board shall be held only upon a written request of a majority of the members thereof addressed and delivered to the county clerk, and specifying the time and place of such meeting. The time shall not be less than one week from the delivery of such request to the clerk. Upon receiving such request the county clerk shall forthwith mail to each member of the board notice of the time and place of such meeting. Any special meeting may be adjourned from time to time by a vote of a majority of all the members of the board.

(3) A majority of the supervisors entitled to a seat in the county board shall constitute a quorum for the transaction of business. All questions shall be determined by a majority of the supervisors present unless otherwise provided.

(4) Every county board shall sit with open doors, and all persons conducting themselves in an orderly manner may attend. If any member of the board absents himself from any meeting of the board without good cause or without being first excused by the board, the chairman is authorized to issue a warrant requiring the sheriff or some constable of the county forthwith to arrest such member and bring him before the board. The expenses of such arrest shall be deducted from the pay of such member unless otherwise directed by the board. [*Stats. 1917 s. 664, 665, 666; 1919 c. 695 s. 16, 17, 18*]

59.05 Chairman; vice chairman; powers and duties. (1) The county board, at the first meeting after each regular election at which members thereof are elected for full terms, shall elect one of their number chairman. A person so elected shall perform all duties required of the chairman until the county board elects his successor. The chairman may administer oaths to persons required to be sworn concerning any matter submitted to the board or a committee thereof or concerning any matter connected with their powers or duties. He shall countersign all county orders and all ordinances of the county board, and shall preside at all meetings when present.

(2) The board at the time of the election of chairman shall also elect one of their number vice chairman for the same term, who, in case of the absence, disability or death of the chairman shall perform the duties of his office.

(3) In case of the absence of a chairman for any meeting the members present shall choose a temporary chairman. [*Stats. 1917 s. 667, 667a; 1919 c. 695 s. 19*]

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59.06 Committees; appointment; compensation. (1) Any county board may, by resolution designating the purposes and prescribing the duties thereof and manner of reporting, authorize their chairman to appoint before the first day of November in any year a committee or committees from the members of the county board elect, and the committees so appointed shall perform the duties and report as prescribed in such resolution.

(2) The members of such committee shall receive such compensation for their services as the county board shall allow, not exceeding the per diem and mileage allowed to members of the county board. No supervisor shall be allowed pay for committee service while the board is in session, nor for mileage except in connection with services performed within the time herein limited. The number of days for which compensation and mileage may be paid a committee member in any one year, except members of committees appointed to have charge of the erection of any county buildings, and except as otherwise provided by law, are limited as follows:

(a) In counties containing less than twenty-five thousand population, according to the last preceding state or United States census, to twenty days in the aggregate, not more than ten days of which shall be for services on any one committee.

(b) In other counties, to thirty days in the aggregate for services on one or more committees. [*Stats. 1917 s. 668; 1919 c. 695 s. 20*]

59.07 General powers of board. The county board of each county is empowered at any legal meeting to:

(1) Make such orders concerning the corporate property of the county as they may deem expedient.

(2) Make such leases, contracts or other conveyances in relation to lands acquired for public purposes as in their discretion are in the interest of the public welfare.

(3) Examine and settle all accounts of the receipts and expenses of the county, examine, settle and allow all accounts, demands or causes of action against such county, and when so settled to issue county orders therefor as provided by law.

(4) Build and keep in repair the county buildings and cause the same to be insured in the name and for the benefit of the county, and in case there are no county buildings, to provide suitable rooms for county purposes.

(5) Apportion and order the levying of taxes as provided by law, and direct the raising of such sums of money as may be necessary to defray the county charges and expenses and all necessary charges incident to or arising from the execution of their lawful authority.

(6) Represent the county and have the care of the county property and the management of the business and concerns of the county in all cases where no other provision is made.

(7) Prescribe the form and manner of keeping the public records of the county in any county office and the accounts of the several county officers; and provide all books, stationery, blanks, safes, furniture, telephone service, fuel and lights necessary for the discharge of official business in the offices of the county clerk, clerk of the circuit court, register of deeds, treasurer, sheriff, county judge, and in counties having a population of two hundred fifty thousand or more, of the county surveyor.

(8) Provide an official seal for the county and for the several county officers required by law to have one; and also for the circuit and county courts, with such inscription and devices as said courts shall respectively require. The official seals of the several county boards now in use shall be deemed to be the official county seals of the several counties respectively until others are provided.

(10) Fix and regulate from time to time the fees or compensation of officers and magistrates for services performed in all prosecutions for vagrancy or under the laws concerning tramps, intoxication in a public place, indecent exposure of the person or disorderly conduct, except when the prosecution for any such offense is brought under a city or village charter or ordinance; and no greater compensation than is so fixed shall be recovered.

(11) Enact ordinances or by-laws regulating traffic of all kinds on any highway, except street or interurban railways, in the county which is maintained at the expense of the county and state, or either thereof; declare and impose forfeitures, and enforce the same against any person for any violation of such ordinances or by-laws; provide fully the manner in which forfeitures shall be collected; and provide for the policing of such highways and to provide for what purposes all forfeitures collected shall be used.

(12) Procure transcripts or abstracts of the records of any other county affecting the title to real estate in such county, and such transcripts or abstracts shall be prima facie evidence of title except as is provided in section 4151*b*, when the records there provided for shall have the effect expressed in said section.

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(13) Appropriate to any school district in which a county farm or any part thereof is situated, an amount of money for school purposes equal to the amount that would be paid as school taxes upon such farm land or part thereof situated within such district if such land were privately owned. The valuation of such farm land shall be determined by the county board of equalization.

(14) Provide, by contract or otherwise, for lighting of improved highways maintained by the county or the construction of which has been aided by the county or state, and of bridges located thereon.

(14a) (a) To furnish upon the petition of any five reputable freeholders of any township or municipality in their county some suitable and appropriate metal marker for the grave of each and every soldier, sailor, or marine who served with honor in the forces of the United States, buried within the limits of said township or municipality, to be placed upon the grave of such soldier, sailor or marine for the purpose of permanently marking and designating said grave for memorial purposes.

(b) In all petitions to the board of county supervisors, the petitioners shall state in said petition the names of soldiers, sailors, or marines buried and the number of such graves in their said township or municipality at the time of making the petition.

(15) Appropriate such sum or sums as they shall deem just and proper to the family of any sheriff or his deputies who shall have been heretofore or who may hereafter be killed while in the discharge of his or their official duties.

(16) In counties having a population of two hundred fifty thousand or more, regulate, by ordinance, the maintenance and construction of billboards and other similar structures on premises abutting on highways maintained by such counties, so as to promote the safety of public travel thereon.

(17) To appropriate money for the control of insect pests, weeds, or plant or animal diseases within the county. The county clerk shall within ten days notify the commissioner of agriculture at the state capitol of such appropriation, and said commissioner shall co-operate with the county and shall provide technical assistance and direction for the expenditure of such funds.

(18) Perform all other acts and duties which may be authorized or required by law. [*Stats. 1917 s. 669 sub. (1) to (8), (11), (11a), (13), (14), (15), (15a), 670 sub. (13), (14), (16), (18), (19), (22), (25), (27); 1919 c. 79, 86, 204, 240, 641; 1919 c. 695 s. 21, 34 to 37, 39, 40, 40a; 1919 c. 702 s. 32, 33; 1921 c. 112 s. 1; 1921 c. 396 s. 25; 1921 c. 422 s. 19; 1921 c. 576 s. 5; 1921 c. 590 s. 44*]

59.08 Special powers of board. In addition to the general powers and duties of the several county boards enumerated in section 59.07 special powers are conferred upon them, subject to such modifications and restrictions as the legislature shall from time to time prescribe, to:

(1) Set off, organize, vacate and change the boundaries of the towns in their respective counties, designate and give names thereto, fix the time and place of holding the first town meeting therein, and make all necessary orders for the preservation of the records and papers of any town which may be vacated, but no town shall be vacated unless a majority of all the members entitled to seats in the county board shall so decide; and no county board, except in the counties of Ashland, Barron, Bayfield, Burnett, Douglas, Juneau, Marathon, Oconto, Polk and Shawano, and except as provided in section 60.05 shall set off, establish or organize any town that at the time of being so set off and organized does not contain a population of at least one hundred and twenty-five inhabitants, at least twenty-five of whom shall have been actual electors of this state and resident within the territory of the proposed new town at least six months prior to the time such organization shall take effect.

(2) Appoint commissioners to act with similar commissioners duly appointed by any other county or counties, and, except as otherwise provided by law, authorize them to lay out or discontinue any road extending through or into their own and one or more other counties, subject to the ratification of the board.

(3) Change the name of any town or village, in their respective counties.

(4) Grant charters to any person to build and maintain toll and free bridges in their respective counties.

(4a) To alter or discontinue any street, slip, or alley in any recorded plat in any town in such county, not within any incorporated city or village, in the same manner and with like effect as provided in sections 61.38 and 61.39.

(5) When any of the special powers and duties conferred by this section upon county boards shall be exercised by the legislature, it shall be a restriction upon the county board so far as the legislature shall exercise such power. All powers conferred upon county boards by this section shall be carried into effect by the enactment of ordinances, which

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shall be in the ordinary form of laws passed by the legislature, and shall commence as follows: "The county board of supervisors of the county of .... do ordain as follows."

(6) The county board may appropriate annually for the benefit of, and pay over to any judge of a juvenile court, appointed or designated in pursuance of the provisions of subsection (1) of section 48.01, a sum of money as compensation for the additional services rendered by such juvenile judge.

(7) Appropriate money for the collection, publication or distribution of war records. All appropriations heretofore made by any county board for such purposes are hereby validated. [*Stats. 1917 s. 670 sub. (1), (2), (5), (7), (10); 1919 c. 618; 1919 c. 695 s. 22, 23, 24, 27, 29, 33; Spl. S. 1919 c. 2; 1921 c. 590 s. 93*]

59.09 Publication of ordinances and proceedings. (1) Whenever any county board passes any ordinance under the provisions of this chapter the county clerk shall immediately cause the same to be published in some newspaper published in such county, and if there is none, then in the paper which he determines has the most general circulation therein; and such clerk shall procure and distribute copies of such paper to the several town clerks, who shall file the same in their respective offices.

(2) Said board shall, by ordinance or resolution, provide for one publication of a certified copy of all its proceedings had at any meeting, regular or special, in one or more newspapers published and having a general circulation therein, said publication to be completed within sixty days after the adjournment of each session. If no such newspaper is published in the county, then such publication shall be made in some newspaper published in an adjoining county and having a general circulation in the county where such meeting was held; but the cost of any such publication under this subsection shall in no case exceed the rate per folio fixed by law for the publication of legal notices.

(3) Said board may at any meeting, regular or special, provide by resolution for the publication in pamphlet form by the lowest and best bidder therefor, of a sufficient and designated number of copies of its duly certified proceedings, for general distribution.

(4) Said board may order public notices relating to tax sales, redemption and other affairs of the county to be published in a newspaper printed in any other than the English language, to be designated in such order, whenever they shall deem it necessary for the better information of the inhabitants thereof, and it shall appear from the last previous census that one-fourth or more of the adult population of such county are of a nationality not speaking the English language, and that there shall have been a newspaper published therein continuously for one year or more in the language spoken by such nationality; but all such notices shall also be published in a newspaper published in the English language as provided by law. The compensation for all such publications shall be paid by the county ordering the same, and shall be the same as that prescribed by law for publication in the English language; and no extra charge shall be allowed for translation in any case. No irregularity, mistake or informality in any such publication shall affect the validity or regularity of any tax sales, redemptions or other legal proceedings.

(5) (a) In counties having a population of two hundred fifty thousand or more, the county board of supervisors, at its annual meeting shall direct the county clerk to invite proposals from the English newspapers published daily in said county, for the publication and printing of the proceedings of said board, and all other notices or advertisements as shall be authorized or required to be published or printed by the said board and all officers, boards and departments of said county, during the next ensuing year, which publications and advertising may be divided and classified if the said board shall so order.

(b) Such proposals shall name a price per folio, or shall name a price per folio per thousand of average daily circulation in such county for the period of six months next preceding the date of such proposals, as shown by the affidavit of an authorized officer or agent of such proponent, or shall name a price for such advertising space as may be required or ordered by said board at any time during the year for which awards shall be made, or, at the option of the proponent, shall include any or all of such separate proposals as aforesaid.

(c) The said board may by resolution suspend the publication of proceedings in newspapers and provide for the printing thereof in pamphlet form until the further action of the board in relation thereto. Separate bids may be called for if so ordered by said board, from printers in the county, for the printing of the proceedings of said county board in pamphlet form in such quantities as shall be determined by said board.

(d) Each bid shall be accompanied by a certificate of the county treasurer that the bidder has deposited with him a United States bond, corporate surety bond or certified check in the sum of five hundred dollars, or the cash deposit of a like amount, conditioned that said bidder will, if successful, enter into a contract as provided in the resolution of said board or invitation for such bids. The county clerk shall on the date named in said

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invitation for bids, in the presence of the committee on printing and stationery of said board, open all such proposals and enter upon his minutes a record thereof, all of which shall be reported to the board at its next meeting, together with the recommendations of said committee. The said board shall thereupon consider such proposals and by its resolution designate and award such advertising and printing to the lowest bidder or to the lower bidder based upon a rate per thousand of average daily circulation in such county, or said board may award such publication and printing to the lowest bidder and also to the lowest bidder per thousand of average daily circulation as aforesaid, or said board may award any division or classification of such publication and printing made under the provisions hereof, to the lowest bidder and award the remaining division or divisions, or classification, to the lowest bidder per thousand of circulation aforesaid. In the event that said board shall elect to print its proceedings in pamphlet form only, the invitation for bids and the award may be made to the lowest responsible bidder, at a rate per folio, or per page, or such other basis as said board shall determine.

(e) Upon the award of the contract, or contracts, the deposits of unsuccessful bidders, and upon execution of proper contracts by successful bidders, the deposits shall severally be returned. The contract, or contracts, shall be accompanied by a good and sufficient bond in such amount as shall be fixed by said board conditional for the faithful performance of such contract.

(f) The said board of supervisors may, in lieu of the foregoing provisions, provide by ordinance, a method of printing and publication of its proceedings and notices, and the method of obtaining bids and contracts therefor.

(g) In any case where it shall be deemed advisable, the county board may provide for further or additional publication of notices in appropriate trade mediums.

(h) The rates provided by section 4275 for legal notices, shall not apply to printing or publications hereunder. [*Stats. 1917 s. 674, 674a, 674c, 675; 1919 c. 695 s. 41, 42, 44, 45; 1919 c. 702 s. 34; 1921 c. 526 s. 1*]

59.10 Neglect of duty. Any supervisor who refuses or neglects to perform any of the duties which are required of him by law as a member of the county board of supervisors, without just cause therefor, shall for each such refusal or neglect forfeit a sum of not less than fifty nor more than two hundred dollars. [*Stats. 1917 s. 697; 1919 c. 695 s. 46*]

COUNTY SEAT.

59.11 Designation; change. (1) The county seat shall be fixed and designated by the county board at the first regular meeting after the organization of any county; and no county seat shall be changed except as provided in this section.

(2) If two-fifths of the legal voters of any county, to be determined by the poll lists of the last previous general election held therein, the names of which voters shall appear on some one of the poll lists of said election, shall present to the county board a petition signed by them asking a change of the county seat to some other place designated in such petition, such board shall submit the question of removal of the county seat to a vote of the qualified voters of the county. Such election shall be held only on the day of the general election, notice thereof shall be given and the same shall be conducted as in the case of the election for officers on that day, and the votes shall be canvassed, certified and returned in the same manner as other votes at such election. The question to be submitted shall be "Shall the county seat of .... county be removed to ....," and the ballots on such question shall be deposited in a separate ballot box.

(3) If a majority of all the votes cast at such election on that subject are in favor of the proposed change, the chairman of the county board shall certify the same, with the attestation of the county clerk, to the governor, who thereupon shall issue his proclamation to that effect and cause the same to be published in the official state paper, and from the date of such publication the place so designated shall be the county seat of such county, and the county board shall not again submit the question of removal within five years.

(4) However, when a county seat has been established in one place for a period of fifteen years or more, and the county has there erected permanent buildings of the value of not less than ten thousand dollars, the county seat shall not be removed, nor shall any application for its removal be submitted to a vote of the electors of the county unless a petition signed by at least one-half of the resident freeholders of the county as evidenced by the recorded deeds in the office of the register of deeds of the county, in favor of such removal, shall first be presented to the county board and filed in the office of the county clerk; and no such election to change any county seat shall be held for a period of five years after the year in which a courthouse or other county building costing three thousand dollars or more was built at the county seat and occupied for county purposes. [*Stats. 1917 s. 654, 655; 1919 c. 695 s. 47, 48*]

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COUNTY OFFICERS.

59.12 Election; terms. A county clerk, treasurer, sheriff, coroner, clerk of circuit court, district attorney, register of deeds and surveyor shall be elected in each county for full terms at the general election held in each even-numbered year. The regular term of office of each such officer shall commence on the first Monday of January next succeeding his election and shall continue two years and until his successor qualifies. [*Stats. 1917 s. 698; 1919 c. 695 s. 49*]

59.13 Official oaths and bonds. (1) Each county officer named in this chapter shall execute and file an official bond and take and file the official oath within twenty days after receiving official notice of his election or appointment, or if not officially notified, within twenty days after the commencement of the term for which he was elected or appointed. Every deputy appointed by any such officer shall take and file the official oath and if he neglects shall forfeit one hundred dollars. Such official bonds shall be in sums and with sureties, as follows:

(a) County clerk, not less than two thousand dollars.

(b) County treasurer, if the bond is furnished by individual sureties, not less than the amount nor exceeding twice the amount of all taxes directed by the county board to be levied therein and to be received by the treasurer during the ensuing year, with three or more sureties; or, if the bond is furnished by a security company, in such sum as is fixed by the county board; but in counties wherein depositories have been designated and have furnished approved bonds, as required by law, the amount of the treasurer's bond shall not exceed the amount of such taxes nor be less than ten per cent thereof in counties having a population of one hundred fifty thousand or more, nor less than twenty per cent of such taxes in other counties.

(c) Sheriff, not less than five nor more than twenty-five thousand dollars, with not less than three sureties.

(d) Coroner, not less than five hundred nor more than ten thousand dollars, with not less than two sureties.

(e) Clerk of the circuit court, not less than five thousand dollars, with two or more sureties.

(f) District attorney, one thousand dollars.

(g) Register of deeds, except in counties containing one hundred fifty thousand population or more, three thousand dollars, with two or more sureties. In counties containing one hundred thousand or more population, not less than three thousand dollars, with two or more sureties, conditioned for the accuracy of his work and the faithful, correct and impartial performance of his duties, and in addition thereto a bond in sum of not less than ten thousand dollars, with two or more sureties, conditioned for the faithful accounting for and paying over to the county treasurer all moneys which may come into his hands as such officer, or into the hands of his deputy or assistants for him.

(h) Surveyor, one thousand dollars.

(i) County abstractor, five thousand dollars, with two or more sureties.

(2) Each such official bond shall be in sum fixed by law; or if not so fixed, in sum fixed by resolution of the county board, within the limitations prescribed by law, if any, at the annual meeting in November prior to the commencement of the term of office of the particular officer. Both the bond and the sufficiency of the sureties thereto shall be approved by a committee consisting of the chairman and not less than two other members of the county board who shall report in writing their action on all bonds.

(3) Each such bond shall be guaranteed by the number of personal sureties prescribed by law, or if not prescribed, by the number fixed by the county board within the limitations, if any, prescribed by law, or by a surety company as provided by section 1966—33. In the case of the county clerk, county treasurer and county abstractor the county board may by resolution require them to furnish bonds guaranteed by surety companies and direct that the premiums therefor, agreed upon between the board and the companies, be paid out of the county treasury.

(4) If it deems the bond of any officer insufficient, the county board may by resolution require him to furnish additional bond in sum to be named in the resolution, not exceeding ten thousand dollars for the register of deeds of any county with a population of less than one hundred fifty thousand, and not exceeding the maximum sum, if any, fixed by law for additional bonds for other officers. [*Stats. 1917 s. 701, 702, 705, 710, 720, 735, 740, 749, 755, 762m, 765; 1919 c. 362 s. 15; 1919 c. 695 s. 51*]

59.14 Offices, where kept; when open. (1) Every sheriff, clerk of the circuit court, register of deeds, county treasurer, register of probate and county clerk shall keep his

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office at the county seat in the offices provided by the county or by special provision of law; or if there be none such, then at such place as the county board directs. He shall keep such office open during the usual business hours each day, Sundays and legal holidays excepted, and with proper care shall open to the examination of any person all books and papers required to be kept in his office and permit any person so examining to take notes and copies of such books, records or papers or minutes therefrom.

(2) If any such officer neglects or refuses to comply with any of the provisions of this section he shall forfeit five dollars for each day such noncompliance continues. Actions for the collection of such forfeiture may be brought upon the complaint of the district attorney of the proper county or of any party aggrieved by such refusal or neglect. [*Stats. 1917 s. 700; 1919 c. 695 s. 52*]

59.15 Compensation; fees; salaries; changes. (1) The county board at its annual meeting shall fix the annual salary for each county officer, including county judge, to be elected during the ensuing year and who will be entitled to receive a salary payable out of the county treasury. The salary so fixed shall not be increased or diminished during the officer's term, and shall be in lieu of all fees, per diem and compensation for services rendered, except the following additions:

(a) Compensation to the sheriff for keeping and maintaining prisoners in the county jail;

(b) Reimbursement to the sheriff in counties containing three hundred thousand or more population, according to the last preceding state or United States census, for expenses actually and necessarily incurred in the performance of his official duties;

(c) Reimbursement to the district attorney of the amount of his expenses actually and necessarily incurred in briefing and arguing criminal cases before the supreme court, as required by subsection (7) of section 59.45, and in traveling within and without his county in the performance of his official duties;

(d) Compensation received by the clerk of the circuit court for work done for the United States government or for congress.

(2) The county board of any newly created county may, at any regular meeting during the term of office of officers appointed therefor, fix the annual salaries of such officers.

(3) The county board may at any time fix or change the number of deputies, clerks and assistants that may be appointed by any county officer and fix or change the annual salary of each such appointee, except that the salaries of the undersheriff and of the register in probate may be changed only at the annual meeting.

(4) Salaries of officers or persons included within the provisions of subsections (1), (2) and (3) fixed by or pursuant to law shall be and remain the salaries of such officers and persons until changed by the county board pursuant to this section.

(5) The county board may at any time change the compensation of any county officer from fees collected and retained by him to a salary, and may fix the annual salary of such officer. However, if such change is made after election or appointment of the officer, the board and such officer shall stipulate in writing the amount of compensation which shall be received and accepted annually by such officer for the remainder of his term as equivalent to the fees or fees and salary to which he was theretofore entitled. The county board of any county wherein such change has been made may at any time change the compensation of any such officer from a salary to fees collected or to part salary and part fees collected; but no change of compensation shall be made during the term for which any such officer was elected or appointed except as provided in this subsection.

(6) Whenever all the fees together of the register are less than five hundred dollars per annum, the county board may, in its discretion, pay him a sum of money which, with the fees received by him, will amount to not to exceed seven hundred dollars per annum.

(7) Any officer who shall receive a salary in lieu of fees shall collect the fees appertaining to the office and turn them over to the county treasurer. He shall keep such books of account as the county board may order showing the fees charged and collected.

(8) When a salary has been fixed for any county officer in lieu of fees such officer shall keep an accurate account of all fees collected by him and pay the same over to the county treasurer. He shall also make a quarterly statement duly verified of all such fees collected and file such statement with the county clerk. [*Stats. 1917 s. 694 sub. (1), (2), (3), (4) par. (a), (b), sub (6), 708, 714, 751, 764b sub (1), (2); 1919 c. 296; 1919 c. 695 s. 53; 1919 c. 702 s. 40; 1921 c. 422 s. 20; 1921 c. 590 s. 10; 1921 c. 9 s. 2*]

COUNTY CLERK.

59.16 Deputies; salaries; temporary vacancies. (1) Every county clerk shall appoint in writing one or more deputies and file such appointment in his office. Such deputy

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or deputies shall aid in the performance of the duties of such clerk under his direction, and in case of his absence or disability or of a vacancy in his office, unless another is appointed therefor as provided in subsection (3), shall perform all the duties of such clerk during such absence or until such vacancy is filled. The county board may in its discretion, at any meeting, provide a salary for such deputy or deputies.

(2) In each county having a population exceeding one hundred and fifty thousand according to the last state or national census, the county clerk may also appoint such number of assistants as the county board may, at any legal meeting thereof, authorize and prescribe, and said assistants shall receive such salaries as said county board at any such meeting shall provide and fix.

(3) If any county clerk is incapable of discharging the duties of his office the county board may, if they see fit, appoint a person such clerk, who shall serve until such disability is removed. If the county board is not in session at the time of such incapacity, the chairman of said board may appoint such clerk, whose term shall not extend beyond the next regular or special meeting of the county board. A person so appointed or appointed to fill a vacancy in the office of county clerk, upon giving an official bond with like sureties as are required of such clerk, shall perform all the duties of such office; and thereupon the powers and duties of the deputy of the last clerk shall cease. [*Stats. 1917 s. 706, 707; 1919 c. 362 s. 33; 1919 c. 695 s. 54, 55*]

59.17 Duties. The county clerk shall:

(1) Act as clerk of the county board at all the meetings thereof; keep and record in a book therefor true minutes of all the proceedings of the board; make regular entries of their resolutions and decisions upon all questions; record the vote of each supervisor on any question submitted to the board, if required by any member present, and perform all duties prescribed by law or required by the board in connection with their meetings and transactions.

(2) Record at length in a book therefor every resolution, order and ordinance adopted or passed by the board.

(3) Sign all orders for the payment of money directed by the board to be issued, and keep in a book therefor a true and correct account thereof, and of the name of the person to whom each order is issued; but he shall in no case sign or issue any county order except upon a recorded vote or resolution of the board authorizing the same; nor shall he sign or issue any such order for the payment of the services of any justice of the peace, magistrate, clerk of court, district attorney or sheriff until the person claiming such order files an affidavit stating that he has paid into the county treasury all moneys due the county and collected or received by him in his official capacity.

(4) File and preserve in his office all accounts acted upon by the board, and indorse their action thereon, designating specifically upon every account the amount allowed, if any, and the particular items or charges for which allowed, and such as were disallowed, if any.

(5) Record in a book therefor the reports of the county treasurer of the receipts and disbursements of the county.

(6) Keep a true and accurate account in a book therefor of all money which comes into his hands by virtue of his office, specifying the date of every receipt or payment, the person from or to whom the same was received or paid, and the purpose of each particular receipt or disbursement, and keep such book at all times open to the inspection of the county board or any member thereof.

(7) Keep in the manner prescribed in subsection (6) a separate account of all moneys paid the county treasurer by him.

(8) Keep all of the accounts of the county and all such books of account as the county board directs.

(9) Promptly notify the district attorney of every action or proceeding commenced against the county and of every appeal from the action of the county board.

(10) Transmit to the state superintendent on the last Monday in December in each year certified copies of all resolutions and proceedings of the county board passed or had during the preceding year relating to the raising of any money for school purposes, and report the amount to be raised in each town in the county.

(11) File in his office every notice received from the state superintendent of the apportionment of school money to be distributed in the county, and forthwith transmit a certified copy thereof to the county treasurer, and lay a like copy before the county board at their next annual meeting.

(12) Immediately transmit to the secretary of state, after the name of any town is changed or a new town is organized or the boundaries of any town or village are altered

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by the county board, a certified copy of the ordinance adopted therefor, indicating such change or changes.

(13) Make out and deliver to the treasurer duplicate receipts of all moneys received by him as such clerk, and countersign and file in his office the duplicate receipts delivered to him by the treasurer of money received by him.

(14) Make and deliver to any person, on demand and payment of the lawful fees therefor, a certified copy or transcript of any book, record, account, file or paper in his office, and make any certificate which by law is declared to be evidence, and charge ten cents for each folio of such copy or transcript and twenty-five cents for each such certificate.

(15) Perform all duties imposed on him in relation to the assessment and collection of taxes, and to the preparation and distribution of ballots and the canvass and return of votes at general, judicial and special elections.

(16) Make a full report to the county board, at the annual meeting, in writing, verified by his oath, of all money received and disbursed by him, and separately of all fees received by him; and settle with the board his official accounts and produce to them all books, accounts and vouchers relating to the same.

(17) Forward to the state historical society, postpaid, within thirty days after their publication a copy of the proceedings of the county board, and of all printed reports made under authority of such board or by the authority of other county officers.

(18) Except in counties having a population of one hundred and fifty thousand or more, notify a county commissioner of highways of his election within ten days thereafter.

(19) Except in counties having a population of one hundred and fifty thousand or more, notify the proper town officers of the levy and rate of any tax for the county road and bridge fund.

(20) Perform all other duties required of him by law. [*Stats. 1917 s. 708, 709 sub. (1) to (22); 1919 c. 695 s. 56 to 60*]

TREASURER.

59.18 Eligibility. No person holding the office of sheriff, undersheriff, county judge, district attorney, clerk of the circuit court, county clerk or member of the county board shall be eligible to the office of county treasurer or deputy county treasurer. [*Stats. 1917 s. 713; 1919 c. 695 s. 62*]

59.19 Deputy; oath; salary; temporary vacancy. (1) The county treasurer may appoint a deputy to aid him in the discharge of the duties of his office. Such deputy, in the absence of the treasurer from his office or in case of a vacancy in said office or any disability of the treasurer to perform the duties of his office, unless another is appointed therefor as provided in subsection (2), may perform all the duties of the office of treasurer until such vacancy is filled or such disability is removed. Such appointment shall be made in writing, and the person so appointed shall take and file the official oath. He shall file his appointment with the county clerk. The county board, may in its discretion, at its annual meeting or at any special meeting, provide a salary for such deputy.

(2) If any county treasurer is incapable of discharging the duties of his office, the county board may, if they see fit, appoint a person treasurer who shall serve until such disability is removed. A person so appointed or appointed to fill a vacancy in the office of treasurer, upon giving an official bond with like sureties as are required of such treasurer, shall perform all the duties of such office, and thereupon the powers and duties of the deputy of the last treasurer shall cease. [*Stats. 1917 s. 711, 712; 1919 c. 362 s. 33; 1919 c. 695 s. 63, 64*]

59.20 Duties. The county treasurer shall:

(1) Receive all moneys from all sources belonging to the county, and all other moneys which by law are directed to be paid to him, and make out and deliver to the county clerk duplicate receipts therefor, and file in his office the duplicate receipts delivered to him by the county clerk for money received by him.

(2) Pay out all moneys belonging to the county only on the order of the county board, signed by the county clerk and countersigned by the chairman, except when special provision for the payment thereof is otherwise made by law; and, except in counties having a population of one hundred and fifty thousand or more, pay out all moneys belonging to the county road and bridge fund on the written order of the county commissioner of highways, signed by the county clerk and countersigned by the chairman of the county board.

(3) Pay all such county orders in the order of time in which they are presented for payment; but where two or more are presented at the same time, give precedence to the order of the oldest date, but he shall receive of town, city and village treasurers all county

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orders issued in such county, which such treasurers may present in payment of county taxes, to the amount of the county taxes actually collected by any such treasurer in the year for which such orders are offered in payment, which amount shall be determined by the affidavit of such treasurer.

(4) Keep a true and correct account of the receipt and expenditure of all moneys which come into his hands by virtue of his office in books kept therefor, specifying the date of every receipt or payment, the person from or to whom the same was received or paid, and the purpose of each particular receipt or payment; keep also in like manner a separate account of all fees received, a separate account of all moneys received for taxes, and a separate account of money received upon redemption of lands from sales thereof for nonpayment of taxes, further specifying in the two last accounts the description of the property on account of which such money was paid, which books shall be open at all times to the inspection of the county board or any member thereof and to all the county and state officers; make in writing a fully itemized statement and report, verified by his oath, to such board on the first day of their annual meeting and at such other times as they may direct, of all moneys of whatsoever nature received and disbursed by him; exhibit his vouchers therefor to be audited and allowed, and settle with them his accounts as treasurer; and exhibit to the board all moneys in his custody or under his control as treasurer, and, if required, make oath that such moneys are the funds of the county.

(5) Transmit to the state treasurer at the time he is required by law to pay the state taxes a particular statement, verified by his affidavit indorsed upon or attached thereto, of all moneys received by him during the preceding year and which are payable to the state treasurer for licenses, fines, penalties, or on any other account, and at the same time pay to the state treasurer the amount thereof after deducting the legal fees.

(6) Cause to be insured, when directed by the county board, at the expense of the county, the county buildings or any of them in the name of the county; and, in case of loss, demand and receive the money due on account of such insurance for the use of the county; and all such money shall be applied to rebuilding or repairing such county buildings.

(7) Make annually, on the third Monday of March, a certified statement, and forward the same to each town, city and village clerks in his county, showing the amount of money paid from the county treasury during the year next preceding to each such town, city and village treasurer in his county, specifying the date of each payment, the amount thereof and the account upon which the same was made; and it shall be unlawful for any county treasurer to pay to the treasurer of any town any money in his hands belonging to such town from the third Monday of March until ten days after the annual town meeting except upon the written order of the town board.

(8) Retain two per cent for fees in receiving and paying into the state treasury all moneys received by him for the state for fines and penalties, and retain such other fees for receiving and paying money into the state treasury as are prescribed by law.

(9) Make and deliver to any person on demand and payment of the lawful fees therefor a certified copy or transcript of any book, record, account, file or paper in his office and make any certificate which by law is declared to be evidence, and collect as fees therefor ten cents for each folio of any copy or transcript and twenty-five cents for each certificate.

(10) On the first day of each month pay into the county treasury the whole amount of fees received by him.

(11) Pay to the state treasurer on his order all state suit tax moneys received from the clerk of the circuit court pursuant to subsection (11) of section 59.37 and if any such moneys remain in his hands when he is required to pay the state tax, pay such moneys therewith to the state treasurer.

(12) Perform all other duties required of him by law. [*Stats. 1917 s. 715, 719; 1919 c. 695 s. 65 to 70*]

SHERIFF.

59.21 Sheriff; undersheriff; deputies. (1) Within ten days after entering upon the duties of his office the sheriff shall appoint some proper person, resident of his county, undersheriff, and shall within such time appoint deputy sheriffs for his county as follows:

(a) One for each city and village therein having one thousand or more inhabitants.

(b) One for each assembly district therein, except the district in which the undersheriff resides, which contains an incorporated village having less than one thousand inhabitants and does not contain a city or incorporated village having more than one thousand inhabitants.

(c) Each deputy shall reside in the city or village for which he is appointed, or if appointed for an assembly district, shall reside in the village in such district.

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(2) He may appoint as many other deputies as he may deem proper.

(3) He may fill vacancies in the office of any such appointee, and may appoint a person to take the place of any undersheriff or deputy who becomes incapable of executing the duties of his office.

(4) A person appointed undersheriff or deputy for a regular term or to fill a vacancy or otherwise shall hold office during the pleasure of the sheriff.

(5) The sheriff or his undersheriff may also depute in writing other persons to do particular acts.

(6) Every appointment of an undersheriff or deputy, except deputations to do a particular act, and every revocation of such appointment shall be in writing and be filed and recorded in the office of the clerk of the circuit court.

(7) In case of a vacancy in the office of sheriff the undersheriff shall in all things and with like liabilities and penalties execute the duties of such office until the vacancy is filled as provided by law. [*Stats. 1917 s. 722, 723, 724; 1919 c. 695 s. 71*]

59.22 Liability for appointees' acts; bonds. (1) Except as provided otherwise in subsection (3), the sheriff shall be responsible for every default or misconduct in office of his undersheriff, jailer and deputies during the term of his office, and after the death, resignation or removal from office of such sheriff as well as before; and an action for any such default or misconduct may be prosecuted against such sheriff and his sureties on his official bond or against the executors and administrators of such sheriff.

(2) The sheriff may require his undersheriff, jailer and every deputy who is not required by subsection (3) to furnish an official bond, before entering upon the duties of his office, to execute and deliver to him a bond in such sum and with such sureties as he may require, conditioned for the faithful performance of his official duties; and every default or misconduct of such undersheriff or deputy for which the sheriff shall be liable shall be a breach of such bond.

(3) In counties having a population of two hundred thousand or more, the sheriff shall not be responsible for the acts, defaults or misconduct in office of either his jailer or his deputies, appointed under sections 16.31 to 16.44, inclusive, except where such deputy or jailer acts under the express direction of the sheriff. Each such deputy and jailer shall execute and file an official bond and shall be liable for his acts, defaults, or misconduct in office in the same manner and to the same extent that the sheriff and his executors and administrators would otherwise be liable, and actions therefor shall be prosecuted directly against such deputy or jailer and the surety on his official bond. [*Stats. 1917 s. 721, 724; 1919 c. 220; 1919 c. 695 s. 72; 1919 c. 702 s. 35, 36; 1921 c. 446*]

59.23 Duties. The sheriff shall:

(1) Take the charge and custody of the jails of his county and the persons therein, and keep them himself or by his deputy or jailer.

(2) Keep a true and exact register of all prisoners committed to any jail under his charge, in a book therefor, which shall contain the names of all persons who are committed to any such jail, their residence, the time when and cause of commitment, and the authority by which they were committed; and if for a criminal offense, a description of his person; and when any prisoner is liberated, state the time when and the authority by which he was liberated; and if any person escapes, state the particulars of the time and manner of such escape.

(3) Attend upon the circuit court held in his county during its session, and at the commencement of every term of such court file with the clerk thereof a list of his deputies, not exceeding three, who are to receive a per diem for attendance on such court. The court, however, may by special order authorize a greater number of deputies to attend when the court is engaged in the trial of any person charged with a crime.

(4) Personally, or by his undersheriff or deputies, serve or execute according to law all processes, writs, precepts and orders issued or made by lawful authority and to him delivered.

(5) Deliver on demand to his successor in office, when he has qualified according to law, the jail and other property of the county and all prisoners in such jail, and all books, records, writs, processes, orders and other papers belonging to his office and in his possession or in that of his undersheriff, jailer or deputies, except as provided in section 59.32, and upon the delivery thereof such successor in office shall execute to him a receipt therefor.

(6) In counties having a population of three hundred thousand or more, assign one deputy, to be mutually agreed upon by him and the district attorney, to the office of the district attorney.

(7) Perform all other duties required of him by law. [*Stats. 1917 s. 694 sub. (4) par. (b), 725; 1919 c. 695 s. 73*]

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59.24 Peace maintenance; powers and duties of peace officers. Sheriffs and their undersheriffs and deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, routs, riots, unlawful assemblies and insurrections; for which purpose, and for the service of processes in civil or criminal cases and in the apprehending or securing any person for felony or breach of the peace they and every coroner and constable may call to their aid such persons or power of their county as they may deem necessary. [*Stats. 1917 s. 727; 1919 c. 695 s. 74*]

59.25 Transportation of criminals through other counties; rewards for their apprehension. (1) Any sheriff or other officer who has legally arrested any person in any county may pass across and through such parts of any other county or counties as are in the ordinary route of travel from the place where such person was arrested to the place where he is to be conveyed, according to the command of the process by which such arrest was made; and such conveyance of such prisoner shall not be deemed an escape, nor shall the prisoner so conveyed or the officers having him in custody be liable to arrest on any civil process while passing through such other county or counties.

(2) Whenever a person convicted of, or charged with, any felony, the punishment for which is not less than five years' imprisonment, shall escape, or whenever any such felony shall be committed by any unknown person or persons the sheriff of the county from which such escape was made or in which such felony was committed may, in his discretion and with the consent of the chairman of the board of such county when such board is not in session, and with the consent of the board when they are in session, offer such reward for the apprehension and delivery of such escaped person, or the apprehension or conviction of the perpetrator of such felony as he may deem necessary, not exceeding one thousand dollars in any one case; but no such reward or any part thereof shall be paid to any such sheriff, his undersheriff or any deputy. The right to any such reward shall be determined finally by such sheriff; and if more than one person claims the same he shall determine what portion, if any, the claimants are entitled to, and shall certify his determination to the county treasurer, and such certificate shall be the treasurer's authority for paying the sum so certified. [*Stats. 1917 s. 725a, 728; 1919 c. 45; 1919 c. 695 s. 75, 75a*]

59.26 Not to act as attorney. No sheriff, undersheriff, deputy or coroner shall appear or practice as attorney in any court, draw or fill up any writ, pleading or proceeding for a party in any action, nor, with the intent to be employed in the collection of any demand or the service of any process, advise or counsel any person to commence an action or proceeding; and for violation of any of the provisions of this section every such officer shall forfeit not exceeding fifty dollars. [*Stats. 1917 s. 729; 1919 c. 695 s. 76*]

59.27 Service on sheriff; how made. Every writ, notice or other paper required to be delivered to or served on any sheriff may be served by leaving the same at his office during the hours it is required to be kept open; but if there is any person belonging to such office therein, such writ, notice or other paper shall be delivered to such person; and every such service shall be deemed equivalent to a personal delivery to or service on such sheriff. [*Stats. 1917 s. 730; 1919 c. 695 s. 77*]

59.28 Fees. Every sheriff shall be entitled to receive the following fees for his services, except for services in actions or proceedings before justices of the peace, for which fees are specially provided by law:

(1) For serving a summons or any other process by which an action shall be commenced in any court of record, or writ or order of injunction or other order, and making return thereon, for one defendant, one dollar; for each additional defendant, fifty cents.

(2) Traveling in making service of any summons, writ or other process, except upon criminal warrants, to be computed in all cases from the courthouse of the county in which service is made, ten cents per mile going and returning; provided, that the sheriff shall serve all process, orders and papers in any one action or proceeding which may then be in his hands for service, which can be served at the same time and upon all persons upon whom service is required who can be served in the same journey, and he shall be entitled to one mileage for the greatest distance actually traveled by him to make such service, and no more; and that for summoning grand and petit jurors no traveling fees shall be charged for more than the distance actually and necessarily traveled in summoning such jurors.

(3) Taking a bond or undertaking in any case, when required by law, and approving the same, fifty cents.

(4) Making a copy of any bond or undertaking, summons, writ, complaint or other paper served or taken, when required by law or demanded by a party, and when not furnished by a party to the action or his attorney, ten cents per folio.

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(5) Serving and returning a subpœna to testify, for each person served, twenty-five cents.

(6) Serving an execution on a judgment for the recovery of real estate, or other writ not provided for, one dollar.

(7) Collecting and paying over all sums upon execution, writ or process for the collection of money, five per cent on the first three hundred dollars; two and one-half per cent on the next three hundred dollars or any part thereof and one and one-half per cent on any excess over six hundred dollars; but in no case shall the whole percentage exceed thirty dollars.

(8) Advertising goods and chattels for sale upon execution, writ or process, seventy-five cents; but where there is more than one execution, writ or process in the hands of the sheriff against the same defendants there shall be but one advertising fee charged in the whole, which shall be on the execution having priority.

(9) Drawing advertisement of real estate, per folio, twenty-five cents.

(10) Every certificate of sale of real estate, fifty cents.

(11) Filing copy thereof with register of deeds, including fees of register of deeds, twenty-five cents.

(12) Drawing, executing and acknowledging a deed pursuant to a sale of real estate, two dollars, to be paid by the grantee in such deed.

(13) Summoning a grand or petit jury, to be paid from the county treasury, fifty cents for each juror named.

(14) Summoning a jury upon a writ of inquiry attending such jury, and making and returning the inquisition, one dollar and fifty cents.

(15) Summoning a special jury, struck pursuant to an order of court, and returning the panel, one dollar and fifty cents.

(16) Summoning a jury, pursuant to any precept or summons of any officer in any special proceeding, one dollar; and for attending such jury when required, one dollar and fifty cents per day.

(17) Attending a view when ordered by the court, one dollar and fifty cents per day, and ten cents per mile traveling fee, going and returning.

(18) Summoning appraisers and swearing the same, one dollar.

(19) Every appraiser, for each day, one dollar.

(20) Drawing an inventory or other paper, except return upon a summons, subpœna or venire, twenty-five cents per folio; provided, that whenever several writs of attachment against the same defendant are delivered to the sheriff for service and execution, such sheriff shall be entitled to ten cents per folio for drawing an inventory on all writs subsequent to the first writ of attachment so executed by him, of any property included in the first inventory so drawn by him, and no more; and five cents per folio for all copies thereof.

(21) Attending the supreme court, one dollar and fifty cents per day, to be allowed on the certificate of the chief justice or clerk and paid out of the state treasury.

(22) Attendance upon the circuit or county court, three dollars per day to the sheriff and two dollars each per day to the necessary deputies, to be paid out of the county treasury.

(23) Serving notice of any election upon election officers, fifty cents for each election district, to be paid by the county.

(24) For serving any writ or other process with the aid of the county, two dollars and fifty cents and all necessary expenses incurred thereby.

(25) All such necessary expenses incurred in taking possession of any goods or chattels and preserving the same as shall be just and reasonable in the opinion of the court.

(26) All fees allowed by law and paid to any printer for any advertisement required to be published by the sheriff.

(27) Traveling to serve any criminal process for every mile actually traveled ten cents per mile, whether in the county from which process issued or not, and actual and necessary disbursements for board and conveyance of prisoner.

(28) Every commitment to prison, fifty cents.

(29) Discharging a person from prison, fifty cents, which shall include the drawing and filing of a certificate of discharge with the clerk of the court.

(30) Bringing up a prisoner upon habeas corpus to testify or answer in any court or before a judge, one dollar.

(31) Attending before any officer with a prisoner for the purpose of having him surrendered in exoneration of his bail or attending to receive a prisoner so surrendered who was not committed at the time, and receiving such prisoner into custody, in either case one dollar.

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(32) Attending any court with a prisoner, one dollar and fifty cents per day and seventy-five cents for each half day, besides actual and necessary expenses. Guarding any prisoner sentenced to imprisonment at hard labor in the county jail, when the prisoner performs such labor upon any highway or public improvement and there are no secure means for preventing his escape, one dollar and fifty cents for each day and seventy-five cents for each half day so employed.

(33) For selling real estate under any judgment or order of court, and making all the necessary papers and notices, including deed or certificate, when the amount bid does not exceed one thousand dollars, ten dollars; when the amount bid exceeds one thousand dollars, fifteen dollars; for travel performed in making such sale, to be computed from the courthouse, ten cents per mile going and returning, besides the cost of publishing any advertisement of sale. For drawing and executing and acknowledging a deed upon a sale made by his predecessor in office, three dollars. When any such sale is made by a referee or any other officer he shall have the same fees.

(34) When any person accused of any criminal offense shall escape from custody or pursuit without fault or negligence of the sheriff, and the district attorney shall certify such pursuit was necessary and proper, and the county board shall be satisfied by proof that such escape was not the result of the carelessness or negligence of the sheriff, such board may, in their discretion, allow a fair compensation for the time and necessary expense incurred in such pursuit.

(35) For assisting clerk of circuit court in drawing jury, one dollar. [*Stats. 1917 s. 731; 1919 c. 689; 1919 c. 695 s. 78; 1919 c. 702 s. 44b*]

59.29 Compensation for apprehensions in other states; conditions. (1) In all cases where by the laws of this state the governor is authorized to demand of the executive authority of any other state any fugitive from justice or any person charged with crime in this state and to appoint an agent to receive such person, and such person is apprehended in any other state by the sheriff or deputy sheriff of the county in this state where the warrant for such fugitive from justice is properly issued, or such crime was committed, and such person voluntarily returns with said sheriff to this state without requisition, such sheriff shall be entitled to eight dollars per day for the time necessarily expended in traveling to, apprehending and returning with such person and his actual and necessary expenses for such time, which compensation and expenses shall be allowed by the county board of such county upon the presentation thereto of an itemized and verified account, stating the number of days he was engaged, the number of miles traveled and each item of expense incurred in rendering such services, including the transportation and board of the person in his custody. No allowance whatever shall be made him as mileage.

(2) The sheriff of any county having less than three hundred thousand population shall not receive the compensation provided for in subsection (1), unless the apprehension shall have been duly authorized in writing by the district attorney or by the county judge of the county wherein the crime was committed, which written authority shall certify that the ends of justice will be subserved by the apprehension and return of such person, and the sheriff shall attach such certificate to and file it with his itemized account of such services. [*Stats. 1917 s. 731a, 731b; 1919 c. 695 s. 79, 80*]

59.30 Fees. All fees allowed to the sheriff upon the service of an execution or a writ for the collection of money or judgment for the sale of real estate and advertising thereon shall be collected by virtue of such execution, writ or judgment in the same manner as the sum therein directed to be collected. [*Stats. 1917 s. 732; 1919 c. 695 s. 81*]

59.31 Fees, how paid. All fees to which sheriffs or their deputies are entitled for attendance required by law upon any court of record shall be paid out of the treasury of the county wherein such services were rendered in the manner that fees of jurors attending such courts are paid; and whenever any such officer is required to perform any service for the state, which is not chargeable to his county or some officer or person, his account therefor shall be paid out of the state treasury. [*Stats. 1917 s. 733; 1919 c. 695 s. 82*]

59.32 Excessive fees. No sheriff, undersheriff or deputy shall directly or indirectly ask, demand or receive for any services or acts to be by him performed in the discharge of any of his official duties any greater fees than are allowed by law; and for the violation of any of the provisions of this section every such officer shall be liable in treble damages to the party aggrieved and shall forfeit not less than twenty-five nor more than two hundred and fifty dollars. [*Stats. 1917 s. 734; 1919 c. 695 s. 83*]

59.33 Powers after term. (1) Every sheriff, undersheriff and deputy, compensated for his services by fees or by part salary and part fees, may execute and return all writs, processes and orders in their hands at the expiration of the sheriff's term of office and which such sheriff, undersheriff or deputy has, prior to that time, begun to execute by service, levy, advertisement or the collection of money thereon.

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(2) In counties where the compensation of sheriffs, undersheriffs and deputies has been changed from the fee to the salary system as provided by law, the sheriff, immediately upon the expiration of his term, shall turn over to his successor all writs, processes and orders in his hands, or in the hands of his undersheriff or deputies, whether or not such writs, processes and orders have been partly or fully executed or returned, and such successor shall execute and return or complete the execution and return of such writs, processes and orders.

(3) In case of a vacancy in the office of sheriff, of any county, his undersheriff and deputies then in office having then any writ, process or order in their hands shall have the same authority and be under the same obligation to serve, execute and return the same as if such sheriff had continued in office. [*Stats. 1917 s. 726; 1919 c. 695 s. 84*]

CORONER.

59.34 Duties; inquests; act as sheriff. The coroner shall:

(1) Take inquest of the dead when required by law.

(2) When there is no sheriff or undersheriff in any county organized for judicial purposes, exercise all the powers and duties of sheriff of his county until a sheriff is elected or appointed and qualified; and when the sheriff for any cause is committed to the jail of his county, be keeper thereof during the time the sheriff remains a prisoner therein.

(3) Serve and execute process of very kind and perform all other duties of the sheriff when the sheriff is a party to the action and whenever the clerk of the circuit court addresses the original or other process in any action to him as provided in subsection (12) of section 59.39, execute the same in like manner as the sheriff might do in other cases; exercise the same powers and proceed in the same manner as prescribed for sheriffs in the performance of similar duties; and in all cases the coroner and his sureties shall be liable in the same manner and to the same extent on his official bond as sheriffs and their sureties are liable in similar cases.

(4) Perform all other duties required by law. [*Stats. 1917 s. 736, 737; 1919 c. 695 s. 85*]

59.35 Special counties; deputies and assistants; powers. (1) The coroner of every county having a population of over one hundred and fifty thousand, his deputy and assistants, shall be compensated for the performance of all their official duties by salaries fixed by the county board of supervisors, which shall be in lieu of any other compensation.

(2) The coroner of any such county may appoint a deputy who shall assist the coroner in the performance of his duties as he may direct, and who, under the direction of the coroner, may exercise all of the powers and perform all of the duties of the coroner, and may appoint such other assistants to the coroner as the said county board may authorize.

(3) The county board of any such county at its annual meeting next preceding the general election of county officers, shall fix the salaries of the coroner to be elected at such election, his deputy and assistants, which, when so fixed shall be their salaries during the term of such coroner.

(4) Such deputy coroner and assistants to the coroner shall have all the powers of a constable or sheriff to serve subpoenas requiring the attendance of witnesses at any inquest to be held by the coroner or his deputy or other orders or writs. [*Stats. 1917 s. 735a; 1919 c. 695 s. 86*]

59.36 Service when no coroner. Whenever, for any cause, there is a vacancy in the office of coroner, or when he is absent from his county, sick or unable to perform the duties of his office, or for any reason, except the nonpayment of legal fees, refuses to serve and execute legal process against the sheriff in any action commenced in any court of record within the county for which such coroner was or should have been elected, any judge of a court of record or court commissioner of such county may, on proof of such vacancy, sickness, absence or refusal to serve and execute such process, by an order to be indorsed on such process and addressed to him, empower any respectable citizen and taxpayer of the county in which such process is to be served and executed to serve and execute the same; and such order shall be sufficient authority to the person therein named to serve and execute such process with like powers, liabilities and fees as the coroner. [*Stats. 1917 s. 739; 1919 c. 695 s. 87*]

59.37 Fees. For all services rendered by coroners they shall be allowed the same fees as are allowed to sheriffs for similar services. For confining a sheriff in any house on civil process, fifty cents for each day, to be paid by such sheriff before he shall be entitled to be discharged from such confinement, unless otherwise ordered by the court. [*Stats. 1917 s. 738, 743; 1919 c. 695 s. 88, 91; 1919 c. 702 s. 85*]

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CLERK OF CIRCUIT COURT.

59.38 Deputies. Every such clerk shall appoint one or more deputies, men or women, which appointments shall be approved by the judge of the circuit court, but be revocable by the clerk at pleasure; such appointments and revocations shall be in writing and filed in his office; such deputies shall aid the clerk in the discharge of his duties, and in his absence from his office or from the court they may perform all his duties; or in case of a vacancy by resignation, death, removal or other cause the deputy appointed shall perform all such duties until such vacancy is filled. [*Stats. 1917 s. 741; 1919 c. 695 s. 89*]

59.39 Duties. The clerk of the circuit court shall:

(1) Perform all the duties of clerk of the circuit court of his county and keep all the records, books and papers thereof.

(2) Keep in his office a book to be called a court record and enter therein the names of the plaintiffs and defendants in every civil action, suit or proceeding brought in such court either by summons, appeal, change of venue or otherwise, the names of the attorneys of the respective parties, a brief statement of the nature of the action or proceeding, the date of filing every paper therein and of each proceeding taken, the time when the same is put upon the calendar for trial, and when and how disposed of; the volume and page of the minute book, where the minutes had of proceedings in every case can be found, and the volume and page of the record of judgments and orders, where any judgment, order or report has been entered, so as to make such record a history in brief of each action or proceeding from its beginning to the final disposition of the same; and a complete index of all proceedings therein.

(3) Keep a book to be called a criminal record, and keep therein a record in every criminal action or proceeding in the same manner as in civil actions.

(4) Keep a minute book and enter therein a brief statement of all the proceedings had in open court, showing all motions and orders made in open court in the progress of every trial, the names of the witnesses sworn, jurors drawn, the officer sworn to take them in charge, and the verdict of the jury when returned, and all the openings and adjournments of the court.

(5) Keep a book to be called a judgment and order book, and record therein all judgments, orders and reports when required to be recorded.

(6) Keep a book to be called the record of officers, in which he shall record all appointments of court commissioners, deputy sheriffs, notaries public and other officers whose appointments are required by law to be recorded in his office, and in which he shall also enter in tabular form the name, date of qualification, and the commencement and termination of the official term of each justice of the peace elected in his county, and make a proper index thereto.

(7) Keep such other books, including a daily journal, in which every judgment affecting real estate shall be entered in the manner required by law before the same shall be docketed, as are required by law to be kept in his office, and such as the judge of the circuit court may direct to be kept therein.

(8) Keep an accurate list in a book provided for that purpose of all certificates issued by him to witnesses, interpreters, jurors, sheriffs, and deputy sheriffs, stating the number, date and amount of each, and to whom issued, and furnish to the county board at each annual session thereof a certified transcript of such list for the year next preceding such session, which transcript shall be entered in full on the records of said board.

(9) Register in alphabetical order, in books provided therefor, the names of all persons who shall, in the manner prescribed by law, declare their intention to become citizens of the United States, or who shall be admitted to citizenship of the United States in the circuit court.

(10) Make out and transmit to the secretary of state, on or before the first day of June in each year, a certified list of the names of all persons who during the preceding year were elected justices of the peace and duly executed and filed their official bonds.

(11) Quarterly, on the first day of January, April, July and October, or within five days thereafter, pay to the treasurer of his county for the use of the state the state tax of one dollar required by law to be paid to him on every civil action which has been entered in the circuit court of his county during the three months ending on the last day of the month immediately preceding, and take duplicate receipts from the county treasurer for the sums so paid; and within ten days thereafter forward to the secretary of state one of said receipts, with a statement on oath of the number of such actions entered in said court during said three months.

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(12) Address the original or other process in any action pending or to be commenced in the court for which he is clerk to the coroner, whenever any party thereto or his agent or attorney files with him an affidavit stating that he verily believes that the sheriff of such county, by reason of either partiality, consanguinity or interest, will not faithfully perform his duty in such action.

(13) Perform such other duties as are required by law. [*Stats. 1917 s. 742, 743; 1919 c. 695 s. 90, 91, 92; 1919 c. 702 s. 85*]

59.40 Not to act as attorney. No person acting as clerk of any circuit or county court in this state shall be allowed to practice as attorney or solicitor in the court in which he is acting as clerk; nor shall he be eligible to the office of justice of the peace during the time he holds the office of such clerk. [*Stats. 1917 s. 745; 1919 c. 695 s. 94*]

59.41 Certify records as clerk of county court. The clerk of the circuit court in each county shall be the clerk of the county court for the purpose of certifying to copies and transcripts of all the records and files of said county court to be used in any other state, agreeably to section 905 of the revised statutes of the United States, and in making such certificate he shall use the seal of said county court and sign himself "Clerk of the County Court," and shall also have authority in such capacity to authenticate acknowledgments of all instruments taken by the judge of said county, and for such services the clerk shall receive the fee allowed by law for similar service. [*Stats. 1917 s. 746; 1919 c. 695 s. 95*]

59.42 Fees. Except as otherwise provided by law, the clerk of the circuit court shall collect the following fees:

(1) For entering upon the court record the title of each action or proceeding commenced or coming into court by appeal or otherwise, fifty cents.

(2) For filing every paper in a cause, or any paper required by law to be filed in the office of the clerk of the circuit court, ten cents.

(3) For drawing a jury in each cause, fifty cents; for swearing a jury when drawn, twenty-five cents, and for swearing each juror on his voir dire, ten cents.

(4) For docketing each judgment or transcript of judgment, one dollar, and for satisfying judgment, twenty-five cents.

(5) For issuing and sealing every writ or process, when filled up by them, fifty cents, and when not filled up by them, twenty-five cents.

(6) For issuing each subpœna, when filled up by them, twenty-five cents, and when not filled up by them, fifteen cents.

(7) For every certificate, including seal, twenty-five cents.

(8) For receiving and entering the verdict of a jury, twenty-five cents.

(9) For swearing an officer to take charge of a jury, fifteen cents; for swearing each witness upon the trial of a cause, ten cents, and for administering an oath to any other person, twenty-five cents.

(10) For recording any paper, order, judgment or report, when required, ten cents per folio.

(11) For making copies of any judgment, order, report, or other paper or record, ten cents per folio.

(12) For each commission to take a deposition, fifty cents.

(13) For searching each volume for each judgment, fifteen cents per volume.

(14) For making up judgment roll, when none is furnished by the parties, fifty cents.

(15) For certifying and mailing judgment roll, papers or records on an appeal or writ of error to the supreme court, two dollars.

(16) For certifying and mailing papers in any action upon change of venue, one dollar.

(17) For taxing bill of costs in civil causes, twenty-five cents.

(18) For entering upon a judgment docket an assignment of judgment or return of execution, fifteen cents.

(19) For entering cause upon calendar for trial when at issue, ten cents.

(20) For entering in minutes each motion or order, fifteen cents, and for entering return of writ or process, ten cents.

(21) For entering plea of criminal, in each cause, fifty cents.

(22) For entering any criminal cause upon the criminal record, upon an indictment or information, or upon an appeal or an examination from a justice's court, fifty cents.

(23) For entering forfeiture of recognizance or discharge of bail, twenty-five cents.

(24) For filing any paper in any criminal proceeding, ten cents.

(25) For entering any motion or demurrer to an indictment or information, taking a recognizance, fifty cents.

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(26) For making a commitment or certificate of conviction of any criminal, one dollar.

(27) For copy of an indictment or information, ten cents per folio.

(28) For entering a declaration to become a citizen of the United States, twenty-five cents, and for a copy of the same under seal, fifty cents.

(29) For entering the final admission of an alien to the rights of citizenship, including certificate of the same under seal, one dollar.

(30) For indexing each case, direct and inverse, which is entered of record, ten cents.

(31) For drawing grand and petit jurors, one dollar.

(32) For issuing a venire, fifty cents.

(33) For drawing special jury, grand or petit, fifty cents.

(34) For notice for publication of time when grand and petit jurors are to be drawn, fifty cents.

(35) For reporting an assessment of damages, fifty cents.

(36) For approving any bond or undertaking, twenty-five cents.

(37) For transcript of judgment, fifty cents.

(38) For filing mechanics' liens, ten cents; for docketing the same for each defendant, twenty-five cents, but not to exceed one dollar in any one case.

(39) For entering upon the daily journal each judgment affecting real estate, twenty cents.

(40) At the time of the commencement of every action or special proceeding or upon the filing of the original papers therein upon appeal from inferior courts or officers or upon a change of venue, except in criminal cases, the sum of two dollars in addition to the state tax, but no such two dollar payment shall be required from towns, counties villages, cities or school districts, either on the commencement of an action or proceeding or the transfer thereof from one county to another or in any action to review an order or award of the industrial commission of Wisconsin under the provisions of sections 2394—3 to 2394—31, inclusive.

(41) In counties wherein he is compensated otherwise than by salary, he shall be entitled to:

(a) Two dollars for making out and transmitting to the secretary of state the certified list of the names of justices of the peace as required by law, to be paid by the county.

(b) Three dollars per day for each day's attendance upon a session of any regular or special term of the circuit court of his county, or as much more as the county board directs; and for similar attendance and service by his deputy the latter shall be paid the same amount. Such payments shall be made by the county upon the certificate of the circuit judge. [*Stats. 1917 s. 747; 1919 c. 695 s. 96, 97, 98*]

59.43 Fee; bill; filing. The said clerk shall file with the papers in each case an itemized bill of all fees charged by him therein at the time of taxation of costs or whenever they are paid him, and before he can lawfully demand or receive the same; and before entering judgment in any action may require the prevailing party to pay all his fees in such action or proceeding remaining unpaid which have been incurred therein by either the plaintiff or defendant, and every such clerk may require his fees to be paid in advance for any services except such as are to be performed in the progress of a trial in court. [*Stats. 1917 s. 748; 1919 c. 695 s. 99*]

DISTRICT ATTORNEY.

59.44 District attorney pro tempore; assistants in criminal and civil cases. (1) When there is no district attorney for the county, or he is absent from the court, or has acted as counsel or attorney for a party accused in relation to the matter of which the accused stands charged and for which he is to be tried, or is near of kin to the party to be tried on a criminal charge, or is unable to attend to his duties, the circuit court, by an order entered in the minutes stating the cause therefor, may appoint some suitable person to perform, for the time being, or for the trial of such accused person, the duties of such district attorney, and the person so appointed shall have all the powers of the district attorney while so acting.

(2) The court may, in the same manner, and in its discretion, appoint counsel to assist the district attorney, in the prosecution of persons charged with crime punishable by imprisonment in the state prison, and in cases of prosecutions before a grand jury, and upon indictments found by grand juries, and in bastardy cases. Such counsel shall be paid such sums as the court, by order entered in the minutes, certifies to be a reasonable compensation therefor, which sum shall in no case exceed twenty-five dollars per day for each day actually occupied in such prosecution, and not to exceed fifteen dollars per day for not more than five days actually and necessarily occupied in preparing for trial in

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any one case, the same to be paid in the manner provided by law for the payment of counsel for indigent criminals.

(3) When there is an unusual amount of civil litigation to which the county is a party or in which it is interested, the circuit court may, on the application of the county board, by order filed with the clerk of said county, appoint an attorney or attorneys to assist the district attorney, and fix his or their compensation. [*Stats. 1917 s. 750; 1919 c. 695 s. 100*]

59.45 Assistants in other than special counties. The district attorney, except in counties containing a city of the first class, may, when authorized, at any regular or special meeting of the board by a majority of all of the members of the board, appoint one or more assistant district attorneys and a stenographer and a clerk to aid him in the performance of the duties of his office. Such assistant district attorneys shall be attorneys admitted to practice law in this state. The assistant district attorneys so appointed shall have full authority to perform all the duties of the district attorney, except the signing of indictments and informations. No assistant district attorney so appointed shall be required to give an official bond. [*Stats. 1917 s. 750a* [*1901*]*; 1919 c. 695 s. 103*]

59.46 Assistants in special counties. (1) The district attorney of any county containing a city of the first class may appoint four regular assistants and such further number as may be authorized by the county board. Such assistants shall each have practiced law in this state at least two years prior to such appointment, and each, when appointed, shall have full authority to perform all the duties of the district attorney, except the signing of indictments and informations.

(2) The district attorney may also appoint one or more clerks and one or more stenographers, the number and salary of whom is to be fixed by the board at any meeting thereof. [*Stats. 1917 s. 751d; 1919 c. 695 s. 107; 1919 c. 702 s. 37*]

59.47 Duties. The district attorney shall:

(1) Prosecute or defend all actions, applications or motions, civil or criminal, in the circuit court of his county in which the state or county is interested or a party; and when the place of trial is changed in any such action or proceeding to another county, prosecute or defend the same in such other county.

(2) Prosecute all criminal actions, except for common assault and battery or for the use of language intended or naturally tending to provoke an assault or breach of the peace, before any magistrate in his county, other than those exercising the police jurisdiction of incorporated cities and villages in cases arising under the charter or ordinances thereof, when requested by such magistrate; and upon like request, conduct all criminal examinations which may be had before such magistrate, and prosecute or defend all civil actions before such magistrates in which the county is interested or a party.

(3) Give advice to the county board and other officers of his county, when requested, in all matters in which the county or state is interested or relating to the discharge of the official duties of such board or officers; examine all claims against the county for officers,' interpreters,' witnesses' and jurors' fees in criminal actions and examinations when presented to the county board, and report in writing thereto as to the liability of the county to pay the same.

(4) Attend, when requested by any grand jury, for the purpose of examining witnesses in their presence; give them advice in any legal matter; draw bills of indictment and informations; issue subpœnas and other processes to enforce the attendance of witnesses.

(5) File, on or before the eighth day of November in each year, in the office of the county clerk, an account verified by his affidavit of all money received by him during the preceding year by virtue of his office for fines, recognizances, forfeitures, penalties or costs, specifying the name of each person from whom he may have received the same; the amount received from each and the cause for which the same was paid; and at the same time pay all such money to the county treasurer; and for every neglect or refusal to render such account and pay the money so received by him to the county treasurer he shall forfeit not less than fifty nor more than two hundred dollars.

(6) Attend to the settlement of bills of exceptions in cases which he has tried during his term of office after his term of office has expired; for which services so rendered he shall receive compensation from the county where elected, not to exceed twenty-five dollars per day for time actually expended.

(7) Upon the request and under the supervision and direction of the attorney-general, brief and argue all criminal cases brought by appeal or writ of error or certified from his county to the supreme court.

(8) Perform all other duties required of him by law. [*Stats. 1917 s. 752, 752m; 1919 c. 695 s. 108, 109*]

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59.48 Not to be city attorney; exceptions. It shall be unlawful for any district attorney of any county having a population of thirty-five thousand or more to hold the office of or act as city attorney of any city in the county of which he is district attorney, except pursuant to contract entered into prior to June, 1915. If any district attorney violates the provisions of this section, his office of district attorney shall be deemed vacant. [*Stats. 1917 s. 750b; 1919 c. 298; 1919 c. 695 s. 110; 1919 c. 702 s. 38*]

59.49 Rewards; restrictions. No district attorney shall receive any fee or reward from or on behalf of any prosecutor or other individual for services in any prosecution or business to which it shall be his official duty to attend; nor be concerned as attorney or counsel for either party, other than for the state or county, in any civil action depending upon the same state of facts upon which any criminal prosecution commenced but undetermined shall depend; nor shall any district attorney while in office be eligible to or hold any judicial office whatever, nor shall any person who shall have acted as district attorney, assistant district attorney, or special district attorney at the time of the arrest, examination, or indictment of any person charged with crime, and who was at such time such official of the county where the crime charged was committed, thereafter appear for, or defend such person against the crime charged in such complaint, information or indictment. [*Stats. 1917 s. 754; 1919 c. 695 s. 111*]

REGISTER OF DEEDS.

59.50 Deputies. Every register of deeds shall appoint one or more deputies, who shall hold their office during his pleasure. Such appointment shall be in writing and filed and recorded in his office. Such deputy or deputies shall aid the register in the performance of his duties under his direction, and in case of vacancy or the register's absence or inability to perform the duties of his office such deputy or deputies shall perform the duties of register until such vacancy is filled or during the continuance of such absence or inability. [*Stats. 1917 s. 756; 1919 c. 695 s. 112*]

59.51 Duties. The register of deeds shall:

(1) Record or cause to be recorded in suitable books to be kept in his office, correctly and legibly all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in his office and left with him for that purpose.

(2) State upon the record of any instrument the number and denomination of all United States internal revenue stamps, if any, affixed thereto.

(3) Keep the several books and indexes hereinafter mentioned in the manner required.

(4) Indorse upon each instrument or writing received by him for record his certificate of the time when it was received, specifying the day, hour and minute of reception and the volume and page where the same is recorded, which shall be evidence of such facts.

(5) Indorse plainly upon the top of the back, when folded, of each instrument received for record, or file as soon as received a number consecutive to the number affixed to the instrument next previously received according to the numbering now established, and if two or more instruments are received at the same time, designate by letters appended to the number, thus—169A, 170A, 171A—that the instruments were received for record at the same time, and to enter the same in the indexes.

(6) Safely keep and return to the party entitled thereto, on demand within a reasonable time, every instrument left with him for record not required by law to be kept in his office.

(7) Register as directed by law all marriages contracted and deaths and births occurring in his county.

(8) Make and deliver to any person, on demand and payment of the legal fees therefor, a copy duly certified, with his official seal affixed, of any record, paper, file, map or plat in his office.

(9) File and safely keep in his office all records, documents and papers of any post of the Grand Army of the Republic and of any historical society in his county.

(10) Keep a book and record therein all certificates of organization of corporations, and all amendments thereof filed or required by law to be recorded in his office, and an alphabetical index of the names of such corporations, with a reference to the number and page of the volume where such writings are recorded respectively.

(11) Perform all other duties required of him by law. [*Stats. 1917 s. 758, 763; 1919 c. 695 s. 114, 119*]

59.52 General index. Each register of deeds shall keep a general index, each page of which shall be divided into nine columns, with heads to the respective columns as follows:

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Number of instrument.	Time of reception.	Name of grantor.	Name of grantee.	Description of land.	Name of instrument.	Volume and page where recorded	To whom delivered.	Fees received.
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....

He shall make correct entries in said index of every instrument or writing received by him for record, under the respective and appropriate heads, entering the names of the grantors in alphabetical order; and he shall immediately upon the receipt of any such instrument or writing for record enter in the appropriate column, and in the order of time in which it was received, the day, hour and minute of reception; and the same shall be considered as recorded at the time so noted. Wherever any register has made in any index required by law to be kept in his office, in the index column provided for describing the land affected by the instrument indexed, the words "see record," "see deed," "see mortgage," or other instrument, as the case may be, such entry shall be a sufficient reference to the record of such instrument if it be in fact recorded at large in the place so referred to. [*Stats. 1917 s. 759; 1919 c. 695 s. 115*]

59.53 Index of records. He shall keep an index of all records or files kept in his office showing the number of the instrument or writing consecutively, the kind of instrument and where the same is recorded or filed, thus:

Number of instrument.	Kind of instrument.	Where Recorded or Filed.		
		Volume.	Page.	Letters of file.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

and shall keep another index showing the number of the instrument and the names of the grantees in each instrument or writing in alphabetical order, and the names of the grantors, and the volume and page where the same is recorded, and the name of the instrument or writing. [*Stats. 1917 s. 760; 1919 c. 695 s. 116*]

59.54 Record of attachments, lis pendens, etc. He shall keep a separate book or register divided into columns with appropriate headings, in which he shall enter an abstract of every writ of attachment or copy thereof and certificate of real estate attached, of every certificate of sale of real estate, and of every notice of the pendency of any action affecting real estate, which may be filed pursuant to law in his office, specifying the day, hour and minute of his reception thereof, the names of the several parties mentioned therein, designating separately plaintiffs and defendants; the names of the attorneys of the respective parties; the date when the land was sold; the descripion of all such real estate mentioned, and the amount of indebtedness claimed in any such writ, and the amount for which any such land was sold; and he shall keep for each such book an index, showing in alphabetical order, separately, the names of each party plaintiff and each party defendant, and the page on which such name is found, and shall file and carefully preserve in his office every such paper received. When a notice of the pendency of an action for the foreclosure of a mortgage is filed he shall enter upon the margin of the record of such mortgage a memorandum of the filing of such notice and of the date thereof. [*Stats. 1917 s. 761; 1919 c. 695 s. 117*]

59.55 Tract index system; power to alter. (1) The register shall also keep a tract index in suitable books, so ruled and arranged that opposite to the description to each quarter section, sectional lot, town, city or village lot or other subdivision of land in the county, which a convenient arrangement may require to be noted, there shall be a blank space of at least forty square inches in which he shall enter in ink the letter or numeral indicating each volume, and the class of records of such volume designating mortgages by the letter M, deeds by the letter D, and miscellaneous by the abbreviation Mis., and the register of attachments, sales and notices by the letter R, together with the page of said volume upon which any deed, mortgage or other instrument affecting the title to or mentioning such tract or any part thereof shall heretofore have been or may hereafter be recorded or entered; provided, that no such index shall be kept in any county where none

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now exists until ordered by the county board to be made; but no such index, when once made in any county, shall ever thereafter be discontinued, unless such county has or shall adopt, keep and maintain a complete abstract of title to the real estate therein as a part of the records of the office of the register of deeds thereof.

(2) In any county which has a city of the first class, the county board of supervisors may, by resolution, adopt a more complete system of tract indices than that above specified, or a system of chain of title indices, provided such system be clearly specified in such resolution; and may thereafter at any time before the completion of such system alter or change such system or add to the same by resolution clearly specifying such alterations, changes or additions. In the event of such adoption, said board of supervisors may contract, with any suitable person, to compile and complete such system of indices, and may make supplemental contracts for the compilation and completion of such alterations, changes and additions, and may levy such taxes as may be required to cover the cost of so doing; said register of deeds shall not be required to compile, install or complete such system of indices or such alterations, changes or additions, but shall after the same be so completed under such contract, or contracts of such board of supervisors, thereafter maintain and keep up the same; and, thereafter shall discontinue all other tract indices theretofore in use or maintained.

(3) In the event of the adoption of any such system of tract indices, or of any such system of chain of title indices, by such county board of supervisors, by such resolution, if such resolution shall provide that any such index shall include an abstract or notation of any proceeding or proceedings pending, or of any instruments or documents filed or entered in the office of the clerk of any court of such county or of the county court or of the register of probate, or of any sales for taxes made by any officer of said county, or of any city in said county, and shall call for a daily report to be made to the register of deeds of said county by any officer in charge of any such office of any such proceedings, instruments or documents or tax sales, each such office so called upon by said resolution to make such daily report, shall, upon the close of business on each day report, in writing, under his hand, to said register of deeds, any and all proceedings, instruments and documents, and tax sales, so called for by such resolution, and said register shall, when required to maintain and keep up such system of indices, note all such proceedings, instruments and documents, and tax sales upon such indices, in accordance with such resolution.

(4) Whenever in the judgment of the county board of any county any existing tract index or indices become unfit for use, because of mistake therein or of imperfection in or insufficiency of plan, or because of becoming worn, overcrowded, or unserviceable or unreliable for any reason, the county board may, at any meeting thereof, by resolution, order a new and corrected set of tract indices arranged and compiled according to such plan as it may authorize, and in that behalf may purchase suitable books and receive bids and contract with any competent person to do said work, at a price not exceeding five cents per folio, which shall be paid out of the county treasury on acceptance of said work by the county board. The person contracting to do said work, and his assistants, shall have access to and be entitled to the use of the old tract indices and other records in the register's office and other county records; and when said work is completed and said new tract indices are approved and adopted by the county board, the old tract indices shall be preserved as provided in section 59.71 subsection (2). The resolutions of the county board ordering, approving, and adopting such new tract indices, duly certified by the county clerk, shall be recorded in each volume of such new tract indices; and thereupon the same shall become and be the only lawful tract indices in the register's office. [*Stats. 1917 s. 762; 1919 c. 695 s. 118*]

59.56 Special counties; record of changes in streets, alleys, etc. In counties having a population of two hundred and fifty thousand or more according to the last state or United States census, and when the county board has prepared and compiled in book form an eminent domain record containing an abstract of facts relating to the laying out, widening, extending or vacating any street, alley, water channel, park, highway or other public place by any court, legislature, county board, common council, village board or town board and shall make an order that such records with an index thereto be thereafter maintained and kept up, and provide a suitable book for that purpose, the register of deeds shall thereafter maintain and keep such book in which shall be entered an abstract of all proceedings relating to the laying out, widening, extending or vacating any street, alley, water channel, park, highway or other public place by any court, county board, common council, village board or town board. Such abstract shall substantially contain the facts as to the filing of a notice of lis pendens, the date of filing, the description, the court in which or the body before whom the proceeding is pending, the result of the proceedings, the action taken and the date thereof and briefly all the essential facts of any such proceeding, and

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such records shall have a practical index, with reference to the number and page of the volume where such abstracts are entered respectively. The abstracts and records to be kept by the register of deeds shall by him be certified to be true and correct and when so certified shall be prima facie evidence of the facts therein recited and shall be received in all courts and places with the same effect as the original proceedings; and the record so prepared and compiled by the county board shall be prima facie evidence of the facts therein recited and shall also be received in all courts and places with the same effect as the original proceedings. [*Stats. 1917 s. 763a; 1919 c. 695 s. 120*]

59.57 Fees. Except as otherwise provided by law every register of deeds shall receive the following fees, to wit:

(1) For entering and recording any deed or other instrument, ten cents for each folio, and three cents for every necessary entry thereof in the tract index, when kept; but not less than forty-five cents for any release, fifty cents for any assignment, sixty cents for any deed and seventy-five cents for any mortgage.

(2) For recording any instrument written in any other than the English language, twenty cents for each folio.

(3) For filing and entering any writ of attachment or copy thereof, with the certificates of the officer, or any certificate of sale, or any notice of the pendency of any action containing not more than twenty defendants, twenty-five cents, and twenty-five cents for every additional twenty defendants in any such notice.

(4) For copies of any records or papers, ten cents for each folio, and twenty-five cents for his certificate.

(5) For every entry of a discharge of a mortgage in the margin of a record, ten cents.

(6) For filing every other paper and making an entry thereof when necessary, twenty-five cents.

(7) For a certified copy of the full record of any marriage, birth or death, fifty cents.

(8) For examining the proofs of marriage, birth or death, when presented in the form of affidavits, fifty cents.

(9) For making a new tract index upon the order of the county board, such sum as may be fixed by the county board, not exceeding two cents for each entry, to be paid from the county treasury.

(10) For recording plats containing from one to twenty lots, thirteen dollars, and for plats containing from twenty to fifty lots, fifteen dollars, and of each additional lot, ten cents.

(11) For exhibits, attached to any instrument, the size of a typewritten page, five dollars, and for those exceeding a typewritten page, ten dollars.

(12) All the foregoing fees to be payable in advance by the party procuring such service. [*Stats. 1917 s. 764; 1919 c. 296 s. 1, 2; 1919 c. 695 s. 121; 1919 c. 702 s. 39*]

59.58 County abstracter; appointment; duties; fees. (1) Whenever any county adopts tract indices and a chain of title system, the county board thereof may create a department to be known as an abstract department, either in connection with or independent of the office of the register of deeds, as said county board deems advisable and may appoint a competent person for a term of two years, who shall be known as the county abstractor, and shall have charge of and operate said abstract department. The board shall furnish a seal for said abstractor, who shall place said seal on each and every abstract issued by him.

(2) The register of deeds shall be eligible to the office of county abstractor and may hold both offices at the same time.

(3) The county abstractor shall at all times on demand of any person, and on payment of the fee therefor, make and deliver to any such person an abstract of title to any land in such county.

(4) The county board shall fix the salary of said abstractor, provide such clerical assistance as may be necessary and fix their compensation and shall fix the fees to be received for the compiling and furnishing of abstracts and may at any time prescribe regulations for the operation and conduct of said department. All fees received for the compiling and furnishing of abstracts shall be paid into the county treasury.

(5) The county board may by two-thirds vote of all the members of said board discontinue the furnishing of abstracts. [*Stats. 1917 s. 762m; 1919 c. 695 s. 122*]

SURVEYOR.

59.59 Deputies. The surveyor may appoint and remove deputies at will on filing a certificate thereof with the county clerk. [*Stats. 1917 s. 766; 1919 c. 695 s. 123*]

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59.60 Duties. The county surveyor shall:

(1) Execute, by himself or his deputy, any survey required of him by order of any court or upon application of any individual or corporation.

(2) Make a record in books kept therefor, of all corners set and the manner of fixing the same and of all corrected bearings and the distances of all courses run, of each survey made by him or his deputies and so arrange or index the same as to be easy of reference and file and preserve in his office the original field notes and calculation thereof; and within ten days after completing any survey, make a true and correct copy of the foregoing record, in record books to be furnished by the county and kept on file in the office of the county clerk.

(3) Furnish a copy of any record, plat or paper in his office to any person on demand and payment of his legal fees therefor.

(4) Administer to every chainman and marker assisting in any survey, before commencing their duties as such, an oath or affirmation faithfully and impartially to discharge the duties of chainman or marker, as the case may be; and the said surveyor and his deputies are empowered to administer the same.

(5) Perform such other duties as may be required by law. [*Stats. 1917 s. 768; 1919 c. 695 s. 124*]

59.61 How bearings expressed in surveys. In all surveys the bearings shall be expressed as nearly as may be according to the true meridian, and the declination of the magnetic meridian from the true meridian shall be given, with the year, month and day of the survey, except in the survey of an east and west and north and south line, when the declination of the needle from the line surveyed with the date thereof shall be sufficient. [*Stats. 1917 s. 769; 1919 c. 695 s. 125*]

59.62 Subdivisions of sections. Whenever a surveyor is required to subdivide a section or smaller subdivision of land established by the United States survey he shall proceed according to the statutes of the United States and the rules and regulations made by the secretary of the interior in conformity thereto. In subdividing a quarter section bordering on the north line of a township he shall establish the eighth corner equidistant from the quarter-section corners and the sixteenth section corner eighty rods from the quarter-section corner unless the quarter line vary in actual length from the length stated in the original survey, in which case such sixteenth corner shall be established at a greater or less distance in exact ratio to the excess or deficiency in the actual length of such quarter line. In subdividing a quarter section bordering on the west line of a township the eighth corner shall be established as above provided for establishing a sixteenth corner; and the sixteenth corner shall be established equidistant from the quarter-section corners. [*Stats. 1917 s. 770; 1919 c. 695 s. 126*]

59.63 Relocation and perpetuation of section corners and division lines. (1) Whenever a majority of all the resident landowners in any section of land within this state desire to establish, relocate or perpetuate any sectional or other corner thereof, or in the same section a division line thereof, they may make a formal application in writing to the county surveyor of the county in which the land is situated. Such surveyor shall file such application in his office and shall within a reasonable time give at least ten days' notice in writing to the owner or owners of all adjoining lands, if such owner or owners reside in the county where said land is situated and if not, by publication once each week for three weeks successively in a newspaper published nearest to such land, stating the day and hour when such survey will be commenced and made, and said county surveyor or his deputy shall, on the date so fixed, proceed to make the required survey and location. If a corner is to be perpetuated, he shall deposit in the proper place a stone or other equally durable material of the dimensions and in the manner and with the markings set forth in section 60.37, and shall also enter in his field notes one or more bearing trees if there be such, the species and size, direction and distance thereof, and if there be no trees he shall deposit one or more suitable stones at a sufficient depth as witness to said corner, all of which proceedings shall be accurately entered by said surveyor or his deputy in a suitable book to be kept for that purpose, carefully preserved and which shall together with all applications on file be turned over by such county surveyor to his successor in office upon request and a receipt taken therefor.

(2) All expense and cost of the publication of said notice, if any, and of said survey shall be apportioned by the town clerk among the several pieces or parcels of land in said section upon the basis of the area surveyed and by him included in the next tax roll and shall be collected in the same manner as other taxes are collected. [*Stats. 1917 s. 827a; 1919 c. 695 s. 127*]

59.64 Certificates and records as evidence. The certificate and also the official record of the county surveyor when produced by the legal custodian thereof or any of his

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deputies, when duly signed by him or them in his or their official capacity, shall be admitted as evidence in any court within this state, but the same may be explained or rebutted by other evidence and if any surveyor or either of his deputies be interested in any tract of land a survey of which becomes necessary, such survey may be executed by any competent person to be appointed by the court before whom such matter may be pending. [*Stats. 1917 s. 771; 1919 c. 695 s. 128*]

59.65 Fees. The surveyor and his deputies may demand and receive the following fees, except it be otherwise agreed upon with the parties employing them:

(1) For each day's service, five dollars; but the county boards of the several counties may at any annual meeting fix the per diem to be paid at a greater sum.

(2) For each mile traveled in going from his office to the place of rendering service and returning, ten cents.

(3) For plat and certificate, except town plats, fifty cents.

(4) For recording a survey, fifty cents.

(5) For each chainman and marker necessarily employed, not less than two dollars per day, unless they be furnished by the person for whom the survey is made.

(6) For making a copy, ten cents a folio and twenty-five cents for his certificate. [*Stats. 1917 s. 772; 1919 c. 695 s. 129*]

59.66 Penalty for nonfeasance. Any county surveyor who fails or refuses to perform any duty required of him by law shall be punishable by a fine of not less than twenty-five dollars nor more than fifty dollars for each such failure or refusal. [*Stats. 1917 s. 772m; 1919 c. 695 s. 130*]

COUNTY BUILDINGS AND PROPERTY.

59.67 Property of county; how held and conveyed. (1) All real and personal estate conveyed to any county or the inhabitants thereof or to any person for the use of the county or the inhabitants thereof shall be deemed the property of such county; and all such conveyances shall have the same force and effect as if they had been made directly to the county by name.

(2) The property of the county shall be held by the county clerk in the name of the county. The county board may, by resolution or ordinance, direct the county clerk to sell and convey any real estate of the county not donated and required to be held for a special purpose, and all deeds made in pursuance thereof on behalf of the county by the county clerk under his hand and the county seal and acknowledged by him shall convey all the right, title, interest and estate which the county may then have in and to the land so conveyed. [*Stats. 1917 s. 651, 653; 1919 c. 695 s. 131, 132*]

59.68 County buildings; proximity of courthouse to other buildings. (1) Each county shall at its own expense provide at the county seat a courthouse, a jail, fireproof offices, and other necessary buildings suitable to their proper uses, and keep the same in good repair; but no jail shall be constructed until the plans and specifications therefor shall be approved by the state board of control, and no jail shall be constructed in the basement of any other building. Until a courthouse is provided, or when the courthouse from any cause becomes unsafe, inconvenient or unfit for holding court, the county board shall provide some other convenient building at the county seat for that purpose temporarily; and such building shall then be deemed the courthouse for the time being for all purposes.

(2) In the construction hereafter of any courthouse the following restrictions and limitations shall be observed:

(a) Such construction shall be in accordance with plans and specifications accompanied by the certificate of the judge of the circuit court in whose circuit the building is to be erected, to the effect that after consultation with competent experts he is advised and believes that the court rooms therein provided for will possess proper acoustical properties. The expense of such expert advice shall be paid out of the county treasury upon the certificate of such judge.

(b) Repairs which amount substantially to a reconstruction of a courthouse shall be governed by the same restrictions and limitations, as far as practicable. [*Stats. 1917 s. 656; 1919 c. 437; 1919 c. 695 s. 133*]

59.69 Fairgrounds; acquisition; use; donations; conditions. Lands upon which to hold agricultural and industrial fairs and exhibitions may be acquired by county boards, as follows:

(1) In counties containing less than three hundred thousand population, by purchase, but not exceeding in value eight thousand dollars unless the expenditure is first approved by the electors of the county as provided in this subsection; and the board may grant the use thereof from time to time to agricultural and other societies of similar nature for

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agricultural and industrial fairs and exhibitions. All fences, buildings and sheds constructed and other improvements made on such lands by societies using the same shall be the property of the county. A sum in excess of eight thousand dollars may be expended for such lands and for the construction of buildings, fences and other improvements thereon, if the question whether such expenditure shall or shall not be made is submitted to a vote of the qualified electors of the county and a majority of those voting on the question vote in favor of making such expenditure.

(2) In other counties, by donation, purchase or condemnation, but not exceeding in value one hundred fifty thousand dollars and the board may convey, grant or donate such lands so purchased or acquired or the use thereof to the state of Wisconsin or to agricultural and industrial societies for the purpose of holding thereon agricultural and industrial fairs and exhibitions, and may receive donations of money, material or labor from any person, town, city or village for the improvement or purchase of such land. If at any time lands or the use thereof so conveyed, granted or donated shall be abandoned or no longer used for the purpose for which such lands or the use thereof were so conveyed, granted or donated, the title to such lands shall revert to the county having conveyed, granted or donated the same; and the commissioners of public lands, in the case of conveyances, grants or donations to the state, are authorized and directed to execute and deliver such proper deeds of conveyance as will revest the title to such lands in such county, and when such lands or the use thereof were conveyed, granted or donated to an agricultural and industrial society, such proper deeds of conveyance shall be executed and delivered by such society by its proper officers. However, the state may at any time within one year after title to any such lands revest by proper conveyance in such county, remove any buildings or structures erected thereon by or for the state subsequent to the acquisition of such lands by the state. [*Stats. 1917 s. 669 sub. (9), (9m), (9t); 1919 c. 695 s. 134, 135*]

59.70 Isolation hospitals. (1) In counties having a population of thirty thousand or more the county board may erect, establish and maintain isolation hospitals or places for the care and treatment of all persons afflicted with infectious, contagious and communicable diseases, requiring isolation and quarantine under the laws of the state, who are inmates of the charitable, penal, correctional and other institutions of said county or who are required to be cared for and treated at the expense of said county. The board may also provide for the care and treatment therein of all persons so afflicted, who are required to be cared for by the various towns, cities and villages in said counties, under such terms, conditions, rules and regulations, as to apportionment of cost of erection of such buildings and places and the expense of care and treatment of such persons afflicted, as may be agreed upon between the county board and the common council of such cities and the boards of such villages and towns, and each such council or board is hereby vested with power and authority to enter into such contracts and to appropriate such funds as may be necessary to carry into execution all contracts so made.

(2) All isolation hospitals and other places, when so erected or established in counties having a county board of administration, shall be conducted under the control and management of said board in the same manner and to the same extent as other institutions under the control of such board, and in other counties such isolation hospitals and other places shall be conducted under the control and management of the county board. Any resident of this state not indigent may be received into, treated and cared for in such isolation hospital or other place upon such terms and conditions and at such rate or pay as may be established and fixed by the board having charge of such isolation hospital or other place; provided, however, that indigent and destitute sick persons shall be cared for and have preference of admission to such hospitals and places. [*Stats. 1917 s. 670 sub. (24); 1919 c. 43, 460; 1919 c. 695 s. 136; 1919 c. 702 s. 41*]

59.71 Records where kept; public examination; rebinding; transcribing. (1) The books, records, papers and accounts of the county board shall be deposited with the respective county clerks and shall be open without any charge to the examination of all persons.

(2) When any book or public record, or the record of any town, village or city plat in any county office shall, from any cause, become unfit for use in whole or in part, the county board shall make an order that such book, record or plat be rebound or transcribed; if said order be to rebind such book, record or plat, such rebinding must be done under the direction of the officer in charge of said book, record or plat, and in his said office; if said order be to transcribe such book, record or plat, it shall be the duty of the officer having charge of the same to provide a suitable book for that purpose; and thereupon such officer shall transcribe the same in the book so provided; and carefully compare the transcript with the originals, and make the same a correct copy thereof, and shall attach to

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such transcript a certificate over his official signature that he has carefully compared the matter therein contained with, and that the same is a correct and literal copy of the book, record or plat from which the same was transcribed, naming such book. Such copy of book, record or plat, so certified, shall have the same effect in all respects as the original, and such original book, record or plat shall be deposited with the county treasurer and carefully preserved. The order of the county board directing the transcribing of any book, record or plat duly certified by the county clerk shall, with such certificate, be recorded in each copy of book, record or plat transcribed. The fee of the officer for such service shall be fixed by the board, not exceeding ten cents per folio, or if such books or any part thereof consist of printed forms, not to exceed five cents per folio for such books or records, to be paid by the county. [*Stats. 1917 s. 690, 691; 1919 c. 695 s. 137, 138*]

COUNTY FINANCE.

59.72 County auditors; powers; duties. (1) In counties having a population of less than three hundred thousand, according to the last preceding state or United States census, the county clerk shall act as auditor, unless an auditor is appointed as provided in subsection (2), and, when directed by resolution of the county board, shall examine the books and accounts of any county officer, board, commission, committee, trustees or other officer or employe intrusted with the receipt, custody, or expenditure of money, or by or on whose certificate any funds appropriated by the county board are authorized to be expended, whether compensated for services by fees or by salary, and the books and accounts of justices of the peace, and all original bills and vouchers on which moneys have been paid out and all receipts of moneys received by them. He shall have free access to such books, accounts, bills, vouchers and receipts as often as may be necessary to perform the duties required under this subsection and he shall report in writing the results of such examinations to the county board.

(2) The county board of any county having more than thirty thousand but less than three hundred thousand population, according to the last preceding United States or state census, may appoint and by resolution fix the compensation of a county auditor. A person so appointed shall perform the duties and have all the powers conferred upon the county clerk as auditor by subsection (1), and shall perform such additional duties and shall have such additional powers as are imposed and conferred upon him from time to time by resolution adopted by the board.

(3) In counties having a population of three hundred thousand or more, according to the last preceding state or United States census, the county clerk, the chairman of the county board and the county treasurer, or a majority of them, shall appoint a person known to be skilled in matters of public finance and accounting to act as county auditor under the direction of the county clerk. Such appointment shall be subject to confirmation by the county board. The auditor shall direct the keeping of all of the accounts of such county, in all of its offices, departments and institutions, and shall keep such books of account as may be necessary to properly perform the duties of his office. His salary and the amount of his official bond shall be fixed by the county board. He shall hold office during the period for which the county clerk under whom he is appointed holds office, and shall perform all duties pertaining to his office, and shall have all of the powers and perform all the duties specified and enumerated in subsection (1) and shall perform such other duties as may be imposed by the county clerk or the county board.

(4) In counties included within subsection (3), the county auditor may designate as deputy auditor a deputy clerk, a clerk or assistant, who shall have been assigned to his department by the county clerk, to aid him in the discharge of the duties of his office, and who, in the absence or disability of the county auditor, or in case of a vacancy in said office, shall perform all the duties of the office of county auditor until such vacancy is filled, or disability is removed. Such deputy shall execute and file an official bond in the same amount as that given by the county auditor. His authority as deputy auditor may be revoked at any time by the county auditor who designated him. [*Stats. 1917 s. 670a, 709 sub. (3a), (3b), (3c); 1919 c. 168; 1919 c. 695 s. 140 to 143*]

59.73 Receipts and deposits of money; accounts. Every county officer and employe and every board, commission or other body that collects or receives moneys for or in behalf of the county, shall:

(1) Give such receipts therefor and file such duplicates thereof with the county clerk and county treasurer as the county board directs.

(2) Keep books of account and enter therein accurately from day to day with ample description, the items of his official service, and the fees therefor.

(3) Pay all such moneys into the county treasury at such time as is prescribed by law, or if not so prescribed daily or at such intervals as are prescribed by the county board.

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(4) Perform all other duties in connection therewith that are prescribed by or pursuant to law. [*Stats. 1917 s. 694 sub. (5), 708, 714, 751, 753; 1919 c. 695 s. 144*]

59.74 Depositories; designation; revocation; bonds. (1) The county board of each county containing two hundred thousand or more population, according to the last state or United States census, shall annually designate two or more, and in other counties may designate one or more, banks, banking institutions or trust companies organized and doing business under the Wisconsin or United States laws, as county depositories.

(2) The county clerk shall annually advertise in one or more newspapers published in his county, or if he finds the public interest requires it, in one or more newspapers published elsewhere in Wisconsin, for at least two weeks before the annual meeting of the county board, for proposals to receive on deposit the county funds for one year from the first day of the following January. Proposals shall be filed with the clerk at least one day before such annual meeting and shall state the rate of interest the bidder will pay on daily balance, and that such deposits and accrued interest will be subject to draft and payment at all times on demand. However, if no advertisement is made, the board may consider proposals regularly filed. If no proposal is filed the board at its annual meeting shall serve written notice upon each such bank, banking institution and trust company in the county that such proposals will be received during such session, and proposals received shall be considered. After opening proposals received the board, in its discretion, shall designate a depository or depositories.

(3) Before it shall be entitled to receive county funds on deposit a depository so designated shall, on or before the first day of December next following designation, file with the county clerk a personal or surety company bond, to be in effect on and after the first day of January next succeeding, and shall be subject to the approval of a committee of the county board appointed therefor. Such bond shall be in a sum fixed by the county board at not less than the maximum amount to be placed therein, or if a surety company bond is furnished, at not more than two thousand dollars in excess of said maximum, shall be conditioned for the payment, upon demand, to the county treasurer or his order of all moneys deposited by him with it, and interest at the rate agreed upon, and, if a personal bond is furnished, it shall be signed with not less than three sureties, residents and freeholders of this state, who shall together be worth in property therein, not exempt from execution and over and above their debts and liabilities, double the amount of the penalty of the bond, and who shall justify their several responsibility by their affidavits.

(4) If at any time after a designation is made the board shall, for good and sufficient reasons, deem the security given insufficient, it may require a new bond, and if, in its opinion, the public interest requires it, may vacate, revoke or modify such designation, and may at any special session, after giving written notice as herein required, again designate a depository or depositories for the remainder of the current calendar year, subject to the approval of the bond as required by subsection (3).

(5) If after a depository has been designated by the county board, it shall fail to furnish a bond, as provided in this section, or if at any time after a depository has been designated and has filed the bond herein provided for, such bond is withdrawn by the sureties thereon, or is deemed insufficient by the committee provided for in subsection (3), said committee shall have power to vacate, revoke or modify the designation of the county board, and such committee shall have power to designate a depository or depositories for the remainder of the calendar year. In making such designation, such committee shall be governed by the procedure outlined in this section to be followed by the county board, and such committee shall, for the purpose of making such designation, have all the powers conferred upon the county board by this section. The bond of any depository designated as provided in this subsection shall be subject to the approval of the committee. [*Stats. 1917 s. 693; 1919 c. 695 s. 145; 1919 c. 702 s. 42; 1921 c. 422 s. 22*]

59.75 Funds to be placed in depositories; reports; cash balance. (1) Whenever any county board shall have designated a county depository or depositories in accordance with the provisions of section 59.74 the county treasurer, as soon as the bond required by that section has been approved and filed, shall deposit therein as soon as received all funds that come to his hands in that capacity in excess of the sum he is authorized by such board to retain and any sum so on deposit shall be deemed to be in the county treasury, and such treasurer shall not be liable for any loss thereon resulting from the failure or default of such depository without fault or neglect on his part.

(2) Every such depository shall on the first business day of each month, and oftener when required, file with the county clerk a statement of the amount of county money deposited with it during the preceding month, and the treasurer shall at the same time file with such clerk a statement showing the amount of moneys received and disbursed by him during the previous month.

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(3) The county board may fix the amount of money which may be retained by the treasurer but in no case shall the sum exceed three thousand dollars; provided, that in all counties having a population of two hundred thousand inhabitants or over, the treasurer may retain such sum as may be fixed by the county board, not exceeding fifty thousand dollars.

(4) Such treasurer and clerk, whenever the cash balance does not amount to the sum authorized by the county board to be retained, may increase it to such amount by their check on the county depository or depositories in favor of such treasurer. [*Stats. 1917 s. 717, 718; 1919 c. 695 s. 146, 147*]

59.76 Claims against counties; actions on; disallowance. (1) No action shall be brought or maintained against a county upon any account, demand or cause of action when the only relief demandable is a judgment for money, except upon a county order, unless the county board shall consent and agree to the institution of such action, or unless such claim shall have been duly presented to such board and they shall have failed to act upon the same within the time fixed by law. No action shall be brought upon any county order until the expiration of thirty days after a demand for the payment thereof has been made; and if an action is brought without such demand and the defendant fails to appear and no proof of such demand is made, the court or the clerk thereof shall not permit judgment to be entered, and if judgment is entered it shall be absolutely void.

(2) The decision of the county board disallowing in whole or in part any claim of any person shall be final and a bar to any action founded thereon, except as provided in subsection (1), unless an action be brought to recover against the county within six months after such disallowance. Failure to allow a claim before the adjournment of the next annual session of the board after the claim is filed shall be deemed a disallowance.

(3) The claimant may accept payment of any portion of his claim allowed without waiving his right to recover the portion disallowed. The plaintiff, if he recover any sum in excess of the amount allowed, if any, by the board, shall have costs irrespective of the amount so recovered; otherwise the defendant shall recover costs. No interest shall be recovered upon any sum allowed by the county board for which an order shall have been duly drawn, after the order shall be available to the plaintiff. The court may examine all the items of the claim presented to the board and, if it appear that the plaintiff has been allowed as great a sum on the whole claim as he is entitled to, he shall recover no greater sum and the defendant shall have costs. [*Stats. 1917 s. 676, 682, 683; 1919 c. 695 s. 148, 149, 150*]

59.77 Claims, how made; procedure. (1) IN GENERAL. Every person, except jurors, witnesses, interpreters, and except physicians or other persons entitled to receive from the county fees for reporting to the register of deeds births or deaths, which have occurred under their care, having any such claim against any county shall:

(a) Make a statement thereof in writing, setting forth the nature of his claim and the facts upon which it is founded, and if the claim is an account the items thereof separately, the nature of each and the time expended in the performance of any service charged for, when no specific fees are allowed therefor by law, and, if the claim is for mileage, the statement shall specify dates and places so as to show between what points and when and the purpose for which the travel charged for was had.

(b) Such statement shall be verified by the affidavit of the claimant, his agent or attorney, and filed with the county clerk; and no such claim against any county shall be acted upon or considered by any county board unless such statement is so made and filed.

(2) OF COURT OFFICERS, CERTIFIED BY DISTRICT ATTORNEY. No claim for official services, in any criminal action or proceeding before a justice of the peace or other magistrate shall be allowed by any county board until the same has been examined and a written report made thereon by the district attorney of the proper county as required by subsection (4); nor shall the claim of any sheriff, undersheriff, deputy sheriff, constable or other such officer for the services or expenses of an assistant in making an arrest or commitment be allowed unless the magistrate before whom the prisoner is brought certifies that there was a necessity for such assistance because of the dangerous character of the defendant or because two or more persons were arrested at the same time.

(3) OF JUDICIAL OFFICERS. County judges, court commissioners and justices of the peace shall, on or before the first Monday of November in each year, forward to the county clerk of their respective counties a correct statement of all actions or proceedings had before them, during the year next preceding, in which the county shall have become liable for costs, giving the names of the parties in each action or proceeding, the nature and result of the same, the amount of costs in detail in each case, and what items, if any, have been paid and the amount thereof. The county clerk shall file such statements in his

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office; and no such officer who shall neglect to make and return such statements within the time above prescribed shall receive any compensation from the county for any service rendered by him in any criminal case or proceeding during the year next preceding the time when such statement is required to be made and returned. Each such justice of the peace shall also, at the time of making any such statement, annex thereto and file with the said clerk a sworn statement, giving the titles of all criminal actions tried before him during the same period in which the defendant, or any defendant, shall have been convicted, and shall also state therein that he filed a certificate of conviction in each such case as and within the time required by law; and no bill of any justice of the peace shall be allowed, in whole or in part, unless accompanied by such sworn statement, nor unless all such certificates of conviction have been filed.

(4) OF COURT OFFICERS; CERTIFICATION; AUDIT BY DISTRICT ATTORNEY; WAIVER. Fees of officers, in any action or proceeding before a justice of the peace, court commissioner or county judge, shall be certified to and allowed by the county board in the manner following, and in no other way:

(a) At least ten days before the annual meeting of such board every such officer shall make and file with the county clerk a certified statement of all actions or proceedings had or tried before him in which the state was a party, and wherein the county has become liable for the fees of officers, or magistrates, within the year next preceding the date of such statement, showing the title and nature of the action or examination, date of trial, the names of all officers, who actually attended court and gave in a statement of their attendance and travel; and also such on the part of the defendant as were allowed against the county, and the amount to which they are severally entitled. Such statement shall be substantially in the following form, viz.:

STATE OF WISCONSIN against	IN JUSTICE COURT. Complaint for .... Before ...., Justice of the Peace.

Heard the .... day of ...., 19..

To the County Board of .... County:

I hereby certify that in the foregoing entitled action the following named persons rendered services therein, and attended before me in the capacity stated, and that they are severally entitled to the amounts specified below for said services, attendance and travel, and that said services were actually and necessarily rendered, and said action was prosecuted in good faith:

A. B. (constable or sheriff), actually and necessarily traveled in serving the.. herein, ... miles, and attended court .... days, and is entitled to .... dollars for other just and lawful services in the cause, and in all is entitled to .... dollars.

Dated this .... day of ...., 19..

(b) The county clerk shall deliver such statement to the district attorney, who shall examine the same and make a report in writing thereon to the county board, specifying the items in each for which the county is or is not liable, and the extent of its liability if it is liable for a part only of any such item. Such statement and report shall be laid before the county board by the county clerk, and in so far as the items charged therein are approved by the district attorney such statement shall be prima facie evidence of the claims of the persons named therein; and the board shall examine the same and allow such as are legal, and direct that orders be drawn for the amount allowed to each person named therein. If any person in whose favor any such order is drawn shall not call for the same within two years from the time his claim is allowed his right to any compensation for his services shall be deemed waived and the county board shall cancel such order.

(5) OF JURORS, WITNESSES, INTERPRETERS; PENALTY. Whenever any county is liable for fees of jurors, witnesses on the part of the state or on the part of the defendant, or of interpreters in any action or proceeding before a justice of the peace, court commissioner, county judge or other magistrate, procedure to secure payment of the same shall be as follows:

(a) The officer before whom such juror, witness or interpreter attended, shall furnish to such person a certificate setting forth the name of such person, the time served, the number of miles traveled by him and the amount of compensation to which he is entitled, together with the title of the action in which such person so served, the capacity in which he served and the date of service. Such certificate shall be dated and signed by such magistrate and examined and certified to by the district attorney of the county in which such persons or person so served.

(b) The person receiving such certificate shall in the presence of the magistrate issuing the same indorse thereon a certificate that he is the person mentioned therein by the magistrate, that the time of service, the number of miles traveled and the capacity in which

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he served are true and correct as therein stated, and that he has not at any time received any compensation therefor.

(c) Upon presentation of such certificate of such magistrate, together with the certificate of such district attorney and of the person holding the same indorsed thereon as hereinbefore specified, the county treasurer shall, except in counties having a population of over three hundred thousand, pay to the holder of such certificate the amount therein set forth, out of the funds of the county, and such certificate with the indorsement thereon shall be filed in the office of the county treasurer.

(d) In counties having a population of over three hundred thousand the aforesaid certificate shall be presented to the county clerk instead of to the county treasurer, and said clerk shall, subject to the provisions of subsection (2) of section 59.81 issue to the person holding said certificate, an order upon the county treasurer for the amount therein set forth.

(e) Said certificate shall then be filed with the county clerk.

(f) Any magistrate, juror, witness or interpreter who shall make or sign any such certificate which is untrue in respect to anything material, which he knows to be false, or which he has not good reason to believe is true shall be punished as provided in section 4554.

(6) FEES FOR STATEMENTS AND CERTIFICATES. Every county judge, court commissioner and justice of the peace shall receive from the county treasurer twelve cents per folio for making statements and returns required by subsection (3), and twenty-five cents for making each certificate required by subsection (4), and all such statements and certificates shall be transmitted to the county clerk by registered mail, and for so transmitting such statements and certificates such county judge, court commissioner or justice of the peace shall receive the sum of twelve cents. [*Stats. 1917 s. 677, 679, 680, 681, 696; 1919 c. 695 s. 151 to 155*]

59.78 Special counties; classification of claims. In counties containing a population of more than three hundred thousand, the county clerk shall, on and after the first of January following the date when a county auditor is first appointed in accordance with subsection (3) of section 59.72, require the county auditor to classify all such claims according to the budgetary funds provided for in section 59.84, against which they are chargeable, before such claims are laid before such board. He shall then submit with the claims chargeable against each fund, a statement of the balance in such fund against which no county orders have been issued. If such balance in any fund is less than the total of the claims chargeable against such fund, he shall call the attention of the board to that fact, and such board shall not issue county orders in excess of such balance without previously appropriating to such fund an additional sum at least sufficient to cover such orders. If any claims or claim shall be for a purpose for which no specific appropriation has been made in the budget, such claim or claims shall be considered as chargeable against the contingent fund. When the county clerk countersigns any order on the county treasurer for the payment of a claim allowed he shall charge such order against the fund appropriated for that purpose. [*Stats. 1917 s. 678m; 1919 c. 695 s. 156*]

59.79 Action on claims by board. The county clerk shall, on the first day of any meeting of the county board, lay before said board all such claims, statements of which have been filed in his office since the last meeting of such board, with a schedule of the same showing the amount thereof and the order in which the same were filed; and the county board shall act upon all such claims before the adjournment of the next annual session of such board after such statements were filed with the clerk, and shall examine and allow or disallow the same in whole or in part unless withdrawn by leave of the board; and in case of the disallowance of a part of an account or other claim composed of separate items the board shall designate particularly each item disallowed; and when the amount allowed for any claim shall have been accepted and received by the claimant, and no action shall be brought to recover the remainder thereof, no further sum shall thereafter be allowed or paid thereon by the county board. The county board, or a committee thereof, for the purpose of ascertaining the facts in relation to any claim presented for their exemption and allowance, may take such testimony as they may deem necessary. [*Stats. 1917 s. 678; 1919 c. 695 s. 157*]

59.80 Salaries; when payable. (1) Salaries of county officers, deputies, clerks, assistants and employes shall be paid at the end of each month, but the county board of counties having a population of two hundred fifty thousand or more may authorize the payment of such salaries therein semimonthly.

(2) No county judge shall receive or be allowed to draw any salary, unless he shall first take and subscribe an oath before an officer entitled to administer oaths, that no cause or matter in his court remains undecided that has been submitted for decision for the period

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of ninety days, exclusive of the time that he shall have been actually disabled by sickness, which affidavit shall be presented to and filed with the county clerk of such county. [*Stats. 1917 s. 670 sub. (26), 694 sub. (7); 1919 c. 695 s. 158, 158a*]

59.81 County orders. (1) ISSUANCE; LIMITATIONS. When any claim is allowed by any county board, either in whole or in part, said board shall direct an order to be drawn upon the county treasurer in favor of the claimant for the amount so allowed, but no order except for the per diem and mileage of the members of said board shall be drawn in favor of any claimant within five days after the allowance of his claim. Any person whose claim has been allowed in part may receive the order drawn for the part so allowed without prejudice to his right to appeal as to the part disallowed. But no county board shall issue a greater amount of orders than the amount of the county taxes levied in such county for such year; and no interest shall ever be paid by any county on its orders.

(2) SPECIAL COUNTIES; COUNTERSIGNED BY AUDITOR. In all counties having a population of three hundred thousand or more all orders and warrants drawn upon or against county funds shall be countersigned by the county auditor; and the treasurer of such county shall make no payment of county funds for any purpose unless the order, warrant, certificate, direction or authority given him for such payment is countersigned by such county auditor. This provision requiring the countersigning by said auditor shall apply to all laws and statutes, special and general, relative to the payment of county funds by the county treasurer.

(3) EXAMINATION OF. The county board at their annual session, or oftener if they deem necessary, shall carefully examine the county orders returned paid by the county treasurer by comparing each order with the record of orders in the county clerk's office, and cause to be entered in said record opposite to the entry of each order issued the date when the same was canceled. They shall also make a complete list of the orders so canceled, specifying the number, date, amount and person to whom the same is made payable, which statement shall be entered at length on the journal of the board; and immediately after the above requirements are complied with the orders so canceled shall be destroyed in the presence of the board.

(4) UNCALLED FOR ORDERS; CANCELLATION; REISSUE. The county clerk shall prepare and present to the county board, at each annual session thereof, a descriptive list giving the amount, date and payee of all county orders which have remained in his office for two years uncalled for by the payee. The board shall cause such orders to be compared with such list, and when found or made correct such list shall be entered at length on the journal of the board and filed in the office of such clerk; and all such orders shall be canceled and destroyed. The person in whose favor such order was drawn, excepting those issued under the provisions of subsection (4) of section 59.77, may, upon application to the chairman of the board and county clerk, made within six years from the date of such order and not afterwards, have a new order issued to him for the amount of the original, without interest. [*Stats. 1917 s. 686, 687, 688, 715 sub. (12); 1919 c. 695 s. 159 to 162*]

59.82 Examination of magistrates' dockets. Each member of the county board shall personally, on or before the first day of November in each year, inspect the docket of every justice of the peace, police justice, municipal judge or other magistrate who is authorized to receive fines under section 4772, whose office is located within the town, ward or village represented by him, and ascertain therefrom the amount of such fines received by any such magistrate during the preceding year ending October thirty-first and make a separate written report for each such magistrate, which report shall be verified by his affidavit, embrace the title of each case in which any such fine was received, the date of conviction and the total amount of fines received during the period covered by such report. The county board shall, at their annual meeting, compare such reports with those made by magistrates pursuant to said section. [*Stats. 1917 s. 694b; 1919 c. 695 s. 163*]

59.83 Publication of financial report. The several county boards shall cause to be made out and published immediately after their annual meeting, in at least one newspaper published in their county, if such there be, a report of the receipts and expenditures of the year next preceding and the accounts allowed; and if no newspaper be published in the county, then a copy of such report shall be posted on the courthouse door and at two other public places in the county. [*Stats. 1917 s. 689; 1919 c. 695 s. 164*]

59.84 Special counties; budgetary procedure; transfer of funds. (1) The fiscal year of all county departments and institutions in every county having a population of more than three hundred thousand shall close on December thirty-first of the year in which a county auditor is first appointed, and of each year thereafter.

(2) In every such county each county officer and the superintendent of every county institution, the clerk of every court, the secretary of every board or commission which expends county money and the executive head of every other office or department which ex-

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pends county money, shall annually, on or before the first day of September, make in writing and file with the county clerk and county auditor in such form as the county clerk may require, a detail report and estimate of all the necessary expenditures of every kind and nature to be made by their several departments, institutions, offices or boards out of county funds, during the ensuing fiscal year.

(3) The county auditor, under the direction of the county clerk, shall compile said reports and estimates, together with an estimate for a reasonable contingent fund for unforeseen emergencies a report of the funds required of such interest and sinking funds for county bonds and land contracts as are to fall due during the ensuing year and an estimate of the receipts to be derived from taxes, from the state, from bonds, and from all other sources to meet such expenditures. The county clerk shall submit all of the said reports and estimates, thus compiled, to the county board on or before the fifteenth day of September and said board shall immediately refer them to the proper committee thereof. Such committee shall then proceed to hold a series of public hearings at which it shall require every officer who has submitted a report and estimate as above provided, or a representative of the department, institution, office or body for which said report and estimate was made, to appear before such committee and give information with regard to appropriations required for his department, institution, office or body. The county auditor or his assistant shall attend each of said hearings to render assistance and advice. Such committee shall prepare a tentative budget of county expenditures for the ensuing year, and not later than the twenty-fifth day of October shall hold a public hearing thereon at which citizens shall be invited to express their opinions as to the said tentative budget.

(4) On or before the first day of November following, such committee shall submit to the county board a tentative budget, based upon such reports, estimates and hearings. On or before the fifteenth day of the same month, the board shall adopt the budget with such changes, income or decrease as seem to it proper. When so adopted, the sums provided for the said various departments, institutions, offices and bodies and for the various functions within these departments, institutions, offices and boards shall constitute legal appropriations for the ensuing fiscal year and the county auditor, under the direction of the county clerk, shall keep account of each of the said appropriations, together with any other moneys which may become legally available for the use of each respective department, institution, office or body, as a separate fund. Such appropriations shall become available on the first day of said fiscal year but not before.

(5) At the request of the head of any department, or office or at the request of any board, the county board may, by resolution adopted at any legal meeting, transfer money from one fund to another within the appropriation of the department, institution, office or board making the request, and by a resolution adopted by any legal meeting said board may transfer money from the contingent fund to any other budgetary fund or appropriate money from the contingent fund for any legal county purpose. [*Stats. 1917 s. 709 sub. (23); 1919 c. 695 s. 165*]

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59.85 Aid to immigration societies. (1) The county board of any county may appropriate not to exceed one thousand dollars in any one year for the purpose of assisting any county association of the citizens of such county, or any association composed of the citizens of two or more counties of which the citizens of such county are members, organized solely for the purpose of inducing immigration to the state.

(2) The disbursement of any appropriation made under this section shall be under the supervision of the chairman of said board, the county clerk and county treasurer, and in all cases after such an appropriation has been made, there shall be filed with the said county clerk a sworn statement by the treasurer of the immigration society for whose benefit the appropriation was made, showing that the amount of said appropriation has been used by said association for the purpose of inducing immigration to the county making said appropriation and to adjoining counties, and itemized bills for the expenditure of a sum equal to said appropriation duly verified shall accompany such statement of said treasurer. Upon the approval of such statement and such itemized bills, by the county officers above named, said moneys so appropriated shall be paid by the proper officers of the county making the same into the treasury of said immigration association. [*Stats. 1917 s. 697—52, 697—53, 697—54; 1919 c. 695 s. 167*]

59.86 Aid to fairs. The county board of any county having a population of thirty thousand or more by the last federal census may vote an amount not exceeding ten thousand dollars and in all other counties the county board may vote an amount not exceeding five thousand dollars in the aggregate for all societies in the county in any one year to aid in the purchase of, or to make improvements upon the fairgrounds for any or-

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ganized agricultural society, or to aid any organized agricultural society or any incorporated poultry association in its preparations for or conduct of its public exhibitions; and any amount so voted shall be paid upon demand by the county treasurer to the treasurer of such organized agricultural society, who shall keep an accurate record of the expenditure thereof by such society and file a verified copy of such record with the county clerk within one year after the receipt of such amount from the county treasurer. [*Stats. 1917 s. 669 sub. (9); 1919 c. 641; 1919 c. 695 s. 168; 1919 c. 702 s. 42a, 42b; 1921 c. 210*]

59.87 County agricultural representatives. (1) For the purpose of aiding in the agricultural development of the several counties in the state, any county is hereby authorized, through its county board, to establish and maintain an agricultural representative in accordance with the provisions of this section.

(2) Such agricultural representative under the direction and supervision of the special committee on agriculture shall:

(a) Advise and consult with individuals in reference to farming methods.

(b) Aid in the development and improvement of agriculture and country life conditions.

(c) Offer courses of instruction to young people and adults.

(d) Aid in the formation of co-operative enterprises.

(e) Promote better business methods among farmers.

(f) Give such assistance as possible in the development of agricultural teaching in the schools of the county.

(g) Do other work designed to promote the agricultural or rural development of the county.

(h) Keep in touch with all agencies in the state and elsewhere that will enable him to utilize the most improved knowledge in the furtherance of his work.

(i) Make an annual report of his activities to the county board.

(3) For the partial maintenance of agricultural development of such county under the supervision of such agricultural representative, and for such other extension work as is provided for in an act of congress approved May 8, 1914, entitled "an act to provide for co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of an act of congress approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto, and the United States department of agriculture," authority is hereby given the county board to raise, by tax levy or otherwise, for periods of not less than two years each, such moneys as may be deemed sufficient to cover the share of the county in such work. In no case shall the amount appropriated by the county for this work be less than one thousand dollars annually. Such moneys shall be disbursed by the county treasurer only upon orders of the county clerk which shall have been approved by the special committee on agriculture.

(4) To supplement the funds provided by the county for the agricultural development, state aid, in the sum of one thousand dollars annually, shall be given to each county in which the county board has made the required appropriation, and in which a county agricultural representative has been established. Such state aid shall be expended under the direction of the board of regents of the University of Wisconsin.

(5) For the period ending June 30, 1920, this work shall be organized in not to exceed forty-five counties of the state, for the fiscal year beginning July 1, 1920, in not to exceed fifty counties of the state, for the fiscal year beginning July 1, 1921, in not to exceed fifty-eight counties of the state, for the fiscal year beginning July 1, 1922, in not to exceed sixty-five counties of the state and for the fiscal year beginning July 1, 1923, and annually thereafter, in not to exceed seventy-one counties of the state.

(6) Immediately after the county board has voted to establish the position of county agricultural representative and has provided the necessary money for the share of the county therefor, the county clerk shall send the application of such county to the dean of the college of agriculture for the appointment and establishment of such county agricultural representative. All applications from the several counties shall be so made prior to December tenth of each year, or as soon thereafter as possible. In case the applications do not exceed the maximum limit of counties that can be provided for in this section, the board of regents shall select as soon as possible a properly qualified person to serve in each county in the capacity of county agricultural representative. If, however, more applications are received than can be acted on in accordance with the provisions of this act, the dean of the college of agriculture shall recommend to the board of regents a list of counties not in excess of the maximum number authorized by this section, taking into consideration in making such selection the best interests of the agricultural welfare of the state.

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(7) Authority is hereby given the county training school board of any county in which an agricultural representative is established to enter into co-operation with the regents of the university with reference to the use of the county agricultural representative in connection with the agricultural instruction given in said county training school, subject to such rules and conditions as may be mutually agreed upon between said county training school board and the regents of the university.

(8) In counties where the work of the county agricultural representative is not connected with the county training school, the county superintendent of schools in such county shall co-operate with the county agricultural representative in such way as best designed to further the interests of this work in that county.

(9) From and after the annual meeting of the county boards in November, 1919, the special committee on agriculture shall consist of the chairman of the county board of supervisors, the county superintendent or superintendents of schools, and three practical farmers representing the agricultural interests of the county, appointed by the county board of supervisors, one of whom shall be a member of the county board of supervisors. In those counties that have county agricultural schools, the two boards shall work in conjunction as one board. [*Stats. 1917 s. 697—61; Spl. S. 1918 c. 10; 1919 c. 116 s. 4; 1919 c. 305 s. 1; 1919 c. 695 s. 169; 1919 c. 702 s. 86; 1921 c. 209; 1921 c. 422 s. 23*]

59.88 Grand jury investigations; appropriation for. (1) The county board of each county having less than two hundred fifty thousand inhabitants shall include in its annual tax levy not less than two hundred dollars and not to exceed one thousand dollars to create a fund to be used by the district attorney to defray such expenses in conducting investigations by the grand jury and in the preparation for and in the trial of criminal cases as are necessary and for which no other provision has been made.

(2) No expense shall be incurred against such fund by the district attorney unless he first obtains a written order of the court in which the grand jury is impaneled or the trial is to be had.

(3) Upon the presentation to such judge by the district attorney of a satisfactory statement of any expenses incurred under such order, payment from such fund shall be made as provided in section 4713.

(4) Any part of such fund remaining in the treasury at the end of the county's fiscal year shall be transferred to the general fund of the county. [*Stats. 1917 s. 694m; 1919 c. 695 s 170*]

59.89 Disposition of unclaimed funds by court clerks. (1) All moneys, securities, or funds now in the hands or under the possession or control of the clerk of any circuit court, district court, municipal court, or other court of record in this state, where, for a period of four years or more, no order has been made, or no step or proceeding has been had or taken in the case, action, or proceeding in, by or through which said moneys, securities, or funds may have been deposited or left with said clerk or his predecessors in office, and where no valid claim has been made upon or for any such moneys, securities, or funds for a period of four years or more, and where the owner or ownership of said moneys, securities, or funds is unknown, shall be held, together with all interest or profits had thereon, by said clerk and his successor in office until two years after the passage and publication of this act, unless sooner demanded by and turned over to the legal owner or owners thereof.

(2) Two years after the passage and publication of this act, the clerk of any circuit, district, municipal, or other court of record holding or having in his possession any such moneys, securities, or funds, shall turn the same over to the county treasurer, and the county treasurer and his successors in office shall hold the same for a period of six years unless sooner demanded by and turned over to the legal owner or owners thereof, except as provided in subsection (4) hereof.

(3) At the end of said six years the county treasurer shall publish, once each week for three successive weeks, in a newspaper published in the county, the fact that he has such unclaimed moneys, securities, or funds in his possession for disposition. If no legal claim is made for such moneys, securities, or funds within ten days after the last publication above provided for, then the county treasurer shall turn such moneys, securities, or funds, together with all interest and profits had thereon, into the general fund of the county treasury, and no action shall thereafter be maintained by any person, firm, or corporation against the county or the county treasurer for the same or any part thereof.

(4) In case any such money constitutes a portion of the assets of an insolvent person, copartnership or corporation it shall be held by the county treasurer for one year after the passage and publication of this act unless sooner turned over to the legal owner or owners thereof. At the end of said year the judge of the circuit court of said county on the petition of the county treasurer shall cause a notice to be published once a week for

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six successive weeks in some newspaper in said county, that such county treasurer has such unclaimed money, and specifying a time not more than four months after the date of the first publication within which creditors of such insolvent shall present their claims for examination and allowance. Such notice shall state the amount of money to which said notice applies, when it was deposited with the county treasurer, the source from which derived, and all other facts which will help to identify the fund. All claims shall be verified and filed with the county treasurer on or before the date specified, or be barred. On the day specified in said notice the county treasurer shall apply to the said judge for an order allowing or rejecting such claims and authorizing the payment of all claims allowed. If any claim presented is rejected for any reason ten days additional time shall be given the claimant in which to present satisfactory proofs. The order shall direct the money paid to those creditors who filed and had their claims allowed, the money to be divided pro rata. If no claims are filed or allowed such money shall be held as provided in subsections (2) and (3) of this section. The statute of limitation shall not be pleaded to any claim filed within the time limited in said notice. [*Stats. 1917 s. 748m; 1919 c. 695 s. 171*]

59.90 [*Repealed by 1921 c. 576 s. 5*]

59.91 Viaducts and bridges; bonds. (1) SPECIAL COUNTIES MAY CONSTRUCT. The county board of supervisors of any county within this state which now has or may hereafter have according to any state or national census taken a population of one hundred fifty thousand or more, is hereby authorized and empowered to erect, construct and maintain any viaduct or bridge over and across any gully, river or valley, or railroad track or tracks agreeable to the conditions and provisions of this act and subsisting laws applicable thereto, when in the opinion of such county board the erection of such viaduct or bridge shall be for the best interests of the county and inhabitants thereof, which opinion shall be rendered by resolution duly adopted by the county board of supervisors of such county, at any legal meeting thereof. Such viaduct or bridge shall be constructed of such length, width and heighth as the said county board of supervisors may by resolution determine.

(2) LOCATION; BONDS WHEN ISSUED. Whenever any such county board shall have determined upon the erection of any viaduct or bridge as provided for in this section, it may at any regular meeting of said board, determine by resolution in the manner provided by law, and the rules and regulations of such county board, the tract or tracts of land over and upon which such viaduct shall be placed or constructed, and the determination of such county board and the selection by it of the tract over and upon which such viaduct shall be so placed, shall be final; but no bonds shall be issued under the provisions of this section until said determination has been made and had by such county board of supervisors.

(3) DUTY OF SURVEYOR; NEGOTIATIONS BY BOARD; DAMAGES. Whenever the county board of supervisors of any such county shall determine to erect and construct a viaduct or bridge under and according to the provisions of this section, it is hereby made the duty of the county surveyor of such county, immediately upon such determination and the selection of such county board, of the location of such viaduct, or as soon thereafter as practicable, to cause a survey of the property so selected to be made, and to file said survey in the office of the county clerk of such county; and he shall also file therewith a description of the several parcels of land contained therein; and also a map or plat thereof, showing the location of the same, unless such survey, description and plat has already been prepared, and such county board of supervisors or such committee as such board may appoint, shall upon the filing of such plat and description of such land and the survey thereof, ascertain if the same or any part thereof can be acquired from the owners thereof, by dedication without compensation, and also enter into negotiations with the several owners of the land necessary to be acquired, for the purpose of the fee simple of, or right of way over, all the lands described in said survey, which cannot be acquired by gift for the purpose of constructing a viaduct thereon, and such lands as shall be included in said survey, which cannot be acquired by gift or purchase at an agreed price, or the right of way over such lands, shall thereupon be condemned by the said county board of supervisors, in the manner provided by law for laying out a county road for the purpose of constructing such viaduct thereon; provided, that the damages assessed therein shall be paid by said county. If by constructing said viaduct in the manner aforesaid, any damages be sustained by any person or persons, to his or their property, then and in such cases the damages so sustained shall be paid out of the treasury of the county.

(4) DRAWBRIDGE; HEIGHT OVER TRACK. When any such viaduct shall be built over a navigable river, a suitable drawbridge shall be provided therein, and whenever any such viaduct shall cross over and above any railroad track, the same shall have its lowest member not less than twenty-three feet above the rail of said railway.

(5) PROFILE; PLANS; CONTRACT. Whenever the erection of a viaduct, under the provisions of this section, shall have been determined upon, the county board of supervisors

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of the county about to construct the same shall cause to be made a complete profile plan and detailed specifications for the work, and as soon thereafter as practicable, such county board of supervisors shall let the contract for the work according to law to the lowest bidder, and enter upon the construction of such viaduct, bridge and approaches in conformity thereto.

(6) FRANCHISES AND RIGHTS NOT TO BE GRANTED. No franchises or rights shall ever be granted for purposes of horse, steam, electric or other railway communication, and no exclusive privileges or immunities shall ever be granted for the lighting of streets, highways and the like over any viaduct constructed under the provisions of this section, by the county constructing the same, to any person, persons or corporation.

(7) BONDS, WHEN ISSUED; SUBMISSION OF TO VOTE OF PEOPLE; WHEN. Whenever the construction of a viaduct shall have been determined upon, agreeably to the conditions of this section, the county board of supervisors of the county about to construct such viaduct, is hereby authorized and empowered to issue bonds of such county for the purpose of raising money for the building of such viaducts, and for the procurement of title thereto, or a right of way over any and all lands necessary to or convenient for the construction and maintenance of such viaduct, and necessary or convenient approaches thereto, and the payment of all damages which may be assessed or allowed to the owners of property that shall be purchased or condemned for the uses and purposes in this section, provided, such bonds to bear interest at a rate not exceeding five per cent per annum, interest payable semiannually, and the principal payable at such time or times, within twenty years from the date of such bonds, as the county board of supervisors of such county may determine. Provided, however, that no bonds authorized by this section, shall be issued within sixty days after the vote of any county board authorizing such issue, and if, within such period of sixty days there shall be filed with the county clerk of such county a petition signed by not less than ten per cent in number of the voters who voted in said county at the last preceding general election asking for a submission of the question of issuing such bonds to a vote of the people, such bonds shall not be issued until authorized by a majority of the voters voting upon such question, in which case the question of such issue shall be submitted to the people in the manner provided by section 943, and all provisions of said section 943 relating to the method of submission of the question of issuing bonds to a vote of the people, shall apply to the issue of bonds under the provisions of sections 697—32 to 697—44, inclusive [this section].

(8) BONDS, TENOR AND EFFECT OF. All county bonds issued by any county under the provisions of this section shall be signed by the chairman and countersigned by the clerk of the county board of supervisors of the county issuing the same, and shall be under the corporate seal of said county, and shall be in the sum of one thousand dollars, five hundred dollars and one hundred dollars each, the number of bonds of such denomination to be fixed by the county board of supervisors, with interest coupons thereunto attached, payable semiannually; all of such bonds issued in any one year, to be payable with the same rate of interest, and the interest payable semiannually at one time and place; such time and place to be determined by the county board of supervisors, and to appear upon the face of such bonds and coupons, and said bonds, when signed, countersigned and sealed, as aforesaid, shall be in the hands of a bona fide holder of the same for value, full and complete evidence, both at law and in equity, to establish the indebtedness of the county issuing the same, according to the tenor and effect of said bond.

(9) DUTY OF COUNTY TREASURER; BOND AND SURETIES. When the issue of any county bonds, under the provision of this section, shall have been determined upon, the county board of supervisors of the county about to issue the same, may at any legal meeting, direct by resolution, their chairman to sign, and the clerk of said board to countersign, all the bonds authorized to be issued under this section, or such part thereof as the said board may from time to time determine shall be issued; and it shall be the duty of the treasurer of any such county, under the supervision of the county board of supervisors of such county, to negotiate the bonds so issued; provided, that none of said bonds shall be sold at a rate less than par; and the said county treasurer of such county, shall keep and maintain all moneys received from the sale of the bonds issued, in a fund separate from all other moneys belonging to said county, and no part of said bond or of the moneys arising from the sale thereof, shall be expended for or applied to any purposes whatever, except to defray the expenses of obtaining the right of way and for the building of any viaduct, constructed under and according to the provisions of this section, and for materials to be used therein and labor furnished thereon; and the said treasurer and his sureties shall be liable to such county for any misapplication of the same or any part thereof; and the said treasurer, before he shall receive such bonds or any money received from the sale thereof for any purpose whatever, shall within thirty days after it has been determined to issue

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such bonds, execute to the county board of supervisors of such county, a bond with three or more sufficient sureties or a surety company in the penal sum of double the amount of bonds or moneys so to be received by him, conditioned that he will faithfully perform all orders and resolutions of said county board of supervisors which may be passed by virtue of the powers conferred upon such board by this section; that he will keep the bonds received by him safely, that he will keep the moneys received by him and arising from the sale of said bonds safely and separately from other moneys belonging to such county, that he will not pay out the same or any part thereof, except in the manner herein provided, which said bonds shall be approved by the county board of supervisors of said county, and filed in the office of the clerk of said county board of supervisors, and the treasurer of said county shall in a book in a form convenient for that purpose, keep all the coupons belonging to such bonds when the same shall be returned, paid and canceled; such book at all times to be subject to the inspection of any member of said board, citizen or citizens of such county.

(10) INTEREST AND PRINCIPAL; HOW PAID. It shall be the duty of any county board of supervisors which shall have determined upon the building of any viaduct under the provisions of this section, at or before issuing any bonds in pursuance hereof, to provide for the payment of the interest and the ultimate payment of the principal, of any and all bonds which shall be issued under and by virtue of this section; and for that purpose such county board of supervisors is hereby authorized and required at or before the issue of any such bonds shall have been determined upon, to provide for the assessment, levy and collection of a direct annual tax upon all the taxable property of such county in which such viaduct shall be located, sufficient to pay the interest on such bonds so issued, and also to provide for the levy and assessment of a direct tax, sufficient to pay and discharge the principal of said bonds, as the same shall mature, and to collect the same in the manner as other taxes are levied and collected by law.

(11) ORDERS; FORM OF. All county orders drawn on the treasurer of any such county, which shall have undertaken the erection of any such viaduct as herein provided, which are to be paid out of the moneys received on the sale of such bonds, or any part thereof, shall contain the words following, to wit: "On Viaduct Contract;" and the treasurer shall pay no county order or orders drawn on him against such county, out of the money received by him on the sale of such bonds or any part thereof, unless such order shall contain the words "On Viaduct Contract," and the chairman of such county board of supervisors is hereby prohibited from signing and the clerk of said board from countersigning, any county order or orders of such county which shall contain the words "On Viaduct Contract," unless the consideration for such order be for work done or for material furnished, or both, in the erection of such viaduct, or in payment for lands purchased or damages lawfully assessed to owner or owners of land which shall have been duly condemned for use for, or in the construction, maintenance or use of any such viaduct.

(12) BONDS TO BE NUMBERED AND REGISTERED. The clerk of said county board of supervisors shall number such bonds and cause the same to be registered in the office of the treasurer of such county wherein such viaduct shall be located, in a book to be provided for that purpose.

(13) POWERS OF COUNTY BOARD. All legislative and administrative powers necessary to carry the powers conferred by this act into full force and effect, are hereby conferred upon the county board of supervisors of any county within this state, which shall avail itself of the provisions of this act, agreeably to the conditions thereof. [*Stats. 1917 s. 697—32 to 697—44; 1919 c. 695 s. 174 to 186*]

59.92 Bonds for reclaiming lands. (1) For the purpose of promoting the public welfare by the proper development of natural resources, the county board of any county may issue special improvement bonds in the manner prescribed in this section subject to the restriction on county indebtedness imposed by section 3, article XI of the constitution, and may loan the proceeds on the security of agricultural land to owners of land within the county to assist them in reclaiming land within the county for agricultural use by draining said land where necessary and by removing from it such stumps, brush, fallen or standing timber or stones as prevent an efficient use of the land for agricultural purposes and plowing the land.

(2) Any county board which desires to avail itself of the authority granted by this section may elect two persons to serve for a term of four years as members of a board to be known as the county reclamation board and may request the governor to appoint a third person to serve with the two elected members for a term of four years and the governor shall make such appointment within thirty days of the delivery of the request. The three persons so chosen shall constitute the reclamation board of the county and shall hold office until their respective successors are qualified. Upon or before the expiration of the terms

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of the members of the reclamation board first chosen it shall be the duty of the county board and the governor to choose successors to the said members for terms of four years and thereafter the county board and the governor shall choose members of the reclamation board every four years so long as a reclamation board is necessary to carry out the provisions of this section. One of the members of the reclamation board shall be a competent surveyor. The compensation of each member of the reclamation board shall be fixed by the county board at a sum not exceeding five dollars per day for actual service rendered in addition to actual and necessary expenses. Claims for such compensation and expenses shall be submitted by voucher and when audited in the same manner as other claims against the county are audited, shall be paid from the reclamation fund hereinafter provided for, or in case no moneys in the reclamation fund are available for this purpose, from any moneys in the county treasury not otherwise appropriated, but in the latter case the amounts so taken from the county treasury shall be returned to the said treasury from the reclamation fund as soon as any moneys in the said fund become available for the purpose.

(3) Before entering upon his duties as a member of the reclamation board each person appointed or elected a member of the board shall take and subscribe the usual oath of office and shall file the same with the county clerk.

(4) No member of the reclamation board shall participate in any action taken by the board with respect to the reclamation of any land, the performance of any work of reclamation or the drawing or fulfillment of any contract in which he is pecuniarily interested directly or indirectly. If more than one member of the reclamation board shall, by reason of the provisions of this subsection, be unable to participate in the action of the board on any matter before the board or likely to come before it, the board may request the county board, if the county board is in session, or the chairman of the county board and the county clerk, if the county board is not in session, to appoint the necessary number of persons to serve as members of the reclamation board when the latter takes action upon the said matter in the places of the members who are unable to serve, and the county board or the county chairman and the county clerk, as the case may be, shall make the appointments requested forthwith.

(5) The reclamation board shall organize annually by electing from its own members a chairman and a secretary who shall perform the duties usually performed by such officers. The board shall meet whenever and wherever necessary to the proper performance of its duties. Two members of the board shall constitute a quorum for the transaction of business, but the county board or the attorney-general may call upon any member of the reclamation board not participating in any action taken by the board of which he is a member for a written statement as to whether or not he approves of such action with the reasons for his approval or disapproval and the members so called upon shall file the statement requested with the county board or the attorney-general, as the case may be, within ten days of the delivery of the request. The secretary of the reclamation board shall keep a record of all proceedings and transactions of the board and shall file a copy of such record with the county clerk within ten days after the date of such proceedings or transactions, except that when said board shall remain in continuous session for ten days or more the secretary of the board may file such copy within ten days after the adjournment of the session, and the county clerk shall keep such copy open to public inspection.

(6) The reclamation board shall have power, subject to the orders of the county board, to perform all acts reasonably necessary and proper to carry out the provisions of this section and the reclamation board may with the consent of the county board employ such assistants as may be necessary at such compensation as the county board may approve.

(7) The procedure for the issuance of the special improvement bonds authorized by this section shall be as hereinafter provided in this subsection, and no bonds shall be issued under the authority of this section in any other manner:

(a) Fifteen or more persons who are freeholders in the county may, upon the payment to the county treasurer of a fee of one dollar each, file with the county clerk petitions addressed to the county board requesting aid in obtaining funds to reclaim land by draining it where necessary and by removing from it such stumps, brush, fallen or standing timber or stones as prevent an efficient use of the land for agricultural purposes and plowing said land each setting forth in an individual petition under oath:

1. A statement that he is the owner of wild or partially improved land within the county and that he occupies said land, or is prepared to occupy same within one year.

2. The number of acres of land desired reclaimed, its location by governmental subdivisions of forty acres, the nature of the reclamation desired, the estimated cost of the reclamation and the name and address of the person making the estimate.

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3. The number of acres, the location by governmental subdivisions of forty acres and the assessed value of the land which the petitioner offers as security for the loan requested if such land is not identical with the land desired reclaimed.

4. The names and addresses of all persons known to the petitioner as having or claiming to have a legal or equitable interest or title in the land offered as security for the loan.

5. The amount of money desired as a loan; and such other information as the county board may require.

6. Each such petition shall contain an agreement signed by the petitioner and by all persons known to him as having a legal or equitable interest or title in the land offered as security for the loan consenting to the placing of a special tax lien, prior to all other liens except general tax liens, upon said land as hereinafter provided in subsection (17).

(b) Upon the receipt of such fifteen petitions the county board may direct the reclamation board to visit the petitioners and the lands described in the petitions or to make such other investigations as the county board may deem necessary, and to report upon the correctness of the statements made in the petitions, the practicability, desirability and probable cost of reclaiming the several pieces of land as requested in the petition and upon such other pertinent matters as the county board may designate.

(c) After consideration of the report of the reclamation board, the county board may, if it deems the securities offered by the individual petitioners to be of sufficient value and is satisfied that all persons having a legal or equitable interest in the land offered as security for loans have signed the petitions for loans as provided in subdivision (a) of this subsection, and that the granting of the loans will promote the public welfare by aiding in the proper development of the natural resources of the county, issue special improvement bonds of the character hereinafter prescribed to the amount necessary to secure the funds to make the loans hereinafter authorized for the purpose of defraying part or all of the expense of reclaiming such of the lands described in the petitions as the county board deems worth the expense of reclamation.

(d) The county board may at any time during the life of a bond issue made under the preceding provisions of this subsection issue additional bonds in the same manner for the purpose of securing funds to loan to individual petitioners who are of less number than fifteen and who may be either resident or nonresident freeholders within the county but who otherwise comply with the preceding provisions of this subsection.

(8) The county clerk shall keep all petitions filed under subsection (7) open to public inspection.

(9) All bonds issued under the authority of this section shall constitute a general county liability and shall be nontaxable, semiannual interest payment, coupon bonds, executed in behalf of the county by the chairman of the county board and countersigned by the county clerk, payable principal and interest at the county treasurer's office at such time as the chairman of the county board and the county clerk together shall determine but within a period of not less than five years nor more than twenty years from the date of issue. All bonds issued under the authority of this section shall before being offered for sale be submitted to the attorney-general together with a transcript of all proceedings held before, or by order of, the county board with reference to the reclamation work contemplated and the bond issue proposed, and no such bonds shall be valid unless approved by the attorney-general and officially indorsed by him on the back of each bond. It shall be the duty of the attorney-general to examine all transcripts of proceedings and all bond issues presented to him as hereinbefore prescribed as soon as possible after their receipt and to (1) Officially indorse the bonds, if in his judgment, the provisions of this section have been complied with in the issue of the bonds, or (2) refuse to indorse the bonds, if, in his judgment, the provisions of this section have not been complied with in the issue of the bonds, in which case he shall forward to the county clerk a statement giving his reasons for his refusal. The bonds when indorsed by the attorney-general shall be offered for sale by public advertisement and shall be sold to the person or persons offering to furnish the money desired at the most favorable rate of interest.

(10) Every county board which issues bonds under the authority of this section shall provide for the establishment in the county treasury of a fund to be known as the reclamation fund and to be used only in carrying out the provisions of this section. All moneys received by the county under this section shall be paid into the reclamation fund and all moneys disbursed by the county under this section except as otherwise herein provided, shall be disbursed from the reclamation fund.

(11) The county board shall have power to levy a special assessment for the payment of the bonds issued under the authority of this section and the interest thereon whenever such payments become due and there is no money in the reclamation fund for their discharge.

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(12) The county board may, when necessary, direct that special county orders signed by the chairman of said board and the county clerk be issued from time to time for the payment of moneys whose payment is authorized by the provisions of this section. Such special county orders shall be payable from any moneys in the county treasury not otherwise appropriated but shall be refunded from the county reclamation fund or such special county orders may, in the discretion of the county board and with the consent of the holders of the orders, be exchanged for county bonds issued under the authority of this section.

(13) Any county board availing itself of the authority granted by this section may grant loans to persons who have filed petitions in the manner prescribed in subsection (7) of this section for county aid in obtaining funds to assist in the reclamation of land subject to the following conditions imposed elsewhere in this section:

(a) No loan shall be granted upon any land of which the market value, exclusive of the value of buildings and other perishable improvements is less than ten dollars per acre.

(b) No loan shall be granted of an amount exceeding fifty per cent of the market value of the land offered as security, including the value of the buildings on the said land when reclaimed under the provisions of this section, nor of an amount exceeding the sum fixed by the reclamation board as necessary to reclaim the land actually to be reclaimed by aid of the loan and no loan shall in any case exceed the sum of forty dollars for each acre of land actually to be reclaimed.

(c) No loan of less than one hundred or more than three thousand dollars shall be granted to any one person and no person shall be granted separate loans aggregating more than three thousand dollars.

(d) The rate of interest charged borrowers shall be the rate of interest paid by the county for the funds loaned plus such an additional per centum as the county board shall deem necessary to cover the expense incurred by the county in carrying out the provisions of this section.

(e) All loans shall be made for a term of twenty years, but any borrower may repay his loan in whole or in part at any time within said term, and any borrower may, with the consent of the county clerk and the chairman of the county board, repay his loan upon an amortization plan within a term of twenty years or less, and in all cases in which partial payments have been made interest shall be charged only upon the unpaid balance of the loan.

(f) All borrowers shall be required to execute written agreements with the county to keep all buildings, fences and other improvements upon the property offered as security in good repair until the loan is repaid and to observe all conditions imposed by this section or under its authority.

(14) The county board may, when it deems the security offered for a loan insufficient for the amount requested, require additional security in land or grant a loan of less amount than that called for in the petition for the loan or it may refuse altogether to grant the loan as in its judgment appears best calculated to promote the public welfare and in all such cases the judgment of the county board shall be final.

(15) The reclamation board may let contracts to responsible contractors for the reclamation of the land to be reclaimed and when convenient plowed by aid of the loans granted under this section or said board may allow the persons granted loans to (a) Reclaim and plow the land themselves with or without hired help or (b) hire it reclaimed by another person under a contract approved by the said board. When the reclamation board lets a contract under this section it shall require the contractor to file with the county clerk a bond in a penal sum equal to the price agreed upon to be paid for the work of reclamation to be performed under the contract and signed by two sureties, residents of the state of Wisconsin, each justifying in the full amount of the bond and approved by the board, or signed by a surety company approved by the board. Said bond shall run to the county and shall be conditioned for the faithful execution and observance of the terms and conditions of the contract.

(16) Loans granted under this section shall be paid in accordance with the following provisions:

(a) When the work of reclamation is performed under contract with the reclamation board the contract price shall be paid directly to the contractor from the amount of the loan granted for the work of reclamation, and if the contract price is less than the amount of the loan granted, the amount of the loan actually to be paid and to be chargeable against the land accepted as a security for the loan as provided in subsection (17) shall be reduced to the amount of the contract price. Payment may be made in full upon presentation and acceptance as hereinafter prescribed of proof of the completion of the work, or payment may be made in instalments from time to time during the progress of the work, but the aggregate amount of such instalments shall never exceed eighty per cent of the

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amount of the contract price and the remaining twenty per cent of the contract price shall not be paid until proof of the completion of the work is presented and accepted as hereinafter prescribed.

(b) When the work of reclamation is performed otherwise than under contract with the reclamation board the amount of the loan shall be paid to the person granted the loan. Payment may be made in full upon presentation and acceptance as hereinafter provided of proof of the completion of the work, or payment may be made in instalments from time to time during the progress of the work upon presentation and acceptance as hereinafter provided of proof that certain portions of the work have been completed as prescribed by the county board as a prerequisite to the payment of such instalments.

(c) The presentation and acceptance of the proof of the completion of work, or of portions of work, performed under the provisions of this section shall be made as follows: The person entitled to receive the amount of the loan or any instalment thereof may present a duly verified claim to the reclamation board for the amount of money which may be paid to him under the conditions of the loan and the conditions of any contract which he may have entered into with the reclamation board with respect to the work of reclamation.

(d) The reclamation board shall consider a claim so presented to it as soon as possible after its receipt and shall allow the claim, if satisfied, after an examination of the work of reclamation made personally by one or more members of the board and such other investigation as may be necessary, that the claim should be allowed, and the county treasurer shall pay the claim when allowed by the reclamation board.

(17) The principal and interest of each loan made under the provisions of this section shall constitute a special tax lien, prior to all other liens except general tax liens, upon the land accepted as security for the loan.

(18) The collection of the principal and interest of loans made under the provisions of this section shall be enforced in the following manner: The county clerk shall, on or before the first of November in each year, certify to the clerk of the town in which is located each particular piece of land accepted by the county board as security for a loan, the amount of money necessary to be assessed against that piece of land to pay the amount due for that year on the principal and interest of the loan according to the terms of the loan, and the town clerk shall each year make the proper extension of taxes upon the tax roll to raise the money required. Thereafter the special taxes so charged shall be treated as regards payment in the same manner as any other taxes, and when collected shall be paid into the county reclamation fund.

(19) The county clerk shall, whenever a petition for a loan is filed with the county board and whenever a loan is granted, file a written notice to that effect with the register of deeds giving the name of the petitioner for the loan, the number of acres and the location in governmental subdivisions of forty acres of the land offered by the petitioner or accepted by the county board, as the case may be, as security for the loan and the amount of the loan requested or granted. The register of deeds shall number consecutively all such notices filed with him and shall index them under the names of the petitioners for loans and in the tract index so that the notices may easily be found. No register of deeds shall demand or receive any fee or charge of any kind for performing the services required by this subsection.

(20) The county board may request any state or county officer to render any service reasonably within his power and duties as a public official to render in carrying out the provisions of this section and all state and county officers shall comply with such requests, when made, without charge of any kind.

(21) Any county board electing members of a reclamation board as provided in subsection (2) may at the same time adopt suitable rules and regulations for carrying out the provisions of this section, but no such rules and regulations shall be valid until they have received the approval of the attorney-general and no change shall thereafter be made in such rules and regulations without the approval of the attorney-general. It shall be the duty of the attorney-general to examine all such rules and regulations submitted to him for approval as soon as possible after their receipt and to (a) Officially indorse the rules and regulations, if in his judgment they are reasonably calculated to promote the proper carrying out of the provisions of this section, or (b) refuse to indorse the rules and regulations, if in his judgment they are not reasonably calculated to promote the proper carrying out of the provisions of this section, in which case he shall forward to the county board a statement giving the reasons for his refusal. [*Stats. 1917 s. 697—60 sub. 1 to 4, 7 to 23; 1919 c. 695 s. 187; 1921 c. 422 s. 24 to 27; 1921 c. 9 s. 2*]

59.93 Highway bonds. Counties issuing bonds pursuant to paragraph (c) of subsection (1) of section 67.04 for highway purposes may expend moneys from their regular

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annual highway levy for the maintenance of highways adopted into the county highway system. [*Stats. 1917 s. 697—67; 1919 c. 695 s. 188; 1921 c. 576 s. 10*]

59.94 Registration of farms. (1) The owner of any farm or country estate, or his agent duly authorized therefor in writing, may register the name of such farm or estate in the office of the register of deeds of the county wherein the farm or estate is situated. The owner or purchaser of said farm or any part thereof, may change or release said name from his respective interest in said farm by filing a certificate stating that the original registered name is released. A new name or names to said farm or any parts thereof may then be registered. Every register of deeds shall keep a registry book for such purpose, and upon request, shall make registrations therein as provided in this section. Registration shall consist in writing in the registry book the name of the owner of the farm or estate and such name for the farm or estate as the owner or agent may designate, if no other farm or estate in the county has been previously registered under the same name. The register of deeds shall charge and collect twenty-five cents for making each registration and each certificate filed. The registry book herein provided for shall be a public record in the office of the register of deeds.

(2) Any register of deeds who shall fail or refuse to provide a registry book and make registrations therein, and file certificates, as provided in this section, or who shall charge or collect more than twenty-five cents for making any such registration, or filing such certificate, or who shall knowingly register a farm or estate under a name previously adopted and registered for some other farm or estate in such county, or any person who shall use, by way of advertisement or otherwise, the name of any farm or estate registered as provided in this section, to designate or as the name of any farm or estate in such county other than the farm or estate for which such name was registered, unless such name was adopted for and used as the name of such other farm or estate prior to the passage and publication of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five nor more than twenty-five dollars or by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment. [*Stats. 1917 s. 776g; 1921 c. 71; 1921 c. 9 s. 2*]

COUNTY COMMISSION PLAN.

59.95 County board of commissioners. (1) Any county in this state may reorganize under section 59.95 by proceeding as provided in said section.

(2) Upon petition therefor by electors equal in number to ten per cent of the votes cast by all parties in the county for governor at the last preceding election at which a governor was elected, and filed in the office of the county clerk at least forty days prior to the first Tuesday in April in any year, the county clerk shall call a special election to be held on the first Tuesday in April following receipt of said petition, for the purpose of submitting to the electors the question of reorganizing said county under section 59.95 of the statutes. Said petition shall be signed by qualified electors in at least five towns, cities or villages of said county.

(3) The county clerk shall cause notice of such special election to be published for three successive weeks immediately preceding such election in one or more newspapers published in the county, and such notice shall be signed by the county clerk and shall recite the purpose thereof and the time and places for holding such election. The ballots shall be provided by the county clerk and shall be in substantially the following form:

Official Referendum Ballot.

If you desire to vote for the county commissioner form of government make a cross (X) or other mark in the square after the word "Yes," underneath the question; if you desire to vote against the county commissioner form of government, make a cross (X) or other mark in the square after the word "No," underneath the question.

Shall the county commissioner form of government, as outlined in section 59.95 be adopted in the county of ....?

YES ☐ NO ☐

(4) Such ballot shall have on the back or reverse side thereof the indorsements provided by law for ballots for general elections and shall be marked by the voter and counted and canvassed as other ballots cast on questions in the county are counted and canvassed.

(5) Such election shall be held at the usual places of holding elections in the county, and shall be conducted by the officers who are required to conduct the regular town, village or city elections, and said officers shall furnish separate ballot boxes for all ballots

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cast on the question of reorganization. The polls shall be open between such hours as are designated respectively for such elections; and the result of such election shall be determined by such officers and returned to the county clerk, who shall record the same in full.

(6) If a majority of the votes cast on such question at such special election shall be in favor of reorganization, the plan as outlined in section 59.95 shall be adopted. If a majority of the votes cast on such question are opposed to reorganization, the question of reorganization shall not be again submitted to the electors for a period of two years.

(7) The affairs of any county reorganizing under the provisions of section 59.95 shall be conducted by a county board of commissioners, which, when elected, qualified and organized, shall supplant and supersede the county board of supervisors. The number of commissioners in each county shall be as follows:

(a) In counties having a population of twenty-five thousand or less three commissioners;

(b) In counties having a population of over twenty-five thousand and not more than forty thousand, five commissioners;

(c) In counties having a population of over forty thousand and not more than sixty thousand, seven commissioners;

(d) In counties having a population of over sixty thousand and less than two hundred and fifty thousand, nine commissioners.

(8) If the majority of votes cast on such question are in favor of reorganization, the county clerk shall immediately certify such fact to the chairman of the county board of supervisors, and said chairman shall place the matter before the county board. The county board of supervisors shall prior to the thirtieth day of June next succeeding such special election, divide the county into as many compact and contiguous commissioner districts as the county is entitled to commissioners under subsection (7) and in such manner as to equalize as nearly as possible the population in each of said districts, and shall number said districts consecutively. Each district shall be bounded by town or ward lines. If the county board shall fail, refuse or neglect to so divide the county within such time, then and in that event the county clerk, district attorney and county treasurer, as a committee for said purpose, shall, within forty-five days thereafter, divide the county as provided in this section. The division so arranged shall be published, commencing on the first Monday in September next following, for three successive weeks in at least one newspaper published in the county.

(9) No city shall comprise or be included in a majority of the districts.

(10) Counties may be redistricted by the county board of commissioners as herein provided after each United States census, if the population in the different districts has become substantially more unequal than at the time when such county was last districted or redistricted. After the taking of each United States census any county which is entitled to an increased number of commissioners under the provisions of subsection (7) shall be redistricted accordingly by the county board of commissioners.

(11) At the election held as provided by law, on the first Tuesday in April next succeeding the election to reorganize under section 59.95 in any county, there shall be elected in such county a commissioner for each even-numbered district for a term of two years and a commissioner for each odd-numbered district for a term of four years, and thereafter, and at the expiration of their respective terms, successors shall be elected each for a term of four years.

(12) In each new county a commissioner shall be elected from each odd-numbered district for a term of two years and a commissioner for each even-numbered district for a term of four years, and thereafter, and at the expiration of their respective terms, one commissioner for a term of four years.

(13) Candidates for the office of county commissioner shall be nominated and elected as are candidates for the office of county clerk, except that the county commissioner shall be nominated and elected by the electors of the commissioner district at the April election. The returns of such election shall be made to the county clerk, and shall be canvassed as in other county elections.

(14) The regular term of office of county commissioners shall commence on the first Monday of June next succeeding his election and each commissioner shall hold his office until his successor is qualified, and shall before entering upon the duties of his office, take and subscribe the constitutional oath of office which shall be filed with the county clerk.

(15) Each commissioner shall receive from the county an annual salary to be fixed by the county board of commissioners as follows:

(a) In counties whose assessed valuation does not exceed fifteen million dollars, not to exceed the sum of two hundred and fifty dollars.

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(b) In counties whose assessed valuation is more than fifteen million dollars and does not exceed thirty million dollars, not to exceed three hundred and fifty dollars.

(c) In counties whose assessed valuation is more than thirty million dollars, and does not exceed fifty million dollars, not to exceed five hundred dollars.

(d) In counties whose assessed valuation is more than fifty million dollars, and does not exceed one hundred million dollars, not to exceed seven hundred dollars.

(e) In counties whose assessed valuation is more than one hundred million dollars, not to exceed one thousand dollars.

(f) In addition to his annual salary, each commissioner shall receive four dollars per day for committee work when the board is not in session, but the total compensation received by all the commissioners in any year for such committee work shall not exceed the total amount received by such commissioners as salaries.

(g) Except as otherwise provided, commissioners shall also receive six cents per mile for every mile necessarily traveled each way in attending the meetings of the board, and six cents per mile for every mile necessarily traveled in the performance of committee work or in the discharge of official duty under the direction of the board; but no commissioner shall receive mileage for attending more than twelve meetings of the board in any official year.

(16) Any vacancy in the office of county commissioner occurring more than thirty days before the expiration of the term shall be filled by a board appointment, consisting of the chairman of the town board of each town, and the mayor or president of each city and village, in the commissioner district in which any such vacancy occurs, which shall meet at the county clerk's office for that purpose upon three days' written notice given by such clerk and served personally. If such commissioner district is wholly within the limits of an incorporated city or village, such vacancy shall be filled by the council of such municipality. Absence from the county for six successive months shall be deemed to create a vacancy.

(17) Any county commissioner may be removed from office by the governor for incompetency, neglect of duty or malfeasance in office in the same manner as other county officers are removed.

(18) The seal of the county clerk shall be the seal of the board, and copies of its proceedings, authenticated as required by law, shall be prima facie evidence of all therein contained in all cases.

(19) The board shall meet at the county seat for the transaction of business on the first Monday in each month, and shall hold such special meetings as it deems necessary for the interests of the county. At the first meeting in each year, the board shall organize by electing a chairman and a vice chairman. A majority of the members shall constitute a quorum and no business shall be done unless voted for by a majority of the whole board, but less than a majority may adjourn. The county clerk shall be the clerk of such board, and shall call special meetings when directed so to do by a majority of the board, and the clerk shall give at least ten days' notice thereof to each of the commissioners. No session shall continue longer than six days.

(20) Any law applicable to each county prior to the taking effect of section 59.95 and not inconsistent therewith shall apply to such county.

(21) All by-laws, ordinances and resolutions lawfully passed or adopted and in force in each county at the time of its organization shall remain in force until altered or repealed by the county board of commissioners.

(22) All rights and property of every description which were vested in each county prior to the taking effect of section 59.95 shall remain the same under the reorganization.

(23) No right or liability either in favor of or against such county, and no suit or prosecution of any kind, shall be affected by section 59.95 unless otherwise provided therein.

(24) When the commissioners shall have been elected and shall have qualified and organized as provided in section 59.95, all duties, liabilities, authority, powers and privileges theretofore imposed or conferred by law upon the county board of supervisors shall apply to and shall be imposed and conferred upon the county board provided for in said section 59.95, and any such authority, powers or privileges may be exercised by the county board by a majority vote of the commissioners, and all laws relating to the county board of supervisors in force at the time of the taking effect of said section 59.95 or hereafter enacted, shall apply to and be deemed to relate and refer to the county board of commissioners.

(25) All laws conferring or imposing specific powers or duties upon the chairman of the county board of supervisors shall, when the county board of commissioners shall have organized as provided in subsection (19) be deemed to refer to the chairman of the county

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board of commissioners or upon the vice chairman thereof when acting in the place of the chairman.

(26) The provisions of section 59.95 shall not apply to any county having a population of two hundred and fifty thousand or more.

(27) Any county which shall have reorganized under section 59.95 and shall have operated thereunder for at least three years, may, upon a petition as provided in subsection (2) of section 59.95, hold an election to determine whether or not such county shall return to and operate under the county board of supervisor plan of county government. Such election shall be held as provided in section 59.95, and the question to be submitted shall be, "Shall the county commission plan as provided in section 59.95, be abandoned in .... county, and said county return to the county board of supervisors plan?" If a majority of the votes cast on such question are in favor of a return to the county board of supervisors plan, then on the first Tuesday of April, following such election, members of the county board of supervisors shall be elected in the various towns, cities and villages of such county. Such county board of supervisors when elected, qualified and organized shall supplant and supersede the county board of commissioners. [*1921 c. 245; 1921 c. 9 s. 2*]

METROPOLITAN SEWERAGE COMMISSION.

59.96 Metropolitan sewerage commission. (1) APPOINTMENT OF COMMISSIONERS. In any county where the common council of any city of the first class within such county shall have adopted a resolution declaring that it is necessary to provide sewage disposal works for such city and in which a sewerage commission has been appointed and qualified, and has adopted plans for, and commenced the construction of a sewage disposal plant for said city the governor shall appoint three sewerage commissioners who shall constitute and be known as the "Metropolitan Sewerage Commission" of such county. There shall be certified by the sewerage commission of such city of the first class one person, by the state board of health of the state of Wisconsin one person, to the governor of the state of Wisconsin, who shall appoint as members of such metropolitan sewerage commission the two persons thus certified, and who shall further name as the third member of such commission a resident within the drainage area hereinafter provided of said county outside of the city limits of such city of the first class. They shall be appointed within thirty days after the taking effect of this act.

(2) OATH OF OFFICE; EXPENSES. Each appointee before entering upon the duties of this office shall take and subscribe the oath of office prescribed by the constitution and file the same with the secretary of state, duly certified by the official administering such oath. Each commissioner shall be reimbursed his actual and necessary expenses in the performance of his duties and shall receive no salary.

(a) The removal from the drainage area of said third commissioner who is a resident of said county outside of said city of the first class shall operate as a resignation of his office and the vacancy thus created shall be filled by the governor.

(b) The state board of health or the metropolitan sewerage commission may at any time certify to the governor further respective names whom the governor shall appoint as members of said commission, and thereupon the term of office of the former appointees respectively shall terminate.

(3) ORGANIZATION. A majority of the commissioners shall constitute a quorum for the transaction of business. As soon as the commissioners first appointed under this section enter upon the duties of their office, they shall organize by electing one of their members chairman, who shall be removable at pleasure by the commissioners. The chairman shall preside over all meetings of the commission and shall perform such other duties as are imposed upon him by this section or may be assigned to him by the commission. The commission shall appoint a secretary, who may or may not be a member of the commission, who shall be removable at pleasure by the commission, and shall receive, if not a member of such commission, such compensation as the commission may determine.

(4) MEETINGS; REPORTS. The metropolitan sewerage commission shall hold meetings for the transaction of business. All sessions or meetings of said commission shall be public and all records shall be public records. The commission shall prepare annually a full and detailed report of its official transactions and expenses and shall mail such statement to the governor of the state, to the state board of health, the mayor of such city of the first class, the sewerage commission of such city of the first class, and to the governing boards of all cities, towns and villages in such county within the drainage area hereinafter provided for.

(5) SURVEYS. Upon the organization of such metropolitan sewerage commission, the sewerage commission of such city of the first class shall submit to such metropolitan sewerage commission the maps and surveys showing the portion of said county which is

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within the same drainage area as the sewerage system of such city of the first class, the sewerage from which may be cared for by the disposal plant located in such city of the first class, and said metropolitan sewerage commission shall thereupon by resolution determine the boundaries thereof in each of the respective towns and villages outside of the city limits of such city of the first class and must file with the clerk of each of the cities, towns or villages affected by this act and with the state board of health a copy of the map and survey and boundaries by it adopted.

(6) POWERS AND DUTIES. The metropolitan sewerage commission shall project, plan, construct and maintain in such county outside of the city limits of such city of the first class main sewers for the collection and transmission of house, industrial and other sanitary sewerage to and into the intercepting sewerage system of such city of the first class, sufficient in the judgment of such commission to care for the sanitary sewerage of the territory in said county outside of said city of the first class within the drainage area hereinafter provided for.

(a) The said metropolitan sewerage commission is authorized in its name to contract and to be contracted with, and to sue and to be sued.

(b) The metropolitan sewerage commission may require any town, city or village in such county, or any occupant of any premises outside of said city of the first class, located in such county, engaged in discharging sewerage effluent from sewage plants, sewage refuse, factory waste, into any river or canal within such county within the drainage area hereinafter provided for to so change or rebuild any such outlet, drain or sewer as to discharge said sewage, waste or trade waste into the sewers of such city, town or village or into said main sewers by it established and under such regulations as the commission may determine.

(c) The commission may employ and fix the compensation of all agents, assistants, clerks, employes and laborers as it may deem advisable for the due and proper execution of its duties, and in its discretion may employ the chief engineer or agent or employes of any such city of the first class, or of the sewerage commission thereof, as its engineers, agents or employes, provided, however, that the compensation fixed therefor shall not be paid to such person but to such city or such sewerage commission.

(d) The commission may enter upon the land in the cities, villages and towns in said county outside of said city of the first class for the purpose of making surveys or examinations in the performance of its duties.

(e) The commission may enter upon any state, county or municipal street, road or alley, or any public highway in said county outside of said city of the first class for the purpose of installing, maintaining and operating the sewage system provided for in this section, and it may construct in any such street, road or alley or public highway, a main sewer, intercepting sewer or any appurtenance thereof, without a permit or a payment of a charge. Whenever such work is to be done in a state, county or municipal highway, the public authority having control thereof shall be duly notified, and said highway shall be restored to as good condition as existed before the commencement of such work, and all costs incident thereto shall be borne by the commission.

(f) The commission shall have power to lay or construct, and to forever maintain, without compensation to the state, any part of said system of sewerage, or of its works, or appurtenances, over, upon or under any part of the bed of any river flowing through said cities, villages and towns, or of any land covered by any of the navigable waters of the state, the title to which is held by the state, and over, upon or under canals or through waterways and under right of ways of railroad, interurban and street railway companies, and if the same be deemed advisable by the commission, the proper officers of the state are authorized and directed upon the application of the commission, to execute, acknowledge and deliver to the commission, such deeds, or other instruments, as may be proper for the purpose of fully confirming this grant.

(g) All persons, firms or corporations lawfully having buildings, structures, works, conduits, mains, pipes, tracks or other physical obstructions in, over or under the public lands, avenues, streets, alleys or highways of said cities, villages and towns which block or impede the progress of such sewer, when in process of construction, establishment or repair shall upon reasonable notice by the commission, promptly so shift, adjust, accommodate or remove the same at the cost and expense of such individuals and corporations, as fully to meet the exigencies occasioning such notice.

(h) Whenever necessary in order to promote the best results from the construction, operation and maintenance of the systems provided for in this section, and to prevent damage to the same from misuse, the commission may make, promulgate and enforce such reasonable rules and regulations for the supervision, protection, management and use of said system as it may deem expedient, and such regulations shall prescribe the manner in

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which connections to main sewers and intercepting sewers shall be made, and may prohibit discharge into such sewers, of any liquid or solid waste deemed detrimental to the sewerage system herein provided for.

(i) The commission may acquire by gift, purchase, lease or other like methods of acquisition or by condemnation, any land or property situated in said county outside of said city of the first class, and all tenements, hereditaments and appurtenances belonging or in any way appertaining, or in any interest, franchise, easement, right or privilege therein, which may be required for the purpose of projecting, planning, constructing and maintaining said main sewers, or any part or parts thereof, or that may be needed for the workings of said sewers when established, and when so often as resort shall be had to condemnation proceeding the procedure shall be that provided for by chapter 32 of the statutes, except that the powers therein granted shall be exercised by and in the name of said commission in the place and stead of the county board.

(j) Whenever the plans and specifications for any main sewer shall have been completed and approved by the sewerage commission of such city of the first class and by the state board of health as provided in sections 1407*m*—1 to 1407*m*—4, inclusive, and the commission shall have determined as provided in this section to proceed with the work of the construction thereof, it shall advertise by notice in such newspaper and technical press as it may deem proper, for bids for the construction of said main sewer and its appurtenances in part or as a whole, as in its judgment it may deem advisable. Contracts for such work shall be let to the lowest responsible bidder, or the commission may reject any and all bids and if in its discretion the prices quoted are unreasonable or the bidders irresponsible, or the bids informal, it may readvertise the work or any part of it. With the consent of all its members it may itself do any part of any such works, by any labor under such conditions in every respect as it may prescribe. All contracts shall be protected by such bonds, penalties and conditions as the commission shall require.

(k) The powers of the commission shall not extend to or apply to the territory of any city of the first class which may be constructing, building and operating its sewerage system under a commission provided by law.

(l) Said commission shall not construct any such main sewer nor alter or extend the same without having first submitted complete plans and specifications for the installation, alteration or extension, in writing, to the sewerage commission of such city of the first class and secured its approval thereof. All contracts entered into by said commission for the construction, alteration and extension of any such main sewers shall contain a provision that the final payment, amounting to at least fifteen per cent of the entire cost, shall not be made until the contractor files with the said commission the certificate of the sewerage commission of such city of the first class that said main sewer has been located and constructed in accord with the plan submitted and approved by it.

(m) Said contract shall also contain a provision that the work of constructing said sewers shall be done under inspection to be furnished by the sewerage commission of such city of the first class, which inspection service shall be paid for at actual cost by the commission.

(n) Before any town, city or village or any private person or corporation shall be permitted to connect with or use any such main sewer provided for by this section, it shall obtain the approval of the sewerage commission of such city of the first class, which sewerage commission shall examine into it and hear all the parties in interest, and if it finds such sewer or system defective in construction, design, supervision or operation, it shall notify said metropolitan sewerage commission what alterations, new constructions or change in supervision or operation it shall require and deem necessary to correct existing and improper conditions and said metropolitan sewerage commission shall not permit such connection to be made or continued until such alterations, new constructions, change in supervision or operation shall have been made as provided in the determination of said sewerage commission of said city of the first class.

(o) Said metropolitan sewerage commission or said sewerage commission of said city of the first class, and their respective officers and agents are authorized to make examination of any and all sewers and sewerage systems within said county outside of the limits of said city of the first class for the purpose of determining if said systems are defective in operation, construction, design or supervision.

(p) When any such main sewer shall be completed it shall thereafter be operated and kept in repair and in sanitary condition by the sewerage commission of said city of the first class, or by such authority as shall be charged by law with the duty of the operation and maintenance of the intersecting sewers and sewage disposal plant of said city.

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(q) Nothing in this section shall be construed as restricting or interfering with any powers of the state board of health as provided by law, or with the powers granted to the sewerage commission of such city of the first class.

(7) BONDS. Whenever said commission requires funds out of which to pay for the projection, planning, construction and maintenance of said main sewers, or in other respects in connection therewith, it shall adopt a resolution stating the amount that it requires for such purposes and shall file with the county board of supervisors of such county a certified copy thereof, and thereupon such board of supervisors is required and directed to provide by resolution for issuing corporate bonds of such county for the amount so required payable within twenty years from the time of their issue in lawful money of the United States, bearing interest at a rate to be determined in said resolution, and such bonds shall be in such form as may be prescribed by such resolution and shall be signed by the chairman of said board and by the clerk thereof and shall be called metropolitan sewerage bonds and shall be consecutively numbered and shall have interest coupons attached, and shall show on their face that the same are issued for the benefit of so much of the territory of said county as lies in the same drainage area as said city of the first class and there shall be annually levied by said county board a direct tax upon all taxable property in said drainage area sufficient to pay the annual interest thereon, and after and upon the expiration of the first ten years, to raise a sinking fund each year of ten per cent on the principal of such bonds remaining unpaid and outstanding for the payment of such principal as the same becomes due, which tax shall be collected in the same manner as county taxes are collected. It shall not be necessary to submit any such bond issue to the vote of the people.

(a) Upon the sale of any such bonds, the county board of such county shall pay the proceeds thereof to the county treasurer of said county for the credit of the said commission and said county treasurer shall, from time to time, against said fund, pay warrants or checks when authorized by said commission and signed by the chairman and secretary thereof.

(b) Whenever after the organization of such metropolitan sewerage commission the sewerage commission of such city of the first class requires funds out of which to pay for the projection, planning, construction and maintenance of a sewerage system for the collection, transmission and disposal of house and other sewerage and for constructing, building and maintaining its sewerage disposal plant in connection therewith, it shall adopt a resolution stating the amount that it requires for such purposes and shall file with the county board of supervisors of such county a certified copy thereof, and thereupon such board of supervisors is required and directed to provide by resolution for issuing corporate bonds of such county for the amount so required payable within twenty years from the time of their issue in lawful money of the United States, bearing interest at a rate to be determined in said resolution and such bonds shall be in such form as may be prescribed by such resolution and shall be signed by the chairman of said board and by the clerk thereof and shall be called metropolitan sewerage bonds and shall be consecutively numbered and shall have interest coupons attached, and shall show on their face that the same are issued for the benefit of so much of the territory of said county as lies in the same drainage area as said city of the first class, and there shall be annually levied by said county board a direct tax upon all taxable property in such drainage area sufficient to pay the annual interest thereon, and after and upon the expiration of the first ten years, to raise a sinking fund each year of ten per cent on the principal of such bonds remaining unpaid and outstanding for the payment of such principal as the same becomes due, which tax shall be collected in the same manner as county taxes are collected. It shall not be necessary to submit any such bond issue to the vote of the people.

(c) Upon the sale of any such bonds, the county board of such county shall pay the proceeds thereof to the city treasurer of said city of the first class to the credit of the said sewerage commission of said city and said city treasurer shall, from time to time, against said fund, pay warrants or checks when authorized by said commission and signed by the chairman and the secretary thereof.

(8) APPORTIONMENT OF COST. When the sewerage commission of such city of the first class begins the operation of its sewage disposal plant it shall estimate and report to the clerks of every city, town or village within the drainage area of the city of the first class the actual cost, including interest at five per cent upon said actual cost of so much of the intercepting sewers and sewage disposal plant constructed by the sewerage commission of such city of the first class prior to the organization of the metropolitan sewerage commission and before the first day of February in each year thereafter the sewerage commission of such city shall estimate and by resolution determine what sums in their judgment will be required to meet the expenses and disbursements of the sewer-

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age commission of such city for the current fiscal year and shall include in such estimate and resolution as a part of the expense of the operation of such sewerage system all the expense of operation and of keeping in repair such sewerage system and disposal plant, including said main sewers constructed by said metropolitan sewerage commission, and also an amount equal to five per cent per annum upon the actual cost as estimated and reported hereunder of said intercepting sewers and sewage disposal plant constructed prior to the organization of said metropolitan sewerage commission, and shall estimate and report the proportion thereof that will be due from each city, town or village in said drainage area in payment for the transmission and disposal of its sewage and for keeping in repair the intercepting sewers and disposal plant, including said main sewers constructed by said metropolitan sewerage commission, and each city, town or village shall pay that proportion of the whole expense as the amount of sewage it contributes bears to the total amount of sewage disposed of by said city, except such city of the first class shall be entitled to a credit against its proportion of such expenses equal to said five per cent of the actual cost of such intercepting sewers and disposal plant constructed prior to the organization of such metropolitan sewerage commission, but the charge and the credit of such five per cent of such actual cost shall continue only until provision has been made by which said entire drainage area, including said city of the first class, shall reimburse said city of the first class for the amount of such actual cost.

(9) TAX LEVY; POWERS OF TOWNS. Such sewerage commission of such city of the first class shall, on or before the first day of October of each year, certify in writing to the clerks of the several cities, towns and villages having territory in said drainage area, the total amount necessary to pay the expenses for the transmission and disposal of said sewage for said year and the share thereof that each such city, town and village must pay after the report has been made as herein provided.

(a) Upon the receipt of such report by each such clerk, he shall submit the same to the next regular or special meeting of the governing board of said city, town or village and such board shall, by resolution, levy and assess taxes sufficient to pay the same, against all of the taxable property included within the drainage area in his said town, city or village. Following such assessment and levy, the clerk of each such city, town or village shall place the same upon the tax roll to be collected as other taxes are collected upon all of the taxable property within such drainage area, and such moneys when collected shall be paid by the treasurer of each such city, town or village, to the treasurer of such city of the first class to the credit of said sewerage commission of such city of the first class.

(b) There is imposed upon all towns in counties in which under the provision of this section a metropolitan sewerage commission is created and appointed, all of the powers vested in villages under chapter 61 of the statutes relating to the power of villages to finance, assess, build, construct and maintain sewerage systems, mains, laterals, drains and all appurtenances, and all of the duties by such provision imposed upon the village boards or villages, their several committees and village clerk, shall be performed in such towns by the town boards and town clerks thereof; and all notices and specifications required thereby may be made and given by the towns in such work where no newspaper is published therein by posting five copies thereof in five public places in said town, and all duties by such provision imposed upon village clerk and village treasurer in extending upon the tax roll and collecting all assessments and taxes relating to such improvements, shall be performed in the same manner by town clerks and town treasurers of such towns.

(11) INCONSISTENT LAWS REPEALED. All laws or parts of laws inconsistent herewith are hereby repealed. [*1921 c. 554; 1921 c. 590 s. 117*]

CHAPTER 60.

TOWNS.

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60.01 Corporate powers. Each organized town is a body corporate and empowered to sue and be sued; to purchase, take and hold real and personal property for public uses and convey and dispose of the same; and to make all contracts necessary and convenient for the exercise of its corporate powers and any order for the sale or disposal of its corporate property which the inhabitants thereof may deem expedient. It shall be designated in all actions and proceedings by its name as "Town of ...." [*Stats. 1917 s. 773; 1919 c. 551 s. 2*]

60.02 County, when a town. Whenever any organized county shall not be divided into towns it shall, for the purposes of town government, be considered as one town, and may elect town officers, including justices of the peace, at the same time and in the same manner as they are elected in towns, whose powers and duties shall be the same as town officers and justices in other towns. [*Stats. 1917 s. 780; 1919 c. 551 s. 3*]

60.03 Conveyances to towns. All real and personal estate conveyed or which shall be conveyed to any town or to the inhabitants thereof, or to any person for the use of the town or its inhabitants, shall be deemed the property of such town; and all such conveyances shall have the same force and effect as if they had been made directly to the town by name. [*Stats. 1917 s. 774; 1919 c. 551 s. 3*]

60.04 Sale of realty. Whenever any real estate belonging to a town shall be sold in pursuance of any order of the town the conveyance thereof shall be executed by the town clerk in his official capacity, under his hand and seal, and such conveyance, duly witnessed and acknowledged, shall convey to the grantee therein named all the right, title, interest and estate which the town may then have in and to the real estate so conveyed. [*Stats. 1917 s. 775; 1919 c. 551 s. 3*]

60.05 Organization of new towns, division, dissolution. (1) CONDITION, NOTICE. When thirty or more freeholders, residents of any town, and at least one-third of the electors thereof, shall petition the county board to divide, or to dissolve such town, and shall, at least twenty days before the next annual meeting, file a copy of such petition with the town clerk he shall, at least ten days before such town meeting, give notice that the question of division, or of dissolution, as the case may be, of such town will be voted upon by ballot at such meeting, by posting, upon the question of division, notice thereof, showing the manner in which it is proposed to divide such town, in four public places in each proposed subdivision thereof, and upon the question of dissolution, notice thereof in four public places in such town.

(2) VOTE HOW TAKEN; DUTY OF TOWN CLERK. The ballot upon the question of division shall contain the words "For Division" and "Against Division." The electors residing in each proposed subdivision shall vote separately. The ballot upon the question of dissolution shall contain the words "For Dissolution" and "Against Dissolution." If a majority of the votes cast in either subdivision shall be in favor of division, or if a majority of the votes cast upon the question of dissolution shall be in favor thereof, the town clerk shall certify the fact to the county clerk, and thereupon the county board shall have power to divide or dissolve such town accordingly.

(3) LIMITATIONS. No town shall be divided so as to constitute or leave any town, not having fifty electors, and real estate valued at the last preceding assessment at one hundred thousand dollars or more, or less than thirty-six sections in area.

(4) VALIDITY; HOW TESTED; WHEN PRESUMED. The validity of the proceedings to constitute or divide any town shall not be questioned in any manner, except by certiorari,

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or proceeding brought directly for that purpose by the proper officer or some person owning taxable property in any such town within one year from the date of the order constituting or dividing such town, and every town which shall have exercised the powers and functions of a town for a period of one year shall be conclusively presumed to have been duly organized.

(6) PLAT AND RECORD. Whenever any county board shall organize a new town or alter the boundaries of any town, they shall cause a plat and record thereof to be made by the county clerk, specifying the name and boundaries of such town, which plat and record shall be kept in the office of such clerk. [*Stats. 1917 s. 671, 671a, 672, 673; 1919 c. 551 s. 4; 1919 c. 702 s. 43, 80; 1921 c. 396 s. 4*]

60.06 Organization of towns in special cases. (1) REQUISITE CONDITIONS. Any government township, or any contiguous territory, being part of any town or towns, equal in area to more than one government township and to not more than two government townships, lying within the same county, having at least forty resident freeholders or homesteaders, at least twenty-five of whom are electors who have resided within such territory for at least one year prior to the verification of the petition referred to in this section, and an assessed valuation of at least one hundred thousand dollars according to the last preceding assessment, may be organized into a town, where the remaining area of any town of which such proposed town forms a part is not less than thirty-six square miles, and has not less than fifty resident electors and an assessed value of not less than one hundred thousand dollars according to the last preceding assessment.

(2) PETITION; PUBLICATION. A petition signed by a majority of the electors and a majority of the resident freeholders and homesteaders of proposed town showing the existence of facts entitling such territory to be organized as a town and containing an accurate description of such territory, the name of the town or towns of which it forms a part, the names of the electors, and the proposed name of the new town verified by at least three signers, shall be presented to the circuit court, or the presiding judge thereof, of the county in which such territory is located, who shall thereupon by order fix the time and place for the hearing of the petition by said court, and direct that a copy of the petition and order be served upon the clerk of the town or towns of which such territory forms a part, at least fifteen days before the hearing and that notice of such hearing be published once a week for three successive weeks in a newspaper designated as most likely to give notice to the people of such territory. No formal answer to the petition need be filed.

(3) EXPENSE; HEARING. The court shall hear any elector or taxpayer of such territory, or of any town of which such territory is a part who may appear at the hearing and may adjourn the hearing from time to time and refer any issue of fact. The fees and expenses of the referee shall be fixed and apportioned by the court after the trial of any such issue and paid by the town or towns of which such territory is a part as apportioned thereto by the court.

(4) ORDER CREATING. If the court after such hearing shall find the facts necessary for the organization of such territory into a town, it shall enter an order creating such territory into a town under the name proposed in the petition and providing for the place of holding the first annual meeting. The clerk of court shall immediately file certified copies of such order with the secretary of state and the county clerk.

(5) INDEBTEDNESS; APPORTIONMENT OF. The credits and indebtedness as between the town so created and the town or towns of which it was formerly a part shall be apportioned according to the provisions of subsection (5) of section 60.05.

(6) REMAINDERS OF OLD TOWN. Whenever the remaining territory of any town out of which a new town is organized, shall be divided into two detached parts by the organization of the new town, that part thereof with the least number of electors shall be attached to and become a part of the new town. [*Stats. 1917 s. 775a, 775b, 775c, 775d, 775e, 775f; 1919 c. 551 s. 5; 1921 c. 70, 461*]

60.07 Annual town meeting. There shall be an annual town meeting in each town on the first Tuesday of April at which all business shall be transacted which is by law required or permitted to be transacted at such meeting; and no notice of holding any annual town meeting need be given. [*Stats. 1917 s. 782; 1919 c. 551 s. 6*]

60.08 Adjournment from place to place. Whenever it shall become impossible or inconvenient to hold a town meeting at the place designated therefor the town board of inspectors or a majority of them, after having assembled at or as near as practicable to such place and opened the meeting, and before receiving any votes, may adjourn such meeting to the nearest convenient place for holding the same, and at such adjourned place forthwith proceed with the meeting. Upon such adjournment the board of inspectors shall cause proclamation thereof to be made and shall station a constable or some other

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proper person at the place where such meeting was opened to notify all electors arriving at such place that the meeting has been adjourned and the place to which it has been adjourned. [*Stats. 1917 s. 784; 1919 c. 551 s. 6*]

60.09 Adjournment from time to time. Any annual or special town meeting may be adjourned to any other day and from time to time for the purpose of transacting any business of the town except for the election of town officers. [*Stats. 1917 s. 785; 1919 c. 551 s. 6*]

60.10 First meeting in new town. The first town meeting in any newly-organized town shall be held on the day of the annual town meeting next after its organization; but if the inhabitants of any such town shall fail to hold their first town meeting on the day of the annual town meeting any three qualified voters of such town may call a town meeting for such town at any time thereafter by posting up notices thereof at not less than three public places therein at least ten days previous to the holding of such meeting. [*Stats. 1917 s. 786; 1919 c. 551 s. 6*]

60.11 Proceedings. The qualified electors present at such first town meeting between the hours of nine and ten o'clock in the forenoon shall choose one of their number as chairman, two others as inspectors and one as clerk, who shall severally take and subscribe the oath required of inspectors and clerks of general elections; such oath may be administered by the chairman chosen to the other inspectors and clerk, and either of the other inspectors may thereafter administer the oath to the chairman. They shall thereupon conduct the proceedings of such meeting; and the electors shall possess the same powers as at other annual town meetings. [*Stats. 1917 s. 787; 1919 c. 551 s. 6*]

60.12 Special town meetings. Special town meetings may be held for the purpose of transacting any lawful business which might be done at the annual meeting, on a request being made to the town clerk in writing signed by twelve qualified voters of such town specifying in such request the purposes for which such meeting is to be held. No matter voted upon or decided at any such special town meeting shall be acted upon in any subsequent special town meeting held in such town prior to the time for holding the next annual town meeting. [*Stats. 1917 s. 788; 1919 c. 551 s. 6*]

60.13 Notice of special town meetings. The town clerk with whom any such request shall be left shall record the same and immediately cause notices to be posted up in three of the most public places in the town, giving at least three weeks' and not more than four weeks' notice of such meeting. Such notices shall specify particularly the purposes for which such meeting is to be held and if there be a newspaper printed in such town he shall publish a copy of such notice therein at least five days before the time appointed for such meeting. [*Stats. 1917 s. 789; 1919 c. 551 s. 6*]

60.14 Who to preside. The chairman of the town shall be chairman of the town meetings when present, but if absent one of the other supervisors of the town shall serve as chairman; but if no one of the supervisors be present the qualified electors at such meeting may choose a chairman. [*Stats. 1917 s. 790; 1919 c. 551 s. 6*]

60.15 Chairman's powers. The chairman of each town meeting shall regulate its proceedings, decide all questions of order and make public declaration of all votes passed; he shall possess authority to enforce obedience to his lawful requirements; and if any person at such meeting shall conduct himself in a disorderly manner, and after notice from the chairman shall persist therein, the chairman may order him to withdraw from the meeting, and on his refusal may order any constable or other person to take him into custody until the meeting shall be adjourned. He shall have the same authority to preserve order and enforce obedience as is possessed by the inspectors of election at a general election. [*Stats. 1917 s. 792; 1919 c. 551 s. 7*]

60.16 Clerk of meeting. The town clerk shall be clerk of such town meetings and keep faithful minutes of the proceedings and a correct poll list containing the names of all persons voting thereat; but if he be absent then such person as shall be appointed by the inspectors shall act as clerk of such meetings. The minutes of the town meeting shall be subscribed by the clerk and filed in the office of the town clerk within five days after such meeting. [*Stats. 1917 s. 793; 1919 c. 551 s. 8*]

60.17 Order of business. At the opening of every town meeting the chairman thereof shall state the business to be transacted and the order in which such business will be entertained; and no proposition to vote a tax, except for the relief of the poor and for defraying the necessary town charges, shall be acted upon out of the order of business as stated by the chairman, and no reconsideration of any vote shall be had at any town meeting unless it be taken by a majority vote within one hour from the time such vote shall have been passed, or, if taken later than one hour, unless it be sustained by a number of votes equal to a majority of all the names entered on the poll list at such election up to the

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time the motion therefor shall be made. All other questions upon motions at a town meeting shall be determined by a majority of the electors voting. [*Stats. 1917 s. 795; 1919 c. 551 s. 8*]

60.18 Powers of town meeting. The qualified electors of each town shall have power at any annual town meeting by vote:

(1) RAISING MONEY; LIMITATIONS. To raise money for the repair and building of roads or bridges, or either; for the support of the poor and defraying all other charges and expenses of the town, not exceeding in the aggregate, exclusive of taxes for schools and liabilities theretofore lawfully incurred and not including income taxes in the treasury, one per centum of the assessed valuation of such town for the preceding year as equalized by the town board of review; except that an additional sum not exceeding one-fourth of one per centum of said valuation may be raised for the repair of highways and bridges; and a further additional sum not exceeding two per centum of said valuation may be raised for school purposes when under the township system of school government.

(2) ACTIONS. To direct the institution and defense of all actions in which the town is a party or interested; to employ all necessary agents and attorneys for the prosecution or defense of the same, and raise such sums of money for that purpose as they may deem proper.

(3) POLICE REGULATIONS. To make orders and by-laws for the management of all the affairs of the town conducive to the peace, welfare and good order thereof; to restrain drunkenness or disorderly conduct, to restrain cattle, horses, sheep, swine and other animals from going at large on the highways; to provide for the impounding and sale of any animals so going at large contrary thereto, and to fix penalties for the violation of said orders and by-laws, not exceeding ten dollars for any one violation thereof.

(4) NOTICE; PUBLICATION OF. No order or by-law shall take effect before the same shall be published by posting up copies in three of the most public places in the town; and such by-laws and orders, when so published, shall be binding upon all persons coming within the town as well as upon the inhabitants thereof, and shall be in force until altered or repealed at some subsequent town meeting.

(5) INDEBTEDNESS. To direct the compromise or settlement of any legal indebtedness, outstanding bonds or other obligations, or of any suit or controversy existing against such town, and to provide how the money necessary for that purpose shall be raised, and for that purpose may authorize the town board to issue the bonds or obligations of such town, not exceeding the amount of such indebtedness, and to negotiate the same either directly in settlement of such indebtedness or in raising money to settle and pay the same. The power conferred by this subsection shall be exercised at an annual or special town meeting but shall not be exercised at an annual town meeting unless the town board shall have given notice of its intention to present the proposition to such meeting as is required in the case of special town meetings, nor unless the resolution or order to be voted upon shall state the total amount of bonds to be issued, the denomination thereof, the time and place of payment of the principal and of the interest, which shall not in any case exceed eight per cent per annum and shall be first publicly read to such meeting before the vote thereon shall be taken; nor shall any action be taken under this subsection unless seventy-five per cent of the electors present at such meeting vote in favor of the order or resolution.

(6) DESTITUTE SOLDIERS. To raise money for the support of destitute soldiers and their families, not exceeding one hundred fifty dollars for any one person, to be expended under the direction of the town board.

(7) TOWN BONDS. To authorize the town board to issue town bonds in the manner and for the purposes provided by law.

(8) LANDMARKS. To provide for the erection of landmarks at section corners and quarter stakes when notice of proposed action shall have been previously given as required by law for holding special town meeting.

(9) BUILDINGS. To raise money to purchase or build a town hall or other building for the use of the town, or to unite the same with the money of any corporation or society doing business or located in such town, for the purpose of building or purchasing such hall or building; but no such vote shall be taken except by ballot nor unless a request in writing signed by at least twelve freeholders of such town shall have been delivered to the town clerk twenty days before the holding of such meeting, asking that such proposition be submitted to a vote of the electors of the town at such town meeting, and setting forth the amount of money which they desire shall be raised by the town for that purpose and whether the same shall be raised by a direct tax or the issue of bonds, and if the proposition be to issue bonds it shall state the denomination thereof, the time and place of the payment of the principal and interest, and the manner in which and by whom the same

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shall be negotiated; and if to be raised for the purpose of uniting the same with the money of some corporation or society, the name of such corporation or society; nor unless the town clerk shall have given notice as is required in the case of a special town meeting that such proposition would be voted upon at such meeting. Whenever the voters of any town shall have voted money to build a town hall in the manner provided by law, the board of supervisors of such town or towns are authorized to accept in the name of the town, any contributions offered of money, labor or locations.

(10) SALE OF PROPERTY. To authorize the town board to sell and convey any real or personal property belonging to the town not donated to and required to be held by the town for a special purpose.

(11) CEMETERIES. To instruct by vote the town board to purchase grounds for one or more town cemeteries, to limit the price to be paid and to raise money by taxation for the payment thereof.

(12) ACQUIRING WOOD LOT. To authorize the town board to acquire by purchase or otherwise a sufficient tract of land to be used, preserved and reforested as a wood lot, under regulations approved by the state conservation commission; and to authorize the sale of said tract.

(13) TOWN BOARD TO EXERCISE POWERS OF VILLAGE BOARDS; WHEN. To direct, by resolution, the town board in towns having a population of not less than five hundred, and having therein, one or more unincorporated villages, to exercise all powers relating to villages and conferred on village boards by chapter 61 of the statutes, except such power, the exercise of which would conflict with the statutes relating to towns and town boards. Any such resolution heretofore adopted pursuant to existing law or hereafter adopted pursuant to this law, shall remain in force until rescinded.

(14) TOWN ORDERS. To determine the rate of interest, if any, town orders shall draw, which shall not be less than six nor more than eight per centum per annum.

(15) PURCHASE OF LAND ACCESS TO WHICH MAY BE COSTLY. To authorize the purchase of any lands within such town lying in such a position that the cost to the town of constructing and maintaining roads, bridges and other means of access thereto will in the near future exceed the purchase price of such lands; and to provide how the money necessary for such purchase shall be raised, and to authorize the town board to issue bonds or obligations of such town in an amount not exceeding such purchase price, and to negotiate such bonds or obligations either directly in payment of such purchase price, or in raising money to make such payment.

(16) WATER FRONTS, GROVES, OUTLOOKS, HISTORIC SITES AND WOOD LOTS. To authorize the town board to acquire by gift, grant, devise, donation, purchase or condemnation or otherwise a sufficient tract or tracts of land for the reservation for public use of river fronts, lake shores, picnic groves, fine outlooks from hilltops or places of special historic interest and to use and maintain as a wood lot and to preserve and reforest the same under regulations approved by the state conservation commission. The sale of such wood lot may be authorized or directed in like manner.

(17) CONTROL OF INSECT PESTS, ETC. To appropriate money for the control of insect pests, weeds, or plant or animal diseases within the town. The town clerk shall within ten days notify the commissioner of agriculture at the state capitol of such appropriation, and said commissioner shall co-operate with the town and shall provide technical assistance and direction for the expenditure of such funds. [*Stats. 1917 s. 776; 1919 c. 261; 1919 c. 264 s. 2, 3; 1919 c. 407; 1919 c. 518 s. 1; 1919 c. 551 s. 9; 1919 c. 702 s. 44, 44a, 45; 1921 c. 91; 1921 c. 112 s. 1; 1921 c. 576 s. 11; 1921 c. 590 s. 82*]

60.19 Election of officers. At the annual town meeting there shall be elected in each town the following officers, viz.: Three supervisors, one of whom shall be designated on the ballots as chairman, a town clerk, a treasurer, an assessor (either two or three, if the town board at their last meeting before such election shall have so ordered), one justice of the peace, and in towns containing a village, or city of the fourth class, wholly within its limits a justice of the peace residing within such village or city who shall have jurisdiction throughout the county, so many constables, not exceeding three, as shall have been ordered by the last preceding annual town meeting. In all counties which contain a population of not less than one hundred thousand, such election shall be held biennially in the even-numbered years, and town officers shall hold office for two years. No person not an elector of the town shall hold any town office, and no person shall hold the offices of treasurer and assessor at the same time. [*Stats. 1917 s. 808, 808a; 1919 c. 551 s. 10; 1921 c. 238*]

60.20 Notice of election; official oath. Within five days after the election of any town officer the town clerk shall transmit a notice thereof to the person elected, unless he

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voted at the meeting; and every person elected or appointed to any town office, except justices of the peace, shall, within ten days after his election or appointment, or notification thereof, if required, take and file the official oath. The neglect to file such oath, or an official bond when required, within the time prescribed therefor shall be deemed a refusal to serve in such office. [*Stats. 1917 s. 809; 1919 c. 362 s. 15; 1919 c. 551 s. 11*]

60.21 Official bonds. Every official bond required of a town officer shall be in such sum, when no other provision is made, as shall be fixed by the town board therefor, and if none be fixed, then in the sum of the bond of the last incumbent of the office; shall have at least two sufficient sureties to be approved by the chairman in writing thereon, and whenever the town board shall deem any bond insufficient they may require an additional bond to be made and filed in a sum, and within a time not less than ten days, to be fixed by them. [*Stats. 1917 s. 810; 1919 c. 551 s. 11*]

60.22 Term of office. Every town officer elected at an annual meeting excepting justices of the peace shall hold his office for one year, and until his successor is elected and qualified. [*Stats. 1917 s. 811; 1919 c. 362 s. 37; 1919 c. 551 s. 11; 1921 c. 238*]

60.23 Failure to give bond or to act. If any person elected to a town office, of whom an oath or bond is required, shall enter upon the duties of such office before he shall have filed such oath or bond he shall forfeit not less than ten nor more than fifty dollars; and if any person so elected, except he be unable from disease or other infirmity to discharge the duties of such office, shall refuse or neglect to serve therein he shall forfeit ten dollars, unless he shall have served in some town office for the term next preceding such election and shall have given written notice of refusal to the town clerk within the time prescribed for filing his oath. [*Stats. 1917 s. 812; 1919 c. 551 s. 12*]

60.24 Continuance of justices in newly organized towns. When a new town shall be organized, if there be one or more justices of the peace residing therein, they shall be deemed justices thereof and shall hold their offices according to their respective terms; and only so many justices shall be chosen as shall be necessary to make up the number of two in such town. [*Stats. 1917 s. 813; 1919 c. 551 s. 12*]

60.25 Terms decided by lot. The town clerk, within six days after the election of justices of the peace in any such new town, shall give notice in writing to the justices elected to meet at such time and place as shall be specified in the notice for the purpose of determining by lot the terms of office of such justices, which notice shall be given not less than six nor more than twelve days previous to the time appointed therein for such meeting. [*Stats. 1917 s. 814; 1919 c. 551 s. 12*]

60.26 Same. At the time and place so appointed the town clerk shall cause to be written on separate pieces of paper as nearly alike as practicable the numbers one, two, or so many of each such number as shall correspond to the vacant terms of office to be supplied, and fold them up as nearly alike as practicable and deposit them in a box, and the persons so elected justices shall each severally draw one of said pieces of paper if present; and if any shall have neglected to attend or shall refuse to draw, then some elector of the town selected by the clerk shall draw in his stead; and each such justice shall hold his office for such number of years as shall be designated by the number so drawn by or for him. [*Stats. 1917 s. 815; 1919 c. 551 s. 12*]

60.27 Certificate of result. The town clerk shall make duplicate certificates of such drawing and the result thereof, one of which shall be filed and recorded in his office and the other he shall transmit to the clerk of the circuit court of the county. [*Stats. 1917 s. 816; 1919 c. 551 s. 12*]

60.28 Refusals to serve; temporary disability. If the treasurer-elect refuses to serve or the office becomes vacant, or if he shall be unable for any cause to perform his official duties, the town board shall forthwith appoint a treasurer for the remainder of such term; and such appointment shall not exonerate the former treasurer or his sureties from any liability incurred. If the incumbent of any other town office, except that of justice of the peace, shall from any cause be unable to perform his official duties, the town board may appoint a suitable person to discharge the duties of such office until the disability is removed. The appointee shall file an oath of office and give the like bond required of the officer in whose place he is appointed and within the time hereinbefore prescribed. [*Stats. 1917 s. 818; 1919 c. 551 s. 14*]

60.29 Town boards; powers. The supervisors of each town shall constitute a board to be designated the "Town Board of ...." any two of whom shall constitute a quorum, except when otherwise provided by law, and the chairman may administer oaths and affidavits in all matters pertaining to the affairs of the town. Meetings of the board shall be held in the town or in any village or city within or adjoining the town. Such board is empowered and required:

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(1) To have charge of all the affairs of the town not by law committed to other officers;

(2) To draw all orders for the payment of money out of the town treasury for purposes allowed by law, except for the support of schools;

(3) To procure legal advice when needed in the conduct of town affairs and employ counsel for that purpose;

(4) To have charge of all actions to which the town is a party;

(5) To demand payment into the town treasury of all penalties and forfeitures recoverable by the town, and all damages suffered by the town by breaches of official bonds, by injuries to its property or by other injuries; and, in case of failure to comply with such demand, to bring and prosecute proper actions or proceedings to recover the same;

(6) To designate and cause to be recorded by the town clerk the boundaries of any unincorporated village located within the town;

(7) To appoint, when the public good requires it, not exceeding three policemen, one superintendent of police and one night watchman, for service in the village;

(8) To appoint policemen, a superintendent of police and a night watchman for service at any other place in the town when needed to protect persons or property or to preserve order at any assemblage for moral, religious or educational purposes;

(9) To adopt by-laws, when needed, to regulate the conduct of policemen, superintendents of police and night watchmen and to restrain drunkenness, disorderly conduct and the careless use of firearms; and fix a penalty not exceeding ten dollars for each violation thereof; but such by-laws shall be published in the manner prescribed for the publication of by-laws adopted by town meetings and shall have the same effect as such by-laws;

(10) To purchase a fireproof safe for the use of the town clerk whenever chattel mortgages securing the payment of one thousand or more dollars are filed with such clerk;

(11) To provide, by contract or otherwise, for the lighting, when necessary to facilitate public travel, of the principal improved highways of the town, and of bridges located thereon;

(12) To purchase for the use of town officers such handbooks or manuals relating to their powers and duties as the board shall deem of material assistance to such officers in the performance of their duties.

(13) To exercise powers relating to villages and conferred on village boards when lawfully authorized so to do by resolution of the town meeting adopted pursuant to subsection (14) of section 60.18;

(14) To suppress mountebanks;

(15) To suppress, or license and regulate the keeping of billiard tables, pool tables, pigeonhole tables and bowling alleys for hire or gain, the term of any such license not to extend beyond the date of the next town meeting, fix the license fee, and to revoke any such license for cause, and any person operating without a license or violating any regulation made by the town board shall forfeit to the town not exceeding fifty dollars nor less than ten dollars, or, in default of payment thereof, be imprisoned in the county jail for a term not exceeding six months;

(16) To grant to any adjoining city or village permission, in the extension of its water or sewerage systems, subject to the rights of abutting property owners, to lay and maintain water mains and sewers in any street or highway in the town, and no abutting property owner who is permitted to connect with and use any such water main shall be deprived of the use thereof, except as to the use of water for nonpayment of water charges, without the consent of the town board;

(17) To borrow money, when authorized at the last preceding town meeting, not exceeding the amount appropriated at such meeting, at a rate of interest not to exceed eight per centum per annum, to pay town orders which may be drawn upon the town treasurer and to direct the town chairman and clerk to issue negotiable promissory notes of the town therefor, payable not later than the first day of March following the date of their issue;

(18) To establish a fire department in any town which contains a population of not less than three hundred and which has therein one or more unincorporated villages, when authorized by resolution adopted by ballot at any town meeting; to appoint the officers and members thereof, and prescribe and regulate their duties; to provide protection from fire by the purchase, use and maintenance of fire engines and other necessary apparatus for the extinguishment of fires, and by the erection or construction of cisterns and reservoirs; to erect engine houses; to compel the inhabitants of the town to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or the limits

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within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets which shall be appurtenances to the realty and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant and refusal or neglect by him to procure and deliver the same to him, and in default of payment therefor to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in such town; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the town or any part thereof; to authorize fire wardens, at all reasonable times, to enter and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to discover whether any of them are in a dangerous condition and to cause such as may be dangerous to be put in safe condition.

(19) The town board of every town in counties having a population of one hundred and fifty thousand or more are hereby authorized upon petition of two-thirds of the property owners in a block to build and construct water mains and sewers along the streets on which such blocks abut and adjoin and to assess property abutting and adjoining upon such streets for the cost thereof.

(20) (a) The supervisors of any town situated wholly within the boundaries of a county containing a city with a population of three hundred thousand, or more, may out of the general fund make payment and deposits to secure and pay for fire protection and fire department service from the fire department of any city of any class situated in any county containing a city with a population of three hundred thousand, or more, whenever there is presented at any meeting of said supervisors a petition, in writing, signed by the owners of not less than three-fifths of the real estate in any quarter section of land in said town, or by such percentage of owners in any greater number of quarter sections in said town. Such petition shall be acknowledged by each owner signing same and shall recite that the signer consents to the levying of a special tax against and upon their property to defray the cost of such fire protection. Such cost to be prorated upon the basis of existing assessments upon real estate and improvements and to be added to the tax roll by the clerk of said town in the same year in which the payment therefor is made by the supervisors from the general fund, as herein provided, or in the following year.

(b) There shall also be filed with such petition a proof of service of notice of the fact that a hearing upon such petition will be held before the town board of supervisors at a stated time and place, which proof shall show that said notice was served upon each owner of real estate in any quarter section to be affected by any such proceeding who refused or failed to sign a consent to be taxed for such purpose. Such proof of notice shall further show that such owners of real estate as refused or failed to consent to be taxed for such purpose were notified by such notice that they might attend said meeting of the town board of supervisors and be heard on objections to said proposed taxation of their property for the purpose of fire protection. Whenever a nonresident owner cannot be located, notice in the press, three successive days published in the county in which said property is located, shall be considered sufficient notice to said nonresident owner.

(c) The supervisors of said town at any regular meeting may hear and determine such petition and if such petition be presented in due form, as herein prescribed, and accompanied by proper proof of service of the notice herein required to be served upon persons refusing or failing to consent to such taxation and if said supervisors after hearing petitioners and any persons appearing in opposition to said petition and upon being fully advised determine that said petition should be granted, they may grant the same and authorize the levying of a special tax to defray the cost of such fire protection upon and against all the taxable property in any quarter section or quarter sections of land described in such petition and adopt and pass a resolution to such effect and cause such resolution to be recorded in the minutes of the meeting of said supervisors at which such determination is made.

(d) The expenditure authorized by the town board of supervisors as to one or any number of quarter sections in such town shall be made and paid by said supervisors out of the general fund and, upon the levying and collection of the special tax authorized by such petition and proceedings thereupon taken to be levied for such purpose, shall be repaid to the general fund.

(21) Each officer appointed under the provisions of this section shall possess and may exercise all the powers possessed by the same officer in villages incorporated under general law.

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(22) When an emergency arises within a town due to insect pests, weeds, or plant or animal diseases, and when it is the judgment of the board that the delay incident to calling a special town meeting would result in severe injury to the general welfare, to appropriate not to exceed one hundred dollars from the town treasury for the control of such insect pests, weeds, or plant or animal diseases. The town clerk shall within ten days notify the commissioner of agriculture at the state capitol of such appropriation, and said commissioner shall co-operate with the town and shall provide technical assistance and direction for the expenditure of such funds.

(24) The town board of every town in counties having a population of one hundred fifty thousand or more, and maintaining an office of the town clerk, may employ clerical or stenographic help in the work in such office but the expenditure therefor in any one year shall not exceed one thousand dollars provided such action was authorized at the last annual town meeting. [*Stats. 1917 s. 819; 1919 c. 261, 380; 1919 c. 551 s. 15; 1919 c. 702 s. 46, 47, 48, 49; 1921 c. 112 s. 1; 1921 c. 195*]

60.30 Sewers. The town board, may, whenever they may deem it necessary for the public health, cause a sewer or sewers to be constructed and maintained in any part of the town where an outlet can be obtained into any sewerage system and alter or repair any sewer so constructed within the town, and in so doing such work the town board shall proceed in accordance with sections 925—208 to 925—222, inclusive, so far as the same may be applicable and for the purpose of this section the town board shall have and may exercise all the powers conferred by said sections upon the common council and board of public works of cities. Any notice therein required shall be given by posting such notice in three public places in said town for two weeks or by publication thereof for two weeks successively in any newspaper in said town. [*Stats. 1917 s. 819b, 819m; 1919 c. 551 s. 17*]

60.31 Sidewalks. The town board may cause sidewalks to be constructed upon a petition of a majority of the owners of frontage on either side of any part of a highway who own one-half or more of the frontage of property abutting upon that portion of the highway on which it is proposed to build such sidewalks and may cause any sidewalk to be repaired or replaced without any petition pursuant to the provisions of section 61.43. The provisions of said sections are made applicable to towns except that the superintendent of highways shall serve the required notice upon the abutting property owners. [*Stats. 1917 s. 819e, 819f; 1919 c. 551 s. 18; 1919 c. 702 s. 50*]

60.32 Auditing accounts; meetings for; vacancies in board. The town board shall meet on the Tuesday next preceding the annual town meeting and also on the first Tuesday of December, and at such other time or times as they shall deem necessary to audit and settle all charges against the town; and if the three supervisors be not present the chairman, or in his absence, either of the other supervisors attending, shall call one or more justices of the town to act instead of the absent supervisor or supervisors, and if any such vacancy cannot be filled by reason of their being no legally qualified justice or justices of the peace in said town, then said vacancy may be filled by selecting a qualified elector or electors thereof. And said elector or electors if so chosen shall take and file the usual oath of office, so as to make a board of audit composed of three. No such special meeting shall be held unless notice of the same shall be given to each supervisor at least two days prior to the time fixed therefor, and none but supervisors shall act on the board of audit at such special meetings. [*Stats. 1917 s. 820; 1919 c. 551 s. 19*]

60.33 Duties of board of audit. It shall be the duty of such board of audit:

(1) To examine and audit the accounts separately of each town officer authorized by law to receive or disburse money for all moneys received and disbursed.

(2) To examine and audit every account, or demand for which a money judgment only is demandable, presented against the town, and to indorse thereon the amount allowed and disallowed, stating the items; and no allowance shall be made on any account which does not specifically state each item, with the date, amount and nature thereof separately. Such statement shall be verified by the affidavit of the claimant, his agent or attorney and filed with the town clerk; and no such claim against any town shall be acted upon or considered by any town board unless such statement shall have been so made and filed.

(3) To examine into the character and circumstances of every other demand presented against the town which they are not authorized to audit, and in their report give a summary thereof, with such recommendation as they think fit.

(4) To draw up a report stating in detail the items of account audited and allowed, the nature of each and the person to whom allowed; the same in respect to accounts disallowed, and also setting forth a statement of the fiscal affairs of the town, with an estimate of the sum necessary to be raised for the current expenses for the support of the poor or for any other authorized purpose for the ensuing year, and adding such recommendations as they may see fit.

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(5) To fix the salary of the town treasurer to be elected at the next town meeting, which salary shall be in lieu of all fees, and shall remain the salary of the treasurer until changed in like manner at some future annual meeting. [*Stats. 1917 s. 821; 1919 c. 551 s. 20*]

60.34 Report to be read. Such report shall be produced and publicly read by the town clerk at the next ensuing town meeting; and the whole or any portion of such report may be referred, by the order of such meeting, to a committee, whose duty it shall be to examine the same and report thereon to such meeting. [*Stats. 1917 s. 822; 1919 c. 551 s. 20*]

60.35 Numbering and contents of town orders. (1) The amount of any account audited and allowed by the town board shall be paid by the town treasurer on the order of the board signed by the chairman and countersigned by the clerk, and all orders issued to any person or persons by the town board for any sum due from such town shall be receivable in payment of town taxes in said town. But no order shall be signed or issued for the disbursement of any money of such town until the tax for the payment of such order shall have been voted by the electors of such town or until the town board shall have authorized the issue of such order; and no town board shall authorize the issue of any order in a sum exceeding the amount which the town is authorized to appropriate for the purpose for which such order is issued. Any person whose claim has been allowed in part may receive the order drawn for the part so allowed without prejudice to his right of action against such town, as to the part disallowed.

(2) Each order shall be numbered consecutively as drawn, and state the purpose for which said order was issued, the fund against which said order was drawn, the amount appropriated to such fund, and the amount of said appropriation remaining in excess of the total sum drawn against such fund at the time of the issue of said order.

(3) If the electors at the last preceding town meeting shall have voted in favor of having town orders draw interest, the clerk of said town shall, in drawing said orders, plainly state upon the face of said orders the rate of interest fixed by vote of the electors as aforesaid and the said orders shall draw interest at the rate named until the first day of March following the date of issue and shall continue to draw interest thereafter if presented for payment to the town treasurer during the month of March succeeding the date of issue and payment of said order refused by said treasurer.

(4) At the time of paying any town order or receiving the same in payment of taxes, the town treasurer shall indorse upon the back of said order date of paying or receiving the same the amount allowed as interest, which interest may be considered as a portion of the current expenses of said town.

(5) No interest bearing town order hereafter issued shall be sued upon for the purpose of securing judgment against the town upon the same unless such order shall have been presented to the town treasurer for payment during the month of March preceding the beginning of such action and payment of said order refused by said treasurer.

(6) Every supervisor, chairman or clerk violating the provisions of this section shall forfeit not less than twenty-five nor more than one hundred dollars. [*Stats. 1917 s. 823; 1919 c. 551 s. 20*]

60.36 Filing claims; demand on order. No action upon any claim or cause of action for which a money judgment only is demandable, except upon town orders, bonds, coupons or written promises to pay any sum of money, shall be maintained against any town unless a statement or bill of such claim shall have been filed with the town clerk to be laid before the town board of audit, nor until five days after the adjournment of the next regular meeting of the board of audit thereafter. No action shall be brought upon any town order until the expiration of thirty days after a demand for the payment of the same shall have been made; and if an action is brought contrary to this provision and the defendant does not appear and proof of such demand be not made, judgment shall not be entered thereon, and if it is entered it shall be absolutely void. [*Stats. 1917 s. 824; 1919 c. 551 s. 20*]

60.37 Landmarks. Whenever a town meeting shall have lawfully ordered the erection of landmarks the town board shall procure a sufficient number of monuments of stone or other durable material, each not less than three feet in length and six inches square, and either all dressed, with perpendicular sides and a square, flat top having engraved therein a cross formed by lines connecting the corners of said top, or having engraved on the top of such as shall be set at section corners the number of each section for which such monument forms a landmark in figures, and those set for quarter posts "¼S.," as the board shall order; or, when authorized by resolution adopted by the town meeting, of three inch iron pipes not less than one-quarter inch in thickness, and three

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feet long, either galvanized or coal charred to prevent rust, and having screwed to the top thereof a flat plate likewise engraved, with a suitable plate or anchor at the lower end, and shall also contract with the county surveyor or any competent surveyor for the survey of all the sections of said town and the erection of such monuments, one at each section corner and one at each external quarter-section corner in said town; each to be set two and one-half feet in the ground, except when in highways, when the top shall be made even with or below the surface. Such surveyor shall, before the signing and delivery of such contract, give a bond to the town in the sum of three thousand dollars, with sufficient sureties to be approved by the board, conditioned that he will make a correct and true survey of all the sections in said town and cause landmarks to be set permanently at the section and quarter-section corners as established by United States survey, and faithfully perform such work and the duties imposed upon him according to law. [*Stats. 1917 s. 825, 825m; 1919 c. 551 s. 22*]

60.38 Minutes of survey; location of landmarks. Such surveyor shall make in all cases a certificate setting forth correct and full minutes of the survey, and giving exact bearings and distances of each monument from each other monument nearest it on any line in such town; and such statement shall be recorded in the office of the register of deeds. Such landmarks shall in all cases be set on section corners and quarter posts established by the United States survey; but if there be a clerical error or omission in the government field notes or the bearing trees, mounds or other locating evidences specified therein be destroyed or lost, and there be no other reliable evidence by which said corners can be identified, said surveyor shall re-establish said corners under the rules adopted by the general government in the survey of the public lands. Such surveyor shall, in all cases, set forth such action in his certificate of the survey. [*Stats. 1917 s. 826; 1919 c. 551 s. 23*]

60.39 Location of section corners. Whenever any section corners upon the public highways cannot be identified the town board may, without previous vote of the town meeting, have such corners located by a competent surveyor and cause landmarks similar to those above provided for to be erected at such corners so established. [*Stats. 1917 s. 827; 1919 c. 551 s. 23*]

60.40 Relocation and perpetuation of section corners. All expense and cost incurred under and pursuant to section 59.63 shall be apportioned by the town clerk and collected as therein directed. [*1919 c. 702 s. 51*]

60.41 Landmarks evidence. All landmarks set under authority of the provisions of the preceding sections shall be presumptively deemed to be at the section and quarter-section corners, as originally established by the United States survey, at which they respectively purport to be set. [*Stats. 1917 s. 828; 1919 c. 551 s. 25*]

60.42 Expense, how paid. In case any town shall vote in favor of the erection of permanent landmarks the town board shall ascertain the amount of money requisite for such purpose and deliver a statement of such amount to the town clerk, who shall add said amount to the other amounts to be raised for town purposes for the current year, and insert the same in the tax roll, and it shall be collected and paid into the treasury in like manner as other town taxes. [*Stats. 1917 s. 829; 1919 c. 551 s. 25*]

60.43 Town clerk's bond. Every town clerk shall execute and file an official bond. [*Stats. 1917 s. 830; 1919 c. 551 s. 27*]

60.44 Deputy; duties. Each town clerk may appoint a deputy for whom he shall be responsible, who shall take and file the official oath, and in case of the absence, sickness or other disability of the clerk shall perform his duties and receive the same compensation unless the town board shall appoint a person to act as clerk. [*Stats. 1917 s. 831; 1919 c. 551 s. 27*]

60.45 Duties of clerk. It shall be the duty of the clerk:

(1) To act as clerk of all town meetings, perform all the duties of clerk of election and keep faithful minutes of all the proceedings, and record such minutes and enter at length every order, resolution or direction and all rules and regulations made by the meeting in the book of town records; and if in his absence another person shall have acted in his stead, to record the minutes taken by him of the proceedings.

(2) To transmit to the county clerk within ten days after any town meeting a certified statement of all town officers elected at the same, showing the post-office address of the chairman, treasurer, assessor and town clerk, and promptly to notify him of any subsequent changes in either of said last-named offices, and to notify the persons elected when required by section 60.20.

(3) To forthwith notify the county treasurer of the appointment by the town board of any town treasurer.

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(4) To transmit to the clerk of the circuit court, immediately after the election or appointment of any justice of the peace in his town, a written notice, stating the name of each such justice and the term for which he was elected or appointed, and when to fill vacancy, who was the last incumbent of the office, and likewise the name of every constable after he shall have qualified.

(5) To record every request for any special vote or any special meeting, and to properly post the requisite notices thereof as required by law.

(6) To post up, in at least three of the most public places in the town, fair copies of all by-laws made by the town, and enter over his hand in the town records, in connection with such by-laws, the time when and the places where the same were posted.

(7) To act as clerk of the town board, to keep and record faithful minutes of their proceedings, and to enter at length every vote, order, direction, resolution or regulation made by the board or by the supervisors in their official capacity, and to file all accounts audited by the board or allowed at town meeting and enter a statement thereof in the book of records.

(8) To furnish to the town board of audit at the annual meeting every statement received from the county treasurer of money paid to the town treasurer and all other information respecting the fiscal affairs of the town in his possession, and all accounts, claims and demands against the town filed with him.

(9) To have the custody and to safely keep all accounts, oaths of office, bonds, chattel mortgages, records, files, papers and property received from his predecessor or other persons and required by law to be deposited in his office, and all books, records and papers of the town not otherwise provided for by law, and to deliver all the same to his successor; and if the town board has provided a fireproof safe for his use, to keep therein all bonds, records, chattel mortgages, books, papers and documents in his custody as clerk which the capacity of such safe will permit, and securely lock such safe at all times when it is not necessary that it be unlocked, and for each failure to so use and lock the same he shall forfeit to the town not less than ten dollars nor more than one hundred dollars; he shall also permit any person with proper care to examine any such books, records and papers and make and certify a copy of any thereof when required, on payment of his fees therefor.

(10) To file, when presented, all chattel mortgages and affidavits relating thereto, and to enter at the time of filing, in a book properly ruled and kept therefor, the names of all the parties, arranging mortgagors alphabetically, the date of each mortgage and the date of filing the same, and of each affidavit relating thereto; to file, keep and index in like manner conditional contracts for the sale of furniture or other household effects, when presented.

(11) To demand and obtain the official books and papers of any justice of the peace when his office shall become vacant and his successor be not elected or appointed and qualified, or when any justice of the peace shall die, and dispose of the same as required by law.

(12) To post copies of the report of the town board to the annual town meeting on the morning of the day of such meeting in three public places as convenient as possible for the examination thereof by the electors.

(13) To read to the people assembled at the annual town meeting, at the time fixed for the transaction of town business, the provisions of these statutes relating to the protection of life and property against forest fires.

(14) To report to the county superintendent within ten days after his election or appointment his name and post-office address, and likewise the name and post-office address of each district clerk within ten days after the same are filed in his office.

(15) To record such description of school districts, and such orders concerning the organization, alteration or dissolution thereof as shall be made by the town board.

(16) To make and keep in his office a map of the town, showing the exact boundaries of all the school districts therein as appear from the records on file, and when a new district is formed to make and furnish a map thereof to the district clerk.

(17) To apportion the school money collected by the town and that received from the state for the several school districts of the town on the third Monday of March each year, or as soon as the same shall be collected or received by the town treasurer, to the several districts and parts of districts within the town as provided in these statutes.

(18) To make and transmit on or before the first day of August in each year, to the county or district superintendent of the county or district in which his town is situated two copies of a report, stating the whole number of school districts separately set off within the town, and the number of parts of joint districts in which the schoolhouses belonging thereto are located in his town.

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(19) To issue licenses, when granted by the town board, upon the presentation to him of the town treasurer's receipt for the prescribed fee.

(20) To perform the duties required in title two respecting elections; in title six, respecting public instruction; and title fourteen, respecting highways, bridges and drains, and such other duties as may be required by law. [*Stats. 1917 s. 832, 832m; 1919 c. 362 s. 11; 1919 c. 551 s. 28*]

60.46 Delivery of papers to clerk of new town. When a new town is organized embracing any part of an old town the clerk of the new town shall receive all the papers and files removable and copy all records, papers and files not so removable, in the office of the clerk of such old town, which belong or pertain to such new town or any of the inhabitants thereof or lands therein; and the clerk of such old town shall deliver such papers and files and shall certify such copies; and the same, being deposited in the office of the clerk of the new town, shall have the same effect as if originals and originally filed there. [*Stats. 1917 s. 833; 1919 c. 551 s. 30*]

60.47 Clerk's fees. Every town clerk shall be entitled to receive from any person requiring his service the following fees therefor, viz.:

For filing and entering a chattel mortgage or affidavit, twelve cents.

For filing and entering a conditional contract for the sale of furniture or other household effects, twelve cents.

For recording any mark or brand, twelve cents.

For giving a certificate thereof, the same.

For making copies of any records or papers, when required, seven cents for each folio and twelve cents for a certificate. [*Stats. 1917 s. 834; 1919 c. 551 s. 30*]

60.48 Town treasurer's bond. Every town treasurer shall execute and file an official bond in a sum to be fixed at not less than the whole amount of money estimated to come into his hands during his term. [*Stats. 1917 s. 835; 1919 c. 551 s. 31*]

60.49 Duties of treasurer. It shall be the duty of the town treasurer:

(1) To receive and take charge of all moneys belonging to the town or which are required by law to be paid into the treasury, and to pay the money of the town only upon the lawful order of such town or of its officers, duly made pursuant to law.

(2) To preserve all books, papers and property appertaining to or filed in his office.

(3) To keep a true itemized account of all moneys whatsoever received by him upon any account by virtue of his office and of the disbursement thereof, and to exhibit such account and all moneys in his custody or under his control as such treasurer, and to make oath, if so required, that such moneys are the funds of the town, and deliver all his vouchers to the town board of audit at its annual meeting.

(4) To collect and pay over taxes, making return of delinquents, and to perform all the duties appertaining thereto required of him by title thirteen.

(5) To apply for and receive from the county treasurer all moneys apportioned for the use of common schools in his town and to pay the same, together with all moneys collected in the town for the support of the schools, to the treasurers of the districts entitled to receive them upon the order or apportionment of the town clerk.

(6) To pay to the district treasurer on demand all school district taxes raised in each district and collected by him, and the amount of all school district taxes returned to the county treasurer of his county as delinquent, whenever the same shall have been paid to him by said county treasurer or whenever he shall receive credit from the county treasurer for such delinquent tax or any part thereof on account of any demand or claim due from such town to such county.

(7) To certify to the town clerk on or before the second Monday of March in each year the amount of school money in his hands to be apportioned by said clerk, and immediately upon the receipt of any money from the school fund income to certify the same to the said clerk for apportionment.

(8) To make and forward on the second Monday of June in each year to the clerk of each school district, in whole or in part in his town, a certified statement of the amount of money paid by the town treasurer during the year next preceding to such district treasurer, specifying the date and amount of and the account upon which each such payment was made.

(9) If the county treasurer shall neglect or refuse to pay over the school money which by law should be paid to the town treasurer, he shall commence and prosecute an action on the official bond of such county treasurer for the recovery of such money.

(10) To perform all the duties required of him in title six, relating to public instruction.

(11) To make the statements required in section 60.51 and perform all other duties required by law. [*Stats. 1917 s. 836, 836m; 1919 c. 551 s. 32*]

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60.50 Payments, order of. If, upon the return of the uncollected taxes to the county treasurer in any year, there shall be a deficiency of cash funds in the town treasury to pay all the charges thereon during such year, then the town treasurer shall set apart in the order specified below a sufficient amount of such funds to pay in full each of such charges so far as such funds will extend; and he shall pay the same only in the order and for the objects herein specified, to wit:

(1) The amount of moneys raised for common school purposes and returned taxes collected for any school district.

(2) The amount raised for the support of the poor.

(3) All moneys raised for highways and bridges and returned taxes collected therefor.

(4) The amount of moneys raised for all other town purposes shall be applied to the payment of all other lawful orders upon the town treasury. The treasurer shall keep a record of all such orders presented for payment, showing the date and order of presentation, the number, date and amount thereof and name of drawee, and shall indorse thereon the fact and date of such presentation and sign his name thereto, and as said orders are paid note the fact of payment on said record; said orders shall be paid in the order of their presentation as shown by said record when there are funds in the treasury. [*Stats. 1917 s. 837; 1919 c. 551 s. 33*]

60.51 Statements as to receipts. Every town treasurer shall, on the Saturday next preceding the annual session of the county board, make out in duplicate a written statement of the whole amount of moneys received by him as treasurer during the year preceding that day which he has paid or ought by law to pay to the county treasurer, showing particularly the several amounts thereof, the dates and persons or officers respectively, when and from whom received and for what the same was so paid to him; also showing the amounts which he has paid the county treasurer and the dates thereof. He shall also at the expiration of his term of office, or whenever he shall vacate the same, make the like statement of such moneys received and payments made of which he has not previously filed such a statement. He shall verify by affidavit or officially certify all such statements to be true and correct and to contain the full amount of moneys so by him received during the period of time included therein and immediately file the same with the town clerk. One of each such statements shall be annually taken by the chairman or supervisor who shall attend the county board and filed at the time of the annual session thereof with the county clerk. [*Stats. 1917 s. 838; 1919 c. 551 s. 33*]

60.52 Penalty. Every town treasurer who shall refuse or neglect to make and file any such statement as required in the preceding section shall forfeit not less than twenty nor more than two hundred dollars, one-half for the benefit of the prosecutor. [*Stats. 1917 s. 839; 1919 c. 551 s. 33*]

60.53 Constables' bonds. Every constable shall execute and file an official bond. [*Stats. 1917 s. 841; 1919 c. 551 s. 35*]

60.54 Constables' duties. The constable shall be a ministerial officer of justices of the peace, and it shall be his duty:

(1) To serve within his county any writ, process, order or notice, and execute any order, warrant or execution lawfully directed to or required to be executed by him by any court or officer.

(2) To attend upon sessions of the circuit court in his county when required by the sheriff.

(3) To inform the district attorney of all trespasses on public lands of which he shall have knowledge or information.

(4) To perform the duties required in chapter 66, prohibiting the sale of liquors to Indians.

(5) To impound cattle, horses, sheep, swine and other animals at large on the highways in violation of any duly published order or by-law adopted at an annual town meeting.

(6) To cause to be prosecuted all violations of law of which he has knowledge or information.

(7) To perform all other duties required by any law. [*Stats. 1917 s. 842; 1919 c. 551 s. 35*]

60.55 Fees. Constables may receive the following fees:

(1) For serving a warrant or other writ, not otherwise provided for, on each person named therein, twenty-five cents.

(2) For a copy of every summons delivered on request or left at the place of residence of the defendant, twelve and a half cents.

(3) For serving a subpœna or summons on each person named therein, twelve and a half cents.

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(4) For serving an attachment, fifty cents.

(5) For each copy of an attachment, twelve and a half cents.

(6) For each copy of inventory of property seized on attachment, twelve and a half cents.

(7) For issuing summons on garnishee, twenty-five cents.

(8) For copy of any affidavit or other paper not otherwise enumerated, per folio, ten cents.

(9) For posting up each notice, twelve cents.

(10) For each mile actually traveled, going and returning to serve any process or to give or to post up notices, ten cents; but he shall serve all process and papers in any one action which may then be in his hands for service, which can be served at the same time and upon all persons upon whom service is required, who can be served in the same journey; and he shall be entitled to one mileage for the greatest distance actually traveled to make such service and no more.

(11) For committing to prison, thirty-seven cents.

(12) For summoning a jury, fifty cents.

(13) For writing a list of jurors, twelve cents.

(14) For attending on a jury, twenty-five cents.

(15) For attending at the command of a justice of the peace on the trial of a cause before him, fifty cents for each half day, which, in a criminal case, shall include his services as custodian of the defendant.

(16) On all sums made on execution and paid over, charged upon the defendant, five per cent.

(17) For notifying a plaintiff of a service of a warrant or summons or attachment returnable in three days, twelve cents.

(18) For serving every writ in an action for the recovery of personal property, fifty cents.

(19) For summoning and swearing appraisers and taking appraisement, fifty cents.

(20) For taking and approving sureties in any case, twenty-five cents.

(21) For impounding live stock such fees as the order or by-law providing therefor shall prescribe.

(22) He shall also receive all his necessary disbursements actually made for board and conveyance of prisoners, to be settled by the county board; and when any person accused of any criminal offense shall escape his custody or pursuit, without fault or negligence of the constable, and the district attorney shall certify that such pursuit was necessary and proper, the county board may, in their discretion, on being satisfied by proof that such escape was not the result of the carelessness or negligence of the constable, allow a fair compensation for the time and necessary expense incurred in such pursuit. He shall keep his office in the town, village or city in and for which he was elected or appointed; and any constable who shall keep or open an office without the limits of such town, village or city shall receive no fees for any service by him performed during the period for which he holds his office contrary to the provisions hereof. [*Stats. 1917 s. 843; 1919 c. 551 s. 35*]

60.56 Acting constable; no fees, when. When the services in the last section mentioned are performed by any other person except a party to the action, the same fees shall be allowed as constables are entitled to receive and no more. No constable shall serve or execute any summons, writ or process in any action or proceeding wherein he is agent or attorney for the plaintiff or interested in the collection of the claim sought to be recovered, nor recover any costs, fees or expenses nor shall any costs or fees be taxed for any services rendered in violation of the provisions of this section. [*Stats. 1917 s. 844; 1919 c. 551 s. 36*]

60.57 Justices; number; terms. There shall be two justices of the peace in each town, of whom one shall be elected at each annual town meeting. Their term of office shall be two years from the first Monday of May next following such town meeting; provided, that in all counties which contain a population of not less than one hundred thousand no justices of the peace shall be elected in the odd-numbered years, except to fill vacancies, and that in the even-numbered years two justices of the peace shall be elected for the term of two years. [*Stats. 1917 s. 845; 1919 c. 362 s. 37; 1919 c. 551 s. 36*]

60.58 Justice's official oath and bond. (1) TIME OF FILING. Every justice of the peace, elected for a full term, shall on or before the first Monday of May, next succeeding his election, and every justice elected or appointed to fill a vacancy, shall within ten days thereafter, or after notice thereof, if required to be given, take and file the official oath prescribed in subsection (1) of section 2564*m*, and shall also, within the same time,

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execute and file an official bond with two or more sufficient sureties, to be approved by the chairman or any two of the supervisors.

(2) COPY OF BOND, WHERE FILED. The clerk of the circuit court shall within ten days after the filing with him of said oath and bond, execute and mail to the clerk of the town, city or village, wherein such justice of the peace was elected, a certified copy of said bond, which certified copy shall be filed by said town, city or village clerk, and preserved in his office, and the same shall be presumptive evidence of its execution by such justice and his sureties. [*Stats. 1917 s. 846; 1919 c. 551 s. 38*]

60.59 When justice may qualify after prescribed time. In all cases when any person shall be duly elected justice of the peace, but shall fail to qualify within the time prescribed by law on account of necessary absence from the county or of being sick, he may qualify as such justice at any time within six months from the time of his election, if the vacancy occasioned by his failure to qualify shall not have been filled as by law provided, by taking and filing with his oath of office and bond a further oath that he did not qualify within the time prescribed by law for the reason only that he was sick or absent from the county; and he may thereupon enter upon and exercise the duties and functions of such office during the residue of the term for which he was so elected. [*Stats. 1917 s. 847; 1919 c. 551 s. 39*]

60.60 Compensation of town officers. The compensation of supervisors shall be four dollars per day unless a different sum is fixed by the annual town meeting. Supervisors of towns situated in counties having a population of not less than three hundred thousand, shall be paid such salary as shall be fixed by the electors at the annual town meeting, not to exceed fifteen hundred dollars per annum, which shall be in lieu of compensation per diem. The clerks of the polls and town clerks shall be entitled to a compensation of three dollars per day, and at the same rate for parts of a day actually and necessarily devoted by them to the service of the town and in the discharge of any of the duties of their respective offices required of them by law, unless a different compensation shall have been fixed by the town board. No town officer shall be entitled to pay for acting in more than one official capacity or office at the same time. [*Stats. 1917 s. 850, 850a; 1919 c. 551 s. 41; 1921 c. 322*]

60.61 Compensation, town assessors. Town assessors shall be paid such compensation for their services as may be allowed them by the annual town meeting, not exceeding twelve hundred dollars per annum in all towns in counties having a population of one hundred and fifty thousand inhabitants or upwards, and not less than three nor more than five dollars per day in other towns. [*Stats. 1917 s. 851; 1919 c. 60; 1919 c. 551 s. 42; 1921 c. 196*]

60.62 Erection and control of buildings. Whenever any town shall have legally voted in favor of raising money for the purpose of purchasing or building a town hall or other buildings for the use of such town, the town board shall have power to make all necessary contracts for the purchase or building of the same, and shall have the care, control and management of the same when purchased or built; and whenever any town shall have legally voted in favor of uniting the money of the town with the money of any other corporation or society for such purpose, the town board shall enter into a written contract with such corporation or society to pay all extra expense by reason of such building being built larger or more expensive for the benefit of such corporation or society, and provide that in any case said corporation or society shall pay one-half the cost of such building; and such town board shall not in either case incur any liability on the part of the town for such building in excess of the sum voted for that purpose. The supervisors and town clerk of such town and three directors or trustees of such corporation or society shall be a board of directors, who shall have the control and management of such building, make all contracts for the purchase or erection thereof, and all rules and regulations as to the occupancy, keeping in repair and insurance of the same. The town board shall, if the vote was to raise the money by tax, cause the sum so voted to be levied and collected as other town taxes; and if the vote was to raise the money by issuing the bonds of the town, then said town board shall have power to issue and negotiate such bonds in the manner set forth in the resolution adopted for that purpose. [*Stats. 1917 s. 779; 1919 c. 551 s. 43*]

60.63 [*Repealed by 1921 c. 576 s. 4, 5*]

60.64 [*Repealed by 1921 c. 576 s. 5*]

60.65 [*Renumbered section 66.09 by 1921 c. 396 s. 82*]

60.66 Pending proceedings and contracts continued. Every proceeding instituted and every executory contract made by any town before the enactment of this section for public improvements or for other public purposes shall be continued to completion or carried into full execution pursuant to the laws in force at the time the proceeding was instituted or the contract entered into. [*1919 c. 551 s. 48*]

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60.67 Legalizing defective town boundaries. Whenever any county board in this state, on petition of a majority of the freeholders and applicants for homesteads under the laws of the United States, occupying the same, residing in a part of a town, shall heretofore have attempted to detach such part of a town therefrom and create out of said part a new town, or to attach such part of a town to another town by the passage of an ordinance or resolution, and such new town shall have held its first annual meeting pursuant to such ordinance or resolution, such ordinance or resolution shall be taken and held to have been lawfully enacted and passed, and no defect, omission, irregularity or informality in the proceedings by which such ordinance or resolution was enacted or passed, whether formal or jurisdictional, shall affect or invalidate such ordinance or resolution, and the boundaries of such towns so created or altered are hereby declared to have been legally established. [*1907 c. 163; 1907 c. 676 s. 9; 1911 c. 510; Stats. 1917 s. 671m; 1921 c. 9 s. 2*]

CHAPTER 61.

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INCORPORATION.

61.01 Incorporation; area and population. Any part of any town or towns not included in any village, all lying in the same county, not more than one-half square mile in area, with a resident population of not less than one hundred and fifty; or of a greater

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area than one-half square mile and a population of not less than two hundred; or not less than one square mile in area, lying in two or more adjoining counties, with a population of at least four hundred persons to every square mile thereof, may, upon application therefor by not less than five taxpayers and residents of such territory and upon compliance with the conditions of this chapter, become incorporated as a village by such name as may be designated in the order of the court for its incorporation with the ordinary powers of a municipal corporation, and such as are conferred by the statutes. [*Stats. 1917 s. 854; 1919 c. 691 s. 2*]

61.02 Survey; map; census. The persons intending to make the application, for the incorporation of such village shall cause to be made by a practical surveyor an accurate survey and map of the territory intended to be embraced within the limits of such village, showing the courses and distances of the boundaries and the quantity of land contained therein; which survey and map shall be verified by the affidavit of such surveyor affixed thereto. They shall also cause to be taken an accurate census of the resident population of such territory as it may be on some day not more than ten weeks previous to the time of making such application, exhibiting the name of every head of a family and the name of every person a resident in good faith of such territory on such day, and the lot or quarter section of land on which he resides, which shall be verified by the affidavit of the person taking the same affixed thereto. [*Stats. 1917 s. 855; 1919 c. 691 s. 2*]

61.03 Same; public may examine. Such survey, map and census, when completed and verified as aforesaid, shall be left at the residence or place of business within such territory of some person residing therein, and there kept subject to examination at all reasonable hours by every person interested for a period of five weeks from the posting or first publication of the notice of such application as hereinafter provided. [*Stats. 1917 s. 856; 1919 c. 691 s. 3*]

61.04 Notice of application to court. The intending applicants shall give notice that they will apply on some day therein specified to the circuit court of the county in which such territory or a part thereof lies for an order incorporating such territory as a village by a name to be therein specified; and such notice shall describe the boundaries of such territory by courses and distances and specify the town or towns in which it lies, and state where such survey, map and census have been left and may be examined as aforesaid. [*Stats. 1917 s. 857; 1919 c. 691 s. 3*]

61.05 Notice; publication. If there be a newspaper printed within such territory, such notice shall be printed therein once in each week for six consecutive weeks previous to the time specified for making such application, and if there be no such newspaper such notice shall be posted in at least three of the most public places in such territory at least six weeks before the time so specified in said notice. [*Stats. 1917 s. 858; 1919 c. 691 s. 3*]

61.06 Petition; accompanying documents. Such application shall be by petition, subscribed by the applicants, and shall have annexed such survey, map and census and the affidavits verifying the same, and an affidavit that they were left and kept subject to examination as provided in section 61.03, together with a copy of the notice of application with an affidavit affixed thereto, of the publication or posting of the same as hereinbefore provided, and it shall be presented at the time specified in the notice for presenting the same or as soon thereafter as the applicants can be conveniently heard in respect thereto. [*Stats. 1917 s. 859; 1919 c. 691 s. 4*]

61.07 Hearing; costs. The court shall hear all parties interested for or against such application who shall seasonably appear; may in its discretion adjourn such hearing from time to time, direct a resurvey to be made or another census taken by whomsoever it shall appoint, and refer any question for examination and report thereon; and if the court shall, after such hearing, deny such application, it may, in its discretion, by order, compel the applicants to pay such disbursements or any part thereof as shall have been incurred by the parties opposing the same. [*Stats. 1917 s. 860; 1919 c. 691 s. 5*]

61.08 Order; contents; immaterial defects. If the court, after such hearing, shall be satisfied of the correctness of any such survey or resurvey and census, that all the requirements of the statutes have been complied with, and that such territory as is proposed to be included contained, at the time such census was first or subsequently taken, the population in number and in proportion to the quantity of land therein required in section 61.01, it shall make an order declaring that such territory, the boundaries of which shall be therein set forth by courses and distances, shall be an incorporated village by the name specified in such application, if the electors thereof shall assent thereto as hereinafter provided; and in such order it shall direct three persons of the town or towns in which such territory shall lie, to be named therein, to perform the duties of inspectors of election as herein required. If the order of incorporation as made by the court shall be

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irregularly or defectively entered the court or the presiding judge thereof may, at any time, sign and enter nunc pro tunc the proper order of incorporation, and the same may be recorded as herein provided within ten days after the actual signing of such order; any other irregularities or defects not going to the groundwork of the organization shall not be deemed to invalidate the incorporation of said village. [*Stats. 1917 s. 861; 1919 c. 691 s. 6*]

61.09 Election. (1) NOTICE. Such inspectors shall, without unnecessary delay, give notice of a meeting of the electors of the territory described in such order to be held within sixty days of the date of such order at some convenient place therein, to be specified in such notice, for the purpose of determining whether or not such territory shall be an incorporated village.

(2) PUBLICATION OF NOTICE. If there be a newspaper printed in such territory such notice shall be published therein once in each week for three successive weeks previous to such meeting; and if there be no newspaper so printed copies of such notice shall be posted in at least three of the most public places in such territory at least three weeks previous to such meeting.

(3) HOW CONDUCTED. Such inspectors shall preside and act as inspectors of election at such meeting, and may designate one of their number or some other person as clerk thereof. The ballot shall contain the words "For Incorporation" and "Against Incorporation" and shall otherwise conform to the provisions of subsection (8) of section 6.23. The polls shall be opened and closed; vacancies in the board of inspectors shall be filled and such election shall be conducted and votes canvassed according to the statutes regulating town meetings; and all laws relating to elections for town officers shall apply to and govern such meeting and the proceedings thereof and the persons voting thereat so far as properly applicable and consistent therewith.

(4) CANVASS; STATEMENT TO BE RECORDED. The inspectors who shall have presided at such meeting shall make a statement of the holding of such meeting showing the whole number of votes cast, the number cast for incorporation, and the number cast against incorporation, which statement they shall verify by their affidavit annexed thereto, and cause said statement to be recorded in the office of the register of deeds of the county or counties in which such territory lies as provided in section 61.11. [*Stats. 1917 s. 862, 863, 864, 865; 1919 c. 691 s. 7*]

61.10 Village a corporation. (1) DATE OF; NAME. If a majority of the votes cast at such meeting shall be against incorporation no further proceedings shall be had in respect to such incorporation under such application and order; but if a majority of such votes shall be in favor of incorporation the inhabitants of such territory shall, from the time of the recording of the order of the court aforesaid in the office of the register of deeds, be deemed a body corporate by the name specified in such order.

(2) REMAINS PART OF FORMER ELECTION DISTRICT; WHEN. If after any village shall have become incorporated there shall not remain, before the next ensuing judicial election or election for state or county superintendent or before any general election, time to comply with the provisions of any law relating to the holding of any such election, then and in that event such village shall, for the purposes of any such ensuing election remain a part of the election district or districts to which the same was attached before said separation was had. [*Stats. 1917 s. 865; 1919 c. 691 s. 8*]

61.11 Documents to be filed and recorded. The petition and all accompanying papers and all such as have been added under the direction of the court, the order of the court for incorporation and the statement and affidavit of the inspectors aforesaid shall be recorded at length by the register of deeds within ten days after such election, and be recorded at length in the office of the village clerk by him within thirty days after election and qualification. All necessary and proper expenses and charges attending upon the incorporation and such records thereof shall be paid by such village. A certified copy of the order of the court for the incorporation of the village, to which shall be added an affidavit of the inspectors of election that the said election resulted in favor of the incorporation of such village, shall be filed in the office of the secretary of state; which certified copy and affidavit shall show the date originals were recorded in the office of the register of deeds. [*Stats. 1917 s. 866; 1919 c. 691 s. 9*]

ORGANIZATION.

61.12 Election of officers. Within ten days after the incorporation of such village as aforesaid the inspectors named in such order of the court shall give notice in the manner prescribed in subsection (2) of section 61.09, of the time, which shall not be more than thirty days after the date of such notice, and place of a meeting of the electors of

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such village to elect officers thereof; such meeting shall be held at some convenient place therein, to be specified in such notice. [*Stats. 1917 s. 867; 1919 c. 691 s. 10*]

61.13 Conduct of election. Such inspectors shall preside at such first election as inspectors thereof, and shall designate one of their number or some other person to act as clerk; and all the laws of this state in relation to the election of town officers and notification of their election shall apply to such first election so far as the same can be so applied and are consistent therewith. Vacancies in the office of inspector of elections shall be filled as provided for in the case of inspectors of town meetings. [*Stats. 1917 s. 868; 1919 c. 691 s. 10*]

61.14 Canvass. The inspectors of such first election shall canvass the votes given thereat and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given for each officer, the number given for each person voted for and the office for which each such person shall have been voted for. Such certificate shall be recorded in the records of such village and filed in the office of the clerk thereof. [*Stats. 1917 s. 869; 1919 c. 691 s. 11*]

61.15 [*Renumbered section 66.03 by 1921 c. 396 s. 4*]

61.16 [*Renumbered section 66.03 by 1921 c. 396 s. 4*]

61.17 Taxes levied before incorporation; how collected and divided. Whenever a village is incorporated from territory within any town or towns, after the assessment of taxes in any year and before the collection of such taxes, the tax so assessed shall be collected by the town treasurer of the town or the town treasurers of the different towns of which such village formerly constituted a part, and all moneys collected from the tax levied for town purposes shall be divided between such village and such town or the towns, as the case may be, in the same manner provided by section 61.16, for the division of property owned jointly by towns and villages. [*Stats. 1917 s. 925i; 1919 c. 691 s. 13*]

BOUNDARIES.

61.18 Boundaries. (1) ALTERATION OF. The boundaries of any village may be altered by annexing contiguous territory, or by detaching territory, or by both annexing contiguous territory and detaching territory upon compliance with the provisions of this section.

(2) AREA AND POPULATION. The population and area of the village after the boundaries shall have been altered shall conform to the requirements relating thereto in section 61.01.

(3) APPLICATION; PROCEDURE. Application to alter the boundary of any village shall be made to the circuit court of the county in which the village or any part thereof lies, by petition subscribed by some officer, or officers, of the village acting under the authority and direction of the village board, or by at least five residents and taxpayers of said village, and shall be preceded by proceedings respecting survey, map, census, notice to be heard, and publication of notice pursuant to the provisions of sections 61.01 to 61.06, inclusive, properly applied to such subject, except that the survey, map and census required shall be left for examination by persons interested with the village clerk for a period of three weeks from the posting or first publication of the notice of such application.

(4) ORDER CHANGING BOUNDARY. If the court, after such hearing, shall be satisfied of the correctness of any such survey or resurvey and census, that all the requirements of this act have been complied with, and that such village, after the proposed alteration contains within its limits the population and area required by section 61.01 it shall make an order altering the boundaries of such village as prayed for in said petition; said order shall describe the boundaries as altered which shall be therein set forth by courses and distances.

(5) CONSENT TO ALTERATION; ELECTION. If the court after such hearing shall be satisfied by affidavit or other due proofs that the board of trustees of such village has duly passed a resolution consenting to such proposed alteration and that all of the owners of property to be annexed, or detached, consent to such proposed alteration, the boundaries of such village shall be deemed altered without any further acts, upon the recording of such order in the office of the register of deeds of the county in which said village may be located. But if the board of trustees and each owner of land to be annexed or detached shall not have so consented to such alteration the order of the court shall direct a special election to be called by the trustees of such village as well as an election in such additional territory or detached territory by inspectors to be appointed by the court. The ballot shall contain the words "For Alteration" and "Against Alteration" and shall otherwise conform to the provisions of subsection (8) of section 6.23. If the majority of ballots in either the village or such territory shall be "Against Alteration" no further action

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shall be had under such application. But if the majority of the ballots in each be "For Alteration" such boundaries shall be altered from the time of recording such order of alteration with the register of deeds.

(6) CANVASS; DOCUMENTS TO BE FILED AND RECORDED. The inspector of election in both the village and such territory shall make a similar statement to that required in subsection (4) of section 61.09 and all proceedings shall be recorded as provided in said subsection (4) of section 61.09. In all cases of an alteration of boundaries like certificate and affidavits shall be filed in the office of the secretary of state as in the case of the incorporation of new villages. [*Stats. 1917 s. 870a, 870b to 870h, 870i; 1919 c. 691 s. 15, 16, 17*]

OFFICERS.

61.19 Elections; appointments; eligibility. At the annual election in each village there shall be chosen the following officers, viz.: A president, a clerk, a treasurer, an assessor, a supervisor, a constable, and a justice of the peace. In villages in counties having a population of at least two hundred and fifty thousand no supervisor shall be elected and the other officers named shall be elected for a term of two years on the first Tuesday of April of each year in which is to be held a general election for state officers. All other officers, except trustees, shall be appointed by the village board at their first meeting after the annual election unless such board shall otherwise provide. No person not a resident elector in such village shall be eligible to any office therein. The village clerk may appoint a deputy clerk for whom he shall be responsible, and who shall take and file the oath of office, and in case of the absence, sickness or other disability of the clerk, may perform his duties and receive the same compensation unless the village board shall appoint a person to act as such clerk. [*Stats. 1917 s. 875, 875m sub. (1); 1919 c. 362 s. 25; 1919 c. 691 s. 18*]

61.20 Election of trustees; terms. (1) Villages shall have six trustees, except as provided otherwise in subsection (3) of this section, whose term of office shall be two years, three of whom shall be elected each year.

(2) Villages not now having six trustees shall, on the first Tuesday of April, 1920, and annually thereafter, elect three trustees.

(3) Villages having a population of three hundred and fifty or less shall have two trustees, who together with the president shall constitute the village board, a majority of whom shall constitute a quorum. One trustee shall be elected each year for a term of two years. [*1919 c. 691 s. 20; 1921 c. 159*]

61.21 Clerk to notify officers-elect; oath of office. Within five days after the election or appointment of any village officer the village clerk shall notify the person so selected thereof unless he voted at such election, and every person elected or appointed to any office named in section 61.19 except justice of the peace shall within ten days after such election or appointment or notice thereof, when so required to be given, take and file the official oath. [*Stats. 1917 s. 876; 1919 c. 362 s. 15; 1919 c. 691 s. 21*]

61.22 Official bonds; officers not to be sureties. Every bond required of a village officer shall be executed with sufficient sureties in a sum fixed by the village board when not otherwise prescribed and be approved by the president. Whenever the village board shall deem any bond insufficient they may require an additional bond to be executed and filed in a sum and within a time not less than ten days, to be fixed by them. No village officer shall be accepted as a surety on any bond, note or other obligation to the village. [*Stats. 1917 s. 877; 1919 c. 691 s. 21*]

61.23 Terms; temporary vacancy. The term of office of all village officers, except trustees and justice of the peace, shall be one year and until their respective successors are elected or appointed and qualify. If any officer be absent or temporarily incapacitated from any cause the board may appoint some person to discharge his duties until he returns or until such disability is removed. [*Stats. 1917 s. 878; 1919 c. 362 s. 8; 1919 c. 691 s. 21*]

DUTIES OF OFFICERS.

61.24 President. The president shall be by virtue of his office a trustee and preside at all meetings of the board and have a vote as trustee, sign all ordinances, rules, by-laws, regulations, commissions, licenses and permits adopted or authorized by the board and all orders drawn on the treasury. He shall maintain peace and good order, see that the ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables. [*Stats. 1917 s. 879; 1919 c. 691 s. 22*]

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61.25 Clerk. The village clerk shall execute and file an official bond. It shall be his duty:

(1) To perform the duties of clerk of election and keep a record of all proceedings at the annual and special elections of the village; to give notice of such elections as required by law and to notify persons elected or appointed to office thereof.

(2) To transmit to the county clerk, within ten days after election and qualification, a certified statement of the name and term for which elected, of the president, clerk, treasurer, supervisor and assessor; and to the clerk of the circuit court immediately after their election or appointment and qualification, a like statement of the time and term for which elected or appointed of every justice of the peace, marshal or constable of the village.

(3) To attend all meetings of the village board; to record and sign the proceedings thereof and all ordinances, rules, by-laws, resolutions and regulations adopted, and to countersign and keep a record of all licenses, commissions and permits granted or authorized by them, and for such purpose to keep the following books: A minute book, in which shall be recorded in chronological order all the papers mentioned in section 61.11; full minutes of all elections, general or special, and the statements of the inspectors thereof; full minutes of all the proceedings of the board of trustees; the titles of all ordinances, rules, regulations and by-laws, with reference to the book and page where the same may be found. An ordinance book, in which shall be recorded at length, in chronological order, all ordinances, rules, regulations and by-laws. A finance book, in which shall be kept a full and complete record of the finances of the village, showing the receipts, the date, amount and sources thereof, and the disbursements, with the date, amount and object for which paid out; and to enter in either such other matters as the board shall prescribe, and such other books as the board direct.

(4) To countersign and cause to be published or posted every ordinance, by-law or resolution as required by law, and to have proper proof thereof made and filed.

(5) To be the custodian of the corporate seal, and to file as required by law and to safely keep all records, books, papers or property belonging to, filed or deposited in his office, and deliver the same to his successor when qualified; to permit any person with proper care to examine and copy any of the same, and to make and certify a copy of any thereof when required, on payment of the same fees allowed town clerks therefor.

(6) To draw and countersign all orders on the village treasury ordered by the board and none other.

(7) To file, when presented, all chattel mortgages and affidavits relating thereto, and contracts of sale of personalty, and to enter at the time of filing, in a book properly ruled and kept therefor, the names of all the parties, arranging mortgagors and vendors alphabetically, the date of each mortgage and contract and the date of filing the same and of each affidavit relating thereto, for which he shall receive the same fees allowed town clerks.

(8) To make a tax roll and deliver the same to the village treasurer; to make and transmit to the county clerk a statement showing the assessed valuation of all the property in the village and separately the amount of all taxes levied therein, including highway and street taxes, for the current year, and the purposes for which they were levied.

(9) To perform all other duties required by law or by any ordinance or other direction of the village board. [*Stats. 1917 s. 880; 1919 c. 691 s. 23*]

61.26 Treasurer. The village treasurer shall execute and file an official bond. It shall be his duty to receive all moneys belonging or accruing to the village from any source whatever or directed by law to be paid to him; to pay the same only on the written order of the president, countersigned by the clerk and specifying the number thereof, the payee and the amount and the object for which drawn; to keep just and accurate detailed accounts of all such transactions, showing when, to whom and for what purpose all payments are made, in books provided by the village board, and preserve all vouchers filed in his office; to render an account and settlement of all his official transactions to the board at its last meeting prior to the annual election, and at all other times when required by them; to deliver to his successor when qualified all books of account, papers and property of his office and all money in his hands as treasurer, and to perform such other duties as are required by law or the village board. There shall be kept but one fund in the treasury, except as otherwise provided. The treasurer shall also execute the bond required by section 70.67 of the statutes and take receipt therefor, which he shall file in the office of village clerk. On receipt of the tax roll he shall, and while acting as collector of taxes, exercise the same powers and perform the same duties as are by law conferred upon and required of town treasurers while acting in that capacity, and be subject to the same penalties and liabilities. [*Stats. 1917 s. 881; 1919 c. 691 s. 24*]

61.27 Assessor. In all villages the assessor shall take and file the official oath. He shall begin on the first day of May, or as soon thereafter as practicable, to make an assess-

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ment of all of the property in his village liable to taxation on that day, in the manner prescribed by law. He shall return his assessment roll to the village clerk at the same time and in the same manner in which town assessors are required to do. His compensation shall be fixed by the village board at a sum not less than three dollars per day, except in counties having a population of one hundred and fifty thousand or more, in which his compensation shall be fixed by the village board at a sum not exceeding ten dollars per day. [*Stats. 1917 s. 882; 1919 c. 362 s. 36; 1919 c. 691 s. 25; 1921 c. 83*]

61.28 Marshal. The village marshal shall execute and file an official bond. He shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. It shall be his duty to obey all lawful written orders of the village board; to arrest with or without process and with reasonable diligence to take before the justice of the peace every person found in such village in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of such village. He may command all persons present in such case to assist him therein, and if any person, being so commanded, shall refuse or neglect to render such assistance he shall forfeit not exceeding ten dollars. He shall be entitled to the same fees allowed to constables for similar services; for other service rendered the village such compensation as the board shall fix. [*Stats. 1917 s. 884 [883]; 1919 c. 691 s. 26*]

61.29 Constable. The constable shall execute and file an official bond, and shall be governed in every respect by the law prescribed for constables in towns. [*Stats. 1917 s. 885 [884]; 1919 c. 691 s. 27*]

61.30 Justice of the peace; bond; jurisdiction. The justice of the peace shall, within ten days after his election, take and file the official oath and execute and file an official bond. He shall hold his office for two years from the time of his election and until his successor is elected and qualified. He shall have concurrent jurisdiction and powers throughout the county with other justices of the peace. He shall hold the police court and shall have exclusive jurisdiction of all cases arising under the ordinances and by-laws of such village. [*Stats. 1917 s. 886 [885]; 1919 c. 362 s. 36; 1919 c. 691 s. 28*]

61.31 Peace officers, who are. The president and each trustee shall be officers of the peace, and may suppress in a summary manner any riotous or disorderly conduct in the streets or public places of the village, and may command assistance of all persons under the same penalty for disobedience provided in section 61.28. [*Stats. 1917 s. 888 [887]; 1919 c. 691 s. 30*]

VILLAGE BOARD.

61.32 Who constitute; meetings; salaries. The trustees of each village shall constitute a board designated the "Village Board of" (name of village), in which shall be vested all the powers of the village not specifically given some other officer. Four trustees shall constitute a quorum, except in villages having a population of two hundred and fifty or less, but a less number may adjourn from time to time. The president shall preside at all meetings when present. In his absence the board may select another trustee to preside. Regular meetings shall be held at such times as may be prescribed by their by-laws. Special meetings may be called by any two trustees in writing, filed with the clerk, who shall thereupon seasonably notify all the trustees of the time and place thereof in the manner directed by the by-laws. All meetings shall be open to the public. The board shall keep a record of all its proceedings, shall have power to preserve order at its meetings, compel attendance of trustees and punish nonattendance, and it shall be judge of the election and qualification of its members. The president and board of trustees of any village, whether operating under general or special law, may by resolution determine that an annual salary be paid the president and trustees. The question whether the provisions of such resolution shall take effect and be in force, shall be submitted to the people of such village at the next annual election, to be voted upon by ballot in substantially the manner provided by sections 6.22 and 6.23. If approved by a majority of the votes cast upon the question the resolution shall be in force and effect and shall apply to all succeeding presidents and trustees. [*Stats. 1917 s. 890 [889]; 1919 c. 691 s. 31*]

61.33 Trustees not to be interested in contracts. No trustees shall be in any manner, directly or indirectly, interested in any contract with or work or labor done for or material furnished to the village or to any one on its behalf. In case of a violation of this section such trustees or officer shall forfeit not less than fifty nor more than five hundred dollars. But the provisions of this section shall not apply to the designation of public depositories for public funds, nor to the publication of legal notices required to be published by any village, or by any village officer, at a rate not higher than that prescribed by law, nor to the contract for the sale of printed matter or any other commodity, not ex-

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ceeding one hundred dollars in any one year. [*Stats. 1917 s. 891 [890]; 1919 c. 479; 1919 c. 691 s. 32; 1919 c. 702 s. 82*]

61.34 Powers of board. The village board shall have power, by ordinance, resolution, law or vote:

(1) To regulate the mode of and establish rules for their proceedings.

(2) To adopt a corporate seal and alter the same at pleasure.

(3) To receive, purchase and hold for the use of the village any estate, real and personal, and to sell and convey the same.

(4) To limit and define the duties and powers of officers and agents of the village, fix their compensation which in the case of the treasurer shall include his services in the collection of taxes and fill vacancies when no other provision is made by law; to call special elections and to designate trustees to act as inspectors of elections.

(5) To procure the books and records required herein to be kept by village officers and such other furniture, property, stationery and printing as shall be necessary for village purposes.

(6) To provide for the prosecution or defense of all actions or proceedings in which the village is interested and employ counsel therefor.

(7) To appoint a village attorney, a pound master, a marshal, one or more sextons or keepers of cemeteries, one or more fire wardens and one or more street commissioners, whenever they deem necessary. Every street commissioner, when by resolution the village board shall require it, shall take and file the official oath and execute an official bond.

(8) To control and protect the public buildings, property and records and insure the same.

(9) To renumber the lots and blocks of the village or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds. In the discretion of the trustees to compel the owners and occupants of all houses, stores and other buildings within the village to number the same in such manner as the village board of trustees may from time to time prescribe.

(10) To cause to be made a plat and an accompanying list of all lands within said village which are not embraced in any of the recorded plats of land therein. The plat shall plainly define the boundary of and designate each parcel of land thereon as an out lot with a number, and the accompanying list shall describe each out lot, so numbered, with sufficient certainty to enable a surveyor to locate the same. Both such plat and list shall be certified to by the person making the same, approved by the village board, acknowledged by the village clerk and president and recorded in the office of the register of deeds of the county in which said village is located. Said plat shall be called "Assessor's Plat." For purposes of assessment, taxation and conveyance, it shall be deemed a sufficient description of any land, described in said plat, to designate the same as "Out Lot" with its number as it appears on said plat, and any such description in any conveyance shall be as effective to pass the title to the land therein described as it would be if the same premises had been described by metes and bounds. Said plat or record thereof shall be received in evidence in all courts and places as correctly describing the several pieces of land therein designated. Amendments may be made to the plat at any time by the village board by recording with the register of deeds a plat and accompanying list of such amendment, authenticated in the same manner as the original plat and list. The major portion of any out lot which is altered by an amendment shall retain the original number given to the out lot and a new number shall be given to the tract that may be detached. It shall not be necessary to refer to any amendment of the plat, but all assessments or instruments wherein any tract of land is described as being in the assessor's plat shall be construed to mean the assessor's plat of lands with its amendments as it stood at the date of making such assessment or instrument.

(11) To establish a fire department, to appoint the officers and members thereof and prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all the necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other waterworks; to erect engine houses; to compel the inhabitants of the village to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or the limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets which shall be appurtenances to the realty and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant and refusal or neglect by him to procure and deliver the same to him, and in default of payment therefor to levy the cost thereof as a special tax upon such real

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estate, to be assessed and collected as other taxes in such village; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village or any part thereof; to authorize fire wardens, at all reasonable times, to enter and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to discover whether any of them are in a dangerous condition and to cause such as may be dangerous to be put in safe condition; and generally to establish such necessary measures for the prevention or extinguishment of fires as may be necessary and proper.

(11m) To designate general fire limits, and regulate the construction, alteration, enlargement and repair of buildings and structures within such limits for the prevention of fires and the spread thereof; to designate special fire limits within the general fire limits, and prescribe additional regulations for the construction, alteration, enlargement and repair of buildings and structures within such special fire limits; by a three-fourths vote of all of its members, to modify, amend or repeal any of such fire limits; for the enforcement of such ordinances or regulations, to provide for the appointment of a building inspector, define his duties, fix his term of office and compensation.

(12) To lay out, open, change, widen or extend roads, streets, lanes, alleys, sewers, parks, squares or other public grounds, and to grade, improve, repair or discontinue the same or any part thereof, or build and repair any bridges thereon, or to establish and open drains, canals or sewers, or alter, widen or straighten watercourses in the manner provided in this act; to make, alter, widen or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks as provided in this act; to prevent the incumbering of streets, sidewalks, crosswalks and alleys with carriages, carts, wagons, sleighs, sleds, buggies, railroad cars, engines, boxes, lumber, firewood or other substances or materials; to prevent horse racing or immoderate riding or driving in the streets of the village; to prevent the riding or driving of animals or the driving of vehicles of any kind on the sidewalks of the village, or the doing of damage in any way to such sidewalks; and to require the owners or occupants of any building or buildings, lot or lots, or any part thereof, or any premises within the village, to remove snow, dirt or rubbish from the sidewalks adjacent thereto, and in default thereof to authorize the removal of the same at the expense of such owner or occupant; provided, that the board may by resolution cause the sidewalks to be kept clear of snow and ice at the expense of the village; and to improve, grade, repair and build roads and sidewalks which may be required to connect the village with any railway depot or river landing situated outside of the limits of the incorporated village and used by the inhabitants thereof.

(13) To restrain the running at large of cattle, horses, mules, sheep, swine, poultry and other animals and to authorize the distraining, impounding and sale of same; to establish pounds and regulate and protect the same; to require the owners or drivers of horses, oxen or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of the village; to prohibit the hitching of horses, teams or animals to any fence, tree or pump, and to prevent injury to the same; to regulate and control the running of engines and cars through the village and the rate of speed of the same; and license public porters, solicitors or runners, cartmen, hackmen, omnibus drivers and guides, and to establish rules and regulations in regard to their conduct as such; and to prevent any unnecessary noise or disturbance during the arrival or departure of persons in public conveyances.

(14) To establish and regulate markets and restrain sales in the streets.

(15) To purchase and hold cemetery grounds within or without the village limits, inclose, lay out and ornament the same, and to sell and convey lots therein by deed; to establish public parks and walks, inclose, improve and ornament the same and prevent the incumbering or obstruction thereof; and to provide for and regulate the setting out of shade and ornamental trees in the streets and in and around the cemeteries and public parks and walks of the village, and for the protection thereof.

(16) To prevent or license and regulate the exhibition of caravans, circuses, theatrical performances or shows of any kind; to prevent or license and regulate within the limits of the village billiard tables, pigeonhole tables and bowling saloons; to suppress and restrain or license and regulate mountebanks and auctioneers; and in all such cases they may fix the price of such license and prescribe the term of its continuance and may revoke the same at pleasure; but the term of no such license shall extend beyond the annual election of officers next after the granting thereof.

(17) To provide for the planting and protection of shade trees and monuments in said village.

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(18) To prohibit and suppress all kinds of gaming, gambling and all fraudulent devices and practices and provide for the seizure and destruction of all instruments and devices used for the purpose of gaming; to prevent and suppress fights, riots, noises, disturbances, disorderly assemblages, disorderly conduct, disorderly houses, houses of ill fame, immoderate drunkenness, drinking, vagrancy, obscenity, lewdness and prostitution within the limits of the village; to regulate public places of bathing and swimming or prohibit and prevent such bathing and swimming within the village.

(19) To exercise such powers in respect to licensing and regulating the sale of malt, ardent or intoxicating liquors as are conferred by the general statutes in respect thereto.

(20) To purchase, build or lease and maintain and regulate a watch house or place for the confinement of offenders against the ordinances and by-laws, and for temporary detention of suspected persons.

(21) To appoint a board of health, which shall have all the powers of such boards under the general laws of the state; to provide hospitals and regulate the burial of the dead and the return of bills of mortality; to declare what are nuisances and to prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house, building or place to remove or abate the same or to cleanse it as often as may be deemed necessary for the public health; to direct the location and management of slaughterhouses subject to the provisions of section 1418, and to prevent the erection, use or occupation of the same except as authorized by them; to prevent persons from bringing, depositing or leaving within the village any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water or other unwholesome substance from their premises, and to provide for the cleansing and removal of obstructions from any river, stream, slough or watercourse within the limits of the village, and to prevent the obstruction or retarding of the flow of water therein or the putting of anything into the same which may be prejudicial to the health of the village.

(22) To make and regulate the use of public wells, cisterns and reservoirs.

(23) To erect lamp-posts and lamps and provide for lighting any portion of the village or streets thereof by gas or otherwise.

(24) To establish harbor and dock limits and to regulate the location and manner of construction and use of all piers, docks, wharves and boathouses on any navigable waters, and fix rates of wharfage.

(25) To appoint policemen, night watchmen and superintendent of police, and to prescribe their duties and make by-laws for their government.

(26) To levy and provide for the collection of taxes and assessments, audit claims and demands against the village and direct orders to issue therefor in the manner prescribed in this act; to refund any tax or special assessment paid or any part thereof, when satisfied that the same was unjust or illegal; to authorize bonds of a village to be issued in the cases provided by law, and generally to manage the financial concerns of the village; and they shall cause to be prepared and read at each annual charter election a true, detailed and itemized statement by them of the finances of the village, showing the amount in the treasury at the commencement of the year, when and from what sources all moneys paid into the treasury during the preceding year were derived, and the whole amount thereof, and when, to whom and for what purpose all money paid from the treasury during the same period was paid, and the whole amount thereof, with the balance then in the treasury, which statement shall be recorded in the minute book and filed and preserved in the clerk's office.

(27) To ordain and establish all such ordinances and by-laws for the government and good order of the village, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce and the promotion of health, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem expedient; and to determine and establish by ordinance the mode of procedure, and what it shall be sufficient to allege and prove in order to make out a prima facie case of violation of any ordinance.

(28) To prescribe penalties for the violation of any ordinance or by-law, to be not less than one dollar nor more than two hundred dollars in any case, besides the cost of suit in all cases; and in default of payment to provide for the committing of the person convicted to the watch house or place of confinement in the village or to the county jail until payment be made, but not to exceed ninety days in all; and to modify, amend or repeal any ordinance, resolution, by-law or other former determination of the board. Whenever the village board shall require the owners or occupants of buildings to remove snow, dirt or rubbish from the sidewalks adjacent thereto, and such requirement shall not be complied

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with, and whenever the village board or the board of health, duly appointed, shall find any source of filth or cause of sickness on private property and shall have required the owner or occupant of such property to remove or abate the same, and such requirement shall not be complied with, the village board may authorize the removal of such snow, dirt or rubbish or the removal and abatement of such source of filth or cause of sickness at the expense of the owner of the lot or lots or premises in front of which such sidewalks are, or upon which such source of filth or cause of sickness shall be found, and in default of the payment of such expense by the owner of said premises the village board shall levy and cause to be collected upon such lot or premises a tax sufficient to pay such expense, and if such tax is not paid the same shall be returned as delinquent taxes to the village treasurer and collected in the same manner as other village taxes.

(29) To regulate, by ordinance, the manner of caring and providing for the support of the poor of the village.

(30) To construct and maintain waterworks for the supply of water to the inhabitants of the village, with the necessary pumping machinery, buildings, reservoirs, mains, pipes and other convenient appliances; and to regulate the mode of construction, the manner of making connections therewith, the rent for the use of water, and all matters necessary to operating such system; and to lay water mains and levy special assessments therefor in the manner provided by section 62.16, except that it shall not be necessary to post notices along the street, and the provisions of said section are made applicable to villages, and powers and duties conferred therein upon the common council and board of public works shall be exercised by the president and board of trustees, and those conferred upon the clerk or comptroller, by the village clerk. In villages in which no newspaper is published notices required by said section to be published in the official paper of the city shall be published in like manner in some newspaper published in the county in which the village or some part thereof is situated. When the village board shall have made an assessment under the power conferred by said subsection upon the board of public works, and a hearing had thereon in the manner therein provided, the determination of the village board upon such hearing shall be deemed the final determination of the village board and a further hearing pursuant to paragraph (h) of said subsection (6) of section 62.16 shall not be required.

(31) To acquire by gift, grant, devise, bequest, donation, purchase or condemnation any estate, real or personal, situated within or without the village, for parks, libraries, community centers, picnic groves, river fronts, lake shores, places of historic interest, fine outlooks, waterworks plant, sewage disposal plant, and for any other public purpose; to sell, dispose of and convey the same; to improve and beautify the same; and to construct, own, lease and maintain buildings for instruction, recreation, amusement and any other public purposes on any of such property.

(32) To appoint a park commission, which shall consist of not more than seven members. The park commission so appointed shall have supervision of the improvement of all parks of the village.

(33) Where the village owns or operates a system of waterworks, to contract for supplying and furnishing water for fire, mechanical and domestic use to persons living beyond the village limits and to lay the necessary pipes, mains and conduits for that purpose, under such rules and regulations, and upon such conditions as it may prescribe.

(36) To levy and to provide for the assessment and collection of a tax, or to borrow money in any year, not exceeding one-twentieth of one per cent of the assessed valuation of such village for the promotion and publicity of natural scenic environment and arousing public interest therein, with the purpose of inducement of visits thereto by the general public, in which visits the general material welfare of such villages may be promoted, provided the same is deemed desirable by a two-thirds vote of all members of the village board of such village.

(37) To appropriate money for the control of insect pests, weeds, or plant or animal diseases within the village. The village clerk shall within ten days notify the commissioner of agriculture at the state capitol of such appropriation, and said commissioner shall co-operate with the village and shall provide technical assistance and direction for the expenditure of such funds. [*Stats. 1917 s. 893 [892]; 1919 c. 264 s. 2, 3; 1919 c. 350 s. 19; 1919 c. 583 s. 2; 1919 c. 677; 1919 c. 691 s. 33; 1919 c. 702 s. 58; 1921 c. 112 s. 1; 1921 c. 242 s. 197; 1921 c. 382; 1921 c. 422 s. 28; 1921 c. 576 s. 5*]

61.35 Additional powers of villages in populous counties. (1) The village board of any village in any county having a population of two hundred fifty thousand or more, upon its own initiative or upon the petition of ten or more actual residents of the district to be affected, is hereby authorized and empowered, whenever it determines that the public health, welfare or morals will be protected, promoted or conserved thereby, to regulate and restrict

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the location of trades and industries and the location of buildings designed for specified uses, and to establish districts of such number, shape and area as it may deem best suited to carry out the purposes of this section. For each district, regulations may be imposed designating the trades or industries that shall be excluded or subjected to special regulations and designating the uses for which buildings may or may not be erected or altered; provided that no ordinance or resolution shall be adopted or passed pursuant hereto which in any manner interferes with the proper operation of a public utility or street railway. Such districts and regulations shall be prescribed by ordinance and enforced by appropriate fines and penalties.

(2) Compliance with such ordinances may also be enforced by injunctional order at the suit of such village or the owner or owners of any of the real estate within the district affected by such regulation.

(3) A true and correct copy of such ordinance, verified as such by the village clerk, shall be at once recorded in the office of the register of deeds of the county in which said village is situated, and notice of the adoption of said ordinance shall be given by publishing a true and correct copy of same once each week for three successive weeks in some newspaper printed in said village and if there be no newspaper printed in said village, then by publishing a true and correct copy of such ordinance once each week for three successive weeks in a newspaper having a general circulation in the county in which said village is located and, in addition thereto, by posting true and correct copies of said ordinance in at least three public places in said village.

(4) Any person sustaining loss or damage in his property by any such restriction or regulation may file his claim therefor with the village clerk within three months after the passage and publication of such ordinance, and thereafter the said village board shall act upon such claim and allow or disallow the same or such part thereof as they may in their discretion deem just and equitable. Any person whose claim shall be disallowed in whole or in part may appeal to the circuit court of said county by filing with the village clerk at any time within twenty days after final action by said board upon his claim, a notice of appeal specifying the grounds of his appeal and paying to such clerk, three dollars for the state tax and clerk of the circuit court fees, and one dollar for making return thereon. Within twenty days thereafter, such village clerk shall deliver to the clerk of said circuit court, a certified copy of the claim filed by the appellant and of the resolution disallowing same in whole or in part, together with such notice of appeal with the date of service thereof indorsed thereon and pay to him three dollars state tax and clerk of court fees; and thereupon the clerk of said court shall enter an action in his court in which the said appellant shall be plaintiff and the said village, defendant. The issue in said action shall be the loss or damage sustained by the appellant by reason of such restriction or regulation. Such issue shall be tried without further pleadings as other issues of fact are tried and judgment thereon be rendered and enforced as in other actions; provided that when the appellant does not recover a larger sum for damages than was awarded him by the village board, he shall not recover but shall pay costs, and provided further, that at any time before the entry of judgment in the circuit court for damages, the village board may repeal such restriction or regulation and thereupon all claims allowed in whole or in part pursuant to the provisions of this paragraph upon such restriction or regulation, shall be deemed to be disallowed, and all proceedings upon any such appeal be deemed discontinued upon the payment by the village of the costs incurred in such action.

(5) For the purpose of the payment of the said claims so allowed, the said village board may by resolution levy and assess the whole or any part of the claims so allowed as a tax upon such property in such district affected by said restriction or regulation and within three hundred feet thereof as it shall determine is specially benefited thereby, making therein a list thereof in which they shall describe every lot or parcel of land so assessed with the amount set opposite.

(6) Such resolution signed by the president and clerk shall be published once in each week for two weeks in a newspaper published regularly in said village, or, if there be no such newspaper, three copies thereof shall be posted by the clerk in three of the most public places in said village, and a notice therewith that, at a certain time therein stated, the said board will meet at its usual place of meeting and hear all objections which shall be made to such assessment or to any part thereof.

(7) At the time so fixed, the said board shall meet and hear all objections and for that purpose may adjourn from day to day, and may by resolution modify any such assessment in whole or in part at any time before the first day of November next following. Thereafter any party liable may pay any such tax to the village treasurer. On said first day of November next following, if any such tax remains unpaid, the village treasurer shall make

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a verified statement showing what taxes so levied remain unpaid and file the same with the village clerk who shall extend the same upon the tax roll of said village in addition to and as part of all other village taxes therein levied on such land, to be collected therewith and returned delinquent in the same manner as other village taxes. [*Stats. 1917 s. 904b; 1919 c. 691 s. 34*]

STREETS AND ALLEYS, ETC., ACQUIRING LAND FOR.

61.36 Purposes for which village may acquire land. The village board of any village may acquire land to lay out and open, change, widen or extend any street, lane, alley, public grounds, square or other place, to construct and open, alter, enlarge or extend drains, canals or sewers, to construct a sewage disposal plant and the necessary mains incident thereto, either within or without the limits of said village, to alter, widen, or straighten watercourses therein, or for the use or improvements of a harbor. [*Stats. 1917 s. 895; 1919 c. 691 s. 35; 1921 c. 242 s. 269*]

61.37 Assessment of special benefits by village board. (1) For the purpose of payment of the expenses, including such excess of damages and all other expenses and costs incurred for the taking of private property and of making any improvement mentioned in section 61.36 the village board may, by resolution, levy and assess the whole or any part of such expenses, as a tax upon such property as they shall determine is specially benefited thereby, and they shall include in said levy the whole or any part of the excess of benefits over total damages, if any, making therein a list thereof in which shall be described every lot or parcel of land so assessed with the name of the owner thereof, if known, and the amount levied thereon set opposite.

(2) Such resolution, signed by the president and clerk, shall be published once in each week for two weeks in a newspaper published regularly in such village, or if there be no such newspaper three copies thereof shall be posted by the clerk in three of the most public places in such village, and a notice therewith that at a certain time, therein stated, the said board will meet at their usual place of meeting and hear all objections which may be made to such assessment or to any part thereof.

(3) At the time so fixed the said board shall meet and hear all such objections, and for that purpose may adjourn from day to day, not more than three days, and may by resolution modify such assessment in whole or in part. At any time before the first day of November thereafter any party liable may pay any such tax to the village treasurer. On such first day of November, if any such tax remains unpaid, the village treasurer shall make a certified statement showing what taxes so levied remain unpaid, and file the same with the village clerk, who shall extend the same upon the tax roll of such village, in addition to and as part of all other village taxes therein levied on such land, to be collected therewith. [*Stats. 1917 s. 903; 1919 c. 571 s. 2; 1919 c. 691 s. 36; 1921 c. 242 s. 269*]

61.38 Discontinuance of streets and alleys. The whole or any part of any road, street, slip, pier, lane or alley, in any lawfully incorporated village, may be discontinued by the board of trustees of such village, upon the written petition of the owners of all the frontage of the lots and lands abutting upon the portion thereof sought to be discontinued, and of the owners of more than one-half of the frontage of the lots and lands abutting on that portion of the remainder thereof, which lies within two thousand six hundred and fifty feet from the ends of the portion proposed to be discontinued. Whenever any of the lots or lands aforesaid is owned by the state, county, city or village, or by a minor or incompetent person, or the title thereof is held in trust, as to all lots and lands so owned or held, said petition may be signed by the governor, chairman of the board of supervisors of the county, mayor of the city, president of the board of trustees of the village, guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent. Written notice stating when and where the petition will be acted upon, and stating what road, street, slip, pier, lane or alley, or part thereof, is proposed to be discontinued, shall be given by the board of trustees as follows: By posting copies thereof in three public places in said village not less than three weeks before the day fixed for the hearing, and when possible, by the publication of said notice in the official or some other newspaper printed in said village, once a week for three successive weeks before said day. [*Stats. 1917 s. 904; 1919 c. 691 s. 37; 1921 c. 242 s. 269*]

61.39 Discontinuance of abandoned alleys. The board of trustees of any village may, without the petition mentioned in section 61.38 of the statutes, discontinue any alley or any portion thereof which has been abandoned, at any time after the expiraion of five years from the date of the recording of the plat by which it was dedicated. Failure or neglect to work or use any alley or any portion thereof for a period of five years next pre-

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ceding the date of the notice provided for in said section 61.38 shall be deemed an abandonment for the purposes of this section. [*Stats. 1917 s. 904a; 1919 c. 691 s. 38*]

IMPROVEMENT OF STREETS AND ALLEYS.

61.40 Powers of board; benefits and damages. (1) The village board of any village in any county having a population of less than one hundred and fifty thousand may cause any street or alley or any part of any street or alley not less than sixteen rods in length to be graded, paved, macadamized or otherwise improved, including the construction of curbs and gutters upon a petition therefor in writing signed by at least a majority of all the owners of real estate bounding both sides. The village board of any village in any county having a population of one hundred and fifty thousand or more may cause any such work to be done upon a vote of not less than three-fourths of its members.

(2) Before ordering any such work to be done there shall be filed with the village clerk plans and specifications for same, and the village board may thereupon cause the work to be done. At any time after the filing of the plans and specifications for said work the village board or its committee on streets, shall thereupon view the premises and determine the entire cost of the contemplated work and the benefits that will accrue to the several lots, tracts or parcels of land fronting or abutting upon such street or part of street to be improved, and the amount that should be assessed under the provisions of this chapter to each such lot, tract or parcel of land as benefits accruing thereto by such contemplated work, and shall make and file with the village clerk a report of their determination upon said question. The village board shall thereupon levy and cause to be collected upon the lots, tracts or parcels of ground fronting or abutting upon such street or part of street, a tax sufficient to pay the expense of constructing such improvement as ordered opposite said property to the center of the street. But in no case shall the amount assessed against any such lot, tract or parcel of land exceed the benefit accruing thereto by such improvement. If any taxes levied under this chapter shall prove insufficient to pay the entire cost of such improvement, the remainder shall be paid from the village treasury. [*Stats. 1917 s. 905; 1919 c. 691 s. 40*]

61.41 Notice, levy and collection of assessments; bonds; reassessment. (1) Whenever the village board shall levy any such tax as specified in the preceding section they shall make out a list and a description of the property taxed and file the same in the office of the village clerk and the clerk shall thereupon give notice of the time and place of a meeting of the village board to hear objections to any such assessment, by publishing a notice at least once in some newspaper published in said village, if there be one; if there be none, by posting up such notice in three public places in said village. Such meeting shall be held not less than two weeks nor more than three weeks from the date of said notice. At the time so fixed said board shall hear all parties interested and shall thereupon review and modify or affirm such levy as they deem just.

(2) When the village board shall have reviewed said assessment the village clerk shall deliver to the street commissioner a copy of said assessment, together with a warrant for the collection of said tax and thereupon the street commissioner shall notify the owners of the property described by publishing a notice two weeks in some newspaper published in said village, if there be one; if there be none, by posting up notices in three public places in such village, and shall specify in such notice a time or times, not less than twenty days nor more than thirty days from the date thereof, when the owners of said real estate shall pay their taxes and the owners charged with such tax shall, at such time and place as may be required by the said street commissioner, pay the same; the street commissioner shall be provided with a book or memorandum by the village clerk in which he shall keep an accurate account of all moneys coming into his hands pursuant to this section, including the amounts received, the name of the person from whom received, and the lot, tract, or parcel of land upon which each payment is made. The book containing the account so kept shall, at all times when required, be furnished for the inspection of the board of trustees, and ten days before the expiration of his term of office shall be handed to the village clerk to be filed in his office for the inspection of the taxpayers.

(3) At the expiration of thirty days from the date of said notice given by the said street commissioner he shall make out and deliver to the clerk of the village a certified list of the lots, pieces or tracts of land in said village upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of said lots or parcels of land, and if such list be returned to said village clerk before the completion of the tax roll of said village for the same year the said clerk shall add the said delinquent taxes, including a penalty of six per cent interest on the amounts due from the expiration of the said thirty days until said tax roll is delivered to the village treasurer on the third Monday in

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December, to said tax roll opposite to the description of the proper lots, pieces or parcels of land therein, and the said delinquent taxes shall be collected with and in the same manner as the village taxes. If such list shall be returned to the village clerk after the completion of the tax roll and before the village treasurer's return of delinquent taxes he shall deliver said list to the said treasurer, who shall collect the same with the other taxes in said village, and add what remains uncollected of said taxes to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid for such delinquent taxes; and all proceedings in relation thereto shall be the same in all respects as in the case of land sold for other delinquent taxes. Every county treasurer who shall collect or receive any moneys on account of such delinquent taxes shall pay the same to the treasurer of the proper village and take duplicate receipts therefor, and file one of said receipts with the clerk of his county; provided, however, that said six per cent interest penalty shall not be added to such delinquent taxes in any case where certificates or special improvement bonds are issued covering such assessment pursuant to subsection (4) of this section.

(4) Whenever a contract is let for the construction or improvement of streets, sidewalks, gutters or alleys, or the construction, laying or improvement of sewers or drains in any incorporated village, such contract may provide that the amount chargeable may be paid with certificates against the lots or in special improvement bonds, or the proceeds of the sale of such bonds, or that payment may be in part made in certificates, part in cash and in special improvement bonds or the proceeds thereof, in similar manner and subject to the provisions of sections 925—188 to 925—197*a* of the statutes. In villages where there is no official paper the notice prescribed by section 925—191 shall be published in some newspaper published in said village, or, if there be no such newspaper, by posting said notice in three public places in said village.

(5) The provisions of sections 75.56, 75.57, 75.58, 75.59, 75.60 and 75.61, relating to reassessment of special assessments, shall apply to villages.

(6) In villages incorporated under special charter, when the whole or any part of the cost of a sewer, gutter, or the paving or macadamizing or graveling, or other improvement of any street or alley, is to be paid by special assessments against lots or parcels of land fronting or abutting upon the street or alley in which such sewer or gutter is laid, or upon the street or alley to be paved, macadamized, graveled or otherwise improved, the board of public works, as soon as the assessment against the lots or parcels of land fronting or abutting thereon shall be made, shall give notice to all parties interested by advertisement for not less than one week in the official paper of the village, if any, otherwise in some paper published therein, and if no paper is published therein, then by posting up a notice in at least three public places in said village, one of which shall be posted on the street or alley where the gutter or sewer is to be laid or the street improved, that such assessment had been made and is ready for inspection in their office, that the same will be open for review and correction by the said board at their office for not less than five days after the publication of said notice during certain hours, and not less than two hours of each day, and that all persons interested will be heard by the board in objection to such assessment, and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief for what and in what locality such assessment has been made, and no further notice or publication of such assessment shall be necessary. During the time mentioned in such notice, the board shall hear objections and evidence, and they may correct such assessment during such time and for three days thereafter. In villages not having a board of public works the village board may appoint three persons to act in place of such board with the same powers. [*Stats. 1917 s. 906, 907, 914b; 1919 c. 691 s. 41, 41a, 41b, 41c; Stats. 1919 s. 926—15; 1921 c. 242 s. 139; 1921 c. 422 s. 29; 1921 c. 9 s. 2*]

61.42 Service pipes to be laid in advance of paving. (1) Whenever the village board shall have ordered the grading, paving, macadamizing or other improvement of any street or part of any street, it may cause water and sewer mains, or either of them, to be laid in any portion of such street so to be improved, after an estimate of the cost thereof, made by an engineer employed by the village, shall be on file with the clerk. Upon the completion of such work the clerk shall file in his office a correct and certified statement of the total cost of such work and thereupon the board may levy a tax for the whole or any part of such cost, exclusive of the cost of street and alley crossings, upon the property adjoining such portion of such street, proportioned to the frontage.

(2) Whenever the board shall have ordered the grading, paving, macadamizing or other improvement of any street or part of any street, it may also order water service pipes and house drains or either of them to be laid in such portion of such street at the cost of the property fronting on such street, from the respective mains to the curb line of each side

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thereof at intervals of not less than twenty feet. The village clerk shall thereupon give notice to the owner of the property adjoining such portion of such street, by publication thereof in some newspaper published in said village for one week or if there be no newspaper published in said village then a copy of such notice shall be posted in three public places in said village requiring them to do such work opposite their respective pieces of land according to a plan and specifications therefor on file in the office of the village clerk; if any such owner shall refuse or neglect to do said work within ten days after such publication or fifteen days after the posting of such notice, the village board may cause the same to be done. Upon the completion of said work the clerk shall file in his office a correct and certified statement of the cost of such work done opposite each piece of property fronting on said portion of said street and thereupon the board may levy a tax for the whole or any part of such cost upon the respective pieces of property adjoining said portion of said street.

(3) Every such tax levied pursuant to this section shall be a lien upon said respective pieces of land from the date of ordering such work and shall be entered by the clerk in the tax roll as a special tax against said respective pieces of property and collected in all respects like other village taxes upon real estate; provided, however, that the provisions of subsection (4) of section 61.41 shall extend to all work provided for in this section.

(4) Whenever a sewer or water main, as the case may be, has been laid in the street abutting one side of any corner parcel of land having a frontage on two streets owned by the same owner or owners, a deduction shall be made in making the assessment for the laying of the sewer or water main, as the case may be, in the street abutting the other side thereof, equal to at least one-third of the aggregate assessment of laying such sewer or water main, as the case may be, on both sides of such parcel of land; in computing such deduction, however, allowance shall be made for a frontage on the short side of said parcel of land of not to exceed fifty feet and on the long side of not to exceed one hundred and thirty feet and for a total frontage of not to exceed one hundred and sixty feet. [*Stats. 1917 s. 910; 1919 c. 583 s. 1; 1919 c. 691 s. 42*]

61.43 Building and repair of sidewalks. (1) POWER OF BOARD; NOTICE. The village board of any village are hereby authorized, when in its opinion that any sidewalk in said village requires repairing, rebuilding or that a new sidewalk should be constructed, may without a petition or request direct the street commissioner or committee on streets to notify the owner of the lot or tract of land abutting on said sidewalk, required to be repaired, rebuilt or a new sidewalk to be constructed, to repair the same within twenty-four hours from the date of the service of the notice, or build a new sidewalk or rebuild the sidewalk within twenty days from the date of the service of the notice. The notice shall specify the materials to be used, how it should be constructed and the width. In case however the board has adopted an ordinance describing the materials used in the building and construction and width of sidewalks in such village, it shall be sufficient to mention the ordinance in such notice, and the said sidewalk shall be repaired, rebuilt or a new sidewalk built as provided in said ordinance. Said notice may be served on the owner of the lot or parcel of land abutting on the line of said sidewalk and bounded thereby, by delivering to or leaving at his residence, if residing within the village, a printed or written notice requiring such person therein named to build such new sidewalk, or rebuild or repair the same as the case may be, to the approval of the street commissioner, or committee on streets, and in the manner directed by said village board along the line of the lot or land so bounded. In case the owner is not a resident of the village or is a corporation, company or society of persons, the notice may be served on any agent or officer of such persons, corporation, company or society of persons, or the person having charge of such property within the village, in case there is no such person, agent or officer residing within the village, such notice may be posted in three public places in said village, or published once in the official paper of said village, if any be published therein.

(2) WHEN WORK DONE BY VILLAGE. In case any person, corporation, company or society of persons shall fail to build, rebuild or repair such sidewalk within the time required by said notice, the street commissioner or committee on streets shall have authority to repair, rebuild or build the said sidewalk and certify and return to the village clerk the total cost of such work, and the cost of such work done opposite each separately owned piece of land fronting on such street or portion thereof, which amount shall be a lien on such piece of land from the date of ordering such work.

(3) TAXES TO DEFRAY EXPENSE. On the return of the street commissioner or committee on streets showing that he has repaired, rebuilt or built anew any sidewalk, and the persons liable therefor have not paid the cost or expense thereof, the same shall be entered and collected the same as other village taxes, and returned in the delinquent tax list for unpaid taxes, and collection thereof enforced in the same manner as other unpaid real

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estate taxes, and with like interest and penalties. If from any cause whatever, such tax shall not be entered on such tax roll the same may be placed on any tax roll thereafter. The village board may also give a separate certificate of the amount so assessed upon each such piece of land, and may deliver such certificate to the contractor in part payment of his work, and the same shall entitle the contractor to demand and receive the amount thereof when such assessment shall be collected by the proper village or county officers, with any interest that shall have been collected therewith.

(4) WHERE COST OF REPAIR DOES NOT EXCEED TEN DOLLARS. Whenever any defect in any street, sidewalk or gutter, is such as to require immediate repair, and the cost of such repair will not exceed ten dollars, it shall be the duty of the street commissioner forthwith to cause such repair to be made, and the cost thereof shall be audited by the trustees of such village and paid out of the general fund.

(5) ONE-HALF OF COST MAY BE PAID BY VILLAGE; WHEN. The village board of any village may, in its discretion, when authorized so to do by a majority vote of the electors at any village election and until such authority is, in like manner, revoked, direct that a part, not exceeding one-half of the cost of building, rebuilding or repairing any sidewalk, shall be paid by such village out of the general fund. [*Stats. 1917 s. 909, 909a, 909b, 909c, 909d; 1919 c. 691 s. 43, 44, 45, 46*]

61.44 Street sprinkling. (1) The provisions of subsection (9) of section 62.16 shall apply to villages.

(2) STREET RAILWAY ZONE. The village board may require any street railway, interurban railway, or railroad company, to cause its roadbed within the limits of said village, to a distance of one foot outside each rail, to be sprinkled with water or to be oiled, in such manner as to prevent dust from arising therefrom. [*Stats. 1917 s. 925d, 925d—1, 925d—2; 1919 c. 691 s. 47, 48, 49; 1921 c. 242 s. 135, 136, 137*]

SEWERS AND DRAINS.

61.45 Making, alteration; sewage plant; statutes applicable. It shall be lawful for the president and trustees of any village whenever they shall deem it necessary for the public health, to cause sewers and drains to be made in any part of such village, and to order and direct the construction of either of the same, and to alter, repair or mend any sewer or drain heretofore, or hereafter, constructed within said village, and to cause a main sewer for the purpose of an outlet for the branch sewers and drains to be constructed without the limits of said village when necessary; and to cause a sewage disposal plant to be constructed within, or without, the limits of the village pursuant to the provisions of subchapter XX of chapter 64*bb* of the statutes, except section 925—221, which shall govern the construction, alteration and repair of sewers and drains in villages to the same extent as if villages were cities so far as said provisions are applicable and powers and duties conferred therein upon the common council and board of public works shall be exercised by the president and trustees and those conferred upon the mayor by the president and those conferred upon the city clerk or comptroller by the village clerk. In villages in which no newspaper is published notices required by said sections to be published in the official paper of the city shall be published in like manner in some newspaper published in the county in which the village or some part thereof is located. [*Stats. 1917 s. 919a; 1919 c. 583 s. 2; 1919 c. 691 s. 50*]

61.455 Building inspector, duties. When a building inspector has been appointed in any village under subsection (11m) of section 61.34, the provisions of subsection (5) of section 66.05 shall apply to such village. [*1921 c. 382; 1921 c. 9 s. 2*]

TAXES.

61.46 Village board to levy. (1) GENERAL; LIMITATION. The village board shall, on or before the fifteenth day of October in each year, by resolution to be entered of record, determine the amount of corporation taxes to be levied and assessed on the taxable property in such village for the current year, which shall not exceed in any one year two per centum of the assessed valuation of such property. Before levying any tax for any specified purpose, exceeding one per centum of the assessed valuation aforesaid, the village board shall, and in all other cases may in its discretion, submit the question of levying the same to the village electors at any general or special election by giving ten days' notice thereof prior to such election by publication in a newspaper published in the village, if any, and if there be none, then by posting notices in three public places in said village, setting forth in such notices the object and purposes for which such taxes are to be raised and the amount of the proposed tax.

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(2) HIGHWAY. The village board shall, at the same time and in like manner, determine the amount, if any, of highway tax to be levied and collected in such village for the current year, which shall not exceed in any one year one-tenth of one per centum on the assessed valuation of such property. Such highway tax shall thereafter be assessed and collected by the village treasurer at the time and in the manner provided for the collection of other village taxes; and such highway tax shall be kept as a separate fund, and shall be expended under the direction of the village board in the improvement of the streets, highways and bridgs in said village. [*Stats. 1917 s. 914, 914a; 1919 c. 691 s. 51, 52*]

61.47 Additional for highways. For the purpose of improving the streets, making and improving sidewalks and crosswalks and setting out shade and ornamental trees in such village; the board may determine and fix an amount not exceeding seven mills nor less than one mill on the dollar of the assessed valuation of property in said village, in addition to the highway tax provided for in subsection (2) of section 61.46, and the amount fixed shall be levied, certified and collected as provided in these statutes. All moneys so collected shall be paid to the village treasurer and expended under the direction of the board of trustees. [*Stats. 1917 s. 912; 1919 c. 443 s. 1; 1919 c. 691 s. 53, 53a; 1919 c. 702 s. 83, 84*]

61.48 For highways leading into village. Such board may also expend and lay out on the highways, or any of them, leading into such village, not exceeding two miles from the boundary line thereof, not to exceed one-third the whole amount collected for highway purposes in any one year. [*Stats. 1917 s. 912; 1919 c. 443 s. 1; 1919 c. 691 s. 53, 53a; 1919 c. 702 s. 83, 84*]

61.49 General law applies. Chapter 64*gg* of the statutes, entitled "Collection of Taxes," so far as the same is applicable, is hereby declared to apply to and govern the collection of taxes in all villages. [*Stats. 1917 s. 915; 1919 c. 691 s. 55*]

MISCELLANEOUS.

61.50 Ordinances; contracts; other instruments; how executed. (1) PUBLICATION OF ORDINANCES. Every contract, conveyance, commission, license or other written instrument shall be executed on the part of the village by the president and clerk, sealed with the corporate seal, and in pursuance only of authority therefor from the village board. All ordinances and by-laws shall be signed by the president and countersigned by the clerk; and if any penalty or forfeiture is thereby, in any event, imposed shall, before taking effect, be published one week at least in some newspaper printed in the village, and if there be no newspaper printed in such village the village board may designate a newspaper having a general circulation in said village and printed in the county, in which such village is located, or may, in lieu of the printing thereof, have copies of said ordinances and by-laws posted in at least three public places in said village, one week, and proof thereof filed and recorded by the village clerk before the same shall take effect.

(2) PROOF OF PUBLICATION. Proof of such publication to be by the affidavit of the printer or foreman in the office of such newspaper, or of such posting by the affidavit of the party posting the same, which shall be attached to, filed and recorded with such ordinance or by-law, which, when done such record to be prima facie evidence of the facts therein stated. All ordinances shall be suitably entitled and in this style: "The village board of .... do ordain as follows." All authorized ordinances and by-laws shall have the force of law and remain in force until repealed. [*Stats. 1917 s. 892 [891]; 1919 c. 691 s. 58*]

61.51 Auditing accounts. No account or demand against the village shall be paid until it has been audited and allowed and an order drawn on the treasurer therefor. Every such account shall be made out in items and verified by affidavit indorsed or annexed that the same is just and correct and no part thereof paid. After auditing the board shall cause to be indorsed by the clerk, over his hand on each account, the words "allowed" or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the board shall show to whom and for what purpose every such account was allowed and the amount. Every such account or demand allowed in whole or in part shall, with the affidavit thereto, be filed by the clerk, and those of each year consecutively numbered, and have indorsed the number of the order on the treasurer issued in payment, and the clerk shall take a receipt thereon for such order. [*Stats. 1917 s. 894 [893]; 1919 c. 691 s. 59*]

61.52 Discontinuance of offices. The village board may by ordinance submit to the electors of any village for determination by ballot in substantially the manner provided by sections 6.22 and 6.23, at any annual or special election, the question whether they will

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discontinue either the office of marshal or constable in such village. If a majority be for such discontinuance the village board shall cause the vote to be recorded accordingly; and thereupon all parts of this chapter relating to such officer shall be inoperative in such village. [*Stats. 1917 s. 920; 1919 c. 691 s. 60*]

61.53 Town officers residing in new villages. Any town officer, except justices of the peace, who shall reside within the territory embraced within any village hereafter organized, shall continue to be such town officer and discharge all the duties thereof until ten days after the next annual town meeting in said town unless his successor shall have sooner qualified. [*Stats. 1917 s. 925f; 1919 c. 691 s. 61*]

61.54 Bids on improvements. (1) WHEN VILLAGE MAY REJECT AND PERFORM WORK. Whenever the village board of any village, shall, after notice duly given, receive bids for the grading of streets, construction of sewers, laying of pavements, sprinkling and cleaning of streets, or for any other public work or improvement, or for the furnishing of materials therefor, be of the opinion that such bids are fraudulent, collusive or greater in amount than the fair reasonable value of the work to be done or materials to be furnished, said village board may, by resolution and by the vote of two-thirds of its members, direct, and determine that the bids so received shall be rejected and that the work to be done, and materials to be furnished shall be performed and furnished by said village directly, and under the direction and supervision of the village board.

(2) POWER OF BOARD. Whenever the village board of any village shall determine to carry on any public work or construct any improvement under the provisions of this section it shall have the power to purchase and secure all necessary and proper tools and equipment with which to perform the same.

(3) SPECIAL ASSESSMENT NOT TO EXCEED LOWEST BID. The cost and expense of all work done and all materials furnished by any village under this section shall be collected in the same manner as if done and furnished by any other person under contract with said village, and the power to levy special assessments to defray such cost and expense shall be the same as is now, or as hereafter may be provided by law; provided, however, that the amounts assessed thereunder against any lands or interests specially benefited or otherwise liable therefor shall in no case exceed the amounts which would have been assessed against the same had the lowest bid so received as aforesaid been accepted, and that so much of such cost and expense as shall be in excess of such lowest bid shall be borne by said village at large. [*Stats. 1917 s. 926—157, 926—158, 926—159; 1919 c. 691 s. 63*]

61.55 Contracts involving over five hundred dollars; how let. All contracts for the performance of any work or the purchase of any materials, in any such village, exceeding five hundred dollars, shall be let by the village board to the lowest bidder in such manner as they may prescribe. [*Stats. 1917 s. 921; 1919 c. 691 s. 64*]

61.56 Dissolution; procedure. Whenever an application in writing, signed by one-third as many electors of any village as voted for village officers at the next preceding election therefor, shall be presented to the village board praying for dissolution of the village corporation, such board shall submit to the electors of such village, for determination by ballot in substantially the manner provided by sections 6.22 and 6.23, at a general election or at a special election called by them for that purpose, the question whether or not such village corporation shall be dissolved. [*Stats. 1917 s. 924; 1919 c. 691 s. 65*]

61.57 Dissolution; date of; property; claims; territory. If two-thirds of the ballots cast at such election on such proposition shall be for dissolution such village shall, at the expiration of six months from the date of such election, cease to be an incorporated village. Within six months the village board shall dispose of the village property and settle, audit and allow all just claims against the village. It shall settle with the treasurer and other village officers, and cause the assets of the village to be used in paying its debts. If anything remain after paying such debts it may designate the manner in which the same shall be used. If there are not sufficient funds to pay the debts of the village the board may levy a tax to cover the deficiency, which shall be collected as other taxes and be paid out by the town treasurer in payment of the outstanding village orders or bonds; and in case of such dissolution the territory embraced in the village shall revert to and become a part of the town or towns from which it was taken or in which it is then located. Within ten days after such election, if resulting in favor of dissolution, the village clerk shall file with the register of deeds and secretary of state certified copies of said petition and the determination of inspectors of election, together with his own certificate showing date when such dissolution takes effect. Said documents shall be recorded by the register of deeds and proper marginal entry made on the page where original papers were recorded. [*Stats. 1917 s. 925; 1919 c. 691 s. 66; 1921 c. 393*]

61.58 Villages of twelve hundred to become cities. (1) Whenever the resident population of any village shall exceed twelve hundred as shown by a census herein pro-

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vided for, such village may become a city of the fourth class, and the trustees of such village may at a regular meeting, by a two-thirds vote of the members thereof, by resolution, so determine. Such resolution shall fix the number and boundary of the wards into which such city shall be divided and fix the time for holding the first city election, which shall not be less than twenty days from the date of such resolution, and shall therein name three inspectors and one clerk of election for each ward.

(2) The election shall be noticed and conducted and the result canvassed and certified as in the case of regular village elections and the village clerk shall immediately certify the fact of holding such election and the result thereof to the secretary of state, including in such certificate a description of the legal boundaries of such village or proposed city; and thereupon a certificate of incorporation shall be issued to such city as provided in subsection (6) of section 62.06. Thereafter such city shall in all things be governed by the general city charter law. All debts, obligations and liabilities existing against such village at the time of such change shall continue and become like debts, obligations and liabilities against such city, and such city may carry out and complete all proceedings then pending for the issue of bonds for improvements therein.

(3) The village trustees shall cause to be taken an accurate census of the resident population of the village on some day not more than ten weeks previous to the time of the adoption of such resolution, exhibiting the name of every head of a family and the name of every person a resident in good faith on such day and the lot on which he resides, which shall be verified by the affidavit of the person taking the same affixed thereto. The original of such census shall be filed in the office of the village clerk and a duly verified copy filed with the clerk of the circuit court of the county wherein such village is situated. [*Stats. 1917 s. 925g; 1919 c. 249; 1919 c. 691 s. 67; 1921 c. 242 s. 13a*]

61.59 Reincorporation of special charter villages. (1) Every village which has heretofore been incorporated under a special act shall continue to exist under such act and amendments thereto, and the provisions of this chapter shall in no manner affect or apply to the same unless adopted as provided herein or unless any provision found herein is made applicable to such village. The trustees thereof may, by resolution, submit at a special village election to be held in the month of March the question whether such village shall so continue or become reincorporated under the general statutes. They shall give notice thereof in the manner required in this chapter for notifying special elections. Ballots shall be written or printed "For Reincorporation" and "Against Reincorporation," and the election shall be conducted and the result canvassed as provided for an annual village election in such village. If a majority vote for reincorporation the trustees shall make a certificate setting forth the fact of such submission, the vote thereon in detail and the result thereof, and cause the same to be recorded in the office of the register of deeds, and thereupon the special act of incorporation shall be deemed surrendered, and such village become incorporated under the general statutes, but shall, until the next annual village election herein provided for, be governed by the officers then in office. The reincorporated village shall own the property and be liable for all the obligations of the original village.

(2) Hereafter the village clerk of every village reincorporated under this section shall file in the office of the secretary of state a certified copy of the certificate of the trustees, provided for in subsection (1), which certified copy shall show the date on which the original was recorded in the office of register of deeds.

(3) The clerk of any village heretofore incorporated under the provisions of any general law, or of any village heretofore reincorporated under the provisions of this section, and which has not already done so, shall file with the secretary of state, within sixty days after the passage and publication of this act, a certified copy of the order of court, under which incorporated, a description of the legal boundaries, and the certificate of the supervisors of election, or, in case of reincorporation, a certified copy of the certificate of the trustees provided for in this section, all of which certified copies shall show the date on which the originals were recorded in the office of the register of deeds, it being the purpose of this section to cause to be filed in the office of the secretary of state the date and method of incorporation and a description of the legal boundaries of every village which has heretofore attempted to incorporate, or shall hereafter attempt to incorporate, under general law, and of every specially incorporated village which has changed its boundaries under general law. The expense of such certified copies, when prepared by the register of deeds, shall be paid out of the respective village treasuries. Provided, that the village clerk may prepare the said certified copies when complete information is on file in his office. [*Stats. 1917 s. 852, 853ab; 1919 c. 241 s. 1; 1919 c. 691 s. 73, 75*]

61.60 Justices and constables in villages specially incorporated. Every village so incorporated and which is not authorized to elect a justice of the peace, a police justice

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or constable shall, at its annual charter election, elect one justice of the peace and one constable in the manner prescribed by its charter for electing trustees. Every justice and constable so elected shall qualify in the manner prescribed for such officers elected in towns. The justice of the peace shall hold his office for two years and until his successor is elected and qualified. He shall have concurrent jurisdiction and powers throughout the county in which such village is situated with other justices of the peace, and exclusive original jurisdiction of all cases arising under the ordinances and by-laws of such village. If he is temporarily absent or incapacitated, or in case the office is vacant, any justice of the peace of the town in which such village is located may exercise the jurisdiction hereby conferred upon such village justice. The constable so elected shall hold his office for one year and exercise such powers and be subject to such liabilities as constables elected in towns. [*Stats. 1917 s. 852c; 1919 c. 362 s. 36; 1919 c. 691 s. 73*]

61.61 Village orders; borrowing money. No village or any officer thereof shall have power to issue any time or negotiable order, or borrow money, except in the manner and for the purposes expressly declared by statute. [*Stats. 1917 s. 894a* [*894*]; *1919 c. 691 s. 73; 1921 c. 576 s. 12*]

61.62 [*Renumbered section 66.09 by 1921 c. 396 s. 82*]

61.63 Forfeitures and penalties. (1) COLLECTION OF. All fines, forfeitures and penalties imposed by any ordinance, resolution or by-law of the village board may be collected in an action in the name of the village before the police justice, to be commenced by warrant and prosecuted in the same manner as actions of tort before justices of the peace; but the marshal or constable may arrest the offender in all cases without warrant when he knows of such violation. The affidavit for such warrant shall be the complaint, and be sufficient if it allege that the defendant is indebted to the plaintiff in the amount of such fine, penalty or forfeiture sued for, claiming the highest sum thereof according to the provisions of such ordinance, resolution or by-law, specifying the same by section, chapter, title or otherwise with sufficient plainness to identify the same, with a demand for judgment for the amount thereof.

(2) JUDGMENT, COMMITMENT. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty or forfeiture fixed by such ordinance, resolution or by-law or such part thereof, if a discretion be given, as the court shall deem proportionate to the offense, together with the costs of suit; and the court shall, in all cases, further adjudge and order that in default of payment thereof the defendant be committed to the common jail of such county for such time, not exceeding ninety days, as the court shall think fit. If such payment be not forthwith made the justice shall make out a commitment, stating the amount of judgment and costs and the time for which committed, in the usual form of commitments by justices of the peace. Every person so committed shall be received and committed to prison by the keeper of the county jail, and kept at the expense of such village until the expiration of the time; but he shall be released by order of the justice on payment to him of such fine and costs, or by due course of law; provided, that in counties maintaining a workhouse such defendant may be committed to the workhouse instead of to the county jail of said county, without expense to the village from which such defendant was committed.

(3) APPEAL. Appeals may be taken to the circuit court in the same manner as from judgments in civil actions by justices of the peace, except that if taken by the defendant he shall, as a part thereof, execute a bond to the village with surety, to be approved by such justice, conditioned that if judgment be affirmed in whole or in part he will pay the same and all costs and damages awarded against him on such appeal; and in case such judgment shall be affirmed in whole or in part execution may issue against both defendant and his surety. Upon perfection of such appeal the defendant shall be discharged from custody. In all actions before any police justice or justice of the peace of villages lying in two or more counties appeals may be taken to the circuit court of the county wherein the offense was committed; and all commitments shall be made to the jail of such county.

(4) FINES TO GO TO VILLAGE TREASURY. All fines, forfeitures and penalties recovered for the violation of any ordinance, rule, regulation, resolution or by-law of any such village and all moneys paid for licenses and permits shall be paid into the village treasury for the use of such village. The police justice and justice of the peace, when acting as such, shall report and pay into the treasury, quarterly, all moneys collected by him belonging to such village, which report shall be verified by his affidavit and filed in the office of the treasurer; and he shall be entitled to duplicate receipts for such moneys, one of which he shall take and file with the village clerk. [*Stats. 1917 s. 916, 917, 918, 919; 1919 c. 691 s. 74*]

61.64 Validity of incorporation; how and when tested. In any case whether occurring heretofore or hereafter, where any village shall have attempted to incorporate un-

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der and pursuant to the provisions of chapter 64*bb*, of the Wisconsin statutes, and such village and its officers, shall have assumed thereafter in good faith to act under, and to exercise the powers conferred by, the provisions of law upon villages organized under said chapter 64*bb*, any question of the validity of such incorporation and proceedings therefor may be tested by certiorari, or by any other proper action or proceedings brought directly for the purpose of vacating or setting aside the same, at any time within three months after such incorporation, but not thereafter. No such incorporation, nor any proceeding for such incorporation, shall be in any manner called in question, or held to be invalid in any action or proceeding, except one brought directly for that purpose, within the time hereinbefore limited therefor, unless the same shall have been duly vacated or set aside by a court of competent jurisdiction. [*Stats. 1917 s. 853b; 1919 c. 691 s. 76*]

61.65 Sections applicable to special charter villages. The following sections shall apply to villages incorporated by special acts as well as to villages incorporated under the general law, namely: Sections 61.18, 61.27, 61.34, 61.36, 61.37, 61.38, 61.39, 61.40, 61.41, 61.42, 61.43, 61.45, 61.46, 61.54, 61.56, 61.57 and 61.58. [*1919 c. 691 s. 78; 1921 c. 242 s. 268*]

61.66 Pending proceedings and contracts continued. Every proceeding instituted and every executory contract made by any village, however incorporated, before the enactment of this section for public improvements or for other public purposes shall be continued to completion or carried into full execution pursuant to the laws in force at the time the proceeding was instituted or the contract entered into. [*1919 c. 691 s. 78*]

CHAPTER 62.

CITIES, GENERAL CHARTER LAW.

62.01 Saving clause.
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62.21 Special improvement bonds.
62.22 Acquisition of lands; vacation of streets.
62.23 City planning.
62.24 Police court.
62.25 Claims and actions.
62.26 General provisions.

62.01 Saving clause. That no inconvenience may arise by reason of change of government of cities from special charter to general charter, or by reason of the revision of the general charter law, it is declared that:

(1) All vested rights, pending actions and prosecutions, and existing judgments, claims, and contracts, both as to individuals and bodies corporate, shall continue as though no change had taken place.

(2) Processes issued, or proceedings commenced under special charters or under the general charter law shall be unaffected by the revision, and all such proceedings commenced or pending when sections 62.01 to 62.26, inclusive, are enacted may be continued and concluded under and by virtue of such charter, or the general law applicable at the time they were commenced.

(3) Ordinances in force, so far as not inconsistent herewith, shall continue in force until altered or repealed.

(4) All offices, the terms of office and the manner of selection of officers shall continue until changed by ordinance adopted by a two-thirds vote of all the members of the council to conform to chapter 62 of the statutes.

(5) Nothing herein shall change the time for paying taxes as provided in any special city charter until the council shall by ordinance change the same to conform to general law. [*1921 c. 242 s. 2*]

62.02 Repeal of special charters. All special charters for cities of the second, third and fourth classes are hereby repealed and such cities are hereby incorporated under chapter 62 of the statutes. The city clerk shall forthwith certify the boundaries of such city to the secretary of state, who shall file the same and issue to such city a certificate of incorporation as of the date when said chapter 62 became effective, and record the same. [*1921 c. 242 s. 2*]

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62.03 First class cities excepted. (1) The provisions of chapter 62 of the statutes shall not apply to cities of the first class under special charter.

(2) Any such city may adopt by ordinance the provisions of chapter 62 of the statutes or any section or sections thereof, which when so adopted shall apply to such city. [*1921 c. 242 s. 2*]

62.04 Intent and construction. It is declared to be the intention of the revision of the city charter law, to grant all the privileges, rights and powers, to cities which they heretofore had unless the contrary is patent from the revision. For the purpose of giving to cities the largest measure of self-government compatible with the constitution and general law, it is hereby declared that sections 62.01 to 62.26, inclusive, shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of such cities and the inhabitants thereof. [*1921 c. 242 s. 2*]

62.05 Classes of cities. (1) Cities shall be divided into four classes for administration and the exercise of corporate powers as follows:

(a) Cities of one hundred and fifty thousand population and over shall constitute cities of the first class.

(b) Cities of thirty-nine thousand and less than one hundred and fifty thousand population shall constitute cities of the second class.

(c) Cities of ten thousand and less than thirty-nine thousand population shall constitute cities of the third class.

(d) Cities of less than ten thousand population shall constitute cities of the fourth class.

(2) Population of cities shall be determined by the last national census except in newly incorporated cities when a census is taken as provided by law. Cities shall pass from one class to another when such census shows that the change in population so requires, when provisions for any necessary changes in government are duly made, and when a proclamation of the mayor, declaring the fact, is published according to law. [*Stats. 1919 s. 925—1; 1921 c. 127; 1921 c. 242 s. 3; 1921 c. 590 s. 55*]

62.06 Incorporation. (1) POPULATION REQUIRED. In addition to the method provided in section 61.58 any district containing a population of fifteen hundred or more, and consisting of, or containing an incorporated or unincorporated village, may become a city. Territory of the area and density of population required by section 61.01 constitutes an unincorporated village. Unless the required population is shown by the last national census, a census shall be taken as provided in section 61.02 and a record thereof attached to the petition.

(2) PETITION. Petition for submission of the question to the electors of the district shall be in writing signed by one hundred or more persons, each an elector and taxpayer of said district, and in case territory adjacent to said village is included in the district, written consent of a majority of the electors and the owners of at least one-third of the taxable property in such adjacent territory shall accompany the petition. The number of electors shall be determined by the poll list of the last general election and the taxpayers and amount of taxable property by the last assessment roll. The petition shall be filed with the clerk of the village, if incorporated, otherwise with the clerk of the town containing the greater portion of the population of the district.

(3) REFERENDUM. At the next regular meeting the trustees of such village or the town board of such town shall by resolution provide for a referendum to the electors of the said district. Such resolution shall determine the number and boundaries of wards of the proposed city, the time of voting, which shall not be earlier than six weeks thereafter, and the voting place for electors in adjacent territory, if any, and may direct a census in the manner provided in section 61.02.

(4) NOTICE OF REFERENDUM. Notice of the referendum shall be given by publication of the resolution in a newspaper published in such village, if there be one, otherwise in a newspaper designated in the resolution, once a week for four successive weeks, the first publication to be not more than four weeks before the referendum.

(5) CONDUCT OF REFERENDUM; RETURN. The referendum shall be conducted in the same manner as elections for village trustees, and the form of the ballot shall be "for a city" or "against a city." The inspectors shall make return to the clerk of such village or town.

(6) CERTIFICATE OF INCORPORATION. If a majority of the votes are cast in favor of a city the clerk shall certify the fact to the secretary of state, together with the result of the census if any, and a description of the legal boundaries of the district, whereupon the secretary of state shall issue a certificate of incorporation, and record the same in a book kept for that purpose.

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(7) CITY POWERS. Every city thus incorporated shall thenceforth be a body corporate and politic, with the powers and privileges of a municipal corporation at common law and conferred by this chapter and generally by these statutes.

(8) EXISTING ORDINANCES. Ordinances in force in the territory or any part thereof, so far as not inconsistent with the provisions of chapter 62, shall continue in force until altered or repealed.

(9) INTERIM OFFICERS. All officers of the village or town embracing the territory thus incorporated as a city shall continue in their powers and duties as theretofore until the first meeting of the common council at which a quorum is present. Until a city clerk shall have been chosen and qualified all oaths of office and other papers shall be filed with the clerk, with whom the petition was filed, who shall deliver them with the petition to the city clerk when he shall have qualified.

(10) FIRST CITY ELECTION. Within ten days after incorporation of the city, the board with the clerk of which the petition was filed shall fix a time for the first city election, designate the polling place or places, and name three inspectors of election for each place. Ten days' previous notice of the election shall be given by the clerk by publication in the newspapers selected under subsection (4) hereof and by posting notices in three public places in such city, but failure to give such notice shall not invalidate the election. The election shall be conducted as is prescribed by chapter 5, except that no registration of voters shall be required. The inspectors shall make returns to such board which shall within one week after such election, canvass the returns and declare the result. The clerk shall notify the officers elect and issue certificates of election. If the first election shall be on the first Tuesday in April the officers so elected shall commence and hold their offices as for a regular term, as shall also their appointees. Otherwise they shall commence within ten days and hold until the regular city election and the qualification of their successors, and the terms of their appointees shall expire as soon as successors qualify.

(11) REORGANIZATION AS VILLAGE. If the population of the city shall fall below one thousand as determined by the United States census, the council may upon petition of fifteen per cent of the electors submit at any general or city election the question whether the city shall reorganize as a village. If three-fifths of the votes cast on the question are for reorganization the mayor and council shall file a certified copy of the return in the office of the register of deeds and the clerk of the circuit court, and shall immediately call an election, to be conducted as are village elections, for the election of village officers. Upon the qualification of such officers, the board of trustees shall declare the city reorganized as a village, whereupon the reorganization shall be effected. The clerk shall forthwith certify a copy of such declaration to the secretary of state who shall file the same and indorse a memorandum thereof on the record of the certificate of incorporation of the city. Rights and liabilities of the city shall continue in favor of or against the village. Ordinances, so far as within the power of the village, shall remain in force until changed. [*Stats. 1919 s. 925—7 to 925—13, 925—15, 925—16, 925—263, 927—m; 1921 c. 242 s. 4 to 13*]

62.07 Annexation and detachment of territory. (1) ANNEXATION PROCEDURE. Territory adjacent to any city may be annexed to such city in the manner following:

(a) A petition therefor shall be presented to the council (1) signed by a majority of the electors in such adjacent territory and by the owners of one-third of the taxable property thereof according to the last tax roll, or (2) if no electors reside therein by the owners of one-half of said taxable property, or (3) by a majority of the electors and the owners of one-half of the real estate in assessed value.

(b) An ordinance annexing such territory to the ward or wards named therein shall be introduced at a regular meeting of the council after the filing of the petition, be published once each week for four successive weeks in the official paper and thereafter be adopted at a regular meeting by three-fourths of all the members of the council.

(2) DETACHMENT PROCEDURE. Territory may be detached from any city and be attached to the town or towns to which it shall be adjacent and be made taxable therein in the manner following:

(a) A petition therefor describing the territory to be detached and naming the town or towns to which it shall be annexed shall be presented to the council signed by a majority of the owners of three-fourths of the taxable real estate in a section adjacent to the boundary lines of said city and which it is proposed to detach.

(b) An ordinance detaching such territory and annexing the same to such town or towns shall be adopted by three-fourths of all the members of the council.

(c) The council may, or if a petition signed by five per cent of the electors of the city demanding a referendum thereon be presented to the council within ninety days after the passage of the ordinance, the council shall cause the question to be submitted to the

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electors of the city at the next ensuing city election, and the ordinance shall not take effect nor be in force unless a majority of the electors voting thereon shall approve the same.

(3) TIME OF TAKING EFFECT. No ordinance authorized by subsections (1) and (2) of section 62.07 shall operate to attach or detach the territory until ninety days after the passage of the ordinance by the council, or in case of referendum, ninety days after its approval. At that time a certificate signed by the mayor and city clerk describing the territory attached or detached, the boundaries of the city after such alteration, and naming the town or towns to which the detached territory was annexed, shall be filed in the office of the secretary of state. The validity of the proceedings shall not be collaterally attacked in any court of this state, nor in any manner called in question in any such court unless the proceeding therefor be commenced before the ordinance shall become operative.

(4) RECORD OF CITY BOUNDARIES. The duty to file the certificate required by subsection (3) of this section shall be a continuing duty until performed as to all alteration of boundaries subsequent to incorporation. Any city may direct a survey of its present boundaries to be made, and when properly attested such survey may be filed in the office of the register of deeds in the county or counties in which such city is located and when so filed such survey and plat shall be prima facie evidence of the facts therein set forth, and after the lapse of one year such a survey and plat shall be conclusive evidence of such facts. Any citizen may, by appropriate legal procedure, test the correctness of said survey and plat. The time such action is pending shall be excluded from the above limitation of time. Subsequent extensions of the boundaries of such cities may be surveyed and such surveys filed in the manner above provided and may be tested in the same manner and with like effect as a survey and plat of the original boundaries. [*Stats. 1919 s. 925—17 to 925—19, 925—20 first sentence, 925—21, 925—21a except last two sentences, 925—21b, 925—21ab; 1921 c. 242 s. 14 to 17*]

62.08 Alteration of wards. (1) Any city may change the numbers and boundaries of its wards, create new wards, or consolidate old ones by an ordinance introduced at a regular meeting of the council, published in the official paper once in each week for four successive weeks, and thereafter adopted by a two-thirds vote of all the members of the council; but no further such change shall be made in any such ward for two years except by adding thereto territory newly attached to the city. [*Stats. 1919 s. 925—14; 1921 c. 242 s. 18*]

62.09 Officers. (1) ENUMERATION AND CHANGE. (a) The officers shall be a mayor, treasurer, clerk, comptroller, attorney, engineer, one or more assessors, one or more justices of the peace, one or more constables, a health commissioner or board of health, street commissioner, a board of police and fire commissioners, except in cities where not applicable, chief of police, chief of the fire department, a board of public works, a board of education or of school commissioners, except in cities where not applicable, two aldermen and one supervisor from each ward, and such other officers or boards as are created by law or by the council.

(b) The council by a two-thirds vote, may dispense with the offices of street commissioner, engineer, comptroller, constable, and board of public works, and provide that the duties thereof be performed by other officers or board, by the council or a committee thereof. The council may, by ordinance, adopted by a two-thirds vote of all its members, and approved by the electors at the general or special election, provide that there shall be one alderman from each ward, and may also, in like manner, provide that, whatever the number of aldermen, the supervisor of each ward shall be the alderman or one of the aldermen. Any office dispensed with under this paragraph may be recreated in like manner, and any office created under this section may be dispensed with in like manner.

(2) ELIGIBILITY. (a) No person shall be eligible to a city office who is not at the time of his election or appointment a citizen of the United States and of this state, and, except as to engineer in all cities and city attorney in cities of the fourth class, an elector of the city, and in case of a ward office, of the ward, and actually residing therein.

(b) Except as otherwise expressly provided in these statutes, no alderman shall during the term for which he is elected be eligible to any other city office except mayor.

(c) No person shall be eligible to any city office who directly or indirectly has any pecuniary interest in any contract for furnishing heat, light, water, power, or other public service to or for such city, or who is a stockholder in any corporation which has any such contract. Any such office shall become vacant upon the acquiring of any such interest by the person holding such office.

(d) An appointee by the mayor requiring to be confirmed by the council who shall be rejected by the council shall be ineligible for appointment to the same office for one year thereafter.

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(3) MANNER OF CHOOSING. (a) The mayor, treasurer, comptroller or officer performing the duties of comptroller, aldermen, supervisors and justices of the peace shall be elected by the voters. In case the whole number of justices of the peace provided for by this subsection shall not have been elected, the mayor of such city may appoint the remaining number of justices who shall hold their offices until the first of May following the next succeeding judicial election.

(b) The other officers shall be selected in the manner in force at the time of the enactment of chapter 62 of the statutes until the method of their selection shall be changed in the manner following:

1. The council may fix the method of their selection by ordinance approved by the electors. Such ordinance may provide for appointment by the mayor only upon confirmation by the council.

2. The council shall submit the question of changing the method of selection of any such other officer upon petition therefor by fifteen per cent of the electors, and if a majority of the electors voting thereon vote for the method specified in such petition such officer shall thereafter be so selected.

3. In cities of the fourth class, upon petition therefor by thirty per cent of the electors filed with the clerk not less than fifteen days before any regular city election, any such other officer shall be elected by the people at the succeeding election and thereafter. Upon like petition signed by a majority of the electors the council may by ordinance provide for appointment by the mayor subject to confirmation by the council.

4. The number of electors shall be taken to be the number voting at the preceding regular city election as appears from the poll lists.

(c) Appointments by the mayor shall be subject to confirmation by the council unless otherwise provided by law.

(4) QUALIFYING. (a) Every person elected or appointed to any office shall take and file the official oath within ten days after notice of his election or appointment.

(b) The treasurer, comptroller, justices of the peace, chief of police and such others as the statutes or the council may direct, shall execute and file an official bond in such sum as the council may determine, with two or more sureties. The council may at any time require new and additional bonds of any officer. All official bonds must be approved by the mayor, and when so approved shall be filed within ten days after the officer executing the same shall have been notified of his election or appointment, and when so approved and filed shall be recorded by the city clerk in a book kept for that purpose.

(c) When an appointive officer has filed the oath, and bond if required, the clerk shall issue to him a certificate of appointment. If the appointment is to a board or commission the appointee shall file the certificate with the secretary thereof.

(5) TERMS. (a) The regular term of office of mayor and aldermen shall commence on the third Tuesday of April succeeding their election. The regular terms of other officers shall commence on the first day of May succeeding their selection unless otherwise provided by ordinance or statute.

(b) Except as otherwise specially provided the regular term of elective officers except supervisors shall be two years. The term of supervisors shall be one year unless otherwise provided pursuant to paragraph (d) of subsection (2) of section 59.03. The council may by ordinance provide a different term for such officers or any of them, and may provide that the term of one of the aldermen next elected in each ward shall be for one year only and that the terms of aldermen thereafter shall expire in alternate years.

(c) The council may, by a record vote of two-thirds of all the members, by ordinance adopted and published previous to publication of the notice of the election at which aldermen are to be elected, provide for a division of the aldermen into two classes, one class to be elected for two years and the other for four years, and thereafter the term of aldermen shall be four years.

(6) COMPENSATION. (a) Salaries shall be paid the mayor or aldermen only when ordered by a vote of three-fourths of all the members of the council. Salaries heretofore established shall so remain until changed by ordinance.

(b) The council shall at its first regular meeting in February, fix the amount of salary of each officer entitled to a salary who may be elected or appointed during the ensuing year which shall not be increased or diminished during his term of office. In cities newly incorporated the compensation of the first officers may be fixed during their terms.

(c) Salaries shall be paid at the end of each month unless the council shall at any regular meeting by ordinance order payment semimonthly.

(d) No officer receiving a salary shall receive for services of any kind rendered the city any other compensation, but he may receive moneys from a pension fund, or for

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services rendered the school board of the city in any night school, social center, summer school or other extension activity.

(7) GENERAL PROVISIONS. (a) The corporate authority of the city shall be vested in the mayor and common council.

(b) Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the mayor shall perform such duties as shall be required of them by the council. Officers whose powers and duties are not enumerated in chapter 62 shall have such powers and duties as are prescribed by law for like officers or as are directed by the council.

(c) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

(d) No city officer shall be interested, directlly or indirectly, in any improvement or contract to which the city is a party, and whenever it shall appear that such is the case such contract shall be absolutely null and void and the city shall incur no liability whatever thereon. No city officer shall be accepted as surety on any bond, contract or other obligation made to the city.

(e) The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to city officers.

(f) Whenever a city official in his official capacity proceeded against or obliged to proceed before any court, board or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceeding, or the council has ordered the proceeding discontinued, the council may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

(8) MAYOR. (a) The mayor shall be the chief executive officer. He shall take care that city ordinances and state laws are observed and enforced and that all city officers and employes discharge their duties.

(b) He shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the council.

(c) He shall have the veto power as to all acts of the council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to him by the clerk and shall be in force upon his approval evidenced by his signature, or upon his failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If he disapproves he shall file his objections with the clerk, who shall present them to the council at its next meeting. A three-fourths vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

(d) Except in cities that have adopted subsection (6) of section 62.13, he shall be the head of the fire and police departments, and where there is no board of police and fire commissioners shall appoint all policemen, and he may, in any city, appoint watchmen to serve without pay, and in case of riot or other emergency, appoint as many special policemen as may be necessary.

(e) The council at its first meeting subsequent to the regular election and qualification of new members, shall after organization, choose from its members a president, who, in the absence of the mayor, shall preside at meetings of the council, and during the absence or inability of the mayor shall have the power and duties of the mayor, except that he shall not have power to approve an act of the council which the mayor has disapproved by filing objections with the clerk. He shall when so officiating be styled "Acting Mayor."

(9) TREASURER. (a) The treasurer shall collect all city, county and state taxes, receive all moneys belonging to the city or which by law are directed to be paid to him, and pay over the money in his hands according to law.

(b) He shall keep a detailed account in suitable books in such manner as the council shall direct. He shall keep in a separate book an account of all fees received. His books shall at all reasonable times be open to inspection.

(c) He shall each month at the first meeting of the council and as often as it shall require make to the council a verified report of moneys received and disbursed and of the condition of the treasury. Ten days before each regular city election he shall file in the clerk's office a full and minute verified report of moneys received and disbursed, tax certificates, vouchers and other things of pecuniary value in his custody, and of all transactions of his office from the date of the preceding like report.

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(d) He shall receive no fees or other compensation except the salary fixed prior to his election, except that in case of a sale by him of goods or chattels for payment of taxes he shall receive such fees as are allowed constables therefor. All other fees collected by him shall be paid into the treasury at the end of each day.

(10) COMPTROLLER. (a) The comptroller shall monthly report in writing to the council at its first meeting the condition of outstanding contracts and of each of the city funds and claims payable therefrom, and shall each year on or before October first file with the clerk a detailed statement of the receipts and disbursements on account of each fund of the city and of each ward or other financial district during the preceding fiscal year, specifying the source of each receipt and the object of each disbursement, and also an estimate of the receipts and disbursements for the current fiscal year.

(b) He shall each month and as often as reported examine the treasurer's accounts as reported and as kept, and attach thereto a report to the council as to their correctness and as to any violation by the treasurer of his duty in the manner of keeping accounts or disbursing moneys.

(c) He shall examine each claim presented against the city, and determine whether it is in proper form, and if it is on contract, whether authorized and correct. For these purposes he may swear witnesses and take testimony. If he finds no objection he shall mark his approval on the claim. If he disapproves in whole or in part, he shall report to the council his reasons. He shall in all cases report evidence taken. No claim shall be considered by the council or be referred to a committee until it has been so examined and reported on.

(d) He shall keep an indexed claim book showing as to each claim, its number, name of claimant, date of filing, amount of claim, date of comptroller's report, whether approved and for how much, date of allowance or disallowance by council, amount allowed, date and number of order issued to pay, and date of cancellation of such order.

(e) He shall examine and countersign all city orders before they shall be valid, but shall sign no order before the money is in the treasury to pay the same.

(f) He shall countersign all contracts with the city if the necessary funds have been provided to pay the liability that may be incurred thereunder, and no contract shall be valid until so countersigned.

(g) He shall each year make a list of all certificates for the payment of which special taxes are to be levied, in time for the same to be inserted in the tax roll, and certify its correctness.

(11) CLERK. (a) The clerk shall have the care and custody of the corporate seal and all papers and records of the city.

(b) He shall attend the meetings of the council and keep a full record of its proceedings.

(c) He shall enter at length, immediately after it goes into effect, every ordinance in an "ordinance book," with proof of publication, date of passage and page of journal where final vote is recorded. He shall keep a record of all licenses and permits granted and record all bonds, in appropriate books.

(d) He shall draw and sign all orders upon the treasury, except as otherwise provided by law, and keep a full account thereof in appropriate books. He shall carefully preserve all receipts filed with him.

(e) He shall keep an accurate account with the treasurer and charge him with all tax lists presented to him for collection and with all moneys paid into the treasury.

(f) He shall keep all papers and records in his office open to inspection at all reasonable hours.

(g) Within thirty days after the close of each fiscal year he shall publish in the official paper a statement showing the receipts and disbursements as to each fund during the preceding fiscal year. This shall not apply to cities operating under section 63.10.

(h) He shall have power to administer oaths and affirmations under these statutes.

(i) He may in writing filed in his office appoint a deputy, who shall act under his direction, and in his absence or disability or in case of a vacancy shall perform his duties. The deputy shall receive such compensation as the council shall provide. The clerk and his sureties shall be liable on his official bond for the acts of such deputy.

(12) ATTORNEY. (a) The attorney shall conduct all the law business in which the city is interested.

(b) He shall keep a docket of all actions in courts of record to which the city is a party, in which shall be entered in brief all steps taken and which shall be open to inspection at all reasonable hours.

(c) He shall when requested by city officers give written legal opinions, which shall be filed with the clerk.

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(d) He shall draft ordinances, bonds and other instruments as may be required by city officers.

(e) He shall examine the tax and assessment rolls and other tax proceedings, and advise the proper city officers in regard thereto.

(f) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the city. Such assistant shall receive no compensation from the city, unless previously provided by ordinance.

(g) The council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.

(13) POLICE. The chief of police shall have command of the police force of the city under the direction of the mayor. It shall be his duty to obey all lawful written orders of the mayor or common council. The chief and each policeman shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; shall arrest with or without process and with reasonable diligence take before the police justice or other proper court every person found in the city in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of such city and he may command all persons present in such case to assist him therein, and if any person, being so commanded, shall refuse or neglect to render such assistance he shall forfeit not exceeding ten dollars. They shall collect the same fees allowed to constables for similar services. [*Stats. 1919 s. 925—23 to 925—29a, 925—30 part, 925—31c part, 925—34, 925—35, 925—38, 925—38b, 925—40 to 925—43, 925—45, 925—48, 925—54, 925—125, 925—152, 925—249, 925—254, 925—259, 925—260, 925—261, 925—264, 926—21 part, 926—107, 926—146n, 926—160, 926—161, 926—170, 959—140, 961, 962; 1921 c. 61; 1921 c. 242 s. 19 to 34; 1921 c. 590 s. 56*]

62.10 Official newspaper. (1) In cities of the second and third class, the clerk shall, on or before the second Tuesday of April, advertise in the official city newspaper, or if there be none, in a newspaper published in the city, for separate proposals to publish in English (a) The council proceedings, and (b) the city advertising, respectively, for the ensuing year, inviting bids from all daily newspapers which have been published regularly in such city for the two years preceding, if there be more than one such paper, otherwise from all newspapers which have been published regularly at least once a week for such period, also stating the security required with each bid, which shall be previously fixed by the council, and requiring delivery of the bids in writing, sealed, at the clerk's office by twelve o'clock noon of the first Tuesday of May. At that hour, the clerk shall, in the presence of the mayor or an alderman, open the bids and enter them in a record kept for that purpose. No bid from other than a newspaper legally invited to bid, or for more than the legal rate for like work, shall be of any effect. The paper making the lowest effective bid for either the council proceedings or the city advertising shall be awarded the contract therefor. If two or more effective bids are for the same price, and no lower effective bid is filed, the clerk shall transmit such tie bids to the council at its next meeting and the council shall designate the successful bid. If no effective bid shall be received, the council may direct the clerk to readvertise as before. Each successful bidder shall execute a contract in accordance with the bid and file such bond for its performance as the council shall require. No such paper shall receive more or less than the contract price nor any other compensation for the work. The paper securing the contract for the city advertising shall be the official city newspaper.

(2) In cities of the fourth class, the council, at its first meeting or as soon as may be, shall designate one or more newspapers published in the city, if any, otherwise published in the county and having a general circulation in the city, for publication of the council proceedings and as the official city newspaper for the publication of the city advertising for the ensuing year. The council shall fix the price at not to exceed the legal rate for like work. In cities in which no newspaper is published, all proceedings and advertising, required to be published, shall be posted in three public places in the city.

(3) The publisher, before the claim for the publication is audited, shall file with the clerk proof of publication by affidavit of the printer or foreman, attached to a copy of the matter published, stating the date or dates of publication. Such affidavit shall be conclusive evidence of publication for the purpose of audit.

(4) If for any reason any city shall at any time be without an official city newspaper, matters required to be published may be published in any newspaper in the city designated by the council, at not more than the legal rate for like work, or if there be none such, shall be posted for a like length of time in two public places in each ward. [*Stats. 1919 s. 925—46, 925—46a, 925—47; 1921 c. 242 s. 35*]

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62.11 Common council. (1) How constituted. The mayor and aldermen shall be the common council. The mayor shall not be counted in computing a quorum, majority or other proportion under the requirements of law for the same, and shall not vote except in case of a tie.

(2) Time of meeting. The council shall meet at least once a month, and on the first Tuesday unless a different day be fixed by the council. More frequent regular meetings may be established by the council, and the mayor may call a special meeting by written notice to each member delivered to him personally or left at his usual abode at least six hours before the meeting. Following a regular city election the new council shall first meet on the third Tuesday of April.

(3) Procedure. (a) The council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel for neglect of duty.

(b) Two-thirds of the members shall be a quorum, except that in cities having not more than five aldermen a majority shall be a quorum. A less number may compel the attendance of absent members and adjourn. A majority of all the members shall be necessary to a confirmation.

(c) Meetings shall be open to the public; and the council may punish by fine members or other persons present for disorderly behavior.

(d) The ayes and noes may be required by any member. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city or any fund thereof, the vote shall be by ayes and noes. All aye and nay votes shall be recorded in the journal.

(e) The council shall in all other respects determine the rules of its procedure.

(f) The style of all ordinances shall be: "The common council of the city of .... do ordain as follows."

(4) Publication. Proceedings of the council shall be published in the newspaper designated under section 62.10 in such manner as the council shall direct. Ordinances shall be published in the official city newspaper within fifteen days of passage, and shall not be in effect until so published.

(5) Powers. Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language. [*Stats. 1919 s. 925—46t, 925—49, 925—50, 925—51, 925—52 sub. (1) to (5), (7) to (28), (29) par. 1, (30) to (33), (35) to (46), (48) to (54), (56), (57), (60) to (64), (66), (68) to (74); 1921 c. 242 s. 36 to 40*]

62.12 Finance. (1) Fiscal year. The calendar year shall be the fiscal year.

(2) Budget. On or before October first, each year, each officer or department shall file with the city clerk an itemized statement of disbursements made to carry out the powers and duties of such officer or department during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer or department during such year, and of the condition and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year.

(3) Accounting. The city treasurer shall keep separate all special funds, and shall keep a separate account with the general fund for each officer or department through which disbursements are made from the general fund to carry out the powers and duties of such officer or department. The council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city after the same shall have been audited by the comptroller.

(4) Tax limitation. The tax levied by the council for any one year for municipal purposes, together with all other taxes required to be levied, shall not exceed three and one-half per cent of the assessed value of the real and personal property in the city in that year, except that in addition a special tax for school purposes not exceeding eight mills on the dollar of such assessed value may be levied.

(5) License moneys. Moneys received for licenses may be used for such purpose as the council shall direct in the absence of specific appropriation by law.

(6) Drawing out funds; appropriations; debts. (a) City funds shall be drawn out only by authority of the council and upon order of the mayor and clerk, countersigned

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by the comptroller, if there be one. Each order shall specify the purpose for which it is drawn, and be negotiable.

(b) The council shall not appropriate nor the treasurer pay out 1. Funds appropriated by law to a special purpose except for that purpose, 2. Funds for any purpose not authorized by the statutes, nor 3. From any fund in excess of the moneys therein.

(c) No debt shall be contracted against the city nor evidence thereof given unless authorized by a majority vote of all the members of the council.

(7) CITY DEPOSITORIES. (a) The council may designate a bank or banks within this state with which city funds shall be deposited, and when the money is so deposited the treasurer and his bondsmen shall not be liable for loss by reason of the failure of the depository.

(b) The council may contract with the depository for interest on the deposits, and such interest shall be paid into the treasury.

(c) The council shall designate the security to be required of the depository, to be approved by the mayor and comptroller. The city may accept as such security its own bonds or mortgage certificates. When it shall appear by proof in any court of record that such depository has defaulted in any of its covenants with the city, such court may cancel such bonds or certificates, or any fraction thereof, in amount equal to the damage arising by reason of the default, or, if the council so requests, order sold a sufficient amount to make good the default.

(d) The council may provide that all moneys in the treasury at the end of each month over a specified sum be deposited in a special account, subject to check of the treasurer countersigned by the comptroller, and that when the balance in the general fund falls below such specified sum, a check may be drawn to replete it. No change in this regard which will increase the liability of the treasurer's bondsmen shall be made after his bond is filed.

(8) CLAIMS. (a) All claims and demands against the city shall be itemized, verified by the oath of the claimant or some one in his behalf, and filed with the clerk, who shall deliver the same to the comptroller for examination. The comptroller shall within thirty days thereafter examine such claim or demand and return the same to the clerk with his report thereon in writing, who shall place the same before the council for action at its next meeting.

(b) Claims for regular wages or salary may be by pay roll, verified by the proper official, and filed and allowed in time for payment on the regular pay day. [*Stats. 1919 s. 925—53, 925—76, 925—95c, 925—120, 925—121, 925—122, 925—123, 925—124, 925—127, 925—128, 925—129 except part of last sentence, 925—132 first sentence, 925—134, 925—135, 925—142, 925—142a, 925—243, 926—175m, 927—1 part sub. 1; Spl. S. 1920 c. 12; 1921 c. 242 s. 41 to 52*]

62.13 Police and fire departments. (1) COMMISSIONERS. Each city shall have a board of police and fire commissioners consisting of five citizens, three of whom shall constitute a quorum. The mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of five years. No appointment shall be made which will result in more than three members of the board belonging to the same political party. The members of the board shall receive no compensation. The board shall keep a record of its proceedings.

(2) EXCEPTION. Subsection (1) shall not apply to cities of less than four thousand population except by ordinance adopted by a majority of all the members of the council. A repealing ordinance may be adopted by a like vote.

(3) CHIEFS. The board shall appoint the chief of police and the chief of the fire department, who shall hold their offices during good behavior, subject to suspension or removal by the board for cause.

(4) SUBORDINATES. (a) The chiefs shall appoint subordinates subject to approval by the board. Such appointments shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the board and kept on file with the clerk.

(b) For the choosing of such list the board shall adopt, and may repeal or modify, rules calculated to secure the best service in the departments. These rules shall provide for examination of physical and educational qualifications, habits, reputation, and experience, and may provide such competitive examinations as the board shall determine, and for the classification of positions with special examination for each class. The board shall print and distribute the rules and all changes in them, at city expense.

(c) The examination shall be free for all citizens of the United States over twenty-one and under fifty-five years of age, with proper limitations as to residence, health,

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habits and character. They shall be practical in their character, and relate to those matters which will fairly test the capacity of the candidates for the positions they seek, and may include tests of manual skill and physical strength. The board shall control examinations and may designate and change examiners, who may or may not be otherwise in the official service of the city, and whose compensation shall be fixed by the board and paid by the city.

(d) The council of any city of the second or third class may provide that one or more members of the police force shall be women. The fire and police commission shall select each such police woman from a list of three names submitted by the judge having juvenile jurisdiction in such city.

(5) SUSPENSIONS AND REMOVALS. (a) The board may suspend a chief upon its own initiative or pending investigation of written charges made by an elector of the city and filed with the president of the board. The board shall not remove a chief except upon such written charges.

(b) The board or the chief may suspend a subordinate for cause. If the chief suspends a subordinate he shall immediately report the same in writing, with the cause, to the president of the board. Any elector of the city may file written charges against a subordinate with the president of the board, and pending investigation thereof the board may suspend such subordinate. Only upon such written report or charges shall a subordinate be removed.

(c) Every person, chief or subordinate, against whom charges are filed shall be entitled to a copy thereof and shall have an opportunity to be heard in his own defense. Such hearing shall be public, and both the accused and the complainant may be represented by attorney and may compel the attendance of witnesses by subpœna which shall be issued by the president of the board on request and be served as are subpœnas in justice court.

(d) If the board shall determine that the charges are not sustained, the accused, if he has been suspended, shall be immediately reinstated. If the board shall determine that the charges are sustained, the accused, by order of the board, may be suspended, reduced in rank, or removed, as the good of the service may require.

(e) Findings and determinations hereunder and orders of suspension, reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within three days thereof with the secretary of the board.

(f) Further rules for the investigation of charges may be made by the board.

(g) No person shall be deprived of compensation while suspended pending investigation.

(h) Any person suspended, reduced or removed after investigation may appeal from the order to the circuit court by serving written notice thereof on the secretary of the board within ten days after the order is filed. Within five days thereafter the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in said court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than fifteen days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence was the order of the board reasonable? No costs shall be allowed either party and the clerk's fees shall be paid by the city. If the order of the board is reversed, the accused shall be forthwith reinstated and entitled to his pay as though in continuous service. If the order of the board is sustained it shall be final and conclusive.

(6) OPTIONAL POWERS OF BOARD. (a) The board of fire and police commissioners shall have the further power:

1. To organize and supervise the fire and police departments and to prescribe rules and regulations for their control and management.

2. To contract for and purchase all necessary apparatus and supplies for the use of the departments under their supervision, exclusive of the erection and control of the police and fire station buildings.

3. To audit all bills, claims and expenses of the fire and police departments before the same are paid by the city treasurer.

(b) The provisions of this subsection shall apply only if adopted by the electors. Whenever not less than thirty days prior to a regular city election a petition therefor, signed by electors equal in number to not less than twenty per cent of the total vote cast in the city for governor at the last general election, shall be filed with the clerk, he shall

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give notice in the manner of notice of the regular city election of a referendum on the adoption of this subsection. Such referendum election shall be held with the regular city election, and the ballots shall conform with the provisions of section 6.22 and 6.23, and the question shall be "Shall subsection (6) of section 62.13 of the statutes be adopted?"

(7) COMPENSATION. The salaries of chiefs and subordinates shall be fixed by the council. All other moneys of any nature received by them shall be accounted for in the manner provided in paragraph (a) of subsection (9) and paragraph (a) of subsection (10), respectively, and the chiefs shall make verified reports thereof to the council quarterly. Unless the council otherwise provides, in cities of the fourth class rewards for the apprehension of criminals may be retained by the person entitled thereto. Such salaries when so fixed may be increased but not decreased by the council without a previous recommendation of the board. The council may provide that the salaries shall increase with length of service, and nothing herein shall interfere with the power of the council to grant a pension to persons provided in subsections (9) and (10).

(8) FIRE DEPARTMENT. The council may provide by ordinance for either a paid or a volunteer fire department, and for the management and equipment of either insofar as not otherwise provided for by law. In cities of the second and third classes having a full paid fire department the force shall be divided into two platoons, each of which shall be on duty alternatively. The board shall fix the hours of duty, which shall be as nearly equal as practicable, and no fireman shall be continuously on duty longer than the board shall have thus determined, except in case of a peril which in the judgment of the officer in charge makes it a positive necessity.

(9) POLICE PENSION FUND. (a) *Sources of the fund.* 1. Each city of the second or third class shall have a police pension fund. There shall be paid into such fund the following: One per cent of receipts from licenses; one per cent of the salary of each member of the department; fines imposed on members for violation of department rules; deductions from salaries for time lost on account of sickness; rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of the department or any member thereof, except when allowed to be retained by said member by resolution of the board of trustees of said fund, or given to endow a medal or other permanent competitive award; receipts from sales of unclaimed property; and earnings upon the deposit, loan or investment of said fund.

2. The board of trustees may take for such fund by grant, gift, devise or bequest any money, property, or thing of value, the amount or value of which does not exceed fifty thousand dollars.

3. When the amount in said fund shall be fifty thousand dollars, it shall be retained as a permanent fund, and thereafter only the income therefrom, with the other revenues of said fund, shall be available for the payment of pensions. The council may then diminish the amount paid into said fund from licenses, but to such extent only as will leave sufficient income to the said fund to meet the pension requirements.

4. Should the council estimate the income to be available for the payment of pensions to be less than the amount required, the council shall place in the annual levy for the ensuing year an amount equal to the deficiency, and this amount when collected shall be paid into the fund.

(b) *Board of trustees.* 1. The mayor, treasurer, comptroller, and the chief and three active subordinates of the department, shall be the board of trustees of the said pension fund. The three subordinates from the department shall be elected annually, by ballot, at last three days before the annual election of officers of the board. Each subordinate of the department shall be entitled to vote for such three members of the board upon one ballot, and the three persons receiving the highest number of votes shall be elected. The members of the board shall receive no compensation for service thereon.

2. The board shall annually select from its members a president and a secretary, and shall fill vacancies in such offices. The city treasurer shall be ex officio treasurer of such board, and as such, custodian of the fund and all securities and property belonging thereto. He shall keep books of account thereof in such manner as the board shall direct. Such books shall always be open to inspection by the board or a member thereof. The city treasurer shall be liable on his official bond for the performance of such duties.

3. The board shall have exclusive control and management of the fund. The moneys therein shall be paid out only upon warrant signed by the president and countersigned by the secretary of the board. No such warrant shall be drawn except upon order of the board duly recorded in its proceedings. The board may invest the fund or a part thereof in the name of the board in interest-bearing bonds of the United States, or of this state, or of any county or municipality in this state, and may sell such securities.

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4. The board shall hear and decide all applications for pensions, and shall have power to compel witnesses to attend and testify before the board thereon and upon all matters connected with the fund, in the same manner as provided by law for taking testimony before notaries public. Any member of the board may administer oaths to such witnesses.

5. The board shall make the needful rules for its government, the conduct of its proceedings, and the management of the fund. It shall cause its secretary to keep a record of all its proceedings. It may appoint a clerk, and provide for the payment from the fund of clerk hire, printing, and other necessary incidental expenses.

(c) *Pensions.* The provisions of subsection (9) shall apply only to members of the department regularly receiving compensation for their services. Persons shall be entitled to pensions only as follows:

1. Disability. If any member of the department, while contributing to the fund, shall, within the hours when he was required to be on active duty, and while engaged in the performance of duty, be injured, or contract a disease due to his occupation, and be found upon examination by a medical officer, if any ordered by the board, or by a licensed physician ordered by the board, to be permanently disabled, physically or mentally, by reason thereof, so as to render necessary his retirement from service in such department, the board shall retire him and order payments to him monthly of a sum equal to one-half his monthly compensation at the date of his retirement.

2. Death. If such injury or disease shall result in death, or if after retirement upon a pension or after ten years' service and while in the service, any member of the department shall die from any cause, and shall leave surviving a widow, a child under the age of sixteen years, or a dependent parent, the board shall order monthly pension as follows: (a) To the widow, one-third of the monthly compensation of the deceased at the time of his death or retirement on pension, unless she shall have married him after his retirement on pension. (b) To the guardian of each such child, six dollars, until it is sixteen years of age. (c) To the dependent parent, only in case no widow is entitled to pension, the amount a widow would have received, to be paid to but one parent, to be determined by the board. (d) If the widow dies or remarries, her allowance shall be paid to the guardian of any minor children under the age of sixteen years until they reach that age. (e) The total monthly pension paid all beneficiaries shall not exceed one-half the monthly compensation of the deceased at the date of his death or retirement, and if this is insufficient to pay the full schedule it shall be pro rated on the basis of the schedule. (f) If at any time the moneys available shall be insufficient to meet all pension requirements, each beneficiary shall be paid a pro rata amount. When the fund is replenished such beneficiaries as are still entitled to pension shall be paid all withheld amounts.

3. Service. A member of the department who has served twenty-two years or more may apply to be retired or may be retired on motion of the board. Upon such retirement, or upon discharge after such service, the board shall order to be paid him a monthly pension equal to one-half his monthly compensation at such time.

4. Light duty. The board on recommendation of the chief may assign any retired pensioner to light duty in the department.

5. Law governing. All pensions shall be paid in accordance with the law that was or shall be in force at the time the claim arose.

(d) *Exemption.* Money due or to become due to any pensioner or beneficiary from the pension fund shall be exempt from any process, or order of any court of this state, upon account of any claim or demand against any such pensioner or beneficiary.

(e) *Fourth class cities.* In cities of the fourth class, the council may annually and from time to time provide by ordinance for the pensioning, out of the general fund or otherwise, of members of the police department who have served for a term of twenty years or more, and shall have reached the age of fifty-five years, or who shall be disabled or superannuated, and for the widows and orphans of deceased members. Such pension shall not exceed one-half the salary of such officer at the time of his pensioning or death.

(10) FIREMEN'S PENSION FUND. (a) Each city having a paid fire department shall have a firemen's pension fund. There shall be paid into such fund the following: Receipts from taxation of fire insurance companies or agents; one per cent of the salary of each member of the department; fines imposed on members for violation of department rules; deductions from salaries for time lost on account of sickness; rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of the department or any member thereof, except when allowed to be retained by said member by resolution of the board of trustees of said fund, or given to endow a medal or other permanent competitive award; and earnings upon the deposit, loan or investment of said fund.

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(b) The board of trustees may take for such fund by grant, gift, devise or bequest any money, property, or thing of value, the amount of value of which does not exceed fifty thousand dollars.

(c) When the amount in said fund shall be fifty thousand dollars it shall be retained as a permanent fund, and thereafter only the income therefrom, with the other revenues of said fund, shall be available for the payment of pensions. The council may then diminish the amount paid into said fund from taxation of fire insurance companies or agents, but to such extent only as will leave sufficient income to the said fund to meet the pension requirements.

(d) Should the income to be available for the payment of pensions be less than the amount required, the city treasurer shall on the first day of March pay into said fund from income tax receipts an amount equal to the deficiency.

(e) The provisions of paragraphs (b) to (d) of subsection (9) shall apply to the firemen's pension fund, except that a member joining the fire department after July 1, 1917, shall not retire after twenty-two years of service and be entitled to a pension, unless he is discharged, has become superannuated in the judgment of the board, is injured or physically or mentally incapacitated sufficiently for retirement in the judgment of the board. [*Stats. 1919 s. 925—52h to 925—52t, 925—52u last two sentences, 925—52w, 925—72, 925—74, 925—75, 959—40 to 959—41o, 959—42 to 959—46, 959—46e to 959—46v; 1921 c. 93, 236, 541; 1921 c. 242 s. 53 to 83; 1921 c. 590 s. 58, 108*]

62.14 Board of public works. (1) How CONSTITUTED; TERMS. There shall be a department known as the "Board of Public Works" to consist of three commissioners. In cities of the second class the commissioners shall be appointed by the mayor and confirmed by the council at their first regular meeting or as soon thereafter as may be. The members of the first board shall hold their offices one, two and three years, respectively, and thereafter for three years or until their successors are qualified. In all other cities the board shall consist of the city attorney, city comptroller and city engineer; provided, that the council, by a two-thirds vote, may determine that the board of public works shall consist of other public officers or persons and provide for the election or appointment of the members thereof, or it may, by a like vote, dispense with such board, in which case its duties and powers shall be exercised by the council or a committee thereof, or by such officers or boards as the council shall designate. The words "board of public works" wherever used in this chapter shall include such officers or boards as shall be designated to discharge its duties.

(2) ORGANIZATION. The members of the board of public works shall, on the first Tuesday in May of each year, choose a president of the board from their number, and in cities of the first class a secretary; in other cities the city clerk shall be the secretary of the board by virtue of his office.

(3) COMPENSATION. The commissioners of public works in cities of the second class shall receive a salary, but in all other cities the salaries of the attorney, comptroller and engineer respectively shall be in full for their services as members of such board.

(4) RULES FOR, BY COUNCIL. The council may make such rules from time to time as they may deem proper, not contravening any of the provisions of this chapter, for the government of the board of public works and the manner in which the business of said board shall be conducted.

(5) QUORUM; RECORD; REPORT. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of such city, and shall make a report to the council on or before the first day of March in each year, and oftener if required.

(6) DUTIES AND POWERS. (a) *In general.* It shall be the duty of the board, under the direction of the council, to superintend all public works and keep the streets, alleys, sewers and public works and places in repair.

(b) *Unusual use of streets.* No building shall be moved through the streets without a written permit therefor granted by the board of public works, except in cities where the council shall, by ordinance, authorize some other officer or officers to issue a permit therefor; said board shall determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles therein; provided, that its decision in this regard may be reviewed by the council.

(c) *Restoring streets.* In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual. The expense thereof,

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when chargeable to a lot owner, shall be certified to the city clerk by the board, and if not paid shall be carried into the tax roll as a special tax against the lot.

(7) RECORDS OF CITY ENGINEER. The city engineer shall keep on file in his office, in the office of the city clerk, a record of all his official acts and doings and also a copy of all plats of lots, blocks and sewers embraced within the city limits, all profiles of streets, alleys and sewers and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of any buildings belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city and open to the inspection of parties interested, and shall be delivered over by said engineer to his successor or to the board of public works. Whenever requested, the engineer shall make a report of all doings of his department to the board of public works. [*Stats. 1919 s. 925—78, 925—79, 925—81, 925—82, 925—84, 925—85, 925—86, 925—88, 925—89; 1921 c. 242 s. 84 to 89, 91, 92, 95; 1921 c. 590 s. 83*]

62.15 Public works. (1) CONTRACTS FOR; HOW LET. All public work, the estimated cost of which shall exceed five hundred dollars, shall be let by contract to the lowest responsible bidder; all other public work shall be let as the council may direct. The council may also by a vote of three-fourths of all the members-elect provide by ordinance that any class of public work or any part thereof may be done directly by the city without submitting the same for bids.

(2) PLANS AND SPECIFICATIONS; FORM OF CONTRACT; BOND. When the work is required or directed to be let to the lowest responsible bidder, the board of public works shall prepare plans and specifications for the same, containing a description of the work, the materials to be used and such other matters as will give an intelligent idea of the work required and file the same with the city clerk for the inspection of bidders, and shall also prepare a form of contract and bond with sureties required, and furnish a copy of the same to all persons desiring to bid on the work.

(3) ADVERTISEMENT FOR BIDS. After the plans, specifications and form of contract shall have been prepared the board of public works shall advertise for proposals for doing such work by publishing a notice in the official newspaper for such length of time as it may think the interest of the city demands, not less than once a week for two successive weeks. No bid shall be received unless accompanied by a contract and bond with sureties, as prescribed by the form furnished, completed with the exception of the signatures on the part of the city. The city by resolution may provide that in lieu of the foregoing provision the bidder may accompany his bid with a certified check equal to five per cent of the bid payable to the city as a guaranty that if his bid is accepted he will execute and file the proper contract and bond within time limited by the city. In case the successful bidder shall fail to execute such contract and bond the amount of the check shall be forfeited to the city as liquidated damages. The notice published shall inform bidders of this requirement.

(4) SURETIES, JUSTIFICATION, WHEN SURETIES NOT REQUIRED. The sureties shall justify as to their responsibility and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract in property not by law exempt from execution. A certified check in amount equal to five per cent of the bid, and a provision in the contract for the retention by the city of twenty per cent of the estimates made from time to time may be accepted in place of sureties.

(5) REJECTION OF BIDS. The power to reject any and all bids shall exist unless expressly waived. The board of public works may reject any and all bids, if, in their opinion, any combination has been entered into to prevent free competition. The council may, if it be of the opinion that the bids are fraudulent, collusive or excessive, by resolution adopted by two-thirds of its members, reject all the bids received and order the work done by the city directly under the supervision of the board of public works and the provisions of subsections (2) and (3) of section 61.54 shall apply to the performance of such work.

(6) INCOMPETENT BIDDERS. Whenever any bidder shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work on which he bids, the board shall report to the council a schedule of all the bids for such work, together with a recommendation to accept the bid of the lowest responsible bidder, with their reasons; and thereupon the council may direct said board either to let the work to such competent and reliable bidder or to readvertise the same; and the failure to let such contract to the lowest bidder in compliance with this provision shall not invalidate such contract or any special assessment made to pay the liability incurred thereunder.

(7) PATENTED MATERIAL OR PROCESS. Any public work, whether chargeable in whole or in part to the city, or to any lot or lots or parcels of land therein, may be done by the

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use of a patented article, materials or process, in whole or in part, or in combination with articles, materials, or processes not patented, when the city shall have obtained from the owner of the patented article, materials or process, before advertising for bids for such work, an agreement to furnish to any contractor, desiring to bid upon such work as a whole, the right to use the patented article, materials and processes in the construction of said work, and also to furnish to any contractor the patented article itself upon the payment of what the authorities of said city charged with the duty of letting a contract for such public work shall determine to be a reasonable price therefor, which price shall be publicly stated and furnished upon application to any contractor desiring to bid on said work.

(8) ALTERNATIVE PLANS AND SPECIFICATIONS. Different plans and specifications for any public work may be prepared by the proper authorities requiring the use of different kinds of materials, whether patented or not, thereby bringing one kind of article, material or process in competition with one or more other kinds of articles, materials or processes designed to accomplish the same general purpose, and bids received for each such kind of article, material or process, and thereafter a contract let for one kind of article, material or process; provided, that before any contract is let all the bids received shall be opened, and considered before the kind of article or process to be used in such work shall be decided upon by the proper city authorities, and thereupon the proper city authorities shall first determine which kind of article, material or process shall be used in the work, and the contract shall be let to the lowest responsible bidder for the kind of article, material or process so selected for use in the proposed public work.

(9) GUARANTY. Any contract for doing public work may contain a provision requiring the contractor to keep the work done under such contract in good order or repair for not to exceed five years. The inclusion in the contract of any such provision shall not invalidate any special assessment or certificate thereof or tax sale certificate based theron.

(10) PROGRESS ESTIMATES; DEPOSIT; DEFAULT; COMPLETION BY CITY. As the work under any contract progresses the board of public works may, from time to time, at their discretion, grant to the contractor an estimate of the amount and proportionate value of the work done, withholding in all cases twenty per cent of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty per cent, from the proper fund. But all contracts shall contain a provision authorizing such board, in case the work under such contract is not completed within the time required, to take charge of the work and finish it at the expense of the contractor and his sureties. In no case shall the deposit herein required be returned to a successful bidder until the contract is performed; but it, together with the twenty per cent retained as aforesaid, shall be used in whole or in part to complete the work. If any of the deposit or the retained twenty per cent then remains it shall be paid to such defaulting contractor.

(11) STREET OBSTRUCTION. All contractors doing any work which shall in any manner obstruct the streets or sidewalks shall put up and maintain barriers and lights to prevent accidents, and be liable for all damages caused by failure so to do. All contracts shall contain a provision covering this liability, and also a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from his carelessness in the prosecution of such work.

(12) CONTRACTS; HOW EXECUTED. All contracts shall be signed by the mayor and clerk, unless otherwise provided by resolution or ordinance, and approved as to form by the city attorney. No contract shall be executed on the part of the city until the comptroller shall have countersigned the same and made an indorsement thereon showing that sufficient funds are in the treasury to meet the expense thereof, or that provision has been made to pay the liability that will accrue thereunder. [*Stats. 1919 s. 925—90 to 925—94, 925—186, 925—187, 925—221, 925—279 to 925—282, 926—105 first two sentences, 926—157, 959—30d except last sentence; 1921 c. 242 s. 96 to 102, 104, 105*]

62.16 Street improvement and repair. (1) DEFINITIONS. The word "street" as used in this section shall include "court" and "alley." The phrase "to improve" when used in connection with street paving or work shall include "to level, grade, regrade, gravel, regravel, macadamize, pave and repave with asphalt, concrete, brick, stone, wood or other material or to improve in any other manner, and also the construction of a permanent curb or gutter, or both," and the words "street improvement" shall include any such work.

(2) GRADE. (a) *Establishment; damage.* The council shall have authority to establish the grade of all streets and alleys in the city, and to change and re-establish the same as it may deem expedient. Whenever it shall change or alter the permanently established grade of any street any person thereby sustaining damages to his property on such street shall have a right to recover such damages in the manner set forth in this chapter.

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(b) *Record.* The grade of all streets shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the city clerk. No street shall be worked until the grade thereof is established and recorded in the manner herein set forth.

(3) CROSSWALK AND MAINTENANCE EXPENSE. The expense of all crosswalks at the intersection of streets and across public grounds shall be paid by the city at large. The expense of maintenance, keeping in repair and cleaning of streets, in all cases where the streets shall have been constructed to the established grade and improved as required by the council, shall be paid out of the general fund of the city; but the provisions of this section shall not be construed as prohibiting the city from including in any contract for street improvement the provision authorized by subsection (9) of section 62.15.

(4) OPENING, GRADING AND PAVING OF STREETS. (a) *City may cause; expense; petition.* The city may cause streets to be opened, improved, swept, sprinkled and cleaned. The expense of such work or improvement may be paid in whole or in part by the city or by the property to be benefited thereby as the council shall direct, but in no case shall the amount assessed to any parcel of real estate exceed the benefits accruing thereto by such improvement, except in the case of sidewalks. Where the expense of any such improvement is made chargeable to particular property the city shall in no case be responsible for the payment therefor, except in cases when the cost of the improvement exceeds the benefits. No street shall be improved where the expense exceeds five hundred dollars except upon the vote of two-thirds of all the members of the council, unless the owners of more than one-half of the frontage of the lots upon that part of any street to be improved shall petition the council to improve such street or part of street. If, upon petition therefor, the council determines to improve a street or part of street with macadam the work may be done directly by the city without the intervention of a contractor.

(b) *Cost of curb and gutter when credited.* Whenever any curb or gutter shall have been constructed, and the carriageway adjoining is thereafter permanently paved, the city may allow and credit to the property owner, the same share or part of the cost of the curb and gutter, that the city pays toward the cost of the pavement.

(c) *Sidewalk grade; when included.* Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction of the sidewalk shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided.

(d) *Additional security; guaranty clause.* Any contract for paving a street containing a clause requiring the contractor to keep the work in good order and repair for a period not exceeding five years may provide for the retention by the city of ten per cent of the contract price during such period as a guaranty for the performance of such contract, in addition to the bond required by section 62.15.

(e) *Specifications.* 1. Specifications for laying street pavements may require that any material therein shall be of a specified kind of standard, naming it, or material, which in the opinion of the board of public works, shall be equal to the material thus specified; the decision of such board on such question to be conclusive. 2. Two or more separate specifications based upon physical or chemical characteristics may be prepared providing for pavements or wearing surfaces for streets composed in whole or in part of different kinds of the same material, and separate bids may be called for thereon, and the contract let to the lowest responsible bidder for the pavement or wearing surface composed in whole or in part of the particular kind of material selected by the board of public works.

(5) ALTERNATIVE TYPES OF PAVEMENTS. (a) *Specification.* The city may also improve streets in the manner prescribed in this subsection. Whenever any city shall direct that any street be improved with a permanent pavement the council may rquire the board of public works to prepare and report to the council detailed specifications for a suitable foundation for the pavement proposed to be laid, and for a wearing surface of not less than three of the accepted kinds of modern city pavements, whether patented or not. The council may change or amend such specifications in any particular, and may adopt the same as reported or as so changed and amended. After the specifications shall have been adopted the council shall direct the board of public works to advertise for bids in the manner prescribed by section 62.15.

(b) *Selection; kind.* 1. When the city clerk shall have received the bids and report of the board of public works thereon, he shall fix a time when the council will hold a meeting to consider the kind of pavement to be laid on such street or alley, and five days prior to

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such meeting he shall publish in the official paper a notice that such matter will be considered at such meeting, and post a similar notice in each block of the part of the street to be improved, such posted notices to be printed in type not smaller than pica. 2. At such meeting the council may, by the vote of a majority of all the members, select a certain kind of the kinds of pavement for which a bid or bids have been received, and award the contract therefor to the lowest responsible bidder on the kind of pavement so selected.

(6) ASSESSMENT OF BENEFITS AND DAMAGES. (a) *By board.* Before the council shall change or alter any established grade or order any work to be done on any street at the expense of the real estate to be benefited thereby, it shall order the board of public works to view the premises and determine the damages and benefits which will accrue to each parcel of real estate by such change or alteration of grade, the entire cost of the contemplated work or improvement upon the street, the benefits and damages that will accrue to the several parcels of real estate thereby, and the amount that should be assessed under the provisions of this chapter to each parcel of such real estate as benefits accruing thereto by such contemplated work or improvement.

(b) *Report filed.* Said board shall make and file in their office a report showing their determination on the questions required to be considered by them under the provisions of paragraph (a).

(c) *Notice.* Notice shall be given by the board of public works that such report is open for review at their office and will be so continued for the space of ten days after the date of such notice and that on a day named therein, which shall be not more than three days after the expiration of said ten days, said board will be in session to hear all objections that may be made to such report.

(d) *Publication and posting.* Such notice shall be published in the official newspaper of the city at least once and one copy of such notice shall be posted in each block of the part of the street proposed to be improved or the grade of which it is proposed to change. Such posted notices shall be printed in type not smaller than pica. Such publication and posting shall be made five days prior to the date of hearing objections as aforesaid.

(e) *Irregularity.* No irregularity in the form of such report, nor of said notice shall affect its validity if it fairly contains the information required to be conveyed thereby.

(f) *Hearing before board; final report filed.* At the time specified for hearing objections to said report, said board shall hear all parties interested who may appear for that purpose, reduce to writing all objections that may be made and all evidence that may be offered to sustain the same, and may review, modify and correct said report as they deem just; and thereupon a complete and final report shall be made and filed by said board with the city clerk together with all objections and evidence taken before them to sustain the same and proof of publication of said notice and an affidavit of the posting thereof as above specified, which proof and affidavit shall be received in all cases as presumptive evidence of the facts therein stated.

(g) *Immaterial errors; oaths.* No irregularity in the form of said report or manner of conducting the proceedings by said board, or in the proof of publication or in the affidavit of posting shall affect the legality of said report, unless it shall appear that the owners of the property affected by the proceedings were clearly misled by such irregularity and have not had an opportunity to be heard. At such hearing any member of the board may administer oaths as may be necessary in conducting it.

(h) *Notice; hearing before council.* The city clerk shall publish a notice in the official paper at least once that the said report is on file in his office and that the council will, at a meeting to be held at the time stated in the notice, consider the said report and hear all objections which may be made thereto, and determine what portion of the cost of the improvement, if any, shall be paid by the city. At least one week shall intervene between the first publication of such notice and the said meeting. The council may at such meeting, or at an adjourned meeting, confirm or correct such report or refer it back to the board for further consideration.

(i) *Final determination.* Subject to the limitations hereinbefore mentioned the council may determine the amount to be paid by the real estate as benefits on account of the improvement of a street and the amount that shall be paid by the city.

(j) *Notice of final determination.* When a final determination shall have been reached by the council the city clerk shall publish notice in the official paper of the city once in each week for two successive weeks that a final determination has been made as to the damages that will accrue to the real estate in case of the change of an established grade, or the benefits and damages to be assessed to the real estate in case of a proposed improvement.

(k) *Appeal by landowner.* If the owner of any parcel of land affected by such determination feels himself aggrieved thereby he may, within twenty days after the date of

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such determination, appeal therefrom to the circuit court of the county in which such city or some part thereof is situated by causing a written notice of appeal to be served upon the clerk of such city and by executing a bond to the city in the sum of one hundred fifty dollars, with two sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that may be adjudged against him. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the matter before the council, with its decision thereon, and shall transmit the same with all the papers in the matter to the clerk of the circuit court. Such appeal shall be tried and determined in the same manner as cases originally commenced in said court, and costs awarded as provided in paragraph (d) of subsection (1) of section 62.25. In case any contract shall have been made for making the improvements said appeal shall not affect said contract, but a certificate or improvement bond, as the case may be, against the lot in question for the amount of benefits assessed to such lot shall be issued notwithstanding such appeal; and in case the appellant shall succeed the difference between the amount charged in the certificate or bond so issued and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate or bond shall be paid by the city.

(1) *Remedy exclusive.* The appeal given by the last section from the report of the board of public works as confirmed by the council shall be the only remedy of the owner of any parcel of land or of any person interested therein affected by said improvement for the redress of any grievance he may have by reason of the making of such improvement or of the change of any established grade covered by said report.

(7) SPECIAL ASSESSMENT. (a) *Exemption.* No lot or parcel of land in any city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of land may border, excepting only property belonging to the United States or this state, except as provided in paragraph (b).

(b) *Limitation.* Assessments of benefits on any parcel of land in any city of the third class for paving any street with a pavement having a concrete foundation or for the curbing or resurfacing of such street shall not exceed, including prior assessments of benefits for street improvement an amount equal to three dollars per square yard of that part of the carriageway directly in front of the property and lying between the curb and the center of the carriageway.

(c) *Against corporate property.* Whenever a special assessment shall have been made against any parcel of real estate owned or controlled by or on behalf of any corporation doing business in this state, a statement of the amount of such assessment and of the time when made may be signed by the city clerk and certified by him under the seal of the city as having been duly made, and upon the filing of such certificate in the office of the clerk of the circuit court of the county in which such real estate is located the assessment shall be a lien thereon and may be foreclosed in such court in the same manner as liens of mechanics and others upon real property may be foreclosed therein. The certified statement of the city clerk when so filed, shall be prima facie evidence of the validity of such assessment.

(8) SERVICE PIPE. (a) *Expense.* Whenever the council, state highway commission, or county board shall declare its intention to improve any street in which water, gas, or heat mains and sewers, or any of them, shall have been previously laid or are to be laid, the council shall also by resolution require water, heat, sewer and gas service pipes to be first laid in such street, at the cost of the property fronting therein, except as herein provided, from the sewer, water, heat and gas mains in such street to the curb line on either or both sides thereof, at such intervals as the council shall direct along that part of said street to be improved, except at street and alley crossings. Such work may be done by contract or by the city directly without the intervention of a contractor, under the supervision of the board of public works, or in the case of service pipes of a municipal owned utility under the supervision of the board or officers charged with the management of such utility. The board or officers under whose supervision such service pipes shall be laid shall keep an accurate account of the expenses of putting in the same in front of each lot or parcel of land, whether the work be done by contract or otherwise, and report the same to the comptroller who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land, and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by such clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.

(b) *Public service corporation.* Whenever the council, state highway commission or county board shall declare its intention to improve any street in which water or gas mains

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of any privately owned public utility shall have been prevously laid or are about to be laid the council shall by resolution require, subject to review as provided in section 1797*m*—87, water and gas service pipes to be first laid in such street, at the cost of such utility, unless the franchise of such utility otherwise provides as to the cost, from the main to the curb line on each side thereof, at such intervals as the council shall direct, along that part of said street so to be improved, except at street or alley crossings, and may, subject to such review, fix a reasonable time within which such work shall be done by the utility. Notice of such requirement shall thereupon be given to such utility by delivering a copy thereof to the superintendent, or agent in charge thereof, requiring such utility to do such work opposite the lots indicated according to plans and specifications, to be theretofore prepared and filed in the office of the city clerk, showing the location and size and the kind and quality of material of such water and gas service pipes; and if such utility shall refuse or neglect to do the same before the expiration of the time fixed for the improvement of said street so ordered the board of public works may procure the same to be done, in which event said board shall keep accurate account of the expense of constructing such gas or water service pipes, as the case may be, and report the same to the city clerk who shall annually enter in the tax roll as special taxes against such utilities, the total of the amounts so certified to him for such charges, and the same shall be collected in all respects like other city taxes against said utilities, and the city shall have a legal and valid claim for the amount of such special taxes against such utilities. No application for such review shall be effective unless the same be made and notice thereof filed in the office of the clerk of the city making such requirement within thirty days after service of the notice of such requirement as above provided; and on such review the railroad commission shall make such order as to extension of time for the doing of such work and as to all other conditions affecting such requirement as the commission shall deem reasonable or expedient.

(c) *When laid.* No street shall be improved by order of the council, state highway commission or county board unless the water, heat and gas mains and service pipes and necessary sewers and their connections shall, as required under this subsection be first laid and constructed in that portion of such street so to be improved.

(9) STREET SPRINKLING. (a) *Council may order.* The council may cause any street or portion of a street to be flushed, or sprinkled with water or oil during such period as it may order. The board of public works, or such other officer as shall, by order of the council, have charge of such work, shall keep an account of the cost stating the cost of each block separately and on or before the first Monday of November, present the same to the council.

(b) *Expense.* The cost of any sprinkling done shall be paid out of the general fund or be assessed against the abutting property as the council shall decide. In case the council shall order the cost of such sprinkling or any part thereof, to be assessed against abutting property such cost of sprinkling shall be charged and collected as a tax in the next tax roll against the lands abutting on the part of the street sprinkled in proportion to the frontage of each parcel of land abutting upon such street. The cost of such sprinkling shall in the first instance be paid out of the general fund, which fund shall be reimbursed by the assessments collected therefor.

(c) *Petition.* Whenever there shall be presented to the council of any city a petition signed by the owners of a majority of the frontage upon any street or part of street in such city praying that the same shall be flushed, or sprinkled with water or oil during the term in such petition set forth, not exceeding eight months, such council shall order such sprinkling to be done upon such requirements and in such manner as it shall establish, and shall assess the expense thereof to the owners of the property fronting upon such street or part of street in the same manner as other special charges and in proportion to the frontage of each owner's property thereon, excepting street crossings, which shall be paid for by such city.

(d) *Who to do work.* Such work may be done by the city under the supervision of such board or officer as the council shall order, and the city may purchase the equipment necessary therefor; or such work may be performed by contract let to the lowest responsible bidder in the manner provided in section 62.15. [*Stats. 1919 s. 925—172, 925—173, 925—175 sub. 1, 925—176, 925—176b, 925—177 to 925—185, 925—186a, 925—203, 925—223, 925—266, 926—10, 926—105 third and fourth sentence, 959—30b, 959—30c, 959—30e, 959—30k, 959—35, 959—35a, 959—38, 959p; 1921 c. 242 s. 106 to 110, 112 to 133*]

62.17 Sidewalks. (1) PART OF STREET; OBSTRUCTIONS. The streets shall be divided into a carriageway and a sidewalk on each side thereof; the sidewalk shall be for the use of persons on foot, and no person shall be allowed to incumber the same with boxes or other material; but such sidewalk shall be kept clear for the uses specified herein.

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(2) GRADE. In all cases where the grades of sidewalks shall not have been specially fixed by ordinance the sidewalks shall be laid to the established grade of the street.

(3) CONSTRUCTION AND REPAIR. (a) *Authority of council.* The council may from time to time by resolution establish the width, determine the material and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different for different streets, and may order by ordinance or resolution sidewalks to be laid in the manner provided in this subsection.

(b) *Board of public works.* The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the council.

(c) *Notice.* A copy of the ordinance, resolution or order directing such laying, removal, replacement or repair shall be served upon the owner of each lot or parcel of land in front of which such work shall have been ordered, by the board of public works, or by the street commissioner if the council shall request him to make such service, by personally delivering the same to the owner or his agent, and in case the owner or his agent cannot be found in the city by publishing in the official newspaper.

(d) *Default of owner.* Whenever any such owner shall neglect for a period of twenty days after such service to lay, remove, replace or repair any such sidewalk the city may cause such work to be done at the expense of such owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder.

(e) *Minor repairs.* When the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed the sum of ten dollars, the board of public works, or street commissioner if so required by the council, may immediately repair such sidewalk, without notice or letting the work by contract, and charge the cost thereof to the owner of such lot or parcel of land, in the manner provided in this section.

(f) *Expense.* The board of public works shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land whether the work be done by contract or otherwise, and report the same to the comptroller who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by such clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate. The council may provide that the street commissioner shall perform the duties imposed by this section on the board of public works.

(4) FOURTH CLASS CITIES. (a) *Expense of construction.* The provisions of subsection (5) of section 61.43 of the statutes are hereby made applicable to cities of the fourth class.

(b) *Repair.* The board of public works of cities of the fourth class shall, at some time during the first ten days of each April and September, publish in the official paper of such city a notice ordering all persons owning lands abutting upon any street within ten days from the date of publication of such notice, to place the sidewalks in front of their premises in good repair; if, after said ten days, the board shall find any sidewalk to be not in good repair it shall cause such sidewalk to be repaired and charge the expense thereof to the abutting lot or parcel of land in front of which such sidewalk so repaired shall lie; and no notice, other than the published notice herein provided for shall be necessary to charge the abutting property with the expense of such repair.

(5) SNOW AND ICE. The board of public works shall keep the sidewalks of the city clear of snow and ice in all cases where the owners or occupants of abutting lots fail to do so, and the expense of so doing in front of any lot or parcel of land shall be included in the statement to the comptroller required by paragraph (f) of subsection (3) of this section, and in his statement to the city clerk and in the special tax to be levied as therein provided. The city may also impose a fine or penalty for neglecting to keep sidewalks clear of snow and ice.

(6) REPAIR AT CITY EXPENSE. Whenever the council shall by resolution or ordinance so determine, sidewalks shall be kept in repair by and at the expense of the city.

(7) RULES. The council may from time to time make all needful rules and regulations by ordinance for carrying the aforesaid provisions into effect, for regulating the use of the sidewalks of the city and preventing their obstruction. [*Stats. 1919 s. 925—174, 925—200, 925—201, 925—205 sub. 1, 2, 3, 4, 7, 925—205a, 925—206, 925—207, 925—207a, 925—208, 926—114; 1921 c. 242 s. 143 to 145, 147, 149 to 151, 153, 154, 156*]

62.18 Sewers. (1) CITIES AUTHORIZED TO CONSTRUCT. Cities shall have power to construct systems of sewerage, including a sewage disposal plant and all other appurtenances thereto, to make additions, alterations and repairs to such systems and plants, and when necessary abandon any existing system and build a new system, and to provide for

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the payment of the same by the city, by sewerage districts or by abutting property owners or by any combination of these methods. Whenever the council shall determine to lay sewers or provide sewerage in any portion of the city it shall so order by resolution which shall describe with reasonable particularity the district to be sewered.

(2) SURVEY, PLANS AND SPECIFICATIONS. When so ordered by the council the board of public works shall cause to be made the necessary survey and plans and specifications of the sewerage for such district which shall conform as near as practicable to a general system of sewerage for such city, and which shall show the location, size, direction and grade of such sewers, the location and size of openings and all other matters essential to such construction, together with the boundary lines of the district and the number of each lot or parcel of land.

(3) NOTICE OF HEARING. On the completion of such plans and specifications notice shall be given in the official paper of the city substantially in the following form:

Notice is hereby given that the plans and specifications for sewerage for the district bounded as follows: ...., have been prepared and are now open to inspection at the office of the city clerk. All persons owning or interested in real estate in said district are entitled to examine the same and file objections thereto. On the .... day of ...., 19.., this board will be in session to consider any objections that may have been filed, and to hear all persons desiring to be heard.

Dated ....

....,
....,
....,
Board of Public Works.

The day for the hearing specified shall be within ten days after date of the last publication of said notice, which shall be published at least once in each week for two successive weeks.

(4) HEARING. On the day specified for said hearing the board shall take up and consider all objections made to the plans and specifications as proposed, and take down in writing minutes of any testimony that may be offered to sustain said objections. When the board shall have concluded said hearing they shall report the proposed plans and specifications with the objections, their rulings thereon and the evidence taken, to the council. The council shall then examine the same and may approve the plans and specifications as proposed or change them in such manner as they think proper, and approve as changed or modified by them, or may reject the plans and specifications and direct the board to propose new plans and specifications, in which case proceeding shall be had as before.

(5) FILING OF PLANS. When the plans and specifications for any sewerage system or material alterations thereto are finally determined they shall be prepared in triplicate and submitted to the state board of health for approval. When the same shall have been approved one copy thereof shall be filed in the office of the city clerk and one in the office of the register of deeds of the county within which the city is located.

(6) EFFECT OF, WHEN FILED. Either of the duplicate plans filed as the final determination for a plan of sewerage for any district, after the expiration of nine months from the date of such filing, shall be conclusive proof of the regularity of the proceedings to establish the plan of sewerage shown on such plans.

(7) PLANS, HOW CHANGED. When a plan of sewerage has been finally determined upon it shall not be changed except by a vote of three-fourths of all the members of the council in favor of the same; such change shall be by ordinance, passed at a regular meeting, after the same, as proposed, shall have been published at least once in each week for two successive weeks in the official paper.

(8) NEW PLANS; FILING; EFFECT. When such change shall have been determined upon duplicate plans shall be prepared, certified and filed as before, showing the plan of sewerage as changed, and after nine months from the date of such filing the said duplicates shall be conclusive proof of the regularity and legality of the proceedings to establish such plan; if any change made renders useless any existing sewer the expense of such change shall be paid by the general fund.

(9) ASSESSMENT. Before any contract for work under this section, to be paid for in whole or in part by the property to be benefited thereby shall have been entered into, the board of public works shall make an assessment against such property in the manner provided in this section.

(a) *Linear foot.* All lots, parts of lots and parcels of land fronting or abutting on the work so contracted to be done on each side of the same for its whole length shall be assessed at an even rate not exceeding two dollars nor less than twenty-five cents per linear

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foot on each side of the street of the whole frontage of each lot, part of lot or lots or parcel of land fronting or abutting on each side of said sewer, except that corner lots not subdivided in ownership, and subdivisions of such lots, constituting the actual corner of corner lots, subdivided in ownership and irregular lots, shall be entitled to a deduction in making such assessments of such amount as the board of public works shall determine to be reasonable and just under the circumstances of each case; such deduction to be made in the assessment of the longest street or alley of such corner lots or corner subdivisions thereof or in case of equal street or alley lines thereof in the assessment for the second sewer to which they are liable. Whenever any lot is subdivided which as originally platted fronts or abuts on any sewer and the subdivisions thereof are owned by different persons, no subdivisions of such lots not fronting or abutting on such sewer and not owned by the same person who owns the subdivision fronting or abutting on such sewer shall be assessed for the cost of such sewer. Whenever any sewer is to be constructed in any alley, where the property on one side is platted with the ends of the lots abutting upon the sewer, and on the other side with the side of the lots abutting upon the sewer, there shall be assessed upon the lots so platted abutting lengthwise upon the sewer, such an amount as the assessing board shall determine the property is justly benefited under the circumstances in each case.

(b) *On district.* 1. The cost of sewers in streets and alley crossings, the excess of the cost of sewers above the linear foot assessment made pursuant to paragraph (a), of manholes, lampholes, flush tanks, and of temporary work in connection with the construction of the sewers in the district shall be assessed justly and equitably upon the lots and parcels of land intended to be benefited thereby in proportion to the benefits which will accrue to each lot or parcel of real estate. 2. The cost of constructing intercepting sewers, force mains and pumping station may be assessed in whole or in part against the lots and parcels of land in the sewerage district in the manner provided in this paragraph, or be charged in whole or in part against the city at large. 3. Such portion of the costs, which shall have been previously paid by the city, of any intercepting sewer or other sewer improvement without the district, which forms part of the general sewerage system of the city, and which is of special benefit to the lots and parcel of land within the district, may be assessed in whole or in part against said lots and parcels of land in the manner provided in this paragraph, which when collected shall be used to reimburse the city.

(c) *Schedule; notice; hearing.* The board of public works shall file in their office a schedule of the assessments so made and also a statement of the amount to be paid by the city at large, and thereupon such proceedings shall be had before the board and the council in respect to such assessments as is required with respect to assessment of benefits for street improvement by subsection (6) of section 62.16, and the provisions of said subsection except those relating to the posting of notices are made applicable to the assessment made pursuant to the provisions of this section, including the provisions relating to the remedy by appeal from the final determination by the council.

(10) SUBDIVISION OF LOT; APPORTIONMENT OF ASSESSMENT. Whenever any lot or parcel of land shall be subdivided by sale or otherwise after the assessment of benefits accruing to it by a system of sewerage shall have been made and before such system shall have been fully carried out and extended to such lots assessed and the assessment on such work paid, any party interested may give notice to the board of such subdivision, and in such case or when said board shall in any other way become cognizant of the fact of such subdivision they may make an equitable apportionment of the said benefit tax against any lot between the different parcels of it; if by neglect of the owners of the lot so divided no such apportionment shall be made then the entire lot shall be liable for the whole tax.

(11) CONSTRUCTION OF SEWERS; CONTRACT. After a final determination shall have been reached by the council with respect to the special assessments it shall order the contract for the construction of the sewers in the district to be let in the manner provided by section 62.15.

(12) ADDITION AND ALTERATIONS. The council may by resolution cause a sewer to be constructed along any street or portion thereof as an addition to or alteration of any sewer district. The cost of such sewer shall be assessed against the property abutting on the street or portion of street along which such sewer is laid in the same manner in which benefits on account of street improvement are assessed, and the provisions of subsection (6) of section 62.16 shall be applicable thereto.

(13) SEWERS, WHERE LAID. Any contractor or other person acting under the direction of the board of public works may lay sewers in and through any alleys and streets, and through any breakwater into any lake and also in any highways of the county,

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whether within the limits of said city or not; such contractor shall repair such streets, alleys, breakwaters and highways and restore the same to their former condition upon the completion of such sewers.

(14) SEWER SERVICE LATERALS. (a) *Board shall order.* The board of public works shall require sewer service laterals to be constructed from the street line, or from near the street line of every lot in said city which in their judgment requires it, to the sewer main and they may require such number of sewer service laterals to be constructed as they deem expedient.

(b) *Specifications; supervision.* The said board shall prescribe the location, arrangement, form, materials and construction of every sewer service lateral and determine the manner and plan of the connection of the same; the work of construction shall be in all cases subject to the superintendence and control of said board and be executed in compliance with their orders.

(c) *Construction; cost.* The said board shall advertise for proposals for the construction of sewer service laterals and let the same by contract, or the council may direct such work to be done directly without the intervention of a contract, and at the completion of the work there shall be assessed upon the lot or parcel of land benefited thereby, the cost of such lateral, or the average current cost of laying such laterals, and when the work is done by contract there shall be given to the contractor a certificate or certificates against such lot or lots, which shall be proceeded with and shall have the like effect as other certificates given for work chargeable to lots. The cost of sewer laterals shall not be included in the estimate of the cost of the general plan of sewerage in any district.

(15) HOUSE SEWERS. (a) *Construction; cost.* The council shall, by ordinance, provide for the construction by the lot owner, or by a contractor, or by the city without the intervention of a contractor of house sewers leading from the lot to be sewered to the sewer service lateral when the lot is so used or improved as to make connection with the public sewer desirable. When such work is done by the city or by a contractor the cost of each such house sewer shall be assessed by the board of public works against the lot or parcel of land benefited thereby, and the contractor shall be given a certificate against such lot or lots or parcels of land which shall be proceeded with and shall have like effect as other certificates chargeable to lots.

(b) *Premises may be entered upon.* Any person constructing a house sewer from any lot may enter upon such lot and construct thereon such sewer, and shall have free ingress and egress upon the same with men for that purpose, and may deposit all the necessary building materials and generally do and perform all things necessary to a complete execution of the work.

(c) *Permit to connect.* No private house sewer shall be connected with any public sewer without a permit therefor having first been issued in such manner as the council shall have provided.

(16) SPECIAL SEWER DISTRICT TAX. Any city may levy a special tax of not more than one mill and a half on the dollar of the assessed value of the taxable property in any sewer district for the extension or improvement of the sewer system of such district.

(17) SPECIAL SEWER TAX. (a) Any city may levy, for a term not exceeding five years, a special tax not exceeding one-fourth of one per cent per annum upon all the property taxable in such city for either of the following purposes: 1. For the planning, construction and completion of a general system of sewers and drains or either of them. 2. For the planning, construction and completion of any change or reconstruction of an established system of sewers and drains or either of them; or 3. For such portion of the expense of such planning, construction and completion as the council may not find it lawful or expedient to charge to the particular property benefited thereby in the manner provided by this section.

(b) Before any such tax shall be levied or any contracts or obligations entered into in contemplation thereof the council shall cause to be made and prepared a plan and specifications for the improvement proposed to be made, together with an estimate by the city engineer of the probable cost of such improvement; and the council shall adopt and cause to be published, together with an abstract of the plan aforesaid and the engineer's estimate thereon, in the official city paper a resolution submitting to the electors of said city the question whether a special sewerage tax in an amount and for a number of years to be specified in said resolution, and not exceeding the limits aforesaid, shall be levied, and shall accompany said publication with a notice that said question will be submitted to a vote of such electors at a time therein to be named. Such vote shall be taken not more than sixty nor less than twenty days after the publication of the said plans, estimate and resolution, in the manner municipal elections are held, and may be taken either at the regular municipal election or at a special election for the purpose, and in either case the votes

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shall be received, counted and canvassed by the officers and in the manner prescribed for regular municipal elections. The ballots for such election shall in all cases be upon a separate ticket, and shall read:

	Yes.	No.
For sewerage tax		

Said ballots shall be marked in the manner prescribed by chapter 5. If a majority of all the votes cast upon said question shall be in favor of such sewerage tax then the council may advertise for bids and let the contract for such work to the lowest bidder or bidders, if the lowest bid shall be deemed reasonable, and levy an annual tax not exceeding the amount and for the time authorized by the electors, which tax shall be placed upon the tax roll and collected in the same manner as other special charges. No city shall contract to pay more in any one year pursuant to this section than the amount of the special fund available in such year; but the proceeds of any such tax may be anticipated by the issuance of special sewerage bonds in the manner and under the limitations prescribed by section 62.21, and such tax when collected may be devoted to a special sewerage bond sinking fund.

(18) STORM WATER SEWER DISTRICTS. (a) *Council may make.* The council may, by ordinance divide the city into surface or storm water sewer or drainage districts.

(b) *Plans and specifications.* Whenever the council shall deem it expedient or necessary for the public health or for other reasons to cause to be constructed surface or storm water sewers or drains in any portion of the city and at the expense of the property benefited they shall make an order that the board of public works prepare and report plans and specifications for the improvement proposed to be made and the entire costs of the contemplated improvement; to view the premises affected by the proposed improvement and determine the damages and benefits which will accrue to each parcel of real estate thereby, and the amount that should be assessed to each parcel of real estate as benefits or damages accruing thereto by such contemplated work or improvement.

(c) *Procedure.* Thereupon such assessment shall be proceeded with in the manner provided by subsection (6) of section 62.16.

(d) *City's share of expense; how paid.* The city may levy for a term of not exceeding five years, a special tax not exceeding one-fourth of one per cent of the last equalized assessment of said city, per annum, upon all the property taxable in such city for the payment of the city's portion of said improvement as determined by the council, and may issue general city improvement bonds for the payment of the city's share of said improvement in the manner provided by section 62.21 and payable out of the proceeds of said special tax; or may order the same paid out of the general fund of the city or out of the ward fund of such ward or wards as the council may determine. [*Stats. 1919 s. 925—208 to 925—212, 925—216, 925—217, 925—224 to 925—228, 925—230 to 925—233, 925—239a, 925—270, 925—271, 925—289, 926—3; 1921 c. 242 s. 156 to 164, 166, 167, 169, 172 to 178, 181, 182, 184, 185 to 187*]

62.19 Water and heat pipes. (1) ASSESSMENT. When the council shall have ordered the laying of any water or heat main or lateral forming part of a plant owned by the city, the board of public works shall, before laying the same, make an assessment upon the property benefited as provided in this section.

(2) WATER MAINS. The board shall assess against the several lots, parts of lots or parcels of land which front upon the proposed line of any water main, or which may be contiguous to and used in connection with any such lot or parcel of land, such sum as the board shall determine such lot or parcel of land will be specially benefited thereby, not exceeding one-half of the cost of furnishing and laying a water main of not more than six inches.

(3) HEAT MAINS. The board shall assess against each lot, or part of lot or parcel of land fronting on a proposed heat main such sum as said board shall determine that each such lot or parcel of land is specially benefited thereby.

(4) LIMITATION ON ASSESSMENT. No lot or parcel of land shall be assessed for more than one water main and one heating main laid in the same street or alley.

(5) SERVICE LATERALS. Before a water or heat service lateral is laid the board of public works shall assess as special benefits against the lot, part of lot or parcel of land to be served by any such lateral a sum equal to the average current cost of laying such laterals.

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(6) APPORTIONMENT IF LOT SUBDIVIDED. Whenever any lot or parcel of land shall be subdivided by sale or contract or by use or occupation in severalty, after the assessment of special benefits as herein provided, said board of public works may, after ascertaining such facts, at any time before the special assessment shall have been inserted in the tax roll, make an equitable apportionment of the benefit tax against such lot or parcel of land among the different subdivisions thereof.

(7) SCHEDULE; PROCEDURE. The board of public works shall file in their office a schedule of the assessments so made, and thereupon such proceedings shall be had before the board of public works and the council as is required with respect to assessments of benefits for street improvements by subsection (6) of section 62.16, and the provisions of said subsection, except those relating to the posting of notices, shall apply to the assessments made pursuant to this section, including the provisions relating to the remedy by appeal from the final determination of the council.

(8) EXTENSIONS TO EXISTING PLANTS. The expense of laying water and heat mains which are extensions to plants theretofore purchased or constructed shall be defrayed by the city at large, or by the abutting property as the council shall determine. Such work may be done by contract, or the council may provide that the work may be done by the city without the intervention of a contractor. [*Stats. 1919 s. 925—100 sub. 1, 2, 925—101 first sentence, 925—103 to 925—106; 1921 c. 242 s. 188, 190 to 195*]

62.20 Payment for public work. (1) HOW MADE; CERTIFICATES; BONDS. When any contract is let for street improvement, the construction of any sanitary sewer or sewerage work, or surface or storm water sewer, or the laying of any water or heat main or lateral, or the laying or repair of any sidewalk, and such work or a portion thereof is chargeable to the real estate to be benefited thereby, it may provide that the amount so chargeable may be paid with certificates against the parcels of real estate so benefited, or in special improvement bonds, or the proceeds of the sale of such bonds, or that payment may be in part made in certificates, part in cash and part in special improvement bonds or the proceeds of the certificates for special improvement bonds.

(2) WHEN MADE. Whenever any work mentioned in subsection (1) has been done under contract and the same shall have been approved by the board of public works, the contractor shall be entitled to a certificate therefor as to each parcel of land against which benefits shall have been assessed for the amount chargeable thereto. Said certificates shall be in such form as the board may prescribe. The amount chargeable to the city shall be paid as the contract for the work may provide.

(3) CERTIFICATES; EFFECT AND PAYMENT OF. (a) After the expiration of nine months from the date of said certificate the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, and it may be transferred by indorsement.

(b) This shall not affect any appeal from the report of the board of public works as confirmed by the council.

(c) If said certificates are not paid before the first day of November of the year in which they are issued the same may on or before the fifteenth day of November of said year be filed with the comptroller whose statement of special assessments to be placed in the next tax roll shall include an amount sufficient to pay said certificates, with interest thereon at the legal rate from the date of such certificates, to the time when the city treasurer is required to make return of delinquent taxes, and thereafter the same proceedings shall be had as in case of other taxes, except that all moneys collected by the city treasurer and all moneys collected by the county treasurer on account of such taxes, and all the tax certificates issued to the county on the sale of the property for such tax, if the same is returned delinquent, shall be delivered to the owner of the same on demand. [*Stats. 1919 s. 925—188 to 925—190, 925—205 sub. 5, 925—215, 925—220, 925—234, 925—283, 925—285, 926—118, 959—30h, 959—30i; 1921 c. 242 s. 198 to 200*]

62.21 Special improvement bonds. (1) NOTICE; PROPOSAL TO ISSUE. As soon as the amount chargeable to the real estate for the improvement of any street, or the construction of any sanitary sewer or sewerage work, or surface or storm water sewer, or the laying of any water or heat main or lateral, or the laying or repair of any sidewalk, is finally determined the council may cause a notice to be published in the official paper substantially in the following form:

City Improvement Notice.

Notice is hereby given that a contract has been (or is about to be) let for .... (describe the work and street) and that the expense of said improvement chargeable to the real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable only to the real estate to pay the special assessments, and such bonds will be issued covering all of

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said assessments except in cases where the owners of the property file with the city clerk, within thirty days after the date hereof, a written notice that they elect to pay the special assessments or a part thereof on their property, describing the same, on presentation of the certificates.

(2) ISSUE; EXECUTION; RECITALS. After the expiration of said thirty days the council may issue special improvement bonds covering all of the assessments except such as the owners have filed notices of election to pay as provided in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show that they are chargeable only to particular property, specifying the same, and the number and amount of said bonds, and such other provisions as the council shall think proper to insert; such bonds shall in no event be a general city liability.

(3) TENOR; SALE; PROCEEDS. Said bonds may be annual or semiannual interest coupon bonds or registered bonds without interest coupons as the council may direct, the total issue in each case shall be payable in annual instalments for a period not exceeding ten years from the date of issue, and when issued to pay sidewalk assessments not exceeding five years from date of issue, and shall draw interest at a rate not exceeding six per cent per annum, interest payable annually or semiannually as the council may direct; such bonds may be of such denomination as the council shall determine and shall be sold at not less than par. The proceeds of the sale of such bonds shall be credited by the city treasurer to the special fund for the improvement of such street or streets, and may be paid to the contractor for such work when payment is due him and the council shall so direct, or the contractor may take such bonds as payment for work done with the permission of the council.

(4) RECORD OF ASSESSMENTS. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued and record the same, together with a copy of said bonds, in his office.

(5) PAYMENT OF. The city treasurer shall, out of the special fund hereby created for that purpose, pay the interest on and the principal of said bonds, as the same become due and charge the same to said fund.

(6) COLLECTION OF ASSESSMENT; REDEMPTION. In each year after the issuing of said bonds, until all of them are paid, when the tax roll for the year is prepared sufficient of the special assessment on each parcel of land covered by said bonds to pay the annual instalment of the principal and the interest on the amount of said special assessment then unpaid shall be extended on the tax roll as a special tax on said property, and thereafter this tax shall be treated in all respects as any other city tax, and when collected the same shall be a special fund for the payment of such bonds and interest, and shall be used for no other purpose. Any bondholder or bondholders may redeem from any tax sale, as fully as if owners of the land, under section 75.01.

(7) FORECLOSURE. (a) *Manner.* The special improvement bonds herein mentioned shall be a lien against all lots, parts of lots or parcels of land against which special assessments have been made, which lien shall take precedence of all other claims or liens thereon, and when issued shall transfer to the holders thereof all the right, title and interest of such city in and to the assessment made on account of the improvement mentioned therein and the liens thereby created, with full powers to enforce the collection thereof by foreclosure in the manner mortgages on real estate are foreclosed.

(b) *Redemption after judgment.* The time of redemption therefrom shall be fixed by the court, and a copy of the bond foreclosed may be filed as a part of the judgment roll in said action in lieu of the original thereof.

(c) *Commencement; number of owners.* If within ninety days after the commencement of the annual sale of lands for taxes the amount to pay any instalment of principal or interest shall not have been collected by the city, the owner or owners of at least one-third in par value of the bonds issued on any single improvement may proceed in his or their own names to collect the same by foreclosure thereof, and shall recover, in addition to the amount of said bonds and interest, all costs against the property of the party or parties in default.

(d) *Redemption before judgment.* The owner of any property covered by such bonds, or the holder of a lien thereon or other person interested in the property may redeem the same at any time before judgment by paying to the county clerk the amount due against such property, together with ten per cent additional thereon, which shall be in full for all costs chargeable to such property in such action.

(e) *Parties.* Any number of the holders of such bonds for any single improvement may join as plaintiffs in any such action, and any number of the owners of or other persons interested in the property covered by the assessment upon which such bonds are

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issued and on which they are a lien may be joined as defendants in any such action; and in case more than one action of foreclosure shall be commenced upon the bonds issued on account of a single improvement such actions may be consolidated. Any holders of bonds for the same improvement who do not join as plaintiffs may be made defendants and their rights adjudicated in the action.

(f) *Lien.* Such bonds shall be equal liens upon the property for the assessments represented by them, without priority one over another, to the extent of the several assessments against the lots and parcels of land against which the special assessment shall have been made.

(g) *Lis pendens.* Upon the commencement of any such action the plaintiff shall cause a notice thereof to be filed in the offices of the county clerk and county treasurer, designating the particular property affected by such foreclosure; and thereafter no redemption of any such property from such assessments shall be had without payment of all costs theretofore accrued in such action except as hereinbefore provided. [*Stats. 1919 s. 925—191 to 925—196, 925—197a; 1921 c. 242 s. 202 to 204*]

62.22 Acquisition of lands; vacation of streets. (1) PURPOSES. The city may acquire by gift, purchase or condemnation:

(a) Lands for streets, alleys, public grounds, parks, cemeteries, municipally owned utilities, sites for school and other public buildings, and lands to be used for purposes of drainage and water distribution and other public municipal purposes.

(b) Land for waterworks or lighting works, but, if the works are owned by private persons or corporations, the expense of acquiring such lands shall be paid by such owner on a proper conveyance of the lands being made thereto.

(2) LANDS OUTSIDE CITY. (a) Cities operating sewage disposal plants, may upon a three-fourths vote of the council, acquire by gift, purchase or condemnation lands lying beyond the limits of said cities for the purposes of such plants or for the purpose of carrying away the discharge from the tanks.

(b) The city may acquire by gift, purchase or condemnation lands beyond the limits of the city for public cemetery purposes. Damages may be allowed also to owners of lands adjoining that taken for cemetery purposes.

(c) 1. Every city which shall own or possess land beyond its limits for public park purposes, and having a board of park commissioners, may acquire beyond such limits lands for highway and boulevard purposes, to connect said park with some street, highway or boulevard within the limits of such city, and open, widen and extend any street or highway for such purposes.

2. Whenever any board of park commissioners of any city which owns lands beyond its limits for public park purposes shall, by unanimous vote, adopt a resolution declaring that it is necessary for the public interest to cause a boulevard or highway to be constructed to connect such public park lands with some street, highway or boulevard in the city limits, or to open, widen or extend any street or highway for such purposes, and to take lands therefor, they shall cause to be made a correct and particular description of the lots or parcels of land proposed to be taken and a plat of the proposed highway or boulevard, and shall file a copy thereof, together with a copy of said resolution, with the register of deeds of the county in which said lands are situated. It shall thereupon be the duty of the city attorney to proceed to condemn such land.

(3) RIPARIAN RIGHTS. The city may by gift, purchase or condemnation take, injure or destroy any riparian rights or privileges appurtenant to land abutting upon Lake Michigan whenever it shall become necessary for the proper construction and use of any highway, street, boulevard, park or other public improvement without taking the lands or any portion thereof to which said riparian rights are appurtenant.

(4) PROCEDURE. (a) *Petition for opening streets.* As to streets it shall be competent for any ten resident freeholders in any ward to petition the council for the opening, widening, extension or change of any street in such ward, and if the land proposed to be taken for that purpose shall lie in two or more wards, then ten resident freeholders of each of the wards shall be required to join in the petition. Such petition shall be addressed to the council and shall designate in general terms the location, extent of the proposed laying out, widening, extension or change, but need not contain a particular description of the land proposed to be taken. For the purposes of such petition a person in possession of land under a contract of purchase and sale or a bond for a deed shall be deemed a freeholder.

(b) *Petition as to alleys.* As to alleys, a petition for the opening, widening, extension or change of an alley may be made to the council by the owner or owners of one-third or more of the land in the block in which the alley or proposed alley is situated, whether such owner or owners shall be residents of the city or not. Land held under a

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land contract or bond for a deed shall, for the purpose of such petition, be deemed to be owned by the person so holding it; infants and others under guardianship may petition by their guardians.

(c) *Action on petition.* When the petition shall be presented to the council it shall be referred to the board of public works, and said board shall make a report to the council stating whether or not such petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley or street, widening, extension or change. Upon the coming in of such report the council may, if the petition be reported sufficiently signed, by a vote of a majority of its members adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them, for the purpose named in the petition, and direct the city attorney to commence and prosecute condemnation proceedings. Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make a report to the council stating whether or not it is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley as the same will be when laid out, widened, extended or changed. Upon the coming in of such report, if it shall appear thereby that the petition is signed by the owner or owners of one-third or more of the land in the block, the council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear that the petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition or the subsequent proceedings thereon.

(d) *Proceedings without petition.* The council may, without a petition, by resolution declare it necessary to condemn land, describing it, for any authorized purpose, and direct the city attorney to prosecute condemnation proceedings therefor. If the purpose is the opening, widening, extension, or change of a street or alley, the resolution must be adopted by a vote of four-fifths of all the members. Before adopting the resolution it shall be referred to the board of public works, who shall make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, drain or water pipe, or land to be used for other authorized purposes, and report the same to the council.

(e) *Change of street; portion deemed vacated.* When a street or alley shall be changed by proceedings under section 62.22 so much of the original street or alley as shall be left out of it as changed shall be deemed vacated without any other proceeding, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

(5) BENEFITS AND DAMAGES. (a) When any assessment of benefits and damages is made in condemnation proceedings the city clerk shall transmit the same to the comptroller, who shall thereupon report to the city clerk a list of special taxes to be entered in the tax roll on account thereof, which list shall have set opposite each description against which benefits not offset by damages or an excess of benefits over damages shall have been assessed the amount of such benefits or excess, which amount shall be levied upon the land described as a special tax and be collected the same as other taxes.

(b) At the time of making out the tax roll, next after the filing of any assessment in proceedings for the condemnation of lands outside the city limits, the town clerk shall enter in said roll a list of special taxes on account of such assessment, which list shall have set opposite each description against which benefits not offset by damages or an excess of benefits over damages shall have been assessed the amount of such benefits or excess, which amount shall be levied on the land described as a special tax and shall be collected the same as other taxes. Such amounts when collected shall be paid over to the city treasurer to be applied in payment of any damages or excess of damages over benefits awarded by such assessment; and in case the amount of such special taxes shall be insufficient to pay all damages or excess of damages over benefits so awarded, then the difference shall be paid out of the proper fund of said city. Any such damages or excess of damages over benefits may be paid out of such fund prior to the collection of such special taxes, to be reimbursed therefrom when collected.

(c) The cost of each condemnation shall be paid out of the general city fund, except the cost of condemnation for streets and alleys and public grounds less than five acres in extent, which shall be paid out of the general fund, and the cost of condemnation for other purposes as to which there are special funds shall be paid out of such fund, and all special taxes levied and collected on account of any condemnation shall be credited to the fund out of which the cost of the condemnation is paid.

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(6) VILLAGE STATUTES TO APPLY. The provisions of sections 61.36, 61.37 and 61.38 shall apply to cities. [*Stats. 1919 s. 925—97, 925—154 to 925—158, 925—165, 925—168 to 925—170a, 959—39, 959—61, 959—62, 959—64, 959—69, 959—113; 1921 c. 242 s. 206 to 217; 1921 c. 590 s. 96*]

62.23 City planning. (1) COMMISSION. (a) The council of any city may by ordinance create a "City Plan Commission," to consist of the mayor, who shall be its presiding officer, the city engineer, the president of the park board, an alderman, and three citizens. In case the city has no engineer or no park board, an additional citizen member shall be appointed so that the board has at all times seven members. Citizen members shall be persons of recognized experience and qualifications. They shall receive no compensation for service on the commission.

(b) The alderman member of the commission shall be elected by a two-thirds vote of the council, upon the creation of the commission, and during each April thereafter.

(c) The three citizen members shall be appointed by the mayor, upon the creation of the commission, to hold office for a period ending one, two, and three years, respectively, from the succeeding first day of May, and thereafter annually during April one such member shall be appointed for a term of three years.

(d) The additional citizen member, if any, shall be first appointed to hold office for a period ending one year from the succeeding first day of May, and thereafter annually during the month of April. Whenever a park board is created, or a city engineer appointed, the president of such board or such engineer shall succeed to a place on the said board when the term of an additional citizen member shall expire.

(2) FUNCTIONS. (a) The council shall refer to the city plan commission, for its consideration and report before final action is taken by the council, the following matters: The location and architectural design of any public building; the location of any statute or other memorial; the location, extension, alteration, ornamentation, or parking of any street, park, playground, or other memorial or public grounds; the location and character of lands and buildings for relieving conjestion for garden suburbs, or for vacation camps for children within or without the city; and all plats of lands in the city or within one and one-half miles thereof.

(b) The common council may refer to said commission the construction or carrying out of any public work not expressly within the province of other boards or commissions of said city, and may delegate to said commission all powers which the said council deems necessary to complete such work in all details.

(c) The city plan commission may employ expert advice and may have made maps showing proposed additions to or changes in the plan of the city.

(3) ACQUIRING LAND. (a) Cities may acquire by gift, lease, purchase, or condemnation any lands (a) within its corporate limits for establishing, laying out, widening, enlarging, extending and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same; (b) any lands adjoining or near to such city for use, sublease or sale for any of the following purposes:

1. To relieve congested sections by providing housing facilities suitable to the needs of such city;

2. To provide garden suburbs at reasonable cost to the residents of such city;

3. To establish city owned vacation camps for school children and minors up to twenty years of age, such camps to be equipped to give academic and vocational opportunities, including physical training.

(b) After the establishment, layout and completion of such improvements, such city may convey or lease any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate, so as to protect such public works and improvements, and their environs, and to preserve the view, appearance, light, air and usefulness of such public works, and to promote the public health and welfare.

(c) The acquisition and conveyance of lands for such purpose is a public purpose and is for public health and welfare.

(4) LAKES AND RIVERS. The city may improve lakes and rivers within the city and establish the shore lines thereof so far as existing shores are marsh.

(5) INDUSTRIAL DISTRICTS. (a) The council may by ordinance regulate the location of industries and of buildings designed for specific uses, and such regulation is declared to be for public health, safety and welfare. This subsection shall be liberally construed in favor of the city and not as a repeal of any power elsewhere granted.

(b) Districts may be established and regulations made for each prohibiting or regulating any particular industry or use of buildings therein.

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(c) The city plan commission, or if the city has none such, a city plan committee of the council, shall upon request of the council, recommend the district plan and regulations for the city. Tentative recommendations shall first be formulated and public hearings held thereon. After submission of the final recommendations, the council may from time to time change the districts and regulations, as recommended or as adopted, upon giving at least ten days' notice, by publication in the official paper at least three times in such ten days, of the proposed changes and of hearing thereon, and opportunity to any person interested to be heard. If the owners of twenty per cent of the frontage proposed to be changed, or of the frontage immediately in the rear thereof, or directly opposite thereto, shall protest in writing signed and acknowledged, the change shall require a three-fourths vote of the council.

(d) The continued use of a building or premise for an industry or use for which the same are used at the time any ordinance under this subsection shall take effect, shall not be prohibited, but alteration of or additions to buildings for the purpose of prohibited industry or use may be forbidden.

(6) BUILDING DISTRICTS. (a) The council may by ordinance regulate the size of buildings hereafter erected and the area of yards, courts, and other open spaces, and such regulation is declared to be for public health, safety and welfare. This subsection shall be liberally construed in favor of the city and not as a repeal of any power elsewhere granted.

(b) To carry out this power, districts may be established, and regulations, which may differ between districts, but shall be uniform for each class of buildings within each district, may be made in the manner provided in paragraph (c) of subsection (5), except that if the city has a board of public land commissioners, the duties therein imposed upon a city plan committee of the council shall rest upon such board.

(7) FIRE LIMITS. The council may by ordinance designate general fire limits and regulate for fire prevention, the construction, alteration, enlargement and repair of structures within such limits, and may designate special fire limits within the general limits, and prescribe additional regulations therein. The council may change such regulations by a three-fourths vote.

(8) BOARD OF APPEALS. (a) The council may by resolution establish a board of appeals to consist of five members appointed by the mayor for terms of three years without compensation, one of whom shall be an architect or structural engineer of not less than ten years' practical experience. The mayor shall designate one of the members chairman. The board shall employ a secretary and other subordinates.

(b) The board of appeals shall review any order requiring decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to subsections (1) to (7) of this section. Such board shall also hear and determine all matters referred to them or upon which they are required to pass under any ordinance of the council adopted pursuant to such subsections. The concurring vote of four members of such board shall be necessary to reverse any order requiring decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to effect any variation of such ordinance. Every decision of such board, shall, however, be subject to review by certiorari. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city.

(c) Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal, specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(d) Such appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in said certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the board of appeals or by a court of competent jurisdiction, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(e) The board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Any party may appear on such hearing in person or by agent or by attorney. Said board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or deter-

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mination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

(f) Any person or persons, jointly or severally, aggrieved by any decision of the board of appeals, or any officer, department, board or bureau of the city, may present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition must be presented to such court within thirty days after the filing of the decision in the office of the board.

(g) Upon presentation of such petition, said judge or court may allow a writ of certiorari directed to the board of appeals to review such decision of the board of appeals, which shall prescribe therein the time within which a return thereto must be made and served upon the relator or his attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(h) The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.

(i) Said court may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith.

(9) Building inspector. For the enforcement of all ordinances and laws relating to buildings, the council may appoint a building inspector and define his authority.

(10) Widening streets. (a) When the council by resolution shall declare it necessary for the public use to widen any street or a part thereof, it may proceed as prescribed in chapter 32 of the statutes, except as herein modified. If the jury shall determine that the taking of the lands is necessary, the council may affirm or reject the verdict by resolution, accurately describing the land. Resolution affirming the verdict shall not be a taking, but shall be an establishment of new future boundary lines.

(b) After such establishment no one shall erect any new structure within the new lines, nor rebuild or alter the front or add to the height of any existing structure without receding the structure to conform to the new lines. No damages shall be received for any construction in violation hereof.

(c) The council may at any time after the establishment of new lines provide compensation for any of the lands to be taken, whereupon such lands shall be deemed taken, and the required further proceedings shall be commenced.

(d) If a structure on lands thus taken is not removed after three months' written notice served in manner directed by the council, the city may cause it to be removed, and may dispose of it and apply the proceeds to the expense of removal. Excess proceeds shall be paid to the owner, and excess expense shall be a lien on the rest of the owner's land abutting on such street, and if not paid shall be assessed against such land and collected as are other real estate taxes. If the owner does not own the adjoining piece of land abutting on the new line, he shall be personally liable to the city for the expense of removal.

(e) Until the city has taken all of the lands within the new lines, it may lease any taken, to the person owning same at the time of taking, at an annual rental of not more than five per cent of the amount paid therefor by the city or of the market value, if donated. Improvements may be maintained on such leased lands until all lands within the new lines are taken, whereupon they shall be removed as provided in paragraph (d). No damages shall be had for improvements made under such lease.

(11) Building lines. (a) The council may by ordinance, in districts consisting of one side of a block or more, establish the distance from the street that structures may be erected. The city engineer shall thereupon make a survey and plat, and report the same, with description of any structure then situated contrary to such ordinance, to the council.

(b) The council may by ordinance make such regulation or prohibition of construction on any parts of lots or parcels of land or on any specified part of any particular realty, as shall be for the public health, safety or welfare.

(c) Whenever to carry out any ordinance under this subsection it is necessary to take property for public use, the procedure of chapter 32 of the statutes shall be followed.

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(12) VACATION CAMP COURSES. A course of academic and vocational study, including physical training, shall be provided by the city board of education, for vacation camps established under subsection (3).

(13) FUNDS. Funds to carry out the purposes of this section may be raised by taxation or by bonds issued as provided in sections 67.05, 67.06, 67.07, 67.08 and 67.10. [*Stats. 1919 s. 925—52 sub. 65, 76, 925—73, 959—17a to 959—17p, 959—35m, 959—35n; 1921 c. 242 s. 218 to 233; 1921 c. 557; 1921 c. 590 s. 104 to 107*]

62.24 Police court. (1) PRESIDING JUSTICE. A police justice shall be elected every fourth year as other city officers are elected. The council may fix a salary for such justice which shall be in lieu of fees and costs. In case of his absence, sickness or disability, he may, by written order filed in his court, appoint a justice of the peace or a court commissioner in the city to perform his duties during such time.

(2) JURISDICTION. (a) The police justice shall have within the city the jurisdiction of a justice of the peace and exclusive jurisdiction of offenses against ordinances of the city.

(b) No justice of the peace shall have criminal jurisdiction of offenses committed in the city, nor power to issue warrant for, examine, commit or hold to bail any person charged with an offense therein.

(c) Civil actions, except actions under city ordinances, may be removed to a justice of the peace the same as such actions may be removed from one justice of the peace to another.

(d) In criminal actions where affidavit of prejudice shall be filed as provided by section 4809, the police justice shall call in a justice of the peace or court commissioner of the county, to try the case. The officer so sitting shall have the powers and duties of the police justice, and shall receive such compensation as the council shall determine, to be paid by the city.

(e) The police justice may punish violation of city ordinance by fine or imprisonment, or both, and may sentence any person convicted of violation of city ordinance, or of a misdemeanor, to pay a fine and the costs of prosecution or be imprisoned in the county jail, and may order the prisoner, if able, to be kept at hard labor.

(3) PROCEDURE. (a) The court of the police justice shall be called the "Police Court." It shall be open daily except Sundays and legal holidays.

(b) The procedure shall be the same as is applicable to justices of the peace, except as otherwise provided.

(c) The police justice shall keep a criminal docket wherein shall be entered the substance of every complaint, date of the issuance of warrant, and date and substance of return thereon, plea of the accused, name of the witnesses, names and verdict of the jury, if any, and the judgment.

(d) Juries shall be selected in criminal cases in the same manner as in justice courts except that either side may challenge two talesmen peremptorily.

(e) The taxable costs shall be the same as in justice court, and shall be paid to the justice or officer earning the same unless he is receiving a salary in lieu thereof, when they shall be paid into the city treasury.

(f) Forms may be used substantially the same as those prescribed for justices of the peace.

(4) COUNCIL MAY ABOLISH. (a) The council may by ordinance abolish the police court, and thereupon the jurisdiction of said court shall be exercised by any municipal court located in the city, if any, otherwise by the justices of the peace of the city.

(b) In cities having no police court the council may fix the fees or compensation of officers and magistrates for services in actions for violation of city ordinances.

(c) The council may by ordinance re-establish the police court, whereupon a police justice shall be chosen at the next city election. The mayor may appoint a police justice ad interim.

(5) EXCEPTION. This section shall not apply to cities having a court or judge with substantially the same jurisdiction as that conferred by subsection (2). [*Stats. 1919 s. 925—61, 925—62 second sentence, 925—62a, 925—64, 925—65 second sentence, 925—66 to 925—69, 925—70 except first sentence, 925—71; 1921 c. 242 s. 234 to 249*]

62.25 Claims and actions. (1) CLAIMS. (a) No action shall be maintained against a city upon a claim of any kind until the claimant shall first present his claim to the council and it is disallowed in whole or in part. Failure of the council to pass upon the claim within sixty days after presentation is a disallowance.

(b) After disallowing a claim in whole or in part the council shall not thereafter allow the same.

(c) The clerk shall cause to be served on the claimant notice of any disallowance. The notice shall be served by a police officer, without fees, in the manner of service of sum-

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mons in justice court. If the claimant be a nonresident the notice shall be sent by registered mail and receipt therefor, signed by the claimant, shall be proof of service.

(d) The claimant may accept payment of a portion of his claim without waving right to recover the balance. No interest shall be recovered on any portion of a claim allowed after a city order is drawn and made available to the claimant. If in an action the claimant recovers a greater sum than was allowed, he shall recover costs, otherwise the city shall recover costs.

(e) Disallowance by the council shall bar any action founded on the claim unless brought within six months after service of notice of disallowance.

(2) ACTIONS. (a) Damages, if any, in an action against a city officer in his official capacity, except the action directly involve the title to his office, shall not be awarded against such officer, but may be awarded against the city.

(b) In an action to restrain payment by a city for work performed or material furnished, the plaintiff shall give a bond conditioned for payment to the claimant, if the action is finally determined in the claimant's favor, of damages caused by the delay, including expense incurred in the action, and interest. The bond shall be with two sureties to be approved by the court, and in an amount fixed by the court and sufficient to cover all probable damages.

(c) Actions to recover penalty or forfeiture or to punish violation of an ordinance shall be in the name of the city. In case of conviction the court shall in addition to sentence of imprisonment, if any, enter judgment against the defendant for the costs of prosecution, and for the fine, penalty or forfeiture, if any, and that he be imprisoned in the county or city jail or house of correction not exceeding six months, unless the judgment is sooner paid. The defendant may appeal in the manner of appeals from justice court in actions in which the state is plaintiff, except that if appeal from the trial court directly to the supreme court may be had, the defendant may appeal only to that court.

(d) No person shall be ineligible to sit as judge, justice or juror in an action to which the city is a party, by reason of being an inhabitant of the city. [*Stats. 1919 s. 925—55 to 925—60, 925—252, 925—258, 925—260m, 925—269m, 926—100 except last sentence, 959—35y; 1921 c. 242 s. 250 to 258*]

62.26 General provisions. (1) LAWS IN FORCE. The general laws for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, the punishment of offenders, the collection of penalties and the manner of conducting elections shall be in force in all cities organized under the provisions of chapter 62 except as otherwise herein provided.

(2) EQUITY IN LAND. The acquisition or retention by a city of an equity of redemption in lands shall not create any liability on the part of the city to pay any bonds issued or mortgage or trust deed upon such lands executed prior to the acquisition by the city of such equity.

(3) FORMS. The use of any forms prescribed by the statutes of this state, as far as the same are applicable, shall be as legal and of the same force and effect as the use of the forms prescribed by chapter 62.

(4) REWARDS. When any heinous offense or crime has been committed against life or property within any city the mayor, with the consent of a majority of the aldermen, may offer a reward for the apprehension of the criminal or perpetrator of such offense.

(5) EMPLOYES' SALARIES. The council shall by ordinance fix the compensation of employes, and may by ordinance order the same paid semimonthly. The provisions of paragraph (d) of subsection (6) of section 62.09 shall apply to employes.

(6) CITIES IN MORE THAN ONE COUNTY. In cities lying in more than one county the following shall apply:

(a) Justices of the peace and police justices shall qualify and have jurisdiction in each county the same as though the city lay wholly therein, and may hold court in one county while exercising jurisdiction in the other. If a defendant resides in either of said counties, venue upon appeal or certiorari in civil cases shall be in such county, otherwise in that one of said counties where the cause of action arose, if it arose in either, otherwise in either county. In criminal cases venue upon appeal or certiorari shall be in the county where the offense was committed. In case of removal of a cause, the papers shall be transmitted to the nearest justice of the peace of the city competent to try the same, and if there be none such or he be absent or sick, then to the nearest justice of the peace of the county where a defendant was served and in criminal cases of the county where the offense was committed.

(b) Accused persons may be put in custody of an officer or committed to the jail of the city or of the county where the offense was committed. Persons committed for offenses

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against city ordinances or upon execution in tort actions shall be committed to the jail of the county in which the action was tried.

(c) Juries may be impaneled of persons qualified as jurors in either county.

(d) Officers of the city, who by law have the powers of constables in the county in which the city is located, shall have such powers in either county.

(7) CHANGE OF CITY NAME. The name of any city of the fourth class shall be changed if a majority of the electors shall address a written petition therefor to the council designating the new name, and the council shall by a two-thirds vote of all the members adopt an ordinance changing to such new name. The change shall be in effect upon publication of the ordinance in the official paper, and the filing of a copy thereof in the office of the secretary of state. [*Stats. 1919 s. 925—30, 925—31c, 925—52 sub. 29 second paragraph, 925—253, 925—257, 925—265, 925—269, 926—21, 959—36, 959—37; 1921 c. 61, 95; 1921 c. 242 s. 260 to 266; 1921 c. 590 s. 57, 60, 95*]

CHAPTER 63.

COMMISSION GOVERNMENT FOR CITIES.

63.01 City commission plan; adoption; cities applicable to.
63.02 Petition; submission to people.
63.03 Law applicable; existing ordinances, etc.; territorial limits; vested rights; liabilities.
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63.13 Abandonment of commission plan.
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63.15 Increasing membership of council in second or third class cities.
63.155 Increasing membership of council in commission cities.

63.01 City commission plan; adoption; cities applicable to. Any city of the second, third or fourth class may reorganize under the provisions of this chapter by proceeding as herein provided. [*Stats. 1917 s. 925m—301; 1919 c. 226 s. 2*]

63.02 Petition; submission to people. (1) Upon petition of electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding city election, the mayor shall by proclamation submit the question of reorganization as a city under this chapter at a special election to be held at a time specified therein, and within two months after such petition is filed. At such election the question to be submitted shall be, "Shall the plan to reorganize the city of .... under chapter 63 of the statutes be adopted?" and the election thereupon shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law for other city elections.

(2) If a majority of the votes cast shall be in favor thereof, the plan shall be adopted, and the city clerk shall certify the same to the secretary of state, and thereupon a patent shall be issued substantially as provided in section 925—5, and the city shall hold an election of a mayor and councilmen as herein provided.

(3) The submission of such question to a vote of the people shall not be made oftener than once in two years. [*Stats. 1917 s. 925m—302; 1919 c. 226 s. 3*]

63.03 Law applicable; existing ordinances, etc.; territorial limits; vested rights; liabilities. (1) Any law applicable to any city before its reorganization and not inconsistent with the provisions of this chapter, shall apply to and govern such reorganized city.

(2) Any by-law, ordinance or resolution lawfully passed and in force in any such city at the time of its reorganization shall remain in force until altered or repealed by the council elected under the provisions of this chapter.

(3) The territorial limits of such city shall remain the same as under its former organization.

(4) All rights and property of every description which were vested in such city under its former organization shall remain the same under the reorganization herein contemplated.

(5) No right or liability either in favor of or against such reorganized city, and no suit or prosecution of any kind, shall be affected by such change of government unless otherwise provided in this chapter. [*Stats. 1917 s. 925m—303; 1919 c. 226 s. 4*]

63.04 Election of mayor and councilmen; terms; eligibility. (1) At the election held, as provided by law, upon the first Tuesday in April next succeeding the adoption of

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the provisions of this chapter, there shall be elected a council consisting of a mayor and two other members. Any person possessing all the qualifications of an elector in such city other than the qualification of residence therein shall be eligible to election as mayor or other member of the council, but no person who holds a license for the sale of intoxicating liquors shall be eligible to any such office. Both the mayor and the councilmen shall be nominated and elected by the voters of the city at large.

(2) The term of mayor shall be six years, and the terms of the other members of the council elected at the first election after the adoption of this chapter, shall be two and four years, respectively, and each term shall begin on the third Tuesday of April next succeeding the election. At the first meeting of the council after such election, the other two members of the council shall by lot determine who shall hold the long and who the short term. At the expiration of their respective terms, successors shall be elected whose terms of office shall be six years.

(3) In cities of ten thousand or more population, the mayor and other members of the council, except councilmen elected pursuant to section 63.15, shall devote their entire time to the performance of their official duties. [*Stats. 1917 s. 925m—304; 1919 c. 61; 1919 c. 226 s. 5*]

63.05 Council; powers; duties; president; quorum; vote. (1) If any city shall adopt the provisions of this chapter, all duties, liabilities, authority, powers and privileges theretofore imposed or conferred by general law or special charter upon the mayor and council of such city shall be deemed to be conferred and imposed upon the mayor and the councilmen provided for by this chapter, and all laws relating or referring to such mayor and councilmen in force at the time of the adoption of the provisions of this chapter shall apply to and be deemed to relate and refer to the mayor and council.

(2) The mayor shall be president of the council, and have a vote therein, but shall have no power of veto. On the first Tuesday in May following the reorganization of any city under this chapter, and biennially thereafter, or whenever there shall be a vacancy in the office, the council shall elect one of its members vice mayor, who in the absence or disability of the mayor for any cause, shall perform all the duties thereof.

(3) A majority of the members of the council shall constitute a quorum, and a majority vote of the members of the council shall be necessary, and no more than a majority shall be required, to adopt any ordinance, resolution or motion, including all ordinances, resolutions and motions which under the aldermanic or any other system of city government requires a three-fourths vote for the adoption thereof.

(4) The ayes and nays shall be called and recorded upon every vote, and no vote shall be taken except upon a motion, a resolution or ordinance reduced to writing.

(5) All boards and commissions created and existing under laws heretofore in force in any such city shall continue to exist, and all powers, authority, jurisdiction and duties conferred and imposed upon such boards and commissions shall remain unaffected by this chapter, except that the mayor shall not be ex officio a member of any such board or commission.

(6) Upon the first Tuesday in May following the reorganization of any city as provided for in this chapter, and annually thereafter, the council shall select from among their number some one to act as a member of each of such boards and commissions, including the board of education. Such members so selected shall have all the power and authority vested by law in any other member of such board or commission, and shall serve as a member thereof so long as he shall remain in office or until the council selects his successor. [*Stats. 1917 s. 925m—308; 1919 c. 226 s. 6; 1919 c. 423*]

63.06 Organization of city government. (1) The council may create any general department of city affairs, such as (a) public finance and accounts; (b) public health, safety and sanitation; (c) streets and public improvements; (d) public property; (e) public charities and corrections; and designate one of its members as the head thereof; but such head may be changed whenever it appears that the public service would be benefited thereby.

(2) At its first meeting, or as soon thereafter as possible, the council shall select, by majority vote, a city clerk, a corporation counsel, a comptroller, a treasurer, a superintendent of streets, an assessor and such other officers and assistants as are necessary to the efficient conduct of the affairs of the city, and shall fix the terms of service and salaries of all such officers. Any member of the council in cities of the third and fourth classes may hold any office included within this subsection in addition to his office as a member of the council. The council in any such city may, by majority vote, appoint the mayor or any one of the councilmen to any of such offices. The mayor or councilman, serving under any such appointment, shall receive no compensation therefor and, as such appointee,

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shall be subject to all provisions of law applicable to any person holding such office. [*Stats. 1917 s. 925m—309; 1919 c. 226 s. 7*]

63.07 Members; minimum salary. The annual salaries of mayor and councilmen, respectively, in cities classified according to population, shall not be less than the sums respectively following:

(1) Forty thousand and over; mayor five thousand dollars, councilmen four thousand five hundred dollars.

(2) Under forty and over thirty thousand; mayor four thousand dollars, councilmen three thousand five hundred dollars.

(3) Under thirty and over twenty thousand; mayor three thousand five hundred dollars, councilmen three thousand dollars.

(4) Under twenty and over fifteen thousand; mayor three thousand dollars, councilmen two thousand five hundred dollars.

(5) Under fifteen and over ten thousand; mayor two thousand five hundred dollars, councilmen two thousand dollars.

(6) Under ten thousand and over seven thousand five hundred; mayor one thousand five hundred dollars, councilmen one thousand two hundred dollars.

(7) Under seven thousand five hundred and over five thousand; mayor one thousand two hundred dollars, councilmen one thousand dollars.

(8) Under five thousand and over thirty-five hundred; mayor one thousand dollars, councilmen seven hundred fifty dollars.

(9) Under thirty-five hundred and over twenty-five hundred; mayor six hundred dollars, councilmen five hundred dollars.

(10) Under twenty-five hundred; mayor five hundred dollars, councilmen four hundred dollars.

(11) The above classification as to population shall be determined by the last United States census next preceding the reorganization of any city.

(12) No salary shall be increased except by a vote of the people at a municipal election or by an increase in the population of the city determined by the last United States census, which renders the salary paid less than the minimum as provided herein. [*Stats. 1917 s. 925m—310; 1919 c. 226 s. 8*]

63.08 Offices; council may create or abolish. The council shall have power from time to time to create and fill offices and fix the term of service and salaries other than those described in the preceding section and to discontinue any office so created or any office included within section 63.06 according to their judgment of the needs of the city. [*Stats. 1917 s. 925m—311; 1919 c. 226 s. 9*]

63.09 Meetings. (1) The council shall provide by ordinance for the time of holding regular meetings, and special meetings may be called by the mayor or by the two councilmen.

(2) The meetings of the council or of any committee thereof whether regular or special, to which any person not a city officer is admitted shall be open to the public. [*Stats. 1917 s. 925m—312; 1919 c. 226 s. 10*]

63.10 City comptroller; financial statement; publication; annual examination. (1) The city comptroller shall each month prepare and present to the council a summary statement of the revenues and expenses of the city for the preceding month, detailed as to appropriations and funds, and arranged in standard form, together with a balance sheet statement of the current assets and current liabilities of such city at the close of such month. These summaries shall be accompanied by such detailed schedules as the council may by ordinance require. The full detailed acts and proceedings of the council at every general or special meeting thereof, including the full text of all reports filed and presented at such meeting, shall be published in a newspaper published and of general circulation in such city, in the next regular issue of such newspaper subsequent to the day of each such council meeting; and in the months of January, April, July and October in each year the council shall cause to be published in such newspaper detailed schedules of the receipts and disbursements of moneys for the three calendar months next preceding the month of such publication. The compensation to be paid for such publications shall not exceed the rate provided by law for the publication of legal notices.

(2) At the end of each year the council shall cause a full and complete examination of all of the books and accounts of the city to be made by competent public accountants, who shall report in full thereon to the council. Copies of such reports shall be furnished by the council to all newspapers of the city and to all persons who shall apply therefor. [*Stats. 1917 s. 925m—314; 1919 c. 226 s. 12*]

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63.11 Existing appropriations; powers concerning. If, at the beginning of the term of office of the first council elected under this chapter, the appropriation for the expenditures of the city government for the current fiscal year have been made, the council shall have power by ordinance to revise, repeal or change such appropriations and to make additional appropriations. [*Stats. 1917 s. 925m—315; 1919 c. 226 s. 13*]

63.12 Boards and commissions. (1) The board of public works shall continue as constituted, or it shall be composed of such city officers as the council shall designate, or the council may act ex officio as a board of public works, or the board may be dispensed with and the functions thereof exercised by the council, as may be provided by ordinance.

(2) Any other board or commission, except the board of police and fire commissioners, may be dispensed with or the number of members thereof be changed by a vote of the people held in the manner provided by section 10.43, and in case of discontinuance the powers and duties of any such board or commission, shall be exercised and performed by the council. Unless the board of public works shall be dispensed with or changed by ordinance, or other boards or commissions shall be dispensed with by such vote of the people, they shall continue to have and perform the same powers and functions that they possessed and exercised at the time when the city adopted the commission form of government, and shall continue to be elected or appointed as then provided by law, except that members then appointed by the mayor shall be elected by a majority vote of the council like other city officers under section 63.06.

(3) Any city work done under the direction of commissions appointed by the state shall continue to be done in the manner prescribed by law immediately prior to the adoption by the city of the commission form of government.

(4) All boards and commissions in any city of the second class under commission form of government shall continue to be elected or appointed as provided by law at the time when said city adopted such commission form, and shall continue to have and exercise all the authority they then possessed. Any such board or commission, excepting the board of education and the board of police and fire commissioners, may be dispensed with or changed in membership by a vote of the people held in the manner provided by section 10.43. [*Stats. 1917 s. 925m—317; 1919 c. 226 s. 14*]

63.13 Abandonment of commission plan. (1) Any city which shall have adopted the provisions of this chapter and shall have operated for three or more years, under said provisions, may, upon a petition, as provided for in section 63.02 hold an election to determine whether or not such city shall return to and operate under the laws that would govern if it had never adopted this chapter.

(2) Such election shall be held as provided in section 63.02 except that the question submitted and printed upon the ballot shall be, "Shall the commission form of government be abandoned?"

(3) If a majority of the votes cast shall be in favor of such abandonment, the next regular city election shall be held and conducted, and officers shall be elected, pursuant to the laws that would govern such election if the city had never adopted this chapter; and when the respective terms of office of the mayor and members of the common council then elected shall commence, government under this chapter shall in all things cease, and the government of such city shall thereafter be in all respects under the laws that would be applicable if the city had never adopted this chapter.

(4) The provisions of sections 63.02 and 63.03 shall, so far as they are not inconsistent with this section, apply to and govern the abandonment by any city of the commission form of government and the return to its original form of government.

(5) The common council of any city which is first elected after such city abandons the commission plan of government shall fix the salaries of all city officers therein in the same manner as when a city is first incorporated. [*Stats. 1917 s. 925m—318; 1919 c. 38, 66; 1919 c. 226 s. 15*]

63.14 Application of commission plan statutes. Except as may be otherwise expressly provided every amendment of this chapter shall affect and be applicable to each city operating under its provisions at the time of the amendment. [*1919 c. 226 s. 17*]

63.15 Increasing membership of council in second or third class cities. (1) Any city of the second or third class operating under this chapter may, by a vote of the electors therein, as herein provided, increase the number of the members of the council in such cities from a mayor and two councilmen, to a mayor and one councilman from each ward, the mayor to be elected at large and to be paid a salary not exceeding three thousand dollars per annum and the councilmen to be elected by the electors of the respective wards and each to be paid a salary not exceeding fifty dollars per month. The question of increasing the council as provided in this section and subject to the provisions hereof, shall,

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upon petition as hereinafter provided, be submitted to the electors. The question to be submitted, shall be substantially as follows: "Shall the council in the city of .... be increased from a mayor and two councilmen to a mayor and one councilman from each ward, in accordance with the provisions of section 63.15 of Wisconsin Statutes?"

(2) Such petition may be circulated by any number of persons, may consist of more than one sheet of paper fastened together and shall be signed by qualified electors of such city equal in number to twenty-five per cent of the total number of votes cast in such city for all candidates for governor at the last preceding general election, and shall give the date of signature and place of residence of each elector next after his signature. Each separate sheet of such petition shall have appended thereto the affidavit of a qualified elector to the effect that he is personally acquainted with all persons who have signed the said sheet of said petition, that they are electors and their places of residence and date of signature are truly stated therein. Such petition shall be filed with the city clerk and after being so filed, no name shall be erased or removed therefrom and no signature shall be vaild or be counted unless its date is less than one month preceding the date of such filing.

(3) Upon filing such petition, the mayor shall, by proclamation, submit the questions prescribed in subsection (1) at a special election to be held at a time specified therein and within two months after such petition is filed. The election upon such question shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law for other city elections.

(4) If a majority of the votes cast upon the question at such election be in favor thereof, there shall be elected at the election held as provided by law upon the first Tuesday of April next succeeding, a mayor from the city at large and one councilman from each ward. Each such officer shall be nominated and elected in the manner provided by law for the nomination and election of candidates in cities other than those operating under this chapter. The term of each such officer shall commence on the third Tuesday of April next succeeding, and in the case of the mayor and councilmen from the even-numbered wards shall continue for two years and in the case of councilmen from the odd-numbered wards shall continue for one year, and until their respective successors are elected and qualify. Thereafter the term of office of the mayor and of each councilman elected for a full term shall be two years and the successor to each such officer shall be elected for a term of two years.

(5) The terms of office of the mayor and councilmen in office at the time of the first election of officers under this section shall terminate on the third Tuesday of April next succeeding such election. [*Stats. 1917 s. 925m—320; 1919 c. 157; 1919 c. 226 s. 18; 1919 c. 671 s. 14*]

63.155 Increasing membership of council in commission cities. (1) Any city described in section 63.155 may, in the manner therein provided, vote on the question of changing from a mayor and two councilmen to a mayor and one alderman for each four thousand or major fraction thereof of population to be elected at large, the mayor to receive a salary of not to exceed thirty-six hundred dollars per annum and each alderman to receive a salary of not to exceed one hundred dollars per month. The question to be submitted shall be substantially as follows: "Shall the council of the city of .... be increased from a mayor and two councilmen to a mayor and one alderman for each four thousand or major fraction thereof of population in accordance with the provisions of section 63.155 of the statutes?"

(2) If a majority of the votes cast upon the question be in favor thereof there shall be elected at the election held as provided by law upon the first Tuesday of April next succeeding a mayor and one alderman for each four thousand or major fraction thereof of population all elected at large. Each such officer shall be nominated and elected in the manner provided by law for the nomination and election of candidates in cities other than those operating under this chapter. The aldermen first elected shall be divided as nearly as may be into two equal classes, one class to serve for one year and the other class to serve for two years from the third Tuesday of April following such election. Thereafter the term of each alderman elected for a full term shall be two years. The time of office of the mayor shall be two years. The mayor and aldermen shall hold office until the election and qualification of their respective successors. [*1921 c. 543*]

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CHAPTER 64.

CITY MANAGER PLAN.

64.01 How to organize under this chapter.
64.02 Other laws, by-laws and ordinances in force.
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64.05 Term of councilmen.
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64.07 Powers of council; its organization; quorum; meetings.
64.08 Councilmen, their duties and compensation.
64.09 City manager; qualifications, selection, removal.
64.10 City departments, administrative and educational boards.
64.11 Powers of city manager, appointments.
64.12 City manager to present monthly reports and accounts.
64.13 First council may revise appropriations already made; state commission work continued.
64.14 City may return to its former government.

64.01 How to organize under this chapter. (1) Any city of the second, third, or fourth class may reorganize under the provisions of this chapter by proceeding in the manner prescribed by sections 925—3, 925—3*m*, 925—3*n*, 925—3*o*, 925—4, and 925—5 of the statutes, relative to the adoption of the general charter law.

(2) When adopted in the manner hereinbefore provided, the provisions of this chapter shall take effect and become operative on the third Tuesday in April. [*1919 c. 75; 1915 c. 353 s. 1–4*]

64.02 Other laws, by-laws and ordinances in force. (1) Any law applicable to any city before its reorganization and not inconsistent with the provisions of this chapter shall apply to and govern such reorganized city.

(2) Any by-law, ordinance, or resolution lawfully passed and in force in any such city at the time of its reorganization shall remain in force until altered or repealed by the council elected under the provisions of this chapter.

(3) The territorial limits of such city shall remain the same as under its former organization.

(4) All rights and property of every description which were vested in such city under its former organization shall remain the same under the reorganization here contemplated.

(5) No right or liability either in favor of or against such reorganized city, and no suit or prosecution of any kind shall be affected by such change of government unless otherwise provided. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.03 Petition for adoption, what to contain; question to be voted upon. (1) Every ordinance or resolution for the adoption of this chapter, and every petition for a special election on the same, shall state the number of members of which the council herein provided for shall be composed, the term of office of its members, which term shall not exceed two years, whether they shall be nominated and elected from wards or from the city at large, and the compensation, if any, which they shall receive.

(2) At every election for the adoption of this chapter, the question to be submitted shall be substantially as follows: "Shall the city of (name) be reorganized under chapter 64 of the statutes, providing for the city manager plan, with a council composed of (number stated in petition) members, to be elected from the city (at large), or (by wards) as provided in petition for terms of (number) year(s)?" [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.04 Council, when elected; qualification of electors; nominations. (1) At the election held as provided by law upon the first Tuesday in April next succeeding the adoption of the provisions of this chapter, there shall be elected a council composed as provided in the ordinance or resolution adopted by the council or in the petition and election as provided by section 64.03. Any person possessing the qualifications of an elector in such city shall be eligible to election as councilman.

(2) Except as herein otherwise provided, candidates for councilman shall be nominated and elected after the manner provided by law for the nomination and election of other municipal officers and all provisions of the statutes relating to city primary and general elections not inconsistent with the provisions of this chapter shall apply to such elections for cities reorganized under these sections the same as to cities organized under general law. [*1919 c. 75; 1919 c. 353 s. 1–4*]

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64.05 Term of councilmen. (1) The term of office of such councilman shall begin on the third Tuesday in April. If the term of councilman as determined by the election is two years, the term of a bare majority of the members elected at the first election after the adoption of this chapter, consisting of those members receiving the highest number of votes, shall be two years and that of the remaining members shall be one year. At the expiration of the terms of office of the councilmen, successors shall be elected for the full term.

(2) If any vacancy occurs in the office of councilman and the unexpired term shall exceed six months, a special election to fill such vacancy shall be held. If the unexpired term be less than six months, the other members of the council shall at their next meeting appoint some one to fill the vacancy. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.06 Recall. Any councilman may be recalled from office in accordance with the provisions of section 10.44 of the statutes. This method of removal shall be in addition to the other methods provided by law. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.07 Powers of council; its organization; quorum; meetings. (1) The council shall possess and exercise all legislative and general ordinance powers imposed and conferred by general law or special charter upon the mayor and common council and the various boards and commissions not inconsistent with this chapter, and in force in such city at the time of its reorganization and such additional powers as are hereinafter imposed and conferred, but such council shall not have the power to enact special executive or administrative orders, it being the intent of this chapter to separate the legislative and executive powers of city government.

(2) At its first meeting the city council shall select by majority vote one of its members to act as president. The president shall be the presiding officer of the council and shall have a vote but shall have no veto power.

(3) A majority of the members of the council shall constitute a quorum, and a majority vote of all the members of the council shall be necessary to adopt any ordinance or resolution.

(4) The ayes and noes shall be called and recorded on the vote upon every ordinance and resolution.

(5) The council shall provide by ordinance for the time of holding regular meetings and special meetings shall be called by the president or by any two councilmen or by the city manager.

(6) All meetings of the council or of any committee thereof, whether regular or special, shall be open to the public. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.08 Councilmen, their duties and compensation. The councilmen shall devote such time to the duties of their office as the interests and general welfare of the city demand and shall receive such compensation, not to exceed two hundred dollars per year, as determined in the petition, ordinance or resolution provided for in section 64.03. The council shall have power by ordinance to fix the salary of their successors in office, but in no case shall such salary exceed two hundred dollars per year. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.09 City manager; qualifications, selection, removal. (1) The council first elected after the reorganization of a city under the provisions of this chapter shall as soon after the reorganization as possible engage for an indefinite term a city manager who shall have charge of the executive side of the city government and who shall be responsible for the efficiency of its administration.

(2) The city manager shall be elected purely on merit. In electing the city manager the council shall give due regard to training, experience, executive and administrative ability, and efficiency and general qualifications and fitness for performing the duties of the office, and no person shall be eligible to the office of city manager who is not by training, experience, ability, and efficiency well qualified and generally fit to perform the duties of such office. No weight or consideration shall be given by the council to nationality, political, or religious affiliations, or to any other considerations except merit and direct qualifications for the office.

(3) Residence in the city or state shall not be a qualification for the office of city manager.

(4) The council may advertise for applicants in such newspapers, magazines, advertising agencies, employment bureaus or other advertising mediums and for such length of time as it shall deem necessary to secure applications from the available persons best qualified to fill such office.

(5) The applications, records, recommendations and qualifications of all applicants for the office of city manager shall be immediately placed and thereafter kept on file and

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shall be matters of public record and open to the examination and inspection of the public at all reasonable times.

(6) The salary of the city manager shall be fixed by the council.

(7) The council shall have the power to remove the city manager at any time that his conduct of the city administration becomes unsatisfactory and to engage a successor after the manner prescribed in this section, but such city manager shall serve until his successor is elected and qualifies.

(8) Before the council shall remove the city manager for any cause other than wilful neglect of duty, malfeasance, or misfeasance in office, it shall give such city manager at least sixty days' notice of its contemplated action and in all cases shall present in writing a statement of the specific grounds or reasons for such removal and shall give such city manager an opportunity to be heard in regard thereto. Such statement of reasons shall be immediately placed and thereafter kept on file and shall be matter of public record open to the examination and inspection of the public at all reasonable times, and such hearing shall be a public hearing.

(9) The action of the council in removing the city manager shall be final. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.10 City departments, administrative and educational boards. (1) The council shall upon the report and recommendation of the city manager have the power to create general departments of city administration. The report and recommendations of the city manager showing the necessity or desirability of creating such departments shall be placed on file and shall be matters of public record, open to the examination and inspection of the public at all reasonable times.

(2) All administrative boards and commissions existing in such city prior to its reorganization shall continue to exist after its reorganization under this chapter until abolished, altered or reorganized by ordinance of the council. The council shall have power upon the report and recommendation of the city manager to alter, reorganize or abolish by ordinance any administrative board or commission with the exception of the board of education.

(3) The board of education shall continue to be elected or appointed as provided by law and shall continue to have the same power and authority as possessed prior to the reorganization of such city under this chapter, provided that such board may be discontinued by a vote of the people held in accordance with the provisions of section 10.43 of the statutes, and in such case the powers and duties of such board shall be exercised and performed by the council and city manager in accordance with the general provisions of this chapter. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.11 Powers of city manager, appointments. (1) The city manager shall be the chief executive officer of the city and head of the city administration and shall possess and exercise all the executive and general administrative powers imposed and conferred by general law or special charter upon the mayor and common council and upon the various boards, commissions and officers and in force in such city at the time of its reorganization under this chapter, and such additional powers as are herein imposed and conferred.

(2) The city manager shall have the power to create minor administrative offices and positions and to discontinue such offices and positions according to his judgment of the needs of the city.

(3) The city manager shall have the power to appoint all heads of departments, all subordinate city officials and all city employes and to remove such appointees at any time their services or the conduct of their offices becomes unsatisfactory to him.

(4) No head of a department, city official, or city employe shall be appointed for a fixed term, but during good behavior and satisfactory service.

(5) All appointments shall be purely on merit and with a view to securing the best available appointee for the place. Due consideration shall be given to training, experience, ability, and general qualifications and fitness for performing the duties of the office and no weight or consideration shall be given to residence, nationality, or to political or religious affiliations.

(6) Residence in the city or state shall not be a qualification for any such appointment.

(7) The applications, records, recommendations and qualifications of all applicants shall be immediately placed and thereafter kept on file and shall be matters of public record subject to the examination and inspection of the public at all reasonable times. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.12 City manager to present monthly reports and accounts. (1) The city manager shall each month prepare and present to the council a summarized statement of the

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income and expenditures of the city for the preceding month arranged in standard form and detailed as to appropriations, funds, and character of expenditures.

(2) Such summaries shall be accompanied by a general account balance sheet, a capital account balance sheet, a statement of current assets and liabilities, a statement of funded assets and liabilities, and a consolidated financial statement showing the exact financial condition of the city at the end of such month. The city manager shall also prepare and present to the council such other detailed schedules and statements of account as the council may by ordinance require.

(3) All such summaries, schedules, and statements, together with a summary of the acts and proceedings of the common council for such month, shall be published in pamphlet form and copies thereof shall be furnished to all the newspapers and libraries of the city and to all persons who shall apply therefor.

(4) At the end of each fiscal year the council shall cause a full and complete examination of all the books and accounts of the city to be made by competent public accountants who shall report in full to the council. The summaries of such audits shall be presented and furnished to all newspapers and libraries of the city and to such other persons as shall apply therefor. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.13 First council may revise appropriations already made; state commission work continued. (1) If at the beginning of the term of office of the first council elected under this chapter the appropriations for the expenditures of the city government for the current fiscal year have been made, the council shall have power by ordinance to revise, repeal, or change such appropriations and to make additional appropriations.

(2) Any city work done under the direction of commissions appointed by the state shall continue to be done in the manner prescribed by law prior to the reorganization of such city under this chapter. [*1919 c. 75; 1919 c. 353 s. 1–4*]

64.14 City may return to its former government. Any city which shall have adopted the provisions of this chapter, and shall have operated for four or more years under such provisions, may upon a petition as provided for in sections 925—3*m* and 925—3*n* hold an election to determine whether or not such city shall return to and operate under the charter and laws under which it operated prior to the adoption of this chapter. [*1919 c. 75; 1919 c. 353 s. 1–4*]

CHAPTER 65.

BUDGET SYSTEM FOR CITIES.

65.01 Application of this chapter.
65.02 Definition of terms.
65.03 Duties of head of departments.
65.04 Meetings of board of estimates.
65.05 Changes in budget, how made.
65.06 Funds, how expended.
65.07 Power of common council.
65.08 Power of council to levy taxes.
65.09 Apportionment of school taxes.
65.10 City officers to pay receipts monthly.

65.01 Application of this chapter. The common council of any city of the second, third or fourth class may by ordinance adopted by three-fourths of all its members accept the provisions of sections 65.02, 65.03 and 65.04 which when so accepted shall be in full force and effect as to any such city. Except as above provided chapter 65 shall apply only to cities of the first class. [*1921 c. 33 s. 2*]

65.02 Definition of terms. (1) The term "department" or "departments," as used in this chapter, shall include any department, board, commission, or other body exclusive of the common council which expends city funds or incurs obligations for the city, and unless otherwise expressed shall refer to the head of such department.

(2) The term "estimate" as used in this chapter shall include any written report of or the request of any department setting forth in detail the various sums and purposes it deems reasonably necessary to perform its functions.

(3) The board of estimates shall be the mayor, the president of the common council, comptroller, treasurer, city attorney, commissioner of public works and the members of the finance committee of the common council.

(4) The mayor shall be president of the board and there shall be a secretary appointed by the comptroller. The secretary shall keep a record of the proceedings of the board and perform such other duties as may be required of him by the board or comptroller. [*1921 c. 33 s. 2; 1921 c. 581 s. 1*]

65.03 Duties of head of departments. (1) It shall be the duty of each department to file with the comptroller on forms furnished by him an estimate in detatil of the de-

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partment's needs for the ensuing fiscal year, including a statement of improvements to be made and an estimate of expenditures therefor.

(2) Any department whose funds are not subject to the control of the common council may include in its estimate such sum as it may deem reasonably necessary for a contingent fund for emergency purposes or other purposes which may arise during the year requiring the expenditure of money in addition to the sums provided for the several purposes or for purposes for which no express provision is made in the budget.

(3) Department estimates shall be filed with the comptroller not later than August first each year when the taxes or any part thereof are to be levied during the year for expenditure for the succeeding year, otherwise on or before October first of each year. The common council, by vote of majority of all aldermen-elect, taken prior to July first in any year, may require all such estimates to be filed by August first of said year. [*1921 c. 33 s. 2; 1921 c. 581 s. 1*]

65.04 Meetings of board of estimates. (1) The board of estimates shall meet August first each year. The comptroller shall place before the board the reports of estimates filed with him by the departments.

(2) From the estimates before it the board shall make and submit to the common council, on or before September fifteenth each year, a proposed budget setting forth in detail the amounts proposed to be spent by each department and the various purposes therefor and the amounts of money for each purpose it is proposed shall be appropriated by the council. If any department shall fail to file its estimates as herein provided the board shall make a proposed budget for such department specifying the purposes for which and the amount of funds such department may expend.

(3) The board shall not change any sum or purpose of any department which by law is authorized to determine the purposes of its expenditures and the tax to be levied therefor, unless such department by formal resolution shall so determine by an affirmative vote of a majority of its members, when the board shall then make the change and include a certified copy of such resolution with its estimates to be filed with the common council.

(4) In case the common council shall not in any year require estimates by all the departments to be filed by August first, then the board shall reconvene on the first day of October and make the balance of the budget and file the same with the common council by December fifteenth.

(5) In addition to the purposes required to be set forth in detail the board may provide a contingent fund for such sum as they may deem reasonably necessary for emergency and other purposes that may arise during the year requiring the expenditure of money in addition to the sums provided for the several purposes, and for purposes for which no express provision is made in the budget.

(6) The board shall also include in its budget the amount of bonds, the purposes therefor, and the required mortgage certificates to be issued during the fiscal year, except such bonds as are authorized to be omitted by express provision of law.

(7) All meetings of the board shall be public, and at least one public hearing shall be held by the board before the proposed budget or any part thereof is filed with the common council. [*1921 c. 33 s. 2; 1921 c. 581 s. 1*]

65.05 Changes in budget, how made. (1) The common council, by vote of the majority of all the aldermen, may make such changes in the proposed budget submitted by the board of estimates, either as to purposes or amounts for which money may be expended and as to purposes or amounts for which bonds or mortgage certificates may be issued as it may deem best.

(2) The common council shall not change the purposes or amounts provided in the proposed budget as submitted to it for the departments which by law are authorized to determine their expenditures and the taxes to be levied therefor, unless such department by formal resolution adopted by a majority of all its members shall authorize such change, nor shall the common council change the purposes or amounts of the bond or mortgage certificate issues which are required to be issued by law.

(3) When any department, authorized to determine its expenditures and the taxes to be levied therefor, shall authorize a change in its budget by the common council it shall file its resolution authorizing the change with the city clerk at least two days prior to the time fixed by law for the adoption of such budget, and the council shall then make the change in accordance therewith.

(4) The common council, on or before October first, shall adopt the proposed budget submitted to it prior to September fifteenth by a majority vote of all the aldermen either as submitted or as changed by the council.

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(5) If in any year the common council shall not have required the estimates to be filed with it prior to August first, then it shall adopt the balance of the budget before December thirty-first of that year.

(6) The budget submitted by the board to the council as changed by the council within the time therein provided shall constitute the budget of the city for the following year whether or not any formal resolution or motion adopting it has been passed by the common council. Within five days either after its formal adoption by the council or by operation of law it shall be certified by the city clerk to the mayor for his approval.

(7) If the mayor approves the budget he shall sign it. The mayor shall have power only to disapprove of any item or items therein under the control of the common council and upon disapproving any such item or items he shall return the budget to the clerk with his objections to such items in writing and his reasons therefor.

(8) The common council shall vote on each item disapproved by the mayor separately, and if the mayor's disapproval is sustained it shall affect only the items so disapproved and sustained. The council may thereupon proceed, by an affirmative vote of a majority of the aldermen, to adopt a substitute for the item rejected which shall be separately submitted to the mayor subject to his approval. All items not disapproved by the mayor and sustained by the council shall constitute the budget and be in full force. [*1921 c. 33 s. 2; 1921 c. 581 s. 1*]

65.06 Funds, how expended. (1) No money shall be expended and no liabilities incurred by the city or any department unless otherwise specially authorized by law during the fiscal year, in excess of the amounts specified or except as hereinafter provided for any other purpose than as designated therein, provided, however, that whenever a waterworks department of the city desires to make a contract extending over a period of more than one year for additions to the plant in excess of the estimated revenue for the year, if in the opinion of the board of estimate there will be money available to meet the payments on the contract as they may come due, then, by a majority vote of the board, they may authorize the comptroller to countersign such contract.

(2) Whenever a department is reimbursed for materials or services furnished, and the funds so received are not by law credited to some particular fund, the department may spend the money so received for the same purpose for which the money was originally appropriated in the budget.

(3) Whenever a department whose funds are subject to the control of the common council shall find it necessary to expend a greater sum than authorized by the budget for such specific purpose, and the department shall find it unnecessary to spend a sum as authorized for some other purpose, the department may request the secretary of the board of estimates to authorize the funds unnecessary for one purpose to be transferred to the purpose for which the greater sum is needed, stating the reasons therefor in writing. The secretary shall immediately submit such request to the mayor who shall call a meeting of the board forthwith at which the board may by a majority vote authorize the change, if the change shall be deemed advisable. Thereupon the secretary shall immediately certify the action of the board to the comptroller and the change shall be made in accordance with the action of the board.

(4) Any department authorized by law to fix its own tax levy may change at a regular meeting or one called for that purpose any appropriation specified in the budget for one purpose which is found unnecessary for that purpose to another purpose which the department shall find necessary to spend a greater sum than specified in the budget for that purpose. The department shall certify its action to the comptroller and the change shall be made accordingly.

(5) No department shall spend a greater sum than is appropriated by the budget for that department except:

(a) Unexpended balances from the proceeds of bonds or mortgage certificates carried over from the preceding year may be expended for the purposes for which the bonds or certificates were issued; and

(b) Any department whose funds are subject to the control of the common council may expend funds for the purpose appropriated by the common council from the contingent fund.

(6) (a) The common council by resolution adopted by a three-fourths vote of all the aldermen, may appropriate money from its contingent fund for any lawful purpose.

(b) The common council at any time after the adoption of the budget may, by resolution adopted by a majority vote of the members thereof direct the proper officers of any department to expend such sum or sums of money as are specially appropriated out of any specific fund under its control for any of the several purposes enumerated therein. The adoption of such resolution shall be the authority for such department to proceed and expend such specified sum for the purpose as directed therein.

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(7) Any department whose funds are not subject to the common council may by vote of three-fourths of all its members appropriate money out of its contingent fund for any purpose for which it is authorized to spend money. Before the department shall spend any such funds it shall certify to the comptroller its action and the purpose for which such sum was appropriated.

(8) Any department charged by law with the construction, extension, operation and maintenance of a waterworks or lighting system or any public utility may spend money from the surplus revenue of such waterworks or lighting system or utility in addition to the sum specified in the budget when deemed necessary to maintain the service, upon being authorized so to do by a three-fourths vote of all the aldermen of the common council, specifying by resolution the purpose for which and the sum appropriated. Before any money shall be so expended a copy of the resolution authorizing it shall be certified to the comptroller.

(9) Unless otherwise specifically provided by law, no municipal bonds other than those provided for in the budget shall be issued during the ensuing fiscal year, except in case of great emergency when necessary to protect the public health or safety, and then only when authorized by the common council by a three-fourths vote of all the aldermen.

(10) The city may expend any money or incur liabilities for any purposes which by law are assessable as benefits against parcels of land or are a legal charge against such parcels of land.

(11) Every officer or employe who shall violate or participate in the violation of the provisions of this chapter shall be personally liable to the city for all loss or damage to the city occasioned thereby.

(12) Prior to the adoption of the budget by the common council it shall hold at least one public hearing, but it shall not be necessary to refer the budget to a committee of the common council.

(13) The adoption of the budget shall be authority for the expenditure by a department for the purposes therein provided and of the amounts assigned to the department thereby and no further action by the common council shall be necessary to authorize any department to make such expenditures, except that as provided herein it shall not authorize the expenditure of any money from the contingent fund of the common council.

(14) The common council may at any time suspend the expenditure of any fund assigned to any department by the budget which has not been expended or reserved for the payment of indebtedness incurred by the department. Such action by the council shall be by a majority vote of all the aldermen but shall not only apply to the funds of a department which determines its own tax levy and whose funds are not subject to the control of the common council.

(15) The adoption of the budget for any year shall not authorize the expenditure of any funds for the succeeding year except for indebtedness incurred during the budget year.

(16) All funds subject to the control of the common council assigned by the budget to a department not expended during the budget year and not reserved for indebtedness incurred during the year shall revert to the general revenues of the city.

(17) All funds of a department not subject to the control of the common council and not expended or reserved for indebtedness shall become a part of the general revenues of such department.

(18) Subsections (14), (15), (16) and (17) shall not apply to the expenditure of funds, the proceeds of bonds or mortgage certificates, nor the surplus revenues of any waterworks or lighting system or municipality owned utility.

(19) The omission from the budget of any of the following items shall not prevent the placing of the same on the tax roll for the levy and collection of the tax and the payment of the money therefor:

(a) The payment of interest on or the principal of any bonded debt of the city when due;

(b) The payment of principal and interest on mortgages or mortgage certificates when due; and

(c) Funds required to be raised by any mandatory provision of law. [*1921 c. 33 s. 2; 1921 c. 271; 1921 c. 581 s. 1*]

65.07 Power of common council. (1) The common council shall have power to levy annually a tax upon all the taxable property in the city for the following purposes:

(a) A sufficient general sewerage fund.

(b) A sufficient street improvement fund of not to exceed one mill on the dollar on all taxable property in the city, which fund shall not be used for any other purpose than street improvement.

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(c) A sufficient harbor maintenance fund, for maintaining municipal docks and redredging therefor.

(d) A sufficient contingent fund.

(e) A sufficient general city fund in addition to other funds hereby authorized.

(f) Such other funds as may be created by the common council for a lawful purpose.

(2) All expenses now chargeable to any ward fund shall be paid out of the general city fund unless otherwise provided herein or by the common council.

(3) The aggregate funds provided in section 65.07 shall not exceed eight mills upon each dollar of the total assessed valuation of the taxable property in the city. [*1921 c. 33 s. 2; 1921 c. 581 s. 1*]

65.08 Power of council to levy taxes. The common council shall have power to levy annually in addition to the sums provided in section 65.07 a tax based on the taxable property of the city for the purposes and in the amounts following:

(1) A park and boulevard fund as provided by law, not exceeding one and two-tenths of a mill.

(2) A civil service fund as provided by law, not exceeding thirty-five one-thousandths of a mill.

(3) A museum fund, not exceeding three-tenths of a mill.

(4) A public library fund, not exceeding four-tenths of a mill.

(5) A trade school fund as provided by law, not exceeding six-tenths of a mill.

(6) A public school fund for the support of all public schools other than trade schools, not exceeding six mills.

(7) A school repair fund for keeping in repair school buildings, fixtures, grounds and fences; the purchase of furniture; the making of betterments to school property; and the purchase of necessary additions to school sites, not exceeding eight-tenths of a mill.

(8) A school extension fund as provided by law, not exceeding four-tenths of a mill.

(9) An industrial education fund, not exceeding three-quarters of a mill.

(10) A sewerage commission fund, not exceeding one mill.

(11) An auditorium fund, not exceeding sixty-three one-thousandths of a mill.

(12) A harbor improvement fund, not exceeding thirty-five one-hundredths of a mill. The harbor improvement fund shall not be used for any other purpose than permanent harbor improvements. No municipal bonds shall be issued for permanent harbor improvements in any year for which a tax has been levied for that purpose.

(13) A tax deficit fund not exceeding one-tenth of a mill.

(14) A tax readjustment fund, not exceeding one-fourth of a mill.

(15) A delinquent tax fund, a sum sufficient to cover the estimated tax that will remain unpaid on the tax roll.

(16) A sufficient fund to pay the interest and principal on the funded debt falling due within the year.

(17) It shall not be mandatory, however, upon the common council to levy a tax upon all the taxable property in the city in excess of the mill tax rates hereinafter provided and based upon each dollar of the assessed valuation of such property for the several departments enumerated as follows:

Civil service fund—seventeen one-thousandths of a mill.

Museum fund—two thousand and fifty-seven ten-thousandths of a mill.

Library fund—two hundred and sixty-four one-thousandths of a mill. [*1921 c. 33 s. 2; 1921 c. 581 s. 1, 2, 3*]

65.09 Apportionment of school taxes. The county board of supervisors in determining the amount for support of common schools for a city within the county shall not fix an amount greater than the amount apportioned to the city in the last apportionment for the school fund income of the state. [*1921 c. 33 s. 2*]

65.10 City officers to pay receipts monthly. Each city officer shall keep an itemized and accurate account of all moneys received by him in his official capacity for fees, commissions and otherwise, and shall at the end of each month, during his term of office, pay into the city treasury all such money in his hands and file a duly verified copy of his account with the city comptroller, together with a receipt of the city treasurer showing that such money has been paid into the city treasury. Until such account and receipt are so filed, it shall not be lawful for the common council or city officer, to order, draw, countersign or deliver any warrant for the payment of the salary or allowance of any such delinquent officer. [*1921 c. 33 s. 2*]

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CHAPTER 66.

GENERAL MUNICIPALITY LAW.

66.01 Application.
66.02 Consolidation.
66.03 Adjustment of assets and liabilities on division of territory.
66.04 Appropriations.
66.05 Police regulations.
66.06 Public utilities.
66.07 Mob damage.
66.08 Record of orders and court certificates.
66.09 Judgments against municipalities.
66.10 Official publication.
66.11 Miscellaneous.

66.01 Application. The provisions of chapter 66 shall apply to cities and villages incorporated under special charter as well as to other municipalities. [*1921 c. 396 s. 2*]

66.02 Consolidation. Any town, village, or city may be consolidated with a contiguous town, village, or city, by ordinance, passed by a two-thirds vote of all the members of each board or council, fixing the terms of the consolidation and ratified by the electors at a referendum held in each municipality. The ballots shall bear the words, "for consolidation," and "against consolidation," and if a majority of the votes cast thereon in each municipality shall be for consolidation, the ordinances shall then be in effect and shall have the force of a contract. The ordinance and the result of the referendum shall be certified to the clerk of the consolidated corporation and by him recorded and certified as provided in section 61.11 if a village; or subsection (6) of section 62.06 if a city; to the county clerk, if a town and the certification shall be preserved as provided in subsection (6) of section 60.05, section 61.11 and subsection (6) of section 62.06, respectively. Consolidation shall not affect the pre-existing rights or liabilities of any municipality and actions thereon may be commenced or completed as though no consolidation had been effected. [*Stats. 1919 s. 928; 1921 c. 396 s. 3*]

66.03 Adjustment of assets and liabilities on division of territory. (1) DEFINITION. In this section "municipality" includes school district, town, village and city.

(2) BASIS. Except as otherwise provided in this section when territory is transferred, in any manner provided by law, from one municipality to another, there shall be assigned to such other municipality such proportion of the assets and liabilities of the first municipality as the assessed valuation of all taxable property in the territory transferred bears to the assessed valuation of all the taxable property of the entire municipality from which said territory is taken according to the last assessment roll of such municipality.

(3) REAL ESTATE. The title to real estate shall not be transferred except by agreement, but the value thereof shall be included in determining the assets of the municipality owning the same, and in making the adjustment of assets and liabilities.

(4) PUBLIC UTILITIES. Any public utility plant, including any dam, power house, power transmission line and other structures and property operated and used in connection therewith shall belong to the municipality in which the major portion of the patrons of such utility reside. The value of such utility, unless fixed by agreement of all parties interested shall be determined and fixed by the railroad commission upon notice to the municipalities interested, in the manner provided by law. The commission shall certify the amount of the compensation to the clerks of each municipality interested and said amount shall be used by the apportionment board or boards in adjusting assets and liabilities.

(5) APPORTIONMENT BOARD. The boards or councils of the municipalities, or committees, thereof selected for that purpose, acting together, shall constitute an apportionment board. When any municipality is dissolved by reason of all of its territory being so transferred the board or council thereof existing at the time of such dissolution shall for the purpose of this section, continue to exist as the board or council of such municipality.

(6) MEETING. The board or council of the municipality to which the territory is transferred shall fix a time and place for meeting and cause a written notice thereof to be given the clerk of the municipality from which such territory is taken at least five days prior to the date of the meeting. The apportionment may be made only by a majority of the members from each municipality who attend, and in case of committees, the action must be affirmed by the board or council so represented.

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(7) ADJUSTMENT, HOW MADE. The apportionment board shall determine, except in the case of public utilities, such assets and liabilties from the best information obtainable and shall assign to the municipality to which the territory is transferred its proper proportion thereof by assigning the excess of liabilities over assets, or by assigning any particular asset or liability to either municipality, or in such other manner as will best meet the requirements of the particular case. If a proportionate share of any indebtedness existing by reason of municipal bonds or other obligations outstanding shall be assigned to any municipality it shall cause to be levied and collected upon all the taxable property in such municipality in one sum or in annual instalments the amount necessary to pay the principal and interest thereon when the same shall become due, and shall pay the amount so collected to the treasurer of the municipality which issued said bonds or incurred such other obligations, who shall apply the moneys so received strictly to the payment of such principal or interest.

(8) APPEAL TO COURT. In case the apportionment board is unable to agree, the circuit court of the county in which either municipality is situated, may, upon the petition of either municipality, make the adjustment of assets and liabilities pursuant to provisions of this section.

(9) TRANSCRIPT OF RECORDS. When territory shall be detached from a municipality by creation of a new municipality or otherwise, the proper officer of the municipality from which the territory was detached shall furnish, upon demand by the proper officer of the municipality created from the detached territory or to which it is annexed, authenticated transcript of all public records in his office pertaining to the detached territory. The municipality receiving the transcript shall pay therefor. [*Stats. 1919 s. 40.05, 40.06 sub. (2), 60.05 sub. (5), 61.15, 61.16, 925—1a, 925—20 second sentence, 925—21a last two sentences, 944, 959—8, 959—70m; 1921 c. 199; 1921 c. 396 s. 4, 5*]

66.04 Appropriations. (1) MEMORIAL DAY. (a) Money for the observance of Memorial day may be appropriated by any town meeting or any town or village board or city council, not to exceed in any one year, one hundred dollars in a town, village, or city of the fourth class, one hundred fifty dollars in a city of the second or third class, and one thousand dollars in a city of the first class.

(b) The board or council shall direct the manner of disbursement, unless there be in the town, village, or city a Grand Army post or other organization having in charge memorial day exercises, in which event such organization may direct the manner of disbursement. Two or more such organizations may by concurrent action direct what part of the fund shall be apportioned to each.

(c) The money shall be paid to the chairman, president, or mayor, and he shall account by receipted vouchers to be audited by the board or council. Order of the proper officer of the organization having charge of the exercises, for the payment of expenses of such exercises, shall be a sufficient voucher.

(d) Any town or village board, upon submission of an itemized statement of expenses incurred for Memorial day exercises by a Grand Army post or other organization, may appropriate not to exceed twenty-five dollars toward such expenses.

(2) INDEPENDENCE DAY. Any city or village may appropriate not to exceed five thousand dollars, or ten thousand in a first class city, for the celebration of Independence day. The money shall be expended for such purposes, in such manner, and through such city officers or citizen committees as the board or council shall direct, and may be expended without formal contract. When the Fourth of July falls on Sunday the celebration may be had on either the third or the fifth.

(3) TO PROMOTE PROSPERITY. (a) Upon petition signed by twenty-five per cent of the electors of a city, according to the preceding vote for governor, filed not less than twenty days prior to the regular city election, the following question shall be submitted: "Shall the city make an annual appropriation for commercial and industrial development?"

(b) If a majority of the votes cast on the question be in the affirmative, the council thereafter shall appropriate annually, in cities of the first class not more than four thousand dollars, in cities of the second class not more than three thousand dollars, and in cities of the third and fourth classes not more than two thousand dollars to aid and encourage the location of manufacturing, industrial, and commercial plants therein and for other purposes designed to increase the population, taxable property, and business prosperity of the city, and for necessary incidental expenses in relation thereto. The moneys shall be used by the council for such purposes.

(c) Thereafter, upon like petition, the question of discontinuing such appropriation shall be submitted and decided in like manner.

(4) BONUS TO STATE INSTITUTION. No appropriation or bonus of any kind shall be made by any town, village, or city, nor any municipal liability created nor tax levied, as

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a consideration or inducement to the state to locate any public educational, charitable, reformatory, or penal institution.

(5) AID TO AGRICULTURAL SOCIETIES. Any town, village or city may, by a two-thirds vote of the board or council, appropriate in any one year a sum not to exceed one thousand dollars to aid any organized agricultural society or any incorporated poultry association, but no such society or association shall receive any such aid unless it also receives aid from the state, or make no charge to the public for admittance to its exhibitions.

(6) PUBLIC WELFARE ASSOCIATIONS. Any city may appropriate money for charitable and philanthropic purposes, to provide relief and assistance to those in need or to promote the general welfare of the poor and to alleviate poverty. Such appropriation may be made directly to any corporation located in such city organized for the purposes set forth herein. When so appropriated the money shall be expended and accounted for by such corporation in such manner as the council may direct.

(7) TEMPORARY INVESTMENTS. Any county, city, village, town or school district may temporarily invest any of its funds, not immediately needed, in bonds or securities of the United States or of any county, city, village, town, or school district of this state, and may sell or hypothecate the same. [*Stats. 1919 s. 940k, 943f—1, 959—81, 959—81m, 959—81o, 959—81p, 959—114; 1921 c. 317; 1921 c. 396 s. 6 to 11; 1921 c. 590 s. 74, 75*]

66.05 Police regulations. (1) PRIVILEGES IN STREETS. (a) Privilege for an obstruction or excavation beyond the lot line, or within a highway in any town, village, or city, other than by general ordinance affecting the whole public, shall be granted only as provided in this subsection.

(b) Application therefor shall be made to the board or council, and the privilege shall be granted only on condition that by its acceptance the applicant shall become primarily liable for damages to person or property by reason of the granting of the privilege, be obligated to remove the same upon ten days' notice by the state or the municipality and waive right to contest in any manner the validity of this subsection or the amount of compensation charged and that the applicant file such bond as the board or council require, not exceeding ten thousand dollars running to the town, village, or city, and such third parties as may be injured, to secure the performance of these conditions. But if there is no established lot line and the application is accompanied by a blue print, the board or council may make such conditions as they deem advisable.

(c) Compensation for the special privilege shall be paid into the general fund and shall be fixed, in towns by the chairman, in villages by the president, and in cities by a board consisting of the board or commissioner of public works, city attorney and mayor.

(d) The holder of such special privilege shall be entitled to no damages for removal of the obstruction or excavation, and if he shall not remove the same upon due notice, it shall be removed at his expense.

(e) Third parties whose rights are interfered with by the granting of such privilege shall have right of action against the holder of the special privilege only.

(f) The provisions of paragraphs (a) to (e), inclusive, do not apply to public service corporations, but such corporations shall secure permit from the proper official for temporary obstructions or excavation in a highway and shall be liable for all injuries to person or property thereby.

(g) This subsection does not apply to such obstruction or excavation for not longer than three months, and for which permit has been granted by the proper official.

(h) Obstruction or excavation by a city or village in any street, alley, or public place belonging to any other municipality is included in this subsection.

(i) Anyone causing any obstruction or excavation to be made contrary to the provisions of paragraphs (a) to (h), inclusive, shall be liable to a fine of not less than twenty-five dollars and not more than five hundred dollars, or to imprisonment in the county jail for not less than ten days nor more than six months, or to both such fine and imprisonment.

(2) BUILDING MATERIAL AND APPROACHES IN STREETS. The council of any city of the fourth class, may by ordinance or resolution, provide for the use of not to exceed one-third in width of any or all of its streets adjacent to any proposed building, for the purpose of temporarily depositing thereon, building material and other articles necessary to be used in and about the construction of such building, and may by ordinance provide for the use of not to exceed three and one-half feet of its street or streets adjacent to any business building or proposed business building therein, to be used for approaches to such building, stairways to the basement floors of such building or openings for light to such basements.

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(3) INTERFERENCE WITH PUBLIC SERVICE STRUCTURE. No contractor having a contract for any work upon, over, along or under any public street or highway shall interfere with, destroy or disturb the structures of any public service corporation encountered in the performance of such work so as to interrupt, impair or affect the public service for which such structures may be used, without first procuring written authority from the commissioner of public works, or other properly constituted authority. It shall, however, be the duty of every public service corporation, whenever a temporary protection of, or temporary change in, its structures, located upon, over, along or under the surface of any public street or highway is deemed by the commissioner of public works, or other such duly constituted authority, to be reasonably necessary to enable the accomplishment of such work, to so temporarily protect or change its said structures; provided, that such contractor shall give at least two days' notice of such required temporary protection or temporary change to such corporation, and shall pay or assure to such corporation the reasonable cost thereof, except when such corporation is properly liable therefor under the law, but in all cases where such work is done by or for the state or by or for any county, city, village, or town, the cost of such temporary protection or temporary change shall be borne by such public service corporation.

(4) REMOVAL OF RUBBISH. Cities and villages may cause the removal of ashes, garbage, and rubbish from such classes of places therein as the board or council shall direct. The removal may be from all such places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain of them only, and different regulations may be applied to each removal district. The cost of removal may be provided for by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city or village.

(5) RAZING OF BUILDINGS. (a) The inspector of buildings in every city of the first and second class may order the owner of premises upon which is located any building within such city which in the judgment of the inspector is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, and so that it would be unreasonable to repair the same, to raze and remove such building or if it can be made safe by repairs, to repair and make safe or to raze or remove at the owner's option. The order shall specify a time within which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner or his agent where an agent is in charge of the building in the manner provided for service of a summons in the circuit court. If the owner is a nonresident of the state, the order may be served by posting it on the building and by publishing in the official newspapers of the city for two consecutive days at least ten days before the time limited in the order commences to run.

(b) If the owner shall fail or refuse to comply within the time prescribed, the inspector of buildings shall cause such building to be razed or removed, either through any available public agency or by contract or arrangement with private persons. The cost of such razing or removal shall be charged against the property upon which such building is located and shall be a lien upon such property, and shall be assessed and collected as a special tax.

(c) Any one affected by any such order may apply to the circuit court for an order restraining the inspector of buildings from razing or removing such building. Hearing shall be had within twenty days and shall be given precedence over other matters on the court's calendar. The court shall determine whether the order of the inspector of buildings is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances require. Costs shall be in the discretion of the court. If the court finds that the order of the inspector of buildings is unreasonable, the inspector of buildings shall issue no other order pursuant to the authority of this section in regard to the same building until its condition is substantially changed. The remedies herein provided shall be exclusive remedies, and any one affected by such an order of the inspector shall not be entitled to recover any damages for the razing or removal of any such building.

(d) "Building" as used in this subsection includes any building or structure.

(6) GAMBLING. The board or council of any town, village, or city may prohibit all forms of gambling and fraudulent devices and practices and cause the seizure of anything devised solely for gambling or found in actual use for gambling and the destruction thereof after a judicial determination of the character or use.

(7) OFFENSIVE INDUSTRY. Any city council may direct the location, management, and construction of, and license, regulate, or prohibit any industry, thing, or place where any nauseous, offensive or unwholesome business may be carried on, within the city or within four miles of the boundaries, except that the Milwaukee, Menominee and Kinnickinic rivers with their branches to the outer limits of the county of Milwaukee, and all

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canals connecting with said rivers, together with the lands adjacent to said rivers and canals or within one hundred yards thereof, shall be deemed to be within the jurisdiction of the city of Milwaukee.

(8) LICENSES. (a) *Exhibitions.* Any town, village, or city may license and regulate theatrical and other shows and public exhibitions. Receipts therefrom shall be paid into the treasury, and no license shall be in force beyond the term of the board or council granting the same. No license shall be required for lectures on scientific, moral, or literary subjects, or for concerts, if no other object is connected therewith.

(b) *Billposters.* Any village or city may by ordinance license and regulate billposters, distributors, and outdoor advertisers, fix the terms of license, and revoke the same at pleasure.

(c) *Electricians.* Any village or city may license and regulate electrical installation contractors or subcontractors. The license fee shall be not less than one dollar nor more than twenty dollars per year.

(d) *Peddlers.* Cities may license, regulate or restrain hawkers, peddlers and runners or solicitors for steamboats, vessels, cars, railroads, stages, public houses and other establishments, and other runners or solicitors for mercantile houses from other cities or towns for the sale of goods, wares and merchandise by sample, order or otherwise; and keepers or proprietors of gift book stores, gift concerts and other gift enterprises. [*Stats. 1919 s. 925—52 sub. (6), (47), 926—102, 927p, 930, 959—30o, 959—35w, 959—58a, 959—59, 959—70, 959—80; 1921 c. 391; 1921 c. 396 s. 13 to 22, 24*]

66.06 Public utilities. (1) DEFINITIONS. The definition of "public utility" in section 1797*m*—1 is applicable to this section. Whenever the phrase "resolution or ordinance" is used in this section, it means, as to villages and cities, ordinance only.

(2) LIMITATION. Nothing in this section shall be construed as depriving the railroad commission of any power conferred by sections 1797*m*—1 to 1797*m*—109, inclusive, and sections 1797—14 to 1797—35, inclusive.

(3) FRANCHISES. (a) Any city or village may grant to any person or corporation the right to construct and operate therein a system of waterworks or to furnish light, heat or power subject to such reasonable rules and regulations as the proper municipal authorities by ordinance may from time to time prescribe.

(b) The board or council may submit the ordinance when passed and published to a referendum.

(c) No such ordinance shall be operative until sixty days after passage and publication unless sooner approved by a referendum. Within that time electors equal in number to twenty per cent of those voting at the last regular municipal election, may demand a referendum. The demand shall be in writing and filed with the clerk. Each signer shall state his occupation and residence and signatures shall be verified by the affidavit of an elector. The referendum shall be held at the next regular municipal election, or at a special election within ninety days of the filing of the demand, and the ordinance shall not be effective unless approved by a majority of the votes cast thereon. This paragraph shall not apply to extensions by a utility previously franchised by the village or city.

(4) SERVICE CONTRACTS. (a) Cities and villages may contract for furnishing light or heat to the municipality or to the inhabitants thereof for a period of not more than ten years or for an indeterminate period if the prices shall be subject to adjustment at intervals of not greater than five years.

(b) When a village or city shall have contracted for water or lighting service to the municipality the cost shall be raised by tax levy and kept as a separate fund and used for no other purpose. In making payment to the owner of the utility a sum equal to the amount due the city from such owner for taxes or special assessments may be deducted.

(c) This subsection shall apply to every city and village regardless of any charter limitations on the tax levy for water or light.

(5) JOINT USE OF TRACKS. (a) When two electric railway companies, in pursuance of franchises, are operating upon the same public way, the city may by ordinance, effective ninety days after passage and publication, require joint use of tracks and prohibit the operation of cars on either track in more than one direction. Such joint use shall include right to install and maintain necessary poles, wires, conduits, and other accessories.

(b) Either of such railway companies may acquire by condemnation a right to use the tracks of the other company for such purpose of providing one way tracks, upon terms and conditions determined by agreement, or by the procedure provided in sections 32.08 to 32.14, inclusive, except that pending appeal to the circuit court the use may be had upon payment or deposit with the clerk of the court of the compensation awarded.

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(6) MUNICIPAL TRACKS. Cities may lay and maintain street railway tracks upon bridges and viaducts and by ordinance lease such tracks to any company authorized to operate a street railway in the city. But the city shall not grant an exclusive lease to any one company, nor such an exclusive franchise upon approaching ways as will prevent other companies from using such municipal tracks.

(7) JOINT OPERATION. Any city or village served by any privately owned public utility, street railway or interurban railway rendering local service may contract with the owner thereof for the leasing, public operation, joint operation, extension and improvement by the municipality or with funds loaned by the municipality, for the stabilization by municipal guaranty of the return upon or for the purchase by instalments out of earnings or otherwise of that portion of said public utility, street or interurban railway which is operated within such municipality and any territory immediately adjacent and tributary thereto; or for the accomplishment of any object agreed upon between the parties relating to the use, operation, management, value, earnings, purchase, extension, improvement, sale, lease or control of such property. The provisions of subsection (13) of this section relating to preliminary agreement, approval by the railroad commission, and ratification by the electors, shall be applicable to the contracts authorized hereby and said railroad commission shall, when any such contract is approved by it and consummated co-operate with the parties in respect to making valuations, appraisal, estimates and other determinations specified in such contract to be made by it.

(8) ACQUISITION. (a) Any town, village or city may construct, purchase or lease any plant and equipment located within or without the municipality, and including interest in or lease of land, for furnishing water, light, heat, or power, to the municipality, or to its inhabitants or for street railway purposes; may acquire a controlling portion of the stock of any corporation owning private [waterworks] or lighting plant and equipment; and may purchase the equity of redemption in a mortgaged or bonded waterworks or lighting system, including the cases where the municipality shall in the franchise have reserved right to purchase. The character or duration of the franchise, permit or grant under which any public utility is operated, shall not affect the power to acquire the same hereunder. Two or more public utilities owned by the same person or corporation, or two or more public utilities subject to the same lien or charge, may be acquired as a single enterprise under any proceeding heretofore begun or hereafter commenced, and the board or council may at any time agree with the owner or owners of any public utility or utilities as to the agreed value thereof, and to contract to purchase or acquire the same hereunder at such value, upon such terms and conditions as may be mutually agreed upon between said board or council and said owner or owners.

(b) A resolution, specifying the method of payment and submitting the question to a referendum, shall be adopted by a majority of all the members of the board or council at a regular meeting, after publication at least one week previous in the official paper.

(c) The notice of the referendum shall include a general statement of the plant equipment or part thereof it is proposed to acquire or construct and of the manner of payment.

(d) Referendum elections under this subsection shall not be held oftener than once a year.

(9) METHOD OF PAYMENT. (a) Any town, village, or city, owning or acquiring any public utility may provide payment for the same, or any part thereof, and for necessary additions and improvements, from the general fund, or from the proceeds of either municipal bonds, mortgage bonds, or mortgage certificates.

(b) Where payment is provided by mortgage bonds, the term "public utility" shall include street railways, and the payment shall be in the manner following:

1. The board or council shall issue and sell bonds bearing interest at a rate not exceeding six per centum per annum, payable annually or semiannually, executed in such manner and payable at such times not exceeding forty years from the date thereof, and at such places, as the board or council of such town, village or city shall determine, which bonds shall be payable only out of the said special redemption fund. Any and all bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant. In case any of the officers whose signatures or countersignatures appear on the bonds or the coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. Any such bonds and the interest thereon issued against any such redemption fund shall be a valid claim of the holders thereof only against the said special redemption fund and the fixed proportion or amount of the revenues pledged to such fund, and shall not constitute an indebtedness of

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such town, village or city within the meaning of the constitutional provisions and limitations. Each such bond shall state plainly upon its face that it is payable only from the special fund, naming the said fund and the ordinance creating it and that it does not constitute an indebtedness of such town, village or city. The said bonds may be issued either as registered bonds or as coupon bonds payable to bearer. Coupon and bearer bonds may be registered as to principal in the holder's name on the books of the town, village or city, such registration being noted on the bond by the clerk or other designated officer, after which no transfer shall be valid unless made on the books of the town, village or city by the registered holder and similarly noted on the bond. Any bond so registered as to principal may be discharged from such registration by being transferred to bearer after which it shall be transferable by delivery but may be again registered as to principal as before. The registration of the bonds as to the principal shall not restrain the negotiability of the coupons by delivery merely, but the coupons may be surrendered and the interest made payable only to the registered holder of the bonds. If the coupons be surrendered, the surrender and cancellation thereof shall be noted on the bond and thereafter interest on the bond shall be payable to the registered holder or order in cash or at his option by check or draft payable at the place or one of the places where the coupons were payable. Such bonds shall be sold in such manner and upon such terms as the board or council shall deem for the best interest of said town, village or city; provided, however, that such bonds shall not be sold for less than par. The board or council may provide in any contract for the purchase, acquisition or construction of any utility, that payment thereof shall be made in such bonds at the par value thereof.

2. All moneys received from any bonds issued pursuant hereto shall be applied solely for acquiring such public utility, and in the payment of the cost of any necessary additions and improvements, and there shall be and there is hereby granted and created a statutory mortgage lien upon the public utility so purchased, constructed or acquired to and in favor of the holders of the said bonds and each of them, and to and in favor of the holders of the coupons of said bonds. The public utility s purchased, acquired or constructed shall remain subject to such statutory mortgage lien until the payment in full of the principal and interest of the bonds issued pursuant thereto. Any holder of the said bonds or of any of the coupons attached thereto may either at law or in equity by mandamus or other action or proceeding, protect and enforce the statutory mortgage lien hereby conferred, and compel performance of all duties required by this subsection of the town, village or city or of any officer thereof, including the making and collecting of reasonable and sufficient rates lawfully established for service rendered by such utility, the segregation of the income and revenues of the said utility and the application of the respective funds created pursuant to the provisions of this statute. If there be any default in the payment of the principal or interest of any of the said bonds, any court having jurisdiction of the action may appoint an administrator or receiver to administer the said public utility on behalf of the said town, village or city and the said bondholders, with power to charge and collect rates lawfully established sufficient to provide for the payment of the operating expenses and also to pay any bonds or obligations outstanding against said utility, and to apply the income and revenues thereof in conformity with this statute and the said ordinance, or the said court may declare the whole amount of said bonds due and payable and may order and direct the sale of the said public utility. Under any sale so ordered, the purchaser shall be vested with an indeterminate permit to maintain and operate the said public utility. If any town, village or city shall have acquired or constructed any such public utility and shall have paid therefor and for any additions and improvements authorized at the time of acquisition in the manner herein provided, such town, village or city may provide for the additions and improvements by additional issue of bonds in the manner herein provided; but such additional issue or issues of bonds shall be subordinate to all prior issues of bonds which may have been made hereunder. Any town, village or city may issue new bonds in the manner herein provided and secured in the same manner, to provide funds for the payment of the principal and interest of any bonds then outstanding; provided, that upon any reissue of such bonds the question shall not be required to be submitted to the electors whenever such reissue shall be approved by a vote of not less than two-thirds of the board or council.

3. Said board or council shall by ordinance set aside the income and revenues of such public utility into a separate and special fund to be used and applied in the maintenance and operation thereof, and in the payment of the cost thereof. Said ordinance shall fix and determine (a) the proportion of the revenues of such public utility which shall be necessary for the reasonable and proper operation and maintenance thereof; (b) the proportion of the said revenues which shall be set aside as a proper and adequate depreci-

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tion account; and (c) the fixed proportion of the said revenues which shall be set aside and applied to the payment of the principal and interest of the bonds herein authorized.

4. In fixing and determining the proportion of the revenues of such public utility required for operation and maintenance, the board or council shall have regard to the cost of operation and maintenance of the utility, and shall not set aside into such special fund a greater amount or proportion of the revenues and proceeds thereof than in their judgment shall be properly required for the said operation and maintenance. The sums so set aside for operation and maintenance shall be used and applied exclusively for that purpose, until the accumulation of a surplus of the amount hereinafter specified.

5. The proportion set aside to the depreciation fund shall be expended in making good depreciation in the said public utility or in new constructions, extensions or additions to the property of such public utility. Any accumulations of such depreciation fund may be invested, and if invested, the income from the investment shall be carried in the depreciation fund. Said fund and the proceeds thereof shall not be used for any purpose other than as herein provided.

6. The fixed proportion which shall be set aside for the payment of the principal and interest of the bonds herein authorized shall from month to month as the same shall accrue and be received, be set apart and paid into a special account in the treasury of the said town, village or city to be identified as "the .... bond and interest redemption account," the full title of such account to be specified by the said ordinance. In fixing and determining the amount or proportion which shall be set aside for the payment of the principal and interest of the bonds herein authorized, the board or council may provide that the amount to be set aside and paid into the said bonds and interest redemption account for any year or years shall not exceed a fixed sum which sum shall be at least sufficient to provide for the payment of the interest and principal of the said bonds maturing and becoming payable in each such year, together with a surplus or margin of ten per cent in excess thereof.

7. If any surplus shall be accumulated in the said operating and maintenance fund, which shall be equal to the cost of maintaining and operating the said plant during the remainder of the calendar, operating or fiscal year then current, and the cost of maintaining and operating the said utility during the calendar, operating or fiscal year then next ensuing, any excess over such surplus may be by said board or council transferred to either the depreciation account to be used for any improvements, extensions or additions to the properties of such public utility, or to the bond and interest redemption account, as said board or council may designate.

8. If and when a surplus shall be created in the said bond and interest redemption account which shall be in excess of the interest and principal of any bonds becoming payable during the calendar, operating or fiscal year then current, together with the amount of interest or principal of any bonds which shall become due and payable during the calendar, operating or fiscal year then next ensuing, the said board or council may transfer any excess over such surplus to either the operation and maintenance account, or to the depreciation account, which said board or council may designate.

9. The reasonable cost and value of any service rendered to such town, village or city by such public utility by furnishing water for public purposes or by the maintenance of hydrants and other facilities for fire protection, or by furnishing light, heat or power for the use of the said municipality shall be charged against the said municipality and shall be by it paid for in monthly instalments as the service accrues out of the current revenues of the said municipality collected or in process of collection and the tax levy of the said municipality made by it to raise money to meet its necessary current expenses. The compensation for such service rendered to such municipality shall in the manner hereinbefore provided, be paid into the separate and special fund created by setting aside the income and revenues of such public utility and shall be subject to apportionment to the operating and maintenance, depreciation and bond and interest redemption accounts.

10. The rates for all services rendered by such public utility to the municipality or to citizens, corporations or other consumers, shall be reasonable and just, taking into account and consideration the value of the said public utility, the cost of maintaining and operating the same, the proper and necessary allowance for depreciation thereof, and a sufficient and adequate return upon the capital invested.

11. Said board or council of such town, village or city shall have full power to adopt all ordinances necessary to carry into effect the provisions of paragraph (b) of this subsection, which ordinances may contain such provisions and stipulations for the administration of the special fund and for the security of the bondholders as the said board or council shall deem necessary.

12. The board or council of any town, village or city purchasing, acquiring or constructing any public utilities under the provisions of paragraph (b) of this subsection

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shall have the power to pay all incidental expenses incurred in connection therewith, including commissions for selling said bonds, out of the current revenues of such town, village or city.

13. Proceedings for the acquisition, or providing funds for payment of any public utility by any town, village or city heretofore begun under the provisions of law other than paragraph (b) of this subsection, may be proceeded with either under the provisions of such law, if still in force, or under the provisions of such paragraph as the board or council may elect.

14. The ordinance required by subdivision 3 of this paragraph may also authorize and set apart bonds hereunder equal to the amount of any secured debt or charge subject to which a public utility or utilities may be purchased or acquired in any proceedings heretofore begun or hereafter commenced, and shall set aside for interest and sinking fund from the income and revenues of the public utilities, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge, or if such instrument does not make any provision therefor, said ordinance shall fix and determine the amount which shall be set aside into secured debt account from month to month for interest on the secured debt or charge, and a fixed amount or proportion not exceeding a stated sum, which shall be not less than one per cent of the principal, to be set aside into said account to pay the principal of the secured debt or charge. Any surplus after satisfying the secured debt or charge, may be transferred to bond and interest redemption account. Public utility bonds set aside for such debt may, from time to time be issued to an amount sufficient with the amount then in such sinking fund, to pay and retire the said debt or any portion thereof; such bonds may be so issued at not less than par in exchange for, or satisfaction of, the secured debt or charge, or may be sold in the manner herein provided, and the proceeds applied in payment of the same at maturity or before maturity by agreement with the holder. A municipality acquiring a public utility hereunder shall not assume any liability for the payment of a secured debt or charge, other than the obligation to apply the revenues in the manner prescribed in the ordinance. The board or council and the owner or owners of any public utility acquired hereunder may, upon such terms and conditions as are satisfactory contract that public utility bonds to provide for such secured debt or claim, or for the whole purchase price shall be deposited with a trustee or depository and released from such deposit from time to time on such terms and conditions as are necessary to secure the payment and retirement of the secured debt or claim or any portion thereof.

(c) When payment is provided by mortgage certificate it shall be in the manner following:

1. The chief executive and clerk shall issue therefor mortgage certificates which shall recite that they are secured by trust deed or mortgage upon such equipment and that no municipal liability is created thereby.

2. Such mortgage certificate shall bear interest not to exceed six per cent per annum, payable semiannually, shall not be sold for less than par value, and shall be made payable at the option of such city in not less than five years from the date thereof and in not more than twenty years from the date thereof.

3. To secure the payment of principal and interest of such mortgage certificates, the chief executive and clerk shall execute to the purchaser thereof, or to a trustee selected by resolution or ordinance, a trust deed or mortgage upon such equipment and additions and improvements.

4. The trust deed or mortgage shall among other things provide:

a. That the lien upon the property therein described and upon the income, shall be the only security, and that no municipal liability is created.

b. That the income from operation shall be applied, first to necessary operating expenses and repairs, second, to interest on the mortgage certificates, and third, to a sinking fund, and that an amount not less than four per cent of the face value of outstanding certificates will be placed annually in said sinking fund and be invested as other sinking funds.

c. That if any interest shall remain due and unpaid for twelve months, or if any part of the principal shall not be paid when due, the trust deed or mortgage may be foreclosed as other trust deeds or mortgages.

d. That upon default in payment of principal or interest, the holder of such trust deed or mortgage may by notice in writing served after such default declare the whole amount secured due and payable six months after such service and that it shall be so due and payable.

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5. Refunding mortgage certificates may be issued in the same manner, upon a two-thirds vote of the board or council, or upon resolution or ordinance and referendum as provided in subsection (8). When not submitted to a referendum, the rate of interest and time of payment shall be as fixed by subdivision 2 of paragraph (c) of subsection (9).

(10) MANAGEMENT. (a) In towns, villages and cities owning a public utility, the board or council shall provide for a nonpartisan management thereof, and shall create for each or all such utilities, a board of three or five commissioners, to take entire charge and management of such utility, to appoint a manager and fix his compensation, and to supervise the operation of the utility under the general control and supervision of the board or council.

(b) The commissioners shall be elected by the board or council for a term, beginning on the first day of October, of as many years as there are commissioners, except that the terms of the commissioners first elected shall expire successively one each year on each succeeding first day of October.

(c) The commissioners shall choose from among their number a president and a secretary. They may command the services of the city engineer and may employ and fix the compensation of such subordinates as shall be necessary. They may make rules for their own proceedings and for the government of their department. They shall keep books of account, in the manner and form prescribed by the railroad commission, which shall be open to the public.

(d) It may be provided, notwithstanding the provisions of section 62.09, that departmental expenditures be audited by such commission, and if approved, be paid by the city treasurer upon warrant signed by the president and secretary of the commission; that the utility receipts be paid to a bonded cashier or cashiers appointed by the commission, to be turned over to the city treasurer at least once a month; and that the commission have such general powers in the construction, extension, improvement, and operation of the utility as shall be designated.

(e) Actual construction work shall be under the immediate supervision of the board of public works or corresponding authority.

(f) Two or more public utilities acquired as a single enterprise hereunder may be operated as a single enterprise.

(11) CHARGES. (a) The council or board of any town, village or city operating a public utility may, by ordinance, fix the initial rates and provide for this collection monthly, quarterly or semiannually in advance or otherwise. The rates shall be uniform for like service in all parts of the municipality. The charges shall be collected by the treasurer.

(b) On the first day of January and July in each year the department in charge of the utility shall furnish the treasurer with a list of all lots or parcels of real estate to which water has been furnished by the city during the preceding six months and the amount due for the same. If such amount is not paid within ten days thereafter a penalty of ten per cent shall be added and the treasurer shall proceed to collect the said dues with said penalty, together with five per cent thereon for his fees. He shall have all the authority in collecting said tax vested in him for the collection of general city taxes. Said dues shall be a lien on the real estate to which the water was furnished from the time said list is placed in the hands of said clerk, and all sums that have accrued during the preceding year and are not paid by the first day of November in any year shall be reported by the treasurer to the clerk, who shall insert the same in the tax roll as a delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent city taxes shall apply to said tax. This section shall apply also to other public utility service as far as practicable.

(c) The income of a public utility owned by a municipality, shall first be used to meet operation, maintenance, depreciation, interest, and sinking fund requirements, additions and improvements, and other necessary disbursements or indebtedness. Income in excess of these requirements may be used to purchase and hold interest bearing bonds, issued for the acquisition of the utility, or bonds issued by the United States or any municipal corporation of this state, or may be paid into the general fund.

(d) Any city of the first class may use funds derived from its water plant above such as are necessary to meet operation, maintenance, depreciation, interest and sinking funds, new construction or equipment or other indebtedness, for sewerage construction work other than such as is chargeable against abutting property; or they may turn such funds into the general fund to be used for general city purposes, or may place such funds in a special fund to be used for special municipal purposes.

(12) OUTSIDE SERVICE. (a) Any town, village or city owning water, light or power plant or equipment may serve persons or places outside its corporate limits, including ad-

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joining municipalities not owning or operating a similar utility and for that purpose may use equipment owned by such other municipality.

(b) So much of such plant or equipment as shall be situated in another municipality and used to serve such municipality or its inhabitants for profit, shall be taxable in such other municipality pursuant to the provisions of sections 76.47 to 76.53, inclusive.

(13) SALE OR LEASE. Any town, village or city may sell or lease any public utility equipment owned by it, in manner following:

(a) A preliminary agreement with the prospective purchaser or lessee shall be authorized by a resolution or ordinance containing a summary of the terms proposed, of the disposition to be made of the proceeds, and of the provisions to be made for the protection of holders of obligations against such equipment or against the municipality on account thereof. Such resolution or ordinance shall be published in the official paper at least one week before adoption, or if there is no such paper, in some paper published in the municipality, if any, otherwise it shall be posted in four of the most public places in the municipality at least ten days before adoption. It may be adopted only at a regular meeting and by a majority of all the members of the board or council.

(b) The preliminary agreement shall fix the price of sale or lease, and provide that if the amount fixed by the railroad commission shall be larger, the price shall be that fixed by such commission.

(c) The municipality shall submit the preliminary agreement when executed to the railroad commission, which shall determine whether the interests of the municipality and of the residents thereof will be best served by the sale or lease, and if it so determine, shall fix the price and other terms.

(d) The proposal shall then be submitted to the electors of the municipality. The notice of the referendum shall include a description of the equipment, and a summary of the preliminary agreement, and of the price and terms as fixed by the railroad commission. If a majority voting on the question shall vote for the sale or lease, the board or council shall be authorized to consummate the same, upon the terms and at a price not less than fixed by the railroad commission, with the proposed purchaser or lessee or any other with whom better terms approved by the railroad commission can be made.

(e) Unless the sale or lease is consummated within one year of the referendum, or the time is extended by the railroad commission, the proceedings shall be void.

(14) IN FIRST CLASS CITIES. All provisions of this subsection apply to all first class cities.

(a) *Waterworks.* 1. Water rates shall be collected in the manner and by any one whom the council may from time to time determine, and shall be accounted for and paid to such other officials in such manner and at such times as the council may from time to time prescribe. Such persons shall give a bond to cover all the duties in such an amount as may be prescribed by the council. Final accounting shall be made to comptroller and final disposition of money shall be made to city treasurer.

2. The words "commissioner of public works" in paragraph (a) hereof shall be construed to mean and have reference to any board of public works, or commissioner of public works, or other officer of any city having control of the public works therein, and all acts authorized to be done by such commissioner except for the enforcement of regulations approved by the council shall require the approval of the council before they shall have any force or effect.

3. When the city owns its waterworks, the commissioner of public works shall have power, from time to time, to make and enforce by-laws, rules and regulations in relation to the said waterworks, and, before the actual introduction of water, he shall make by-laws, rules and regulations, fixing uniform water rates to be paid for the use of water furnished by the said waterworks, and fixing the manner of distributing and supplying water for use or consumption, and for withholding or turning off the same for cause, and he shall have power, from time to time, to alter, modify or repeal such by-laws, rules and regulations.

4. All water rates shall be due and payable on the first days of January, April, July and October in each year, for the three months preceding such days. To all water rates remaining unpaid on the twenty-first day of the month in which they become due, there shall be added a penalty of five per cent of the amount of such rates, and if such rates shall remain unpaid for ten days thereafter, water shall be turned off the premises, subject to the payment of such delinquent rates, and in all cases where the supply of water shall be turned off as above provided, water shall not be again turned on to said premises until all delinquent rates and penalties, and the sum of two dollars as expense for turn-

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ing the water off and on, shall have been paid. On or before each day when such rates become due and payable as aforesaid, a written or printed notice or bill shall be mailed or personally delivered to the owner or occupant of all premises subject to the payment of water rates, directed to the place where such water is consumed, stating the amount due, the time when and the place where such rates can be paid, and the penalty for neglect of payment.

5. All water rates for water furnished to any building or premises, and the cost of repairing meters, service pipes, stops or stop boxes, shall be a lien on the lot, part of lot or parcel of land on which such building or premises shall be situated. If any water rates or bills for the repairing of meters, service pipes, stops or stop boxes remain unpaid on the first day of October, in any year, the same shall be certified to the city comptroller of such city on or before the first day of November next following, and shall be by him placed upon the tax roll and collected in the same manner as other taxes on real estate are collected in said city. The charge for water supplied by the city in all premises where meters are attached and connected, shall be at rates fixed by the commissioner of public works and for the quantity indicated by the meter. If in any case, the commissioner of public works shall determine that the quantity indicated by the meter is materially incorrect or if a meter has been off temporarily on account of repairs, the commissioner of public works shall determine in the best manner in his power the quantity used, and such determination shall be conclusive. No water rate or rates duly assessed against any property shall be thereafter remitted or changed except by the council of such city.

6. The commissioner of public works of any such city may issue a permit to the county in which it is located, to any national home for disabled soldiers, or to any other applicant to obtain water from the waterworks in the said city for use outside of the limits of such city; and for that purpose to connect any pipe that shall be laid outside of the city limits with any water pipe in such city. No such permit shall be issued until the applicant shall first file with the commissioner of public works a bond in such sum and with such surety as the said commissioner shall approve, conditioned that the said applicant will obey all rules and regulations that may from time to time be prescribed by the commissioner of public works for the use of such water; that he will pay all charges fixed by said commissioner for the use of such water as measured by a meter to be approved by said commissioner, which charges shall not be less than one-quarter more than those charged to the inhabitants of the city for like use of water; that he will pay to any such city a water pipe assessment if the property to be supplied with water has frontage on any thoroughfare forming the city boundary line in which a water main has or shall be laid, and at the rate prescribed by the commissioner of public works; if the property to be supplied does not front on a city boundary but is distant therefrom, that a main pipe of the same size, class, and standard as terminates at the city boundary shall be extended, and the entire cost shall be paid by the applicant for the extension; that such water main shall be laid according to city specifications and under city inspection; that such water main and appliances shall become the absolute property of such city, without any compensation therefor, whenever the property supplied with water by said extension or any part thereof shall be annexed to or in any manner become a part of such city; and that he will pay to any such city all damages whatever that it may sustain, arising in any way out of the manner in which such connection is made or water supply is used. In case of granting a permit to any county or to any national home for disabled soldiers, the commissioner of public works may waive the giving of such a bond. Every such permit shall be issued upon the understanding that such city shall in no event ever be liable for any damage in case of failure to supply water by reason of any condition beyond its control.

7. The commissioner of public works shall prescribe and regulate the kind of water meters to be used in such city and the manner of attaching and connecting the same, and may in like manner make such other rules for the use and control of water meters attached and connected as herein provided as shall be necessary to secure reliable and just measurement of the quantity of water used; and may alter and amend such rules from time to time as shall be necessary for the purposes named. If the owner or occupant of any premises, where the attaching and connection of a water meter may lawfully be required, shall neglect or fail to attach and connect such water meter, as is required according to the rules established by the commissioner of public works, for thirty days after the expiration of the time within which such owner or occupant shall have been notified by said commissioner of public works to attach and connect such meter, the commissioner of public works may cause the water supply by the city to be cut off from the premises, and

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it shall not be restored except upon such terms and conditions as the commissioner of public works shall prescribe.

8. The commissioner of public works may prescribe and regulate the size of connections made with the distribution mains for supplying automatic sprinkler systems and fix an annual charge for such service.

9. The commissioner of public works may also make rules and regulations for the proper ventilating and trapping of all drains, soil pipes and fixtures hereafter constructed to connect with or be used in connection with the sewerage or water supply of the city. The council may provide by ordinance for the enforcement of such rules and regulations, and may prescribe proper penalties and punishment for disobedience of the same. The commissioner of public works may also make rules to regulate the use of vent, soil, drain, sewer or water pipes in all buildings in said city, which hereafter shall be proposed to be connected with the city water supply or sewerage, specifying the dimensions, strength and material of which the same shall be made, and may prohibit the introduction into any building of any style or water fixture, tap or connection, the use of which shall have been determined to be dangerous to health or for any reason unfit to be used, and the commissioner of public works shall require a rigid inspection by a skilled and competent inspector under his direction of all plumbing and draining work and water and sewer connections, hereafter done or made in any building in the city, and unless the same are done or made according to rules of the commissioner of public works, and approved by [him,] no connection of the premises with the city sewerage or water supply shall be allowed.

10. The said commissioner shall make an annual report to the council of his doings under this subsection and the state of the water fund and the general condition of said waterworks, and such report after being submitted to the council shall be filed in the office of the comptroller.

(b) *Utility directors.* 1. The term "electric plant" as used in this subsection shall mean a plant for the production, transmission, delivery and furnishing of electric light, heat or power directly to the public.

2. If the city shall have determined to acquire a street railway and electric plant or either of them, or any other public utility in accordance with the provisions of this subsection, the mayor of such city, prior to the city taking possession of such property shall appoint, subject to the confirmation of the council, seven persons of recognized business experience and standing to act as the board of directors for such utility. Two of such persons shall be appointed for a term of two years, two for a term of four years, two for a term of six years, and one for a term of eight years. Thereafter successors shall be appointed in like manner for terms of ten years each. Any such director may be removed by the mayor with the approval of the council for misconduct in office or for unreasonable absence from meetings of the directors.

3. The directors so appointed shall have power: To employ a manager experienced in the management of street railways and electric plants or other like public utilities and fix his compensation and the other terms and conditions of employment and to remove him at pleasure, subject to the terms and conditions of his employment To advise and consult with the manager and other employes as to any matter pertaining to maintenance, operation or extension of such utility. To perform such other duties as ordinarily devolve upon a board of directors of a corporation organized under chapter 86 of the statutes and which is not inconsistent with the provisions of this act and of the laws governing cities of the first class. No money shall be raised or authorized to be raised by said board of directors other than from revenues derived from the operation of the utility, except by action of the council.

4. The manager appointed by the board of directors shall have complete management and control of the utility, subject to the powers herein conferred upon the board of directors and the council and shall have power to appoint assistants and all other employes which he deems necessary and fix their compensation and other terms and conditions of employment, except that the board of directors may prescribe rules for determining the fitness of persons for positions and employment.

5. The council shall fix the compensation, if any, of members of the board of directors and shall have the powers herein conferred upon it and such other powers as it now possesses with reference to street railways, electric plants and other public utilities.

(15) UTILITY DISTRICTS. (a) Towns, villages and cities of the fourth class may establish utility districts and thereafter the expense of highways (not including bridges), sewers, sidewalks, street lighting, and water for fire protection, or either, as board or council shall direct, not chargeable to private property, shall be paid out of the fund of the proper districts.

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(b) The fund of each district shall be provided by taxation of the property in such district, upon an annual estimate by the department in charge of public works in cities and villages, and by the superintendent of highways in towns, filed by October first. Separate account shall be kept of each district fund.

(c) In towns a majority vote and in villages and cities a three-fourths vote of all the members of the board or council shall be required to thus establish utility districts and by a like vote districts may be vacated, altered, or consolidated.

(d) Before the vote shall be effective to establish, vacate, alter or consolidate, the procedure prescribed in subsections (2) to (5) of section 62.18 shall be had, both as to the plan and the purposes which the district shall embrace, except that the plan need be approved by the state board of health only as to sewers. In towns the superintendent of highways shall perform the duties hereby imposed upon the board of public works and the notice may be given by posting in three most public places in said town, one of which shall be in the proposed district, at least two weeks prior to such meeting.

(e) The provisions of this subsection shall not affect the application of the provisions of subsection (18) of section 62.18 to any city.

(16) ORNAMENTAL LIGHTING SYSTEM. (a) Upon petition of the owners of one-half or more of the taxable frontage on any street or part thereof designated by a city council or village board as an ornamental lighting district, praying for the installation and maintenance and lighting of an ornamental lighting system therein, the council or board may by ordinance, provide for and may contract for the installation of ornamental posts, standards, or brackets along said street or part thereof and for the lighting and maintenance of the same for a period of not less than one nor more than five years; and may contract for such lighting and maintenance during additional one to five-year periods unless discontinued by the municipality on its own motion, or until discontinued upon a petition of the owners of one-half or more of the taxable frontage, concurred in by the municipality.

(b) The words "frontage on any one block, street or part thereof" means the frontage on both sides of any street, highway, or public place between two designated limits.

(c) Such ordinance shall apportion the cost of such installation, lighting and maintenance between the municipality and the abutting owners, in such manner as the council or board may determine, and may apportion separately the cost of installation, and the cost of maintenance and lighting.

(d) Such cost apportioned to the abutting owners shall be assessed against the property and collected from such owners in the manner provided for the collection of street improvement assessments, and the contract may provide either that the cost apportioned to the abutting owners shall be paid by the municipality to the contractor in anticipation of the collection of assessments, in which case the assessments shall belong to the municipality when collected, or may provide that said assessments shall be collected by the municipality and paid to the contractor when collected, and in the latter case improvement certificates may be issued to the contractor for the amount of such assessments, for the installation when completed, in the manner of issuing certificates for street improvements.

(e) The cost apportioned to the abutting owners shall be assessed to them, respectively, in the ratio of each property's assessed valuation on the street or part thereof covered by said petition.

(f) The provisions hereof are applicable as to the lighting of streets, highways and public places by means of ornamental street lighting systems erected prior to the passage hereof, and to the maintenance of such systems.

(g) Nothing in this section shall be construed to limit or repeal the provisions of sections 1797*m*—1 to 1797*m*—109, inclusive, or to limit the powers of the council or board to provide for the lighting of streets, highways, or public places by means of an ornamental system when the council or board may determine, on its own initiative, and without the petition of abutting lot owners, to contract for the erection and maintenance of such ornamental lighting system and the furnishing of electric current therefor. In all such cases, the council or board shall determine whether the entire cost shall be borne by the municipality, or whether the cost of installation shall be borne by the abutting property owners and the cost of maintenance and lighting by the municipality.

(h) The words "ornamental lighting system" as used herein shall mean lights of a uniform character supported by fixtures that are uniform and of such design as shall be adopted by the council or board, and installed at regular intervals not to exceed one hundred and twenty-five feet apart on both sides of any street, or extending over the same forming an arch calculated to be of greater benefit to the abutting property than the street lights suspended at street intersections in the method commonly used for general

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street lighting. In cities of the third and fourth classes said fixtures may be installed at intervals as regular as is reasonably practicable at distances not to exceed two hundred feet measured along the center of the street, and may be placed in pairs on each side of street or placed alternately on opposite sides of street or in boulevard in center of street or in arches over the street.

(17) DOCKS AND WHARVES. Any city council may by ordinance establish dock lines, regulate the construction of piers and wharves extending into any lake or navigable waters, prescribe and control the prices to be charged for pierage or wharfage thereon, prescribe and regulate the prices to be charged for dockage and storage in the city, and lease the wharfing privileges of the rivers and navigable waters at the ends of streets, giving preference to owners of adjoining land. No buildings shall be erected on the ends of streets, and a free passage over the same for all persons, with their baggage, shall be reserved.

(18) ICE PLANTS. Any city may enter into any contract which will enable it to purchase, construct, lease or acquire any equipment necessary to secure, manufacture, or sell ice, and to supply ice to itself, its inhabitants and persons doing business therein, or the county in which it is located, and may operate the same.

(19) FUEL DEPOTS. Any city may by a vote of three-fourths of all the members of the council establish and operate equipment for the purchase, sale and supply of fuel to its citizens, under regulation of the council.

(20) SLAUGHTERHOUSES. (a) Authority is hereby given to every county and to every city of more than five thousand inhabitants to construct and maintain public slaughterhouses upon such conditions and under such regulations as may be imposed by the dairy and food commissioner.

(b) The county board in each county and the common council in each city shall authorize the construction of such county or municipal slaughterhouse, shall make the necessary appropriation for the purchase of land and the construction and maintenance of such slaughterhouse and shall take proper action to secure the building, establishment and maintenance of such county or municipal slaughterhouse. Provided, that in cities such municipal slaughterhouse shall be maintained and operated by the health department in such city.

(c) All cattle, sheep, swine and goats slaughtered in such slaughterhouse shall be examined by the proper state authorities, and after examination and inspection shall be approved or condemned in accordance with the state laws and the municipal regulations governing the examination and inspection of similar private establishments.

(d) Any person, firm or corporation who shall make use of a county or municipal slaughterhouse, and in such use shall violate any of the terms of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than one year, or by both such fine and imprisonment in the discretion of the court.

(e) The provisions of this section shall apply only to such counties and to such cities as shall have adopted the same at any general or municipal election at which the question of the establishment of such county or municipal slaughterhouse shall have been submitted to the voters of such county or such city. Such question shall, upon the written petition of electors of such county or such city equal in number to at least ten per cent of all the votes cast in such county or such city for governor at the last preceding general election, be submitted to the electors of such county or such city at the next ensuing election, and if a majority of votes cast shall be in favor of the establishment of such slaughterhouse, the provisions of this section shall apply to such county or to such city.

(21) AERIAL LANDING FIELDS. Any city may purchase or lease lands for the use of the public as an aerial landing field, and may construct thereon hangars, shops, and other equipment and maintain such landing field; and may establish and collect uniform fees for use of such field. [*Stats. 1919 s. 925—52 sub. (34), (58), (59), 925—95, 925—95a, 925—95b, 925—95e, 925—95f, 925—96, 925—98, 925—99, 926—101, 926—101j to 926—101n, 926—126 to 926—129, 926—139, 927—1 part sub. 1, sub. 3, 4, 5, 927—1a, 927—1m, 927—2, 927—3, 927—5, 927—6, 927—9 to 927—19, 927—20 to 927—26, 940b, 940j—41 to 940j—44, 959—30l to 959—30n, 959—47 to 959—50, 959—51 part, 959—52 to 959—52x, 959—116, 959—116a, 959x—1 to 959x—5; 1921 c. 164, 234, 332, 563; 1921 c. 396 s. 26 to 30, 32 to 57, 59 to 68, 70 to 78, 79; 1921 c. 590 s. 61, 62, 63, 64, 76, 97*]

66.07 Mob damage. (1) The county shall be liable for injury to person or property by a mob or riot therein, except that within cities the city shall be liable.

(2) Claim therefor must be filed within six months thereafter. Such claim may be allowed in whole or in part, as other claims, and procedure to enforce shall be as for other claims.

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(3) The city or county may recover all such claims and costs paid by it, against any and all persons engaged in inflicting the injury.

(4) No person shall recover hereunder when the injury was occasioned or in any manner aided, sanctioned, or permitted by him or caused by his negligence, nor unless he shall have used all reasonable diligence to prevent the same, and shall have immediately notified the mayor or sheriff after being apprised of any threat of or attempt at such injury. Every mayor or sheriff receiving such notice shall take all legal means to prevent injury, and if he refuse or neglect to do so, the party injured may elect to hold such officer liable by bringing action against him within six months of the injury.

(5) This section shall not apply to property damage to houses of ill fame when the owner has notice that they are used as such. [*Stats. 1919 s. 938 to 940; 1921 c. 396 s. 80*]

66.08 Record of orders and court certificates. The clerk of every town, village, city and county which is not provided with a book which will serve the purposes hereinafter indicated shall obtain and keep a cancellation book in which he shall enter the number and date of each order drawn upon the treasurer of his town, city, village or county, the page of the record of the proceedings of the body which authorized the issuing of such order, the amount thereof, the name of the drawee, the purpose for which it was allowed and the date of its cancellation. Such book shall be furnished by the clerk of each county to the town, city and village clerks therein; he shall prescribe the form and size thereof and procure the same at the expense of the county; upon their receipt he shall transmit them to such clerks and charge their cost to the municipalities to which they are supplied. Immediately after the close of each term of court in any county the clerk of the court shall file with the county clerk a list of the court certificates drawn on the county treasurer, which list shall specify the number of each certificate, its date, the amount for which it was drawn, the name of the payee and the character of the service performed by him. Said list shall be recorded in a part of the cancellation book set apart for that purpose, which part shall contain a blank column in which shall be entered the date of the cancellation of each certificate. Whenever any town, village, city or county treasurer shall pay or receive in payment of taxes, or for any other purpose equivalent to the payment thereof, any order or court certificate he shall return the same to the proper authorities at their first meeting thereafter, and such evidences of indebtedness shall be canceled by destroying them, and the date of their cancellation shall be immediately entered by the proper clerk in the cancellation book. It shall be the duty of every such clerk on the receipt of such book to enter therein a list of all orders and court certificates which remain outstanding and unpaid. [*Stats. 1919 s. 959—7; 1921 c. 396 s. 81*]

66.09 Judgments against municipalities. (1) When a final judgment for the payment of money shall be recovered against a town, village, city, county, school district or community centre, or against any officer thereof, in any action by or against him in his name of office, when the same should be paid by such municipality, the judgment creditor, or his assignee or attorney, may file with the clerk thereof a certified transcript of such judgment or of the docket thereof, together with his affidavit of payments made, if any, and the amount due thereon and that the judgment has not been appealed from or removed to another court, or if so appealed from or removed has been affirmed; and thereupon the amount so due, with costs and interest to the time when the money will be available for its payment, shall be added to the next tax levy, and shall, when received, be paid to satisfy such judgment. If the judgment shall be appealed from after filing the transcript with the clerk, and before the tax is collected, the money shall not be collected on that levy. If the clerk shall fail to include the proper amount in the first tax levy, he shall include it or such portion as shall be required to complete it in the next levy.

(2) In the case of school districts or community centres, transcript and affidavit shall be filed with the clerk of the town, village or city in which the district or any part of it lies, and levy shall be made against the taxable property of the district or centre.

(3) No process for the collection of such judgment shall issue until after the time when the money, if collected upon the first tax levy as herein provided, would be available for payment, and then only by leave of court upon motion.

(4) If by reason of dissolution or other cause, pending action, or after judgment, the transcript cannot be filed with the clerk therein designated, it shall be filed with the clerk or clerks whose duty it is to make up the tax roll for the property liable. [*Stats. 1919 s. 60.65, 61.62, 929, 2965m, 3038m; 1921 c. 396 s. 82*]

66.10 Official publication. Whenever in sections 66.01 to 66.08, inclusive, publication is required to be in the official paper of other than a city, and there is no official paper, the publication shall be in a paper published in the municipality and designated

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by the officers or body conducting the proceedings, and if there be no paper published in the municipality, then in a paper published in the county and having a general circulation in the municipality and so designated, and by posting in at least four public places in the municipality, and if there be also no such paper, then by such posting. [*1921 c. 396 s. 83*]

66.11 Miscellaneous. (1) DEPUTY SHERIFFS AND POLICE. No person shall be appointed deputy sheriff or police officer of any county or city unless he is a citizen of the United States and shall have resided in this state continuously for one year immediately preceding. This section shall not affect common carriers, nor apply to a deputy sheriff not required to take an oath of office.

(2) ELIGIBILITY OF OTHER OFFICERS. No member of a town, village, or county board, or city council shall, during the term for which he is elected, be eligible for any office or position which during such term has been created by, or the selection to which is vested in, such board or council.

(3) PROCESS AGAINST OFFICER. No process against private property shall issue in an action or upon a judgment against a public corporation or an officer in his official capacity, when the liability, if any, is that of the corporation nor shall any person be liable as garnishee of such public corporation.

(4) ORDERS; ACTION; PROOF OF DEMAND. No action shall be brought upon any city, village or school district order until the expiration of thirty days after a demand for the payment of the same shall have been made. If such action is brought and the defendant fails to appear and defend the same judgment shall not be entered without affirmative proof of such demand, and if entered without such proof shall be absolutely void. [*Stats. 1919 s. 925—256, 929—1, 959—39m, 960; 1921 c. 396 s. 84 to 87*]

CHAPTER 67.

MUNICIPAL BORROWING AND MUNICIPAL BONDS.

67.01 Definitions and interpretations.
67.02 Procedure validated.
67.03 Grant of power to borrow; general limitations of indebtedness.
67.04 Purposes and specific limitations of bond issues.
67.05 Bond issues; procedure.
67.06 Form and contents of bonds.
67.07 Maturity and place of payment
67.08 Execution and negotiation.
67.09 Registration of bonds.
67.10 Fiscal and administrative regulations.
67.11 Temporary borrowing.
67.12 Diversion of funds, liability of officers for.

67.01 Definitions and interpretations. In this chapter, unless the context or subject matter otherwise requires:

(1) "Municipality" includes a county, city, village, town, common school district, consolidated district, state graded school district, free high school district, union free high school district, whether any such district is joint or otherwise, a board of education, a board of park commissioners, and any other public body empowered to borrow money and issue written obligations to repay the same out of public funds or revenues.

(2) "Municipal obligation" includes every lawful promise or engagement in writing by a municipality to pay at a specified future time a specified sum of money.

(3) "Governing body" includes a town, village or county board, the common council of a city, and the board of any district or other municipality enumerated in subsection (1).

(4) Every reference to the population of a municipality refers to its population according to the last United States census; and every reference to the value of the taxable property in a municipality, other than a county, refers to such value according to the last equalized assessment thereof for state and county taxes, and in a county, to such value as last established by the tax commission.

(5) "Recorded" means copied at length in the record book required by subsection (12) of section 67.05.

(6) "Initial resolution" means any resolution or ordinance adopted pursuant to subsection (1) or subsection (2) of section 67.05, by which a proceeding is instituted for the purpose of authorizing a municipality to borrow money and issue bonds or other municipal obligations.

(7) Proceedings for municipal borrowing or for the issuing of municipal obligations, which may be pending at the time this chapter becomes effective, may be continued to

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completion, pursuant to the laws under which they were instituted, except as herein provided, the provisions of law governing the issuance of bonds, the borrowing of money and the necessary procedure prescribed therefor so far as the same may be deemed applicable to cities of the first class shall remain in full force and effect.

(8) This chapter is not applicable:

(a) To the borrowing of moneys belonging to the common school fund, the normal school fund, the university fund or the agricultural college fund; all of which borrowing shall continue to be regulated by chapter 25 of these statutes.

(b) To the issue or payment of street, sewer, harbor or other improvement bonds or certificates which do not constitute a general liability of the municipality issuing them, and for the payment of which specified portions only of the taxable property in such municipality are taxable.

(c) To highway bonds issued by authority of sections 1317*m*—12 to 1317*m*—15.

(d) To drainage bonds issued by authority of sections 1368—10 to 1368—14, or of sections 1379—22 to 1379—31*b*.

(e) To viaduct bonds issued pursuant to section 59.91.

(f) To special improvement bonds issued pursuant to section 59.92.

(g) Nor to mortgage bonds or mortgage certificates issued for the purpose of acquiring public utilities, including street railways, pursuant to section 66.07. [*1921 c. 576 s. 3*]

67.02 Procedure validated. (1) Validations heretofore effected by legislative enactments of defective or irregular procedure in the creation, execution, or issue of municipal obligations continue unaffected by the repeal of said enactments or by the consolidation and revision of them in this chapter.

(2) Similar defects and irregularities in any such proceeding hereafter had which is for a lawful purpose, is unaffected by fraud, and does not exceed any statutory or constitutional limitation of amount, shall not invalidate the bonds issued or the indebtedness incurred after the bonds have been sold or hypothecated and the proceeds thereof received and appropriated by the municipality to such lawful purpose, nor after the performance of a contract has been entered upon by a party whose performance of the contract is the consideration for such bonds or other obligations.

(3) The governing body of any municipality about to issue municipal bonds may, in its discretion, submit to the attorney-general a certified copy of all its proceedings preliminary to such issue, and also the unsigned bonds, for examination and certification as provided by subsection (5a) of section 14.53. As soon as bonds so examined and certified shall be returned the clerk of the municipality shall record such certificate. [*1921 c. 576 s. 3*]

67.03 Grant of power to borrow; general limitations of indebtedness. (1) Every municipality may borrow money and issue municipal obligations therefor for the purposes specified and by the procedure provided in this chapter, and for no other purpose and in no other manner, except as provided otherwise in subsections (7) and (8) of section 67.01; but every municipality is forbidden to become indebted in any manner or for any purpose to any amount, including existing indebtedness, which in the aggregate exceeds five per centum of the value of the taxable property therein. The principal of the aggregate debt of cities of the first class shall never exceed a sum equal to five per cent on the amount of the assessed value of the taxable property in any such city, which value shall be ascertained and determined by the average annual amount of the assessment rolls thereof for the next preceding five years.

(2) The amount so limited includes such indebtedness only as has been or may be incurred independently by a municipality for its own separate purposes; and does not include any indebtedness, in whole or in part, that has been or may be incurred independently by any other municipality for its own separate purposes, even though the territory and taxable property of either municipality constitutes the whole or a part of the territory and taxable property of the other.

(3) Whenever a municipality acquires a utility or other property of any kind that at the time is incumbered by mortgage, trust deed or otherwise, the municipality does not assume the payment of such incumbrance, nor does the incumbrance constitute any part of the amount limited by subsection (1). Neither is any deferred payment upon a municipal contract a part of said amount, if the contract expressly provides immunity for the municipality from all liability arising from such contract to make such payment. [*1921 c. 576 s. 3*]

67.04 Purposes and specific limitations of bond issues. Municipalities are empowered to borrow money, subject to the general limitation of amounts prescribed by section 67.03, and subject in some specific cases to the further limitations prescribed by this sec-

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tion, and to issue bonds therefor, for the purposes enumerated in this section. Such bonds may be issued:

(1) By any county:

(a) To provide county buildings, including county poorhouses, county hospitals or asylums for the insane, county tuberculosis sanatoriums, county workhouses and houses of correction; but all outstanding unpaid bonds for these purposes shall not exceed in amount at one time one and one-half per centum of the value of the taxable property in such county.

(b) In counties having a population of two hundred fifty thousand or more, to provide sites and buildings for the institutions and departments mentioned in section 46.21, and to furnish and equip them for use.

(c) To provide a sum not exceeding in amount one per centum of the value of the taxable property in the county for the original construction and for the improvement and maintenance of highways.

(d) To construct, acquire or maintain, or to aid in constructing, acquiring or maintaining, a bridge over and across any navigable or meandered stream bordering upon or intersecting the county.

(e) To pay an authorized subscription to the capital stock or mortgage bonds, or both, issued by any railroad company.

(f) Except in counties having a population of one hundred fifty thousand or more, to aid the county road and bridge fund; but all outstanding unpaid bonds for such aid shall not exceed in amount at one time one per centum of the value of the taxable property in the county.

(g) To provide that part of the cost of any breakwater or protection pier which is authorized by section 30.05 to be raised by a bond issue.

(h) To acquire land for county parks.

(i) To provide for or to aid in the erection of memorials to the soldiers, sailors and marines, residents of the county, who served in the late war against Germany; but the amount of such bonds shall not exceed five mills on the dollar of the value of the taxable property in the county.

(j) To raise a fund not exceeding one hundred thousand dollars for use by the settlers' reclamation department under the provisions of section 1458—5.

(2) By any city of the second, third and fourth class:

(a) To purchase voting machines.

(b) To purchase, erect, enlarge, equip and maintain public buildings for its use; schoolhouses, including buildings for parental schools and vocational schools; buildings for public libraries, museums, baths, hospitals, police stations, and city markets; and to acquire suitable sites for such buildings.

(c) To construct, acquire, repair or maintain viaducts and bridges within its corporate boundaries; and to build, purchase and maintain, or to aid in building, purchasing or maintaining a bridge located or to be located as specified in section 1320; but bonds to construct a viaduct shall not exceed in amount one-fifth of one per cent of the value of the taxable property in the city.

(d) To acquire or erect engine houses, engines and apparatus for the extinguishment of fires, including pumps, water mains, reservoirs and all other reasonable facilities for fire protection.

(e) To pay the cost of laying out or widening streets; to provide street improvements, sewers, and drains, whenever the city makes the cost thereof a general city charge; to create either a revolving or a temporary fund out of which to advance the cost of paving streets and building and repairing sewers and sidewalks, in anticipation of the collection by the city treasurer of the special assessments, special improvement certificates and improvement bonds, made or issued for the cost thereof.

(f) To construct, acquire, enlarge, extend or maintain any plant or equipment, or any part of a plant or equipment, for the production, transmission, delivery or furnishing of heat, light, water, or power, either directly or indirectly, to or for the public.

(g) To purchase or acquire any public utility or any street railway when it deems it necessary or desirable to raise money for either of those purposes in the course of such acquisition, by proceedings had under sections 1797*m*—1 to 1797*m*—109, or under sections 1797*t*—1 to 1797*t*—13; but this paragraph shall not be construed as an amendment of any of said sections nor as impairing, altering or affecting the powers of the railroad commission in any such proceeding.

(h) To acquire land, including submerged land, and improve the same for the purpose of providing public parks, public drives, boulevards, cemeteries, garbage grounds, or sewage disposal works.

(i) To purchase toll bridges and their approaches.

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(j) To acquire the necessary sites for, and to construct and maintain thereon, public docks, wharves and approaches.

(k) To provide dredging, docking and other harbor improvements whenever the city makes the cost thereof a general city charge.

(l) To provide that part of the cost of any breakwater or protection pier which is authorized by section 30.05 to be raised by a bond issue.

(m) To construct, acquire, or maintain, or to aid in constructing, acquiring or maintaining a free bridge over a navigable or meandered stream bordering on or intersecting the city, which necessarily will be more than four hundred seventy-five feet long, exclusive of approaches, when located by the state highway commission, pursuant to section 1321a.

(n) To purchase, construct, maintain and operate telephone lines and exchanges, or to aid in such construction; but the amount of bonds issued for such aid shall not exceed one-half of the entire cost of the lines and exchanges described in the proposal or request for aid.

(o) To provide or assist in providing a building, monument or other memorial in honor of the soldiers, sailors and marines, residents of the city, who served in the late war against Germany; but the amount of such bonds shall not exceed five mills on the dollar of the value of the taxable property of the city.

(p) To pay an authorized subscription to the capital stock or mortgage bonds, or both, issued by any railroad company.

(q) To provide the projection, planning, construction and establishment of a sewage disposal plant or system.

(3) By any city of the first class however incorporated:

(a) For the erection and construction of a city hall or other public buildings and the purchase of sites for the same.

(b) For the construction and extension of waterworks plants, or the purchase of existing plants, for the construction and improvement of sewers, and for the construction of and improvement of flushing tunnels with the buildings and the machinery for operating the same.

(c) For the erection of new school buildings, or additions to old buildings, or to purchase school sites; to acquire sites and erect or enlarge buildings thereon, or to equip such new or old buildings, for use by the local board of industrial education.

(d) For the purchase of sites for engine houses, for fire engines and other equipments of the fire department and for the construction of engine houses.

(e) For the purchase of sites for police stations and for the construction of buildings thereon for the use of the police department.

(f) For the purchase or construction of viaducts and bridges and for the acquiring of rights of way for the same.

(g) For the erection and construction of library and museum buildings and the purchase of sites for the same.

(h) For the construction of public baths and hospitals and the purchase of sites for the same.

(i) For the purchase of lands for city markets and the construction of market buildings thereon.

(j) For the purchase of lands for public parks and improvement thereof and the erection of buildings thereon.

(k) For the filling in and improving of submerged land ceded by the state for the purpose of making a public park or boulevard, and to construct the necessary revetments and retaining walls.

(l) For the construction or purchase of electric or gas plants or to enlarge or extend such plants or equip any part thereof, or the acquiring of street railway property.

(m) For permanent harbor improvements.

(n) For the purpose of paying the city's portion of the cost of abolishing grade crossings.

(o) For the projection, planning, construction, and establishing of sewage disposal plants or systems.

(p) For the purpose of financing the assessable portion of the cost of making street improvements as provided in section 3 of chapter 202 of the laws of 1917.

(q) For the purpose of laying out, opening, or widening streets.

(r) For the purpose of widening streets, creating boulevards and parkways, and to establish civic and municipal centers, playgrounds and reservations in and about and along and leading to any or all of the same, and after the establishment, lay-out and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations for the future use and occupa-

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tion of such real estate, so as to protect such public works and improvements and their environments and preserve the view, appearance, light, air and usefulness of such public works. Such bonds shall be retired in the manner provided by law for the retiring of municipal bonds.

(s) To provide for the erection and equipment of auditoriums and music halls.

(t) To acquire sites, erect buildings thereon, and equip them for use as art museums, or to purchase existing art museums.

(u) For the erection and construction, or enlargement of garbage disposal plants and to purchase sites for the same.

(v) To provide, or assist in providing, a building, monument, or other memorial in honor of the soldiers, sailors and marines, who served in the war against Germany.

The bonds provided for by subsection (3) shall be payable in lawful money of the United States within twenty years from their issue, bearing interest payable annually, or semiannually, at a rate not exceeding six per cent per annum.

(4) By any village: Every village may issue bonds for any of the purposes for which a city is authorized to issue bonds by paragraphs (a), (d), (f), (g), (h), (l), (m), (n), (o), (p) and (q) of subsection (2) of this section under the circumstances and subject to the limitations therein expressed; and also for the following further purposes:

(a) To provide for the purchase, construction, enlargement and repair of school and other public buildings.

(b) To co-operate with another village in the construction, purchase or leasing of any bridge located or to be located, as specified in section 1319*o*, including the acquisition of necessary land for enlargements and the acquisition of existing franchises and charter rights; but neither village shall issue any such bonds unless the other shall borrow its proportion of the cost, and the amount of the issue by either shall not exceed ten thousand dollars.

(c) To contribute to the cost of creating, organizing and equipping any county school of agriculture and domestic economy, located within or adjacent to the village, pursuant to sections 41.47 to 41.55; but such contribution shall not exceed one-fifth of the entire cost.

(d) To provide streets, street improvements, sewers, and drains, whenever the village makes the cost thereof a general village charge.

(e) To build, purchase or maintain, or to aid in building, purchasing or maintaining, a bridge located or to be located, as specified in section 1320.

(5) By any town:

(a) To purchase voting machines.

(b) To purchase or build a town hall.

(c) To provide a sum, not exceeding five thousand dollars, sufficient to defray the cost of any bridge in the town costing more than two thousand dollars.

(d) To provide any sum within its constitutional limitation of indebtedness for building roads, when the town is located in a county containing a city of the first or second class; and in all other towns to provide a sum for that purpose not exceeding ten thousand dollars.

(e) To build, purchase or maintain, or to aid in building, purchasing, or maintaining a bridge over and across any navigable or meandered stream which borders upon or intersects the town.

(f) To provide that part of the cost of any breakwater or protection pier which is authorized by section 30.05 to be raised by an issue of bonds.

(g) To purchase, construct, maintain and operate telephone lines and exchanges or to aid in such construction; but the amount of bonds issued for such aid shall not exceed one-half of the entire cost of the lines and exchanges described in the proposal or request for aid.

(h) To pay an authorized subscription to the capital stock or mortgage bonds, or both, issued by any railroad corporation.

(i) To purchase or acquire public utilities or street railways when it is deemed necessary or desirable to raise money for either of those purposes in the course of such acquisitions, under sections 1797*m*—1 to 1797*m*—109, or under sections 1797*t*—1 to 1797*t*—13; but this paragraph shall not be deemed an amendment of any of said sections, nor shall it impair, alter or affect the powers of the railroad commission in any such proceedings.

(j) To purchase land under the circumstances mentioned in subsection (15) of section 60.18.

(k) To provide or to assist in providing a building, monument or other memorial in honor of the soldiers, sailors and marines, residents of the town, who served in the late

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war against Germany; but the amount of such bonds shall not exceed five mills on the dollar of the value of the taxable property of the town.

(1) To construct, acquire, or maintain, or to aid in constructing, acquiring or maintaining a free bridge over a navigable or meandered stream bordering on or intersecting the town, which necessarily will be more than four hundred seventy-five feet long, exclusive of approaches, when located by the state highway commissioners pursuant to section 1321*a*.

(6) By any common school district, consolidated district, state graded school district, free high school district, union free high school district, whether any such district is joint or otherwise, or by any board of education, by whatever name designated, which is especially authorized to issue bonds: To purchase, erect or improve school buildings or teacherages, to acquire schoolhouse or teacherage sites or school playgrounds, and to equip such buildings with heat, light, ventilation or other necessary apparatus; but no issue of bonds for purchasing a schoolhouse site, a teacherage site, or a school playground, or for purchasing or erecting a teacherage, shall exceed twenty-five thousand dollars, except in counties containing a population of one hundred fifty thousand or more, where the limit of indebtedness that may be incurred for the acquisition of a schoolhouse site or addition thereto is any sum not in excess of an amount certified by the governing body of the town, village, or city in which the site is situated as reasonable and necessary for that purpose.

(7) By the board of park commissioners in any city of the second or third class: To provide for acquiring, laying out and improving parks, parkways, boulevards and pleasure drives, and to acquire land for those purposes; but such indebtedness shall not at any time exceed one-fourth of one per centum of the value of taxable property in the park district.

(8) By any municipality to provide for refunding of any bonds issued prior to 1913 in cases where the municipality has inadvertently failed to provide a direct annual tax or sinking fund sufficient to pay the indebtedness, principal and interest as they fall due. Such bonds to bear a rate of interest not exceeding six per cent per annum. [*1921 c. 576 s. 3; 1921 c. 590 s. 84, 85, 86*]

67.05 Bond issues; procedure. (1) INITIAL RESOLUTION BY GOVERNING BODY. The governing body of any municipality about to issue bonds pursuant to this chapter is required, except where initial action has already been taken by electors under subsection (2), to adopt a resolution stating the amount and purpose or purposes, which must not conflict with the limitations imposed upon such municipality by sections 67.03 and 67.04; and setting forth the denomination of the bonds, the rate of interest they should bear, the times and places of payments of principal and interest, the value of all taxable property in the municipality according to each of the last preceding five valuations thereof, and the average of such values, the aggregate amount of all its bonded indebtedness, the amount, if any, of outstanding bonds previously issued by the municipality for the same purpose, and such other and further matter as the governing body may deem necessary or useful. A resolution for an issue of bonds to provide payment for an authorized subscription to the capital stock or mortgage bonds, or both, of a railroad company, shall embody a copy of the application for such issue required by subsection (8). A resolution for an issue of bonds to provide for the purchase or erection of a telephone line or exchange shall embody a copy of the proposition required by subsection (9). And a resolution for an issue of bonds to provide a free bridge, pursuant to section 1321*a*, shall embody a copy of the findings required by said section to be filed by the state highway commission.

(2) INITIAL RESOLUTION BY ELECTORS. (a) The electors of any town, common school district, consolidated district, state graded school district, free high school district, union free high school district, whether such district is joint or otherwise, or of any municipality other than a county, a city, a village, or a board of park commissioners, may at any annual meeting, or at a special meeting of such electors called for the purpose, adopt the initial resolution prescribed by subsection (1) without any prior adoption thereof by the governing body of such municipality.

(b) The electors of a city or county may adopt the initial resolution prescribed by subsection (1) in the manner provided by section 10.43 and subsection (2) of section 59.02.

(3) INITIAL RESOLUTION, HOW ADOPTED. Every initial resolution in and for a city shall be offered and read at a regular meeting of the city council, shall be published in the official paper of the city not less than twice during the sixty days next following such reading, and shall be deemed invalid and ineffectual for any purpose unless supported by the affirmative vote of at least three-fourths of all of the members of said council, taken at a regular meeting held after such publication, and within said sixty days; and every initial resolution adopted by the governing body of any municipality, other than a city,

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shall be deemed invalid and ineffectual for any purpose unless supported by the affirmative vote of at least a majority of the members-elect of such governing body. Every such vote by a county board shall be taken at an annual, or an adjourned annual or a special meeting thereof; and every such vote by any governing body, other than a city council or a county board, shall be taken at a meeting attended by all of its members-elect, or, if any such member is not present, proof by the affidavit of a present member must be made and recorded, showing that the absent member or members were notified of the time, place and purpose of the meeting at least twenty-four hours before such time.

(4) REFERENDUM IN COUNTIES. Whenever an initial resolution shall have been so adopted by a county board for an issue of county bonds to provide for the original construction or for the improvement and maintenance of highways, to provide railroad aid, or to provide or to aid in providing a bridge over a navigable or meandered stream bordering on or intersecting the county, the county clerk shall immediately record the same and call a special election for the purpose of submitting the resolution to the electors of the county for approval. The calling, holding and conduct of such special election, including the printing and the distribution of ballots, the canvass of votes, and the declaration of the result, shall be governed by those statutes, so far as applicable, which govern special elections in general, including subsections (8) and (17) of section 6.23, section 6.80, and subsection (2) of section 59.04. The notice of such special election and the ballot used thereat shall embody a copy of the initial resolution, and the question submitted shall be whether the resolution shall be or shall not be approved. No such resolution of a county board other than those specified in this subsection need be submitted to county electors, except as provided otherwise in subsection (7).

(5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. Whenever an initial resolution shall have been so adopted by the governing body of a town, a village or a city, except in cities of the first class, the clerk of such municipality shall immediately record the same and call a special election for the purpose of submitting the resolution to the electors of the municipality for approval. The calling, holding and conduct of such special election, including the furnishing of printed ballots, the canvass of votes, and the declaration of the result, shall be governed by those statutes, so far as applicable, which govern special elections in general, including subsections (8) and (17) of section 6.23 and sections 6.80, 10.35, 10.40, 10.43, 10.45, 10.51, 10.54, 10.61 and 60.13. The notice of such special election and the ballot used thereat shall embody a copy of the resolution, and the question submitted shall be whether the resolution shall be or shall not be approved. The ballot may be a separate ballot, or may be printed upon the official ballot, when such special election is held at the same time as a regular town, village or city election. This subsection is limited in its scope by subsection (7). No city of the first class shall issue any bonds for any purposes other than for waterworks, lighting works, gasworks, street improvement funding, hospitals, harbor improvements, sewerage, parks, and public grounds, street railway property, or paying the city's portion of the cost of abolishing grade crossings, or vocational school purposes, until the proposition for their issue for the special purpose thereof shall have been submitted to the electors of such city and adopted by a majority voting thereon.

Whenever the common council of any such city shall declare its purpose to raise money by issuing bonds for any purpose other than those above specified it shall direct, by resolution, which shall be recorded at length in the records of its proceedings, the city clerk to call a special election for the purpose of submitting the question of bonding the city to the electors thereof. Such election shall be noticed, conducted, canvassed and the result declared as provided in this subsection except that the notice of such special election and the ballot used thereat need not embody a copy of the resolution but shall contain a statement of the purpose and amount of the bonds proposed to be issued.

(6) REFERENDUM IN SCHOOL DISTRICTS. Whenever an initial resolution shall have been so adopted by the governing body of any municipality whatsoever other than a county, a town, a city, a village, or a board of park commissioners, the clerk of such municipality shall immediately record the same and call a special meeting for the purpose of submitting the resolution to the electors of the municipality for ratification or rejection. The calling and conduct of such meeting shall be governed by those statutes, so far as applicable, which govern the calling and conduct of special meetings in general, including subsections (2) and (4) of section 40.08. The notice of the meeting, which shall be publicly read before the balloting shall commence, and the ballot used, shall embody a copy of the resolution; the form of the ballot shall correspond, as near as may be, with form "D" annexed to section 6.23; and the question submitted shall be whether the resolution shall be approved.

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(7) REFERENDUM, WHEN REQUIRED BY ELECTORS, WHEN NOT PERMITTED. (a) An initial resolution adopted by a county board for an issue of bonds to provide a memorial for soldiers, sailors and marines, shall not be submitted to the electors unless within thirty days after the recording thereof there shall be filed with the county clerk a petition requesting such submission, signed by not less than ten per centum in number of the voters who voted in the county for governor at the last general election. If such petition be filed, proceedings shall be had as provided by subsection (4).

(b) An initial resolution adopted by the common council of any city for an issue of bonds for street improvements, school purposes, waterworks, lighting works, gasworks, hospitals, harbor improvements, sewerage, parks and public grounds, street railway property, or apparatus or equipment for fire protection, or an initial resolution adopted by the common council of any city of the first class for an issue of bonds for such purposes, as are specifically enumerated in subsection (5) of section 67.05, need not be submitted to the electors as provided in said subsection (5) unless within thirty days after the recording thereof there shall be filed in the office of the city clerk a petition in writing, signed by not less than ten per centum in number of the voters who voted in the city at the last general state election for governor, asking for submission of the resolution to a vote of the electors. If such petition be filed proceedings shall be had as provided by subsection (5). But any such resolution may, in the discretion of the city council, by separate recorded resolution, be submitted to popular vote without waiting for the filing of said petition.

(c) An initial resolution adopted by the common council of a city of the first class, for an issue of bonds for paying the city's portion of the cost of abolishing grade crossings, shall not be submitted to popular vote.

(d) Whenever the purpose for which any municipality proposes to issue bonds is required by law to be approved by a vote of its electors, such a vote in favor of the issue for that express purpose shall be construed as an approval of the purpose by the electors; and the question of approving the purpose need not be separately submitted.

(8) APPLICATION FOR RAILROAD AID BONDS. Whenever any railroad company shall desire a subscription to its stock or mortgage bonds, or both, it shall deliver to the clerk of the county, town, village or city from which said aid is desired a definite proposition in writing, signed by the president and secretary thereof, and sealed with its seal, which shall be, if accepted, irrevocably binding on such company, which proposal shall state the amount of municipal bonds desired in payment of such subscription, the time and place of payment thereof whether payable before maturity at the option of such municipality, the rate of interest they shall bear, when they shall be delivered with reference to the time of the complete construction of such railroad from point to point, and within what time such road shall be so constructed to entitle the company to such bonds or any instalment thereof. Said proposition shall also state that in consideration of such municipal bonds the railroad company will issue to such municipality such number of the shares of its capital stock or such of its mortgage bonds, or partly of the one and partly of the other, as will at their par value be equal to the principal sum of such municipal bonds; and shall propose that such municipal bonds and such stocks or bonds, or both, of such railroad company shall be deposited in escrow with some trustee or trustees to be named, to be delivered to the proper parties when and as the conditions of such agreement shall be complied with by the party entitled to the same thereunder. Every such proposition shall be accompanied by advance payment, or security for the payment, of the cost of printing and publishing the notices of the special election required by subsection (4) or subsection (5) and the cost of providing the ballots therefor. Thereupon the proposition shall be filed and recorded and may then be incorporated in a resolution as provided by subsection (1), or rejected, by the governing body.

(9) APPLICATION FOR TELEPHONE AID BONDS. Every town, village and city is forbidden to issue any municipal bonds for the purchase or erection of telephone lines and exchanges unless a proposition setting forth the length, equipment and connections of the proposed line, the amount and denomination of the bonds desired, the rate of interest they are to bear, how, when and where said bonds and interest shall be payable, when said bonds shall be delivered with reference to the construction of the line from point to point or its final completion, when said line, if not then completed, shall be finished, and providing for escrow of the bonds if the parties so elect, pursuant to the terms of such proposition, shall first be filed with and recorded by the clerk of such municipality, and the same shall thereafter be adopted by its governing body as provided by subsection (1) and approved by its electors as provided by subsection (5). But no action shall be taken on any such proposition unless presented by a person, firm, company or corporation who has filed with the secretary of state a notice of intention to apply under the provisions of this

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section, together with a bond in such form and amount as in the secretary's judgment shall properly protect the interests of the community concerned.

(10) DIRECT, ANNUAL, IRREPEALABLE TAX. The governing body of every municipality proceeding under this chapter shall, at the time of or after the adoption of an initial resolution in compliance with subsection (1) or subsection (2), or, after the approval of such resolution by popular vote when such approval is required, and before issuing any of the contemplated bonds, levy by recorded resolution a direct, annual tax sufficient in amount to pay and for the express purpose of paying the interest on such bonds as it falls due, and also to pay and discharge the principal thereof at maturity. The municipality shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issue of said bonds such tax shall be from year to year carried into the tax roll of the municipality and collected as other taxes are collected. No further or annual levy for that purpose shall be necessary.

(11) AUTHORITY TO BORROW AND ISSUE BONDS, WHEN COMPLETE. Every municipality that has first complied with all the requirements prescribed for and made applicable to it by the preceding subsections of this section, may, but not otherwise, borrow money and issue and sell or hypothecate its municipal bonds to the amount and for the purpose or purposes specified in the initial resolution.

(12) RECORD OF PROCEEDINGS. Every municipality shall provide and keep a separate record book or record books in which its municipal clerk shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing municipal bonds, or of incurring any other municipal obligation under the provisions of this chapter, including a statement of the number of affirmative and negative votes cast by electors. [*1921 c. 576 s. 3*]

67.06 Form and contents of bonds. Every municipal bond shall be a negotiable instrument payable to bearer with interest coupons attached payable annually or semi-annually; shall bear interest at the rate specified therefor in the initial resolution authorizing its issue; shall specify the times and the place or places fixed by said resolution for the payment of principal and interest; shall be numbered consecutively with the other bonds of the same issue which shall begin with number one and continue upward, or, if so directed by the governing body, shall begin with any other number and continue upward; shall bear on its face a name indicative of the purpose specified therefor in said resolution; shall contain a statement of the value of all of the taxable property in the municipality according to each of the last preceding five assessments thereof for state and county taxes, the average of such values, the aggregate amount of the existing bonded indebtedness of such municipality, that a direct annual irrepealable tax has been levied by the municipality sufficient to pay the interest when it falls due, and also to pay and discharge the principal at maturity; and may contain any other statement of fact not in conflict with said initial resolution. The entire issue may be composed of bonds of a single denomination or two or more denominations. [*1921 c. 576 s. 3*]

67.07 Maturity and place of payment. The principal of every sum borrowed and secured by an issue of municipal bonds may be made payable at one time in a single payment or at several times in two or more instalments; but every instalment, whether of principal or interest, shall be made payable not later than the termination of the twenty years immediately following the date of the bonds, if issued by a county, town, city, village or board of park commissioners, and not later than the termination of the fifteen years immediately following the first day of February next ensuing such date, if issued by any other municipality, except that when the bonds are issued in the acquisition of lands by a city, or by a county having a population of one hundred fifty thousand or over, for public, municipal purposes, or for the permanent improvement thereof, all instalments of principal and interest shall be made payable within a period not exceeding fifty years from the time when the bonds become a municipal obligation. The place for all such payments shall be the place designated for that purpose in said initial resolution, and the terms of the bonds, when issued, shall comply therewith. But in addition to the place within the state named for that purpose by cities, a place without the state may also be designated by them for such payments. [*1921 c. 576 s. 3*]

67.08 Execution and negotiation. Municipal bonds shall be executed in the name of and for the municipality issuing them by their qualified officers who shall, for that purpose, sign the same in their official capacities, as follows: For a county, the chairman of the county board and the county clerk; for a city of any class, the mayor and the city clerk; except that in cities of the first class however incorporated the signature of the mayor shall be engraved on said bonds; for a village, the president and the village clerk; for a town, the chairman and the town clerk; for any other municipality, the dis-

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trict clerk and director, or the president and clerk or secretary of the governing body. Every such bond issued by any city of the first class shall also be countersigned by its comptroller and attested by its commissioners of the public debt. The validity of every bond so executed shall remain unimpaired by the fact that one or more of the subscribing or attesting officers shall have ceased to be such officer or officers before delivery to the purchaser. Every bond issued by a municipality having an official or corporate seal shall be sealed with such seal. The bonds of every municipality shall be negotiated and sold or otherwise disposed of for not less than par and accrued interest by those officers who are required to execute such instruments, together with the treasurer of the municipality, except in the case of a city of the first class whose bonds shall be disposed of by its commissioners of the public debt. Such negotiation and sale, or other disposition, may be effected by a disposition from time to time of portions only of the entire issue when the purpose for which the bonds have been authorized does not require an immediate realization upon all of them. [*1921 c. 576 s. 3*]

67.09 Registration of bonds. (1) All municipal bonds payable to bearer issued by any city or county may be registered as to the principal thereof by the clerk of the municipality issuing them, except that in any city having a comptroller the registration shall be by that officer. Registrations by city clerks and county clerks shall be entered in the books which they are required by subsection (12) of section 67.05 to keep for bonding records in general; and registrations by comptrollers shall be entered in separate books furnished for that purpose by their respective cities.

(2) Upon the presentation of any such bond to the proper registration officer by the lawful holder thereof such officer shall enter in his registration book the name of the holder, a description of the bond, the date of registry, and such other information as such officer may deem necessary. At the same time such officer shall print, stamp or write upon said bond a certificate signed by him to the effect that the bond is registered, and that the principal is payable to the registered holder thereof only, naming him, or his duly appointed legal representative.

(3) The coupons of any registered bond shall continue to be negotiable and payable to bearer and remain unaffected by the registration; but the principal of the bond shall be payable and be paid to no person other than the duly registered holder or his duly appointed legal representative, unless the bond shall be subsequently registered in the name of another person or made payable again to bearer.

(4) The registered holder of any such bond may, either in person or by a national or state bank or trust company authorized to do business as such in the municipality, present the bond to the proper registration officer, together with a written request indorsed on the bond purporting to be signed by such registered holder or by his legal representative that the bond be registered in the name of another person or persons, or that the registry be canceled and the bond be made payable again to bearer; and thereupon such registration officer shall enter in his registration book a notation canceling the last former registration and registering the bond anew in the name of the person or persons designated in such request, and shall print, stamp or write upon said bond a certificate such as is required in case of an original registration; or, if the request is that the bond be made payable to bearer, the notation canceling the existing registration shall so state, and the certificate upon the bond shall declare that the bond is payable to bearer.

(5) The registered holder of any such bond may authorize any bank or trust company mentioned in subsection (4) to present such bond to the treasurer of the municipality that issued it for payment of the principal thereof; or, if the bond is the obligation of a city, and such city has a fiscal agent or agents outside of the state as provided by subsection (2) of section 67.10, he may authorize any national or state bank or any trust company doing a banking or trust company business in a city wherein such a fiscal agent is located, to make such presentment to such fiscal agent for payment of principal; and payment accordingly to any such bank or trust company by such treasurer or by such fiscal agent upon such presentation shall constitute payment and satisfaction of the municipal obligation. [*1921 c. 576 s. 3*]

67.10 Fiscal and administrative regulations. (1) MONEY OF THE UNITED STATES. All money borrowed by municipalities, and all money received in payment of any tax levied pursuant to subsection (10) of section 67.05, shall be lawful money of the United States; and all municipal obligations shall be payable in such money.

(2) FISCAL AGENTS FOR CITIES. The common council of any city indebted on account of outstanding municipal bonds is authorized, in its discretion, to appoint a fiscal agent located in some city outside the state, or, if deemed convenient, two such agents, each in a different city. Every such fiscal agent shall be an incorporated bank or trust company authorized by the laws of the United States or of the state in which it is located to do a banking or trust company business. The treasurer of the city shall, when instructed so

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to do by written communication from the common council, deposit with such fiscal agent or agents such sums of money for the payment of the principal or interest of its said bonds as may be specified for that purpose in such communication.

(3) BORROWED MONEY FUND, SOURCE AND USE. All borrowed money shall be paid into the treasury of the municipality borrowing it, be there kept until used in a fund separate and distinct from all other funds, be used for the purpose for which it was borrowed and for no other purpose, except as provided otherwise by subsection (4) and be withdrawn only upon orders or warrants made payable out of said fund and expressing the purpose for which they are drawn.

(4) SINKING FUND, SOURCES AND USES. (a) Every county, town, city, or village indebted on account of outstanding municipal bonds shall immediately after the issue of such bonds establish in its treasury a fund separate and distinct from every other fund, designate it as the sinking fund for the particular bond issue, describing it, upon which the indebtedness arose, and shall maintain such fund until such indebtedness is fully paid or otherwise extinguished. The sources of said fund shall be:

First. All moneys accruing to the borrowed money fund prescribed by subsection (3) which at any stage are not needed and which obviously thereafter cannot be needed for the purpose for which the money was borrowed.

Second. All moneys raised by taxation pursuant to subsection (10) of section 67.05 for the purpose of paying said bonds.

Third. Such moneys, derived from licenses or other sources, the expenditure of which is not otherwise provided for by law, as the governing body may elect to carry into the sinking fund.

Fourth. The premium, if any, for which the bonds have been sold over and above par value and accrued interest.

Fifth. Such further sums, raised by taxation annually, or from time to time, as may be necessary to make the contributions to the fund from all sources in each year, beginning with the first year, amount in the aggregate to a sum sufficient to pay all interest maturing in such year and not less than five per cent of the original indebtedness. The levying and collection of such taxes are authorized and commanded; but the governing body may, in its discretion, levy and collect larger sums than the sums so commanded, in order to speed the payment of the bonds.

(b) Proper orders or warrants shall be drawn upon the sinking fund each year to pay interest and principal maturing in such year upon said bonds. Taking care that enough cash is always retained in the fund to provide for such annual payments the surplus, if any there be, may be loaned or invested under the direction of the proper governing body, as follows:

First. In outstanding bonds for the payment of which the sinking fund is required, at any price not exceeding the principal, accrued interest and a premium not to exceed three years' interest on such bonds; but no such bonds shall be purchased except on bids received at a fixed time and place, notice of which shall have been given in the official newspaper of such municipality for not less than two weeks before the time fixed. If there be no such paper, notice shall be given in such manner as the governing body shall direct; and such bonds when purchased shall immediately have written on the face thereof a statement, signed by the clerk of such municipality, that the same have been taken up and cannot again be negotiated or made obligatory; and all such bonds shall be deemed paid and extinguished and shall be immediately canceled.

Second. In interest bearing bonds of the United States.

Third. In any bonds issued under the authority of such municipality, whether the same create a general municipal liability or a liability of the property owners of such municipality for special improvements made therein.

(c) Investments of the second or third class continue a part of the sinking fund. The bonds representing such investments may be sold or hypothecated by the governing body at any time, but the money received shall likewise remain, until used, a part of the sinking fund. Any such sale of municipal bonds shall be for a sum not less than par value and accrued interest. All payments by the municipality in extinguishment of principal or interest of bonds representing investments of the third class shall be paid into the sinking fund, and, for the purpose of making such payments, the municipality shall levy and collect every tax that it would be legally obligated to levy and collect if such bonds were still outstanding in the hands of purchasers and had not been purchased as an investment.

(d) Money shall not be withdrawn from a sinking fund and appropriated to any purpose whatever other than the purpose for which the fund was instituted until that purpose has been accomplished; and in any city of the first class money in a sinking fund shall not be subject to the orders of the common council, but shall be paid out only upon orders

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signed by the mayor, countersigned by the comptroller, and approved in writing by a majority of the commissioners of the public debt, specifying the purpose for which they are drawn.

(e) Any surplus in the sinking fund after all of the bonds for the payment of which the fund was instituted have been paid and canceled, and after all investments of the second or third class have been finally disposed of or realized upon, shall be carried into the general fund of the munipical treasury.

(f) Every municipal sinking fund maintained at the time of the enactment of this chapter under laws in force up to that time, but then repealed, may be continued pursuant to those laws, notwithstanding their repeal, until the purpose of the fund has been accomplished; or it may be continued and administered in accord with this section.

(5) TIME LIMIT FOR SALES AND HYPOTHECATIONS. Except as provided otherwise by subsection (7) for cities of the first class every authorized municipal bond shall be sold or hypothecated within the three years next following the adoption, or the approval, when approval by popular vote is required, of the initial resolution authorizing its issue, except when such sale or hypothecation has been delayed by an action to determine the validity of the prior proceedings, in which case the period of such delay may be added to said three years.

(6) ANTICIPATORY CONTRACTS IN GENERAL. After any municipality has provided, as required by subsection (11) of section 67.05, for an issue of bonds for a lawful purpose which can be accomplished only through performance of an executory contract by some other contracting party, such contract may be entered into before the actual execution, sale or hypothecation of the bonds with like effect as if the necessary cash for payments on the contract were already in the treasury.

(7) ANTICIPATORY CONTRACTS IN CITIES OF THE FIRST CLASS. (a) Whenever the common council of any city of the first class shall have authorized the issuance of bonds for any lawful purpose, and the commissioners of the public debt shall have certified to the comptroller of such city that in their opinion said bonds can be sold, if in the opinion of the comptroller there be on hand in the treasury of said city sufficient money other than that raised for the payment of interest and principal on bonds, mortgages, mortgage certificates, or similar instruments of indebtedness, to warrant entering into contracts or making expenditures for such purpose or purposes prior to the sale of said bonds, contracts may be entered into in anticipation of the sale of said bonds, and expenditures may be made by such city for the purposes for which such bonds have been authorized, out of any money in the hands of the treasurer of such city, except money raised for the payment of interest or principal on bonds, mortgages, mortgage certificates, or similar instruments of indebtedness, and the bonds provided for in the initial resolution need not be sold until the comptroller deems it necessary to replace the whole or any part of the money paid out of the treasury in accordance with the foregoing provision, or to meet maturing obligations of the city on such contract which cannot be paid out of the general treasury. When the comptroller deems it necessary to sell the whole or a part of such bonds, he shall so advise the commissioners of the public debt, in writing, specifying how many of the bonds it will be necessary to sell, and the reason therefor, and the commissioners of the public debt shall forthwith sell said bonds, or so many thereof as the comptroller shall have specified in his communication. When any contract shall have been entered into, or any obligation incurred in anticipation of the sale of bonds for such purpose, so many thereof as may be necessary to replace the money taken from the treasury, and to meet the obligations on any such contracts which have matured or may mature at any time in the future, must be sold within one year from the date of said bonds, and no bonds may be sold more than one year after the date of said bonds. Whenever any bonds have been provided for in the budget of any fiscal year, and the common council during said year shall have authorized the sale of said bonds, but said bonds, or part of them, shall not have been sold during said year, it shall not be necessary in order to sell the said bonds during the ensuing fiscal year to make provision for said unsold bonds in the budget of said year.

(b) The common council of such city may, by a majority vote, appropriate money in the budget and levy taxes for any purpose for which bonds may be lawfully issued by the city, and such taxes shall be in addition to all other taxes which the city is authorized by law to levy.

(c) Whenever the common council of any such city shall have provided in the budget of any year for the issuance of bonds for any lawful purpose, the common council of said city may, in lieu of issuing bonds for such purpose, levy a tax in said year for any such purpose, for the whole or a part of the amount, and such tax shall be in addition to all other taxes which the city is authorized by law to levy. Such determination shall be made by resolution passed at a regular meeting of the common council by at least a three-

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fourths vote of all the members of the council-elect, and no contract shall be entered into or any obligation incurred for the purpose specified in said resolution, unless and until a tax shall have been levied sufficient to pay the whole contract price.

(d) Money raised by levy of taxes, in lieu of bond issues, in accordance with the provisions of paragraphs (b) and (c) of this subsection, shall be governed by laws relating to the proceeds of bonds insofar as such laws may be applicable; provided, that whenever the purpose for which said taxes were levied shall have been accomplished or completed, any unexpended portion of the moneys so raised shall become a part of the general revenues of such city.

(8) ATTORNEY'S OPINION ON BOND ISSUE. The commissioners of the public debt in any city of the first class may, if they deem it advisable so to do, employ an attorney whose opinion, in their judgment, will be accepted by bond buyers as to the legality of bonds issued by the city to pass upon the legality of any bonds issued by the city and pay a reasonable compensation therefor. The common council of such city may set up in the budget a sum sufficient for such purpose.

(9) ISSUE OF RAILROAD AID BONDS. Whenever an initial resolution embodying a proposition by a railroad company has been filed as required by subsections (1) and (8) of section 67.05, and has been approved by the electors of any county, town, city or village, the proposition shall be deemed obligatory as a mutual agreement by the company and the municipality, and the governing body of the municipality shall, pursuant thereto, cause subscription to be made in the books of the company for so much of the stock or mortgage bonds, or both, as the resolution specifies. Thereupon the municipal bonds authorized by such resolution shall be executed and placed in escrow for future delivery as required by the proposal. But no such bonds shall be delivered, or be valid or negotiable, if delivered, unless the railroad company at the time of receiving them shall have lawfully earned them by proper performance, in whole or in part, of said mutual agreement. Shares of the capital stock of the railroad company or its mortgage bonds, or both, shall be delivered to the municipality as its right to the same accrues under the mutual agreement; and thereupon, as to any stock so received, the municipality shall be entitled to exercise and enjoy all the rights and privileges conferred by law upon stockholders in such railroad corporation, and the governing body of the municipality shall appoint some person to represent and vote such stock in its behalf at meetings of such stockholders. Such governing body may also sell and dispose of such corporate stock or bonds when and as it deems best for the interests of the municipality.

(10) ACCOUNTING FOR AND CANCELLATION OF BONDS. The treasurer of every municipality issuing bonds pursuant to this chapter, or, in a city having a comptroller, its treasurer or its comptroller, as the common council shall direct, shall keep in a separate book provided for the purpose, an accurate description of every bond so issued, specifying its number, date, purpose, amount, rate of interest, when payable, and the coupons attached; and shall enter therewith a statement of the date and amount of each payment of principal or interest thereon. Every such bond and coupon paid or otherwise retired shall be forthwith marked "canceled" by such treasurer or by the officer empowered by law to accept a surrender of the instrument upon payment thereof, be by him delivered to the governing body of the municipality, and be by that body immediately destroyed. [*1921 c. 576 s. 3*]

67.11 Temporary borrowing. (1) PURPOSES. Every municipality, except a county, which is in temporary need of money with which to pay its current and ordinary expenses, including maturing interests on its funded indebtedness, may borrow in the manner prescribed by subsections (1) to (6), inclusive, of this section.

(2) PRELIMINARY RESOLUTION. The governing body of any town, village or city, or the electors of any common or other school district about to solicit such a temporary loan, shall first adopt and record a resolution specifying the purpose and the amount of the loan, and levying a tax for the same amount to provide payment; which tax, after receipt of the borrowed money, shall become and continue irrepealable, and shall be carried into the next tax roll of the municipality, and collected as other taxes are collected. The proceeds of such tax shall be kept in a distinct and separate fund and be used for the sole purpose of paying such temporary indebtedness. Such resolution shall be supported in a town, village or city by at least three-fourths of all the members-elect of its governing body, and in any common or other school district by a majority of its electors voting at a special or annual meeting.

(3) ISSUE OF PROMISSORY NOTES OR ORDERS ON TREASURY. To evidence such indebtedness the municipality shall execute to the lender its promissory note payable with interest on or before the first day of February next ensuing, and signed by the same officers who are required by law to sign municipal bonds, except that the promissory note of a

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city of the first class shall be signed by its mayor and its comptroller; or, in lieu of such note the municipality may deliver to the lender an order drawn on its treasurer payable with or without interest on or before said first day of February. Nothing in this chapter contained shall be construed as abrogating or in any way affecting those provisions of law which allow a city of the first class to receive taxes before the time when they are by law payable, and to issue negotiable certificates in evidence thereof.

(4) LIMITATION OF AMOUNT. Such temporary borrowing is limited as follows: By a city of the first class, to such an amount as its common council deems necessary to its safety and interest; by any other city, or by a town or village, to twenty-five per cent of the amount of its tax levy during the preceding year for the same purposes; and by a common or other school district, to the amount for which it has levied a special tax as required by subsection (2). Any city whose charter is repealed by chapter 242, laws of 1921, may until January 1, 1923, continue to borrow money to pay current and ordinary expenses, within the limits provided in such charter.

(5) EMERGENCY BORROWING. Whenever a public building, utility, sewer system, bridge or other property of a town, village or city is suddenly destroyed or injured, or threatened with destruction or injury, by flood, fire, tempest or other unusual cause, the governing body of a municipality may levy a tax to provide means for the protection, repair or restoration of such property in such amount as such body may deem necessary. Borrowing for such emergencies shall be regulated by the provisions of subsections (2) and (3) of this section.

(6) ADVANCE BORROWING ON REGULAR TAX ROLL. When any tax has been ordered or levied to be collected on the next tax roll, and such tax roll shall have been placed in the hands of the treasurer for collection, any town board, village board or common council may, in temporary necessity, borrow money in anticipation of the payment of such tax, and apply the same to the purposes for which such tax was ordered or levied; and they may give orders on the treasurer, payable at a future date, therefor, with or without interest, and for the payment thereof such tax shall stand irrevocably pledged and irrepealable. But no order on any town, city or village treasurer shall in any case whatever be, or be held to be, negotiable according to the usage of merchants.

(7) TEMPORARY BORROWING BY COUNTIES. At any legal meeting a county board by a yea and nay vote of at least two-thirds of its members-elect may borrow money and issue county orders therefor to pay current expenses at the times and in amounts and manner specified as follows:

(a) In counties having two hundred thousand inhabitants or more, on or after the first day of July in any year, a sum not exceeding twenty per centum of the last tax levy for county purposes, such money to be repaid with interest at the agreed rate on or before the fifteenth day of February then next following.

(b) In other counties, at any time after taxes have been levied in any year, a sum not exceeding ten per centum of the last tax levy for county purposes, and payable with interest as provided in paragraph (a). [*1921 c. 576 s. 3*]

67.12 Diversion of funds, liability of officers for. Every public officer, and the sureties on his official bond, and every other person participating directly or indirectly in any impairment of a borrowed money fund or of a sinking fund of any municipality, shall be liable in an action brought by such municipality or by one or more of its taxpayers to restore to such fund all such diversions therefrom. [*1921 c. 576 s. 3*]

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TITLE IX.

Statistics.

CHAPTER 68.

GENERAL STATISTICS.

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68.01 Taxes and bonds. The clerk of each town and city, and of each village which collects its taxes independently of the town, and the town clerk of each town in which any village is situated, the taxes for which village are collected by the town treasurer, shall annually, at the time he is required by law to deliver the tax roll to the town, city or village treasurer, make out and transmit to the county clerk, on blanks furnished by the state tax commission, a statement showing the assessed valuation of all property within his town, city or village, and separately the amount of all taxes levied therein by said town, city or village, including school district, highway, street and sidewalk taxes for the current year and the purposes for which the same were levied; also a complete and detailed statement of the bonded and other indebtedness of his town, city or village, and of the accrued interest, if any, remaining unpaid, and the purposes for which said indebtedness was incurred. [*Stats. 1919 s. 1004; 1921 c. 25 s. 2*]

68.02 Annual statement of taxes. Annually, on or before the third Monday of December, a statement in detail of all taxes levied in each town, village and city during the year, shall be made and filed by the clerk thereof, with the state tax commission. Any such clerk failing to make the statement herein provided for, and within the time above provided, shall be liable to his town, village and city for all damages caused by his delinquency. The tax commission shall prepare and furnish the blanks for such statement, as well as for the statement mentioned in section 68.03. [*Stats. 1919 s. 1004a; 1921 c. 25 s. 3*]

68.03 Returns to tax commission. The county clerk of each county shall, immediately upon the receipt from the tax commission of the blanks and instructions necessary for carrying out the provisions of section 68.02, by town, village and city officers, distribute the same to such officers at the expense of the county, and shall annually, on or before the thirty-first day of December, make out and transmit to the tax commission, on blanks furnished by it a tabular statement of the statistics of valuation, taxes and indebtedness reported by the town, city and village clerks; and also, separately, the assessed valuation of all the taxable property in his county as last fixed by the county board, a statement in detail of all county taxes levied thereon during the preceding year, and the purposes for which the same were levied and expended; and also a detailed statement of the bonded and other indebtedness of his county, of the accrued interest thereon, if any, remaining unpaid, and the purposes for which such indebtedness was incurred. Any county clerk failing to make the statement herein provided for, and within the time above provided, shall be liable to his county for all damages caused by his delinquency. [*Stats. 1919 s. 1005; 1921 c. 25 s. 4*]

68.04 Tax commission, duties. It shall be the duty of the tax commission to collect from time to time statistics of recorded sales of real estate in each county and of the assessed valuation of the lands included in such sales. In collecting such statistics, sales appearing to be made for a nominal consideration or as to which the true consideration is not stated and cannot be readily ascertained, and those in which the description of

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lands does not substantially correspond or cannot be identified with descriptions upon the assessment roll, shall be omitted; and the commission may also exclude from such statistics any other sales where for any reason the data appear to be unreliable or not serviceable. [*Stats. 1919 s. 1007; 1921 c. 25 s. 5*]

68.05 Realty statistics; items. The data to be collected as provided by section 68.04 shall include:

(1) The date of each instrument of conveyance or sale.

(2) The date, volume and page of the record thereof.

(3) A brief description of the lands conveyed or sold.

(4) The number of acres, where the lands are unplatted.

(5) The consideration recited in such instrument.

(6) The assessed valuation next previous or nearest to the date of such instrument.

(7) Such other facts as the commission may deem material. [*Stats. 1919 s. 1008; 1921 c. 25 s. 6*]

68.06 Statistics compiled, use of; county clerk's duties. The statistics for each year shall be compiled by assessment districts and by counties in tabular form, and the compilations shall be filed and carefully preserved in the office of the tax commission for use in the performance of its duties. An abstract or copy of such compilations of so much as is used by the commission in arriving at the true value for each county shall be furnished to the county clerk of such county in each year as soon as practicable after the same shall be completed for such year. The county clerk shall cause same to be laid before the county board at its next annual meeting. [*Stats. 1919 s. 1009; 1921 c. 25 s. 7*]

68.07 Agricultural statistics. (1) It shall be the duty of the assessor of each village, city, town or county, at the time of making the annual assessment of property, to collect such statistics in relation to the principal farm products and agricultural resources as may be required by the department of agriculture. Such tabulation of statistics shall be forwarded to the department of agriculture on the date of the meeting of the town board of review, but not later than July fifteenth; and a summary thereof, in duplicate, shall be delivered at the same time to the town clerk, one of said duplicates to be forwarded without delay to the county clerk.

(2) The department of agriculture shall prepare and furnish to the proper officers such blanks and instructions as may be necessary for carrying out the provisions of this section. [*Stats. 1919 s. 1010; 1921 c. 25 s. 8*]

68.08 Deaf, dumb, blind, insane, idiotic persons. Each assessor shall, when making the annual assessment for the year one thousand nine hundred and five and for every tenth year thereafter, ascertain and enter upon a blank prepared for that purpose and furnished by the state board of control the name and surname in full of each deaf and dumb, blind, insane and idiotic person in his assessment district, the age, color, sex, occupation and place of birth of such persons, whether such persons are educated or not, the names in full of their parents, the number of children of such parents, and what the relation of blood, if any existed, between such parents, and the number of deaf and dumb, blind, insane and idiotic children of such parents, and return the same to the county clerk at the time of completing the assessment roll for said assessment district. The county clerk shall, on or before the first day of September in said years, transmit the same to the state board of control, who shall compile and tabulate such returns and include a summary statement thereof in its report for said years. [*Stats. 1919 s. 1014; 1921 c. 25 s. 9*]

68.09 Returns may be sent for; expense. If any town, city or village clerk shall have failed or neglected to transmit to the county clerk the statement required by section 68.01, or if any assessor shall have failed or neglected to return the complete schedule of the deaf and dumb, blind, insane and idiotic persons, as required by section 68.08, or to make and file with the county clerk the certificate required by section 68.07, for ten days after the time he is required by law to transmit or make the same, the county clerk shall in either case send a messenger to such clerk or assessor who has so failed or neglected to procure the same, and such messenger shall be entitled to receive three dollars per day and ten cents per mile for each mile necessarily traveled in the discharge of his duty, to be paid out of the county treasury on the order of the chairman of the county board and county clerk. The amount so paid shall be charged to the proper town, city or village and added to and collected with the next county tax apportioned thereto. The county clerk shall, immediately after having sent any such messenger, notify the treasurer of the proper town, city or village of the amount of the expense so incurred, and such treasurer shall deduct such amount from the compensation of such delinquent clerk or assessor. [*Stats. 1919 s. 1015; 1921 c. 25 s. 10*]

68.10 Statement of indebtedness to secretary of state. Each county, city, village, town and school district clerk shall, whenever required by the secretary of state, furnish

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to him a full and complete statement showing the bonded and all other indebtedness of his respective county, city, village, town or school district, the purposes for which the same was incurred and all accrued interest, if any, remaining unpaid. [*Stats. 1919 s. 1017; 1921 c. 25 s. 11*]

68.11 Neglect of duty. Every clerk of any town, city, village or school district and every assessor who shall fail or neglect to perform any duty required of him by any of the provisions of this chapter shall, for every such neglect or failure, forfeit not less than twenty nor more than fifty dollars, and it shall be the duty of the county clerk to cause every such forfeiture to be prosecuted for. Every county clerk and register of deeds who shall fail or neglect to perform any duty required of him by this chapter shall, for every such neglect or failure, forfeit not less than twenty-five nor more than one hundred dollars; and it shall be the duty of the department with which such returns are required to be filed to cause every such forfeiture to be prosecuted for. [*Stats. 1919 s. 1019; 1921 c. 25 s. 12*]

68.12 Dairy manufactures. The owner of any creamery, cheese factory or milk-condensing factory, or the secretary of any firm, association or corporation owning any creamery or any such factory who shall after due demand therefor fail or refuse to furnish the assessor items of information specified in this chapter of the statutes and which are applicable to his creamery or factory, or to the creamery or factory in connection with which he is employed, shall be fined not less than twenty nor more than fifty dollars. [*Stats. 1919 s. 1019a; 1921 c. 25 s. 15*]

68.13 Criminal convictions, etc. The clerks of all courts having criminal jurisdiction shall, on or before the first Monday of January in each year, make and transmit to the governor a report of the number of persons convicted by juries of criminal offenses, and the number of those who have pleaded guilty therein to criminal charges during the preceding year, together with such other information upon the subject of crimes as the governor shall require; and every such clerk who shall fail to make out or transmit such report shall forfeit ten dollars for each failure; and the governor shall direct the district attorney of the proper county to prosecute therefor. The certificate of the governor showing any such delinquency shall be presumptive evidence of the facts therein stated and of the liability to such forfeiture. [*Stats. 1919 s. 1020; 1921 c. 25 s. 14*]

68.14 Compensation of clerks. Each clerk shall receive as compensation for making such report ten cents per folio, the amount thereof to be audited by the secretary of state, and paid out of the state treasury and charged to the proper appropriation for circuit courts. [*Stats. 1919 s. 1021; 1921 c. 25 s. 15*]

68.15 Pauperism and crime. Each town, village and city clerk shall make to the county clerk, on blanks furnished by him and prepared by the state board of control, at such time as such board may require, reports concerning pauperism and crime in his town, village or city. The compensation of such clerks for making such reports shall be fixed by the town or village board or common council, and be paid out of the treasury of the municipality of which the clerk is an officer. Each county clerk shall make to the state board of control, on blanks supplied by said board, an abstract of the reports so made to him, at such times as may be fixed by said board. [*Stats. 1919 s. 1021a; 1921 c. 25 s. 16*]

CHAPTER 69.

REGISTRATION OF MARRIAGES, BIRTHS AND DEATHS.

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69.01 Vital statistics; bureau created. For the complete and proper registration of births, deaths, marriages, accidents and divorces, for legal, sanitary and statistical purposes, there shall be and hereby is created and established a "State Bureau of Vital Statistics." [*Stats. 1919 s. 1022—1; 1921 c. 12 s. 2*]

69.02 Under state board of health. This department shall be under the immediate supervision and direction of the state board of health. The secretary of the state board of health shall be designated as the state registrar of vital statistics, and shall be charged with the uniform and thorough enforcement of the law throughout the state. [*Stats. 1919 s. 1022—2; 1921 c. 12 s. 2*]

69.03 Rules and regulations. The state board of health is hereby empowered to make, promulgate and enforce such rules and regulations as may be considered necessary to carry out the provisions of sections 69.01 to 69.59, inclusive, and shall from time to time recommend any additional forms and amendments that may be necessary for this purpose. [*Stats. 1919 s. 1022—3; 1921 c. 12 s. 2*]

69.04 Statistician and assistants. The state board of health shall provide a competent vital statistician to assist the state registrar and such clerical and other assistants as may be necessary for the purposes of sections 69.01 to 69.59, inclusive, and shall fix the compensation of such persons within the amount appropriated by the legislature. [*Stats. 1919 s. 1022—4; 1921 c. 12 s. 2*]

69.05 Districts and local registrars. For the purposes of sections 69.01 to 69.59, inclusive, the state shall be divided into registration districts as follows: Each city, incorporated village and township shall constitute a primary registration district. The health officer of the board of health in cities and the clerk of each township and incorporated village shall be the local registrar of vital statistics. [*Stats. 1919 s. 1022—6; 1921 c. 12 s. 2*]

69.06 Blank forms. The state registrar shall cause to be prepared blank forms of certificates of births, deaths, marriages, accidents, divorces and of burial permits, corresponding to the requirements of sections 69.01 to 69.59, inclusive, which forms shall be printed and supplied in the same manner as the blanks and stationery for the use of the several offices of the state government. [*Stats. 1919 s. 1022—7; 1921 c. 12 s. 2*]

69.07 State registrar's duties. (1) The state registrar shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration, and no blanks shall be used other than those supplied by the state registrar.

(2) He shall carefully examine the certificates received from the local registrars and if any such are incomplete or unsatisfactory he shall require such further information as may be necessary to make the record complete.

(3) He shall further arrange, bind, and permanently preserve the certificates in a systematic manner and prepare and maintain a comprehensive and continuous card index of all births, deaths, marriages and divorces registered.

(4) He shall also prepare and publish biennially such of the vital facts appearing on the certificates of births, deaths, marriages, accidents and divorces as shall be determined by the state board of health to be necessary and useful.

(5) He shall inform all registrars what diseases as decided by the state board of health are to be considered infectious, contagious or communicable and dangerous to the public health, so that when deaths occur from such diseases proper precautions may be taken to prevent their spread.

(6) He shall at least once each year tabulate and classify all cases of children born with deformity or physical defects in the state since the preceding tabulation or classifi-

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cation, and shall preserve and keep the same on file in his office. Such tabulations or classifications shall be included in the biennial report of the state board of health. [*Stats. 1919 s. 1022—8; 1921 c. 12 s. 2*]

69.08 State registrar's powers; prosecuting attorneys. (1) The state registrar is hereby charged with the thorough and efficient execution of the provisions of sections 69.01 to 69.59, inclusive, in every part of the state, and with supervisory power over local registrars to the end that all of its requirements shall be uniformly complied with.

(2) He shall have authority to investigate cases of irregularity or violations of the law, personally or by an accredited representative, and all registrars shall aid him, upon request, in such investigations.

(3) When he shall deem it necessary, he shall report cases of violation of any of the provisions of sections 69.01 to 69.59, inclusive, to the prosecuting attorney of the proper county, with a statement of the facts and circumstances, and when any such case is reported to him by the state registrar he shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law, and upon request of the state registrar the attorney-general shall likewise assist in the enforcement of the provisions of sections 69.01 to 69.59, inclusive. [*Stats. 1919 s. 1022—9; 1921 c. 12 s. 2*]

69.09 Central office to collect statistics at local expense, when. In case it is found impossible to obtain through the local registrars complete reports of all births, deaths, marriages and accidents occurring in cities, incorporated villages or towns, then the state board of health may cause these records to be properly collected and the necessary expenses incurred by so doing shall be charged to and paid for by the city, incorporated village or town wherein this expense is necessarily incurred. [*Stats. 1919 s. 1022—10; 1921 c. 12 s. 2*]

69.10 Itemize expenses. The state registrar or other person appointed by him to collect such information shall file with the clerk of such city, incorporated village or town, an itemized statement of all expenses incurred, which statement shall serve as prima facie evidence of the claim against said city, incorporated village or town. [*Stats. 1919 s. 1022—11; 1921 c. 12 s. 2*]

69.11 Certified copies. The state registrar, register of deeds, or the local registrar of any city or village shall upon request furnish any applicant a certified copy of a record of any birth, death, marriage or divorce and when properly certified to shall be prima facie evidence in all courts and all places of the facts stated therein. [*Stats. 1919 s. 1022—12; 1921 c. 12 s. 2*]

69.12 Fees. For such certified copy he shall be entitled to a fee of fifty cents to be paid by the applicant; the state registrar shall keep and prepare accurate accounts of all fees received by him and turn same over to the state treasurer at the close of each fiscal year. [*Stats. 1919 s. 1022—13; 1921 c. 12 s. 2*]

69.13 Local statistics. It shall be the duty of the health officer of every board of health of cities in the state and in towns and incorporated villages, of the town and village clerk to collect certificates of births, deaths, marriages and accidents that occur in the city, incorporated village or town in which he is an officer. [*Stats. 1919 s. 1022—14; 1921 c. 12 s. 2*]

69.14 Registrar's deputy, local. As local registrar, said health officer or clerk shall, upon assuming the duties of his office, appoint a deputy whose duty it shall be to act in his stead in case of his absence, illness or disability. Said deputy shall accept such appointment in writing and shall be subject to all rules and regulations governing the actions of the local registrars. [*Stats. 1919 s. 1022—15; 1921 c. 12 s. 2*]

69.15 Subregistrars, duties. The local registrar or his deputy, in each city, incorporated village, and township shall serve as subregistrar for every other local registrar in the state for the purpose of receiving death certificates and issuing burial permits. The subregistrar shall sign his name with the date on which the certificate of death was filed with him, in the space beneath the place for the signature of the local registrar, and forward the certificate at once to the registrar of the district where the death occurred. All subregistrars who sign certificates of death and forward them at once to the proper local registrar, shall receive a fee of ten cents for each certificate; to be paid by the treasurer of the county, upon the certification of the state registrar. If any certificate of death is incomplete or unsatisfactory, it shall be the duty of the subregistrar to withhold issuing the burial or removal permit to the undertaker, until the necessary information is obtained, or a satisfactory record furnished. Each subregistrar shall be liable to the same penalty for neglect of duty as the local registrar. [*Stats. 1919 s. 1022—16; 1921 c. 12 s. 2*]

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69.16 Enforcement, local. The local registrars shall enforce the provisions of sections 69.01 to 69.59, inclusive, in their respective districts, under the supervision and direction of the state registrar; and shall make an immediate report to the state registrar of any violations of said sections coming to their notice by observation or upon complaint. [*Stats. 1919 s. 1022—18; 1921 c. 12 s. 2*]

69.17 Registration; physicians; midwives; undertakers. Each physician, midwife and undertaker shall before acting or practicing as such in any district register his or her name, address, and occupation with the local registrar of the district in which he or she resides or may thereafter establish a residence and shall thereupon be supplied by the local registrar with a copy of this chapter, together with such rules and regulations as may be prepared by the state registrar relative to its enforcement. [*Stats. 1919 s. 1022—19; 1921 c. 12 s. 2*]

69.18 Local registrar; annual report, fees, blanks. Within thirty days after the close of each calendar year, each local registrar shall make a return to the state registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year, and in certifying names for payment as hereinafter provided, the state registrar shall not include any physicians or midwives who have not complied with the requirements of this section. No fee or other compensation shall be charged by local registrars to physicians, midwives or undertakers for registering their names under the foregoing section or making returns thereof to the state registrar. The local registrar shall supply blank forms of certificates to such persons as require them, and shall carefully examine each certificate of birth, death, marriage or accident, when presented for record to see that it has been made out in accordance with the provisions of sections 69.01 to 69.59, inclusive, and the instructions of the state registrar. [*Stats. 1919 s. 1022—20; 1921 c. 12 s. 2*]

69.19 Burial and removal permits. If any certificate of death is incomplete or unsatisfactory, it shall be the local registrar's duty to call attention to the defects in the return and to withhold issuing the burial or removal permit to the undertaker, until the necessary information is obtained or a satisfactory record furnished. [*Stats. 1919 s. 1022—21; 1921 c. 12 s. 2*]

69.20 Deaths from dangerous diseases. In case the death occurred from some disease that is held by the state board of health to be infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under such conditions as may be prescribed by the state board of health. [*Stats. 1919 s. 1022—22; 1921 c. 12 s. 2*]

69.21 Birth certificates. If a certificate of birth is incomplete the local registrar shall immediately notify the parents of the child and require them to supply the missing items if they can be obtained. [*Stats. 1919 s. 1022—23; 1921 c. 12 s. 2*]

69.22 Certificates; numbering. The local registrar shall number and date consecutively the certificates of births, deaths and marriages as he receives them beginning with "number one" in each calendar year and sign his name as such registrar thereto. [*Stats. 1919 s. 1022—24; 1921 c. 12 s. 2*]

69.23 Duplicate records. The local registrar in all cities and incorporated villages shall also make and keep a complete and accurate copy of each birth, death, and marriage certificate received by him, upon a form identical with the original certificate to be filed and permanently preserved in his office, as the local record, of such birth, death or marriage, in such manner as directed by the state registrar. [*Stats. 1919 s. 1022—25; 1921 c. 12 s. 2*]

69.24 Original certificates; transmittal; exception. The local registrar shall, on or before the seventh day of each month, transmit to the state registrar all original certificates of births, deaths, marriages, or accidents received by him, provided that in cities of the first class original certificates may be retained by the local health authorities and duplicates of the original certificates may be forwarded by the local registrar to the state registrar. [*Stats. 1919 s. 1022—26; 1921 c. 12 s. 2*]

69.25 Nothing to report. If no births, deaths, marriages or accidents occurred in any month, the local registrar shall on or before the seventh day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct. [*Stats. 1919 s. 1022—27; 1921 c. 12 s. 2*]

69.26 Birth certificates by physician or midwife. The physician or midwife in attendance when any birth occurs shall file a certificate of birth, properly and completely filled out, giving all the particulars required by sections 69.01 to 69.59, inclusive, with the local registrar of vital statistics of the district in which the birth occurred within five days after the date of birth. All bills or charges for professional services rendered by the physician or midwife in attendance upon a birth shall be unlawful, if the birth certificate,

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properly filled out, is not reported as herein provided. [*Stats. 1919 s. 1022—28; 1921 c. 12 s. 2*]

69.27 Certificates if no physician or midwife. If there be no attending physician or midwife, then the father of the child, householder or owner of the premises, manager or superintendent of a public or private institution in which the birth occurred shall file a satisfactory certificate of birth with the local registrar within five days. [*Stats. 1919 s. 1022—29; 1921 c. 12 s. 2*]

69.28 Standard birth certificates; items; attendance. The certificate of birth shall be of the standard form recommended by the United States census bureau and shall contain the following items:

(1) Place of birth, including state, county, township, incorporated village or city. If in a city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number.

(2) Full name of child. If the child dies without a name before the certificate is filed, enter the words "died unnamed." If the living child has not been named at the date of filing the certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in a case of plural birth, giving number of child in order of birth.

(5) Whether legitimate or illegitimate.

(6) Full name of father.

(7) Residence of father.

(8) Color or race of father.

(9) Birthplace of father.

(10) Age of father at last birthday, in years.

(11) Occupation of father.

(12) Maiden name of mother in full.

(13) Residence of mother.

(14) Color or race of mother.

(15) Birthplace of mother.

(16) Age of mother at last birthday, in years.

(17) Occupation of mother.

(18) Number of child of this mother, and number of children of this mother now living.

(19) Certificate of attending physician or midwife as to attendance at birth, including statement of year, month, day and hour of birth, and whether the child was alive or dead at birth. This certificate shall be signed by the attending physician or midwife, with date of signature and address. If there was no physician or midwife, in attendance, then the father of the child, householder or owner of the premises, or manager or superintendent of public or private institution, or other competent person whose duty it shall become to file the certificate of birth as required by section 69.26, shall draw a line through the words "I hereby certify that I attended the birth of above child," and shall write in lieu thereof the words, "no physician or midwife," filling out the remainder of the certificate in regard to the year, month, day, and hour of birth, and signing the certificate as father, householder, owner of premises, manager or superintendent of institution, as the case may be, with his address.

(20) Exact date of filing in office of local registrar, attested by his official signature and registered number of birth, as hereinafter provided.

(21) If child is born out of wedlock and thereafter proceedings are had under the provisions of sections 1530 to 1542, inclusive, of the statutes, and in such proceedings the paternity of such child determined, such child shall be given the name of such father in said report.

(22) A statement as to whether or not the child has any deformity or physical defect to be answered "yes" or "no." [*Stats. 1919 s. 1022—30; 1921 c. 12 s. 2*]

69.29 Report of congenital deformities. (1) Within twenty-four hours after the birth of any child with a deformity or physical defect, the attending physician or midwife, or if there is no physician or midwife in attendance then the parent or guardian of the child, or other responsible person, shall, in addition to and separate from the notice thereof required in the birth certificate, directly notify the state board of health of such deformity or defect and shall explain as fully as possible the exact nature thereof. Said physician or midwife, or parent, guardian, or other responsible person may, in addition to the notice and explanation herein required make such suggestions or recommendations

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as to the care, treatment or correction of such deformed or defective person, or give such information with reference thereto as he may deem necessary or helpful.

(2) The reports, notices or explanations of all cases of congenital deformity or physical defect provided for by this section shall be treated as confidential to the extent that the name or address of the deformed or defective person shall not be published by any newspaper, magazine or other paper or publication of general or special circulation.

(3) The secretary of the state board of health shall, immediately upon hearing of any case of congenital deformity or physical defect, give to the state board of control the name and address of the child and such further information with reference thereto as may be necessary or helpful in carrying out the provisions of subsection (2) of section 48.05. [*Stats. 1919 s. 1022—30m; 1921 c. 12 s. 2*]

69.30 Child's name; supplementary report. When any certificate of birth of a living child is presented without a statement of the given name, then the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to the registrar as soon as the child shall be named. The original certificate of birth shall not be considered complete until the supplemental report is filed or the blank returned with the statement "died unnamed." [*Stats. 1919 s. 1022—31; 1921 c. 12 s. 2*]

69.31 All dispositions of dead; permit requisite. The body of any person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a permit for burial or removal shall have been properly issued by the local registrar or deputy appointed by him for the registration district in which the death occurs, and no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him as hereinafter provided. [*Stats. 1919 s. 1022—32; 1921 c. 12 s. 2*]

69.32 Stillbirths. Stillborn children shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician and shall state the cause of death as "stillborn" with the cause of the stillbirth, if known; whether a premature birth; and, if born prematurely, the period of uterogestation in months, if known; and a burial or removal permit in usual form shall be required. [*Stats. 1919 s. 1022—33; 1921 c. 12 s. 2*]

69.33 Standard death certificates. The certificate of death shall be of the standard form recommended by the United States census bureau and shall contain the following items:

(1) Place of death, including state, county, township, city or incorporated village. If a city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number.

(2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color, or race, as white, black (negro or negro descent), Indian, Chinese, Japanese or other.

(5) Conjugal condition, as single, married, widowed or divorced.

(6) Date of birth, including the year, month and day.

(7) Age, in years, months and days.

(8) Place of birth; state or foreign country.

(9) Name of father.

(10) Birthplace of father, state or foreign country.

(11) Maiden name of mother.

(12) Birthplace of mother, state or foreign country.

(13) Occupation, the occupation to be reported of any person who had any remunerative employment, women as well as men.

(14) Signature and address of informant.

(15) Date of death, including the year, month and day.

(16) Statement of medical attendance of decedent, fact and time of death, including the time last seen alive.

(17) Cause of death, including the primary and immediate causes, and contributory cause or complications, if any, and the duration of each.

(18) Signature and address of physician or official making the medical certificate.

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(19) Special information concerning deaths in hospitals and institutions and of persons dying away from home, including the former and usual residence, length of time at place of death, and place where the disease was probably contracted.

(20) Place of burial or removal.

(21) Date of burial or removal.

(22) Signature and address of undertaker.

(23) Official signature of registrar, with date when certificate was filed and registered number. [*Stats. 1919 s. 1022—34; 1921 c. 12 s. 2*]

69.34 Death particulars; authentication. The personal and statistical particulars (subsections (1) to (13) of section 69.33) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts. [*Stats. 1919 s. 1022—35; 1921 c. 12 s. 2*]

69.35 Undertaker's signature. The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such. [*Stats. 1919 s. 1022—36; 1921 c. 12 s. 2*]

69.36 Physician's certificate; causes of death. (1) The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred.

(2) He shall further state the cause of death so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and also the contributory causes, if any, and the duration of each.

(3) Indefinite and unsatisfactory terms indicating only symptoms of disease or conditions resulting from diseases will not be held sufficient for issuing a burial or removal permit and any certificate containing only such terms, as defined by the state registrar, shall be returned to the physician for correction and definition.

(4) Causes of death which may be the result of either disease or violence shall be carefully defined, and, if from violence, its nature shall be stated, and whether accidental, suicidal, or homicidal.

(5) In case of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head (subsection (19) of section 69.33), and shall state where, in his opinion, the disease was contracted.

(6) And the cause of death and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar. [*Stats. 1919 s. 1022—37; 1921 c. 12 s. 2*]

69.37 Death without physician. In case of death without the attendance of a physician, or if the certificate of the attending physician cannot be obtained early enough for the purpose, any physician employed for the purpose shall upon the request of the local registrar or his deputy, make such certificate as is required of the attending physician. [*Stats. 1919 s. 1022—38; 1921 c. 12 s. 2*]

69.38 Local registrar to report death, when. When a physician cannot be obtained early enough and only in such case, the local registrar is authorized to insert the facts relative to the cause of death, from the statements of relatives or other competent persons, and the permit for burial shall be issued upon such information. [*Stats. 1919 s. 1022—39; 1921 c. 12 s. 2*]

69.39 Coroner's certificate. Any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease, or the manner of death, and if from external causes or violence whether "probably" accidental, suicidal or homicidal, as determined by the inquest; and shall, in either case, furnish such information as may be required by the state registrar to classify the death. [*Stats. 1919 s. 1022—40; 1921 c. 12 s. 2*]

69.40 Undertaker's duties relative to certificate and permit. (1) The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar and securing a burial or removal permit prior to any disposition of the body.

(2) He shall obtain the personal and statistical particulars required from the person best qualified to supply them over the signature and address of his informant. He shall then present the certificate to the attending physician or other person authorized by law to fill out the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in sections 69.33 to 69.39, inclusive. He shall then state the facts required relative to the date and place of burial over his signature and with his address, and present the completed certificate to the registrar who shall then issue a burial or removal permit.

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(3) The undertaker shall deliver the burial permit to the sexton or person in charge of the place of burial before interring the body, or attach the removal permit to the box containing the corpse, when shipped by any transportation company, to accompany the same to destination. [*Stats. 1919 s. 1022—41; 1921 c. 12 s. 2*]

69.41 Burial within district; wording of permit. If the interment or other disposition of the body is to be made in the registration district in which the death occurred, the wording of the burial permit may be limited to a statement by the registrar and over his signature, that a satisfactory certificate of death having been filed with him as required by law, permission is granted to inter, remove, or otherwise dispose of the body of the deceased, stating the name, age, sex, cause of death and other necessary details upon the form prescribed by the state registrar. [*Stats. 1919 s. 1022—42; 1921 c. 12 s. 2*]

69.42 Burial elsewhere; certificate copy. In case the interment or other disposition of the body is to be made in some registration district other than that in which death occurred, a complete copy of the certificate of death issued by the authorities where the death occurred or the certificate of removal issued when shipped by any transportation company, shall be accepted as a burial permit for the interment of the body. [*Stats. 1919 s. 1022—43; 1921 c. 12 s. 2*]

69.43 Sexton's duty. No sexton or person in charge of any premises in which interments or cremations are made shall inter or cremate or permit the interment or cremation of any body unless it is accompanied by a burial permit as herein provided. [*Stats. 1919 s. 1022—44; 1921 c. 12 s. 2*]

69.44 Sexton's indorsement and return. Each sexton or person in charge of any burial grounds shall indorse upon the permit the date of the interment, over his signature, and shall retain all such permits as a part of his record. [*Stats. 1919 s. 1022—45; 1921 c. 12 s. 2*]

69.45 Sexton's records. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker. [*Stats. 1919 s. 1022—46; 1921 c. 12 s. 2*]

69.46 County clerk's or judge's marriage records. The county clerk, county judge or judge of a court of record, shall before issuing a certificate of marriage, enter upon a blank or stub provided for that purpose the names and addresses of the parties to the proposed marriage, the name of the person who will probably perform the ceremony and such other information as the state registrar shall determine is necessary and useful. [*Stats. 1919 s. 1022—50; 1921 c. 12 s. 2*]

69.47 Central office may call for papers. Upon the demand of the state registrar all such records shall be sent to the central office at Madison for the purpose of checking the returns sent in by local registrars and then returned to the county clerk to be preserved as a permanent record. [*Stats. 1919 s. 1022—51; 1921 c. 12 s. 2*]

69.48 Going out of state to marry. When parties living in this state shall go out of it to be married, and shall return to it to reside, they shall obtain from the county clerk of the county in which either of them resided prior to their marriage, a blank certificate of marriage which they shall cause to be properly filled out and filed with the local registrar of vital statistics of the city, incorporated village or town wherein they reside, within ten days after their return. [*Stats. 1919 s. 1022—52; 1921 c. 12 s. 2*]

69.49 Industrial illness and diseases. (1) Every medical practitioner in this state attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the secretary of the state board of health and bureau of vital statistics a notice, stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering.

(2) If any medical practitioner fails to comply with the provisions of this section, he shall be liable to a fine not exceeding ten dollars.

(3) It shall be the duty of the industrial commission to enforce the provisions of this section, and he may call upon the state and local boards of health for assistance. [*Stats. 1919 s. 1022—53m; 1921 c. 12 s. 2*]

69.50 Divorces reported by court clerks. The clerk of every court having jurisdiction of divorce proceedings shall, on or before the thirtieth day of September of each year, return to the state registrar of vital statistics upon the blanks provided for that purpose, statistics relative to each suit for annulment of marriage or divorce brought or acted upon in said court during the preceding year. [*Stats. 1919 s. 1022—54; 1921 c. 12 s. 2*]

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69.51 Divorce items. Said record shall contain the following items: The record number, full name, age, color, and occupation of plaintiff and defendant, date and place of marriage, residence of each at time of marriage and at time suit was brought, date of separation, date of filing the action, the alleged cause or causes for annulment or divorce, kind of relief prayed for, manner of service of summons, whether or not the suit was contested, date and nature of decree, final disposition of case; whether alimony was asked and granted, number of children by the marriage, number of children affected by the decree and such other information as the state registrar shall determine is necessary and useful to a proper study of divorces in this state. When a cross bill is filed a similar return relating thereto shall be made. [*State. 1919 s. 1022—55; 1921 c. 12 s. 2*]

69.52 Biennial report of state registrar. The state registrar shall biennially prepare from said returns, abstracts and tabular statements of the facts relating to divorce in each county, and embody them, with the necessary analysis, in the regular biennial report of the state board of health and vital statistics. [*Stats. 1919 s. 1022—56; 1921 c. 12 s. 2*]

69.53 Fees of local registrars; certified copies. (1) For each complete certificate of each birth, death, marriage or accident forwarded to the state registrar, together with the copy thereof transmitted to the register of deeds in accordance with the provisions of sections 69.01 to 69.54, inclusive, including the copy retained in cities and villages, the local registrar shall be paid the sum of twenty cents.

(2) In case no births, deaths, marriages or accidents were registered during any month, the local registrar shall be entitled to be paid the sum of fifteen cents for each report to that effect promptly made in accordance with the directions of the state registrar.

(3) Certificates lacking items which shall be determined by the state registrar to be important shall be considered defective in so far as they fail to contain the specific facts or items demanded by the state registrar unless the missing information or facts are obtained to complete the original certificate and in that case the facts so obtained shall be considered a part of the original certificate as though it were contained in the original certificate, and said subsequent information relative to said facts and information shall be written on the original certificate and become a part thereof.

(4) No fee shall be paid to local registrars for defective certificates until the missing information, when possible to obtain, is supplied.

(5) All amounts payable to registrars under provisions of this section shall be paid by the treasurer of the county in which the registration districts are located upon certification by the state registrar.

(6) The state registrar shall annually certify to the treasurers of the several counties the number of births, deaths, marriages and accidents registered, with the names of the local registrars and the amounts due each at the rates fixed herein.

(7) The state registrar shall certify to the register of deeds of each county all corrections and additional information received by him to complete any original certificate received from such county.

(8) Whenever there shall be filed with the state registrar of vital statistics a certificate of death of any resident of this state, who died without the state, the registrar shall forward to the register of deeds of the county in which such deceased person resided, a certified copy of such certificate of death, who shall make a proper record of the same. [*Stats. 1919 s. 1022—57; 1921 c. 12 s. 2*]

69.54 Fees of informants; certificates; counties to pay. (1) Each physician, midwife, minister, or priest, court commissioner, judge of a court of record, justice of the peace or other persons acting as informant and filing with the local registrar, certificates of births, deaths, and marriages completely and legibly made out in ink, shall be entitled to receive the sum of twenty-five cents for each birth, death, and marriage so recorded, to be paid by the treasurer of the county upon certification by the state registrar.

(2) Only one certificate shall be received for each birth, death, marriage and accident and the order of right to file the certificates shall be the same as the order of responsibility for filing as herein given.

(3) Defective certificates shall not be entitled to payment until the missing information, when possible to obtain, is supplied.

(4) The state registrar shall annually certify to the treasurers of the several counties, the number of births, deaths, marriages and accidents registered with the names of the persons reporting and the amounts due each at the rate fixed herein.

(5) Any person entitled to such fee shall claim and demand the same within a period of three years after receipt by the county treasurer of the warrant or certificate from the state registrar authorizing such payment, and no right to such fee shall exist after the expiration of such time. Provided that every claim and right now existing to such fees as

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are mentioned in this section of the statutes, whether arising thereunder or under any other law relating to such fees, shall become void, and every right of action for the collection thereof shall be barred, after the expiration of one year from and after the passage and publication hereof. [*Stats. 1919 s. 1022—58; 1921 c. 12 s. 2*]

69.55 Local registrar, transmit copies to register of deeds. The local registrar shall, on or before the seventh day of each month, make a (complete and accurate) copy of each birth, death and marriage certificate received by him, upon a form identical with the original certificate and transmit the same to the register of deeds of his county. [*Stats. 1919 s. 1022—60; 1921 c. 12 s. 2*]

69.56 Register of deeds; duties. (1) Every register of deeds shall file and index all certificates of births, deaths, or marriages, received by him from the state and local registrar and thereafter properly bind said certificates in book form. He shall also make all corrections or additions certified to him by the state registrar. The cost of all books furnished to each county by the state registrar shall be paid by the treasurer of such county upon the certificate of the state registrar.

(2) Whenever original certificates of birth, death or marriage or accidents are sent to the register of deeds by physicians, midwives, ministers or other persons, the register of deeds shall forthwith return all such original certificates to the local registrar in the district where the birth, death, marriage or accident occurred.

(3) Such register of deeds shall receive from the county a fee of ten cents for the filing, indexing and correcting of each certificate so filed and indexed by him. [*Stats. 1919 s. 1022—61; 1921 c. 12 s. 2*]

69.57 Omitted registration, how supplied; report to state board. When any marriage, birth or death heretofore or hereafter occurring in this state, shall not have been registered, upon presenting and filing with the local registrar of the township, incorporated village or city in which the marriage, birth or death occurred, or with the state board of health, proof of such marriage, birth or death on blanks to be furnished by the state board of health, the certificate shall be accepted for record and an exact copy sent to the register of deeds. Local registrars shall report to the state board of health each month all such original certificates filed with them after making a copy for the register of deeds. Proof shall be required as follows: In case of marriage, the affidavit of the person who performed the ceremony or, if such proof cannot be made, then the affidavit of some person not a party to the marriage who was present thereat; in case of birth, the affidavit of the attending physician, midwife, parent or other person who has actual knowledge of the time of such birth and of his parentage; and in case of death, the affidavit of some person who knew the deceased while living and actually saw him dead or has actual knowledge of his death. In each case such affidavit shall set forth the facts necessary to make a satisfactory record of such marriage, birth or death in the manner required by law. [*Stats. 1919 s. 1022—62; 1921 c. 12 s. 2*]

69.58 Monthly report of births, marriages and deaths. The local registrar of each township, incorporated village and city shall, on the first day of each and every month, make an exact copy of all births, marriages and deaths recorded in such city, incorporated village or township during the previous month, whenever the parents of the child born, or the bride or the groom, or the deceased person, were resident in any other city or incorporated village in this state or in any other state at the time of said birth, marriage or death; and shall transmit such copies to the registrar of the incorporated village, city or state in which such parents of the child born, the bride or the groom, or the deceased, were resident at the time of said birth, marriage or death. The registrars so receiving such copies shall record the same in the books kept for recording births, marriages and deaths. Such copies shall be made upon blanks to be furnished for that purpose by the state board of health. [*Stats. 1919 s. 1022—63; 1921 c. 12 s. 2*]

69.59 Marriage records; correction. The circuit court of any county in which there is any marriage legally recorded may make an order correcting such record on proof being made to the satisfaction of the court that the record is incorrect in any particular. The officer in charge of such records shall record such order or a copy certified by the clerk under the seal of the court, and such record shall have the same effect as the record of marriage duly returned by the proper person. [*Stats. 1919 s. 1027a; 1921 c. 12 s. 2*]

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TITLE X.

Taxation.

CHAPTER 70.

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70.01 Valuation of property; assessors in cities and villages; boards of. The valuation of property for taxation and the assessment and collection of taxes in all the towns, cities and villages of this state shall be made according to the provisions of this title unless otherwise specifically provided. If no provisions be otherwise made therefor, there shall be elected at the annual charter election one assessor for each assessment district. When there shall be in any town, ward, village or city, constituting a single assessment district, more than one assessor, the assessors therein in the discharge of their official duties shall act together as an assessment board, and the concurrence of a majority of such board shall be necessary to determine any matter upon which they are required to act. The term "assessor" as used in this chapter is intended to embrace such board of assessors. [*Stats. 1919 s. 1030; 1921 c. 69 s. 3*]

70.02 Assessment districts in Milwaukee; removal of assessors. (1) In all cities of the first class, whether organized under general or special charter, the tax commissioner shall divide such city into sixteen districts for assessment purposes and fix the boundary lines thereof without regard to ward lines, to be approved by the common council. For the purpose of determining situs of personal property for assessment and taxation, the boundaries of such districts may be disregarded. Whenever any of such districts shall be enlarged by reason of the annexation of territory to the city, the tax commissioner, with the approval of the common council, may redistrict the city or so much thereof as he deems necessary in order to equalize the work of the several assessors, or with the approval of the common council, he may create additional assessment districts. The said tax commissioner shall appoint one assessor for each district who shall be a resident of the district for which he is appointed and hold office in accordance with the civil service laws applicable to such city, except insofar as the same is modified by subsection (2). The assessors shall devote their entire time and attention to the duties of their office and shall not actively engage in any other occupation. They shall receive an annual salary to be fixed by the common council, payable as salaries of other officers of such city are paid. If there be a deputy tax commissioner in any such city, he shall receive an annual salary to be fixed by the common council.

(2) Every assessor appointed as provided in subsection (1) shall be subject to removal from office for the causes mentioned in section 17.14, and in addition thereto for neglect of duties, incompetency, drunkenness or intentional insubordination in the manner provided by subsection (3).

(3) Whenever the tax commissioner ascertains or has good reason to believe that any assessor is guilty of any of the causes for removal mentioned in subsection (2) he may immediately suspend such assessor, and the tax commissioner shall thereupon within ten days make complaint to the presiding judge of the circuit court for the removal of such assessor, and the matters shall be brought on for immediate hearing. The city attorney shall attend and prosecute such proceedings for removal. Unless such complaint is filed by the said tax commissioner within said time, said assessor so suspended shall ipso facto be reinstated without further proceedings. Nothing herein contained, however, shall affect the removal of assessors in the manner and for the causes as provided in section 17.14. [*Stats. 1919 s. 1030a; 1921 c. 69 s. 4*]

70.03 Functions of board of assessors in Milwaukee. (1) In all cities of the first class the several assessors shall deliver their respective assessment rolls to, and file the same with the tax commissioner on the last Monday of June in each year.

(2) Upon receipt of the rolls of the several assessors, the said tax commissioner shall thereupon give notice of publication in the official papers of said city, for ten days, that on a day therein named for each assessment district, the assessment roll for said assessment district will be open for examination by the taxable inhabitants thereof, and at the same time the tax commissioner shall call together all of the assessors, and said tax commissioner together with such assessors shall constitute an assessment board.

(3) To the end that all valuations throughout the city shall be made on a uniform basis, and before the assessment roll is completed, such board of assessors, under the direction and supervision of the tax commissioner, shall compare the valuations so secured, making all necessary corrections and all other just and necessary changes to arrive at the true value of property within the city.

(4) The concurrence of a majority of such board of assessors shall be necessary to determine any matter upon which they are required to act, and it shall not be necessary for said board of assessors to take testimony before making such corrections and changes as mentioned in subsection (3), and no notice need be given to the owners of the property assessed of any such corrections or changes in the assessment roll which are made prior to the day fixed in the notice mentioned in subsection (2) as the day on which said assessment roll is to be open for examination; but any changes made thereafter and before

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the assessment roll shall have been delivered to the board of review can only be made upon notice as required in subsection (3) of section 70.47.

(5) The tax commissioner may provide for such committees of the board of assessors, as he may think best, to make investigations and perform such other duties as may be prescribed by the said tax commissioner. The tax commissioner shall be chairman of the board of assessors, and he shall appoint the members of the various committees. He shall be ex officio chairman of each of said committees, but may designate any assessor or other officer or employe in his department to act as chairman in his stead; provided, however, that this provision shall not be construed as giving to such officer or employe any vote as a member of the board of assessors.

(6) After the assessors shall have turned over to the tax commissioner their assessment rolls, they shall have no authority, except by act of a majority of the board of assessors, to make any changes in their assessment roll.

(7) After all corrections and changes shall have been made, the tax commissioner shall submit the corrected assessment rolls to the board of review. [*Stats. 1919 s. 1030m; 1921 c. 69 s. 5*]

70.04 Assessment district. The term "assessment district" is used to designate any subdivision of territory, whether the whole or any part of any municipality, in which by law a separate assessment of taxable property is made by an assessor or assessors elected or appointed therefor. [*Stats. 1919 s. 1031; 1921 c. 69 s. 6*]

70.05 Blanks for officers. The tax commission shall prescribe and furnish to the several county clerks, forms for the assessment rolls, tax rolls, blanks and returns required for the due execution of the provisions of this chapter. Every county clerk shall, at the expense of the county, annually procure to be prepared according to such prescribed forms and furnish to each assessor in the county, in due season for use, an assessment roll, and to each town clerk a tax roll, and all other books, blanks and papers necessary to be used by such assessors, town and village clerks and treasurers, in the discharge of their duties under this chapter. [*Stats. 1919 s. 1032; 1921 c. 69 s. 7*]

70.06 Assessment, when made. The assessor of each assessment district shall begin on the first day of May in each year, or as soon thereafter as practicable, and proceed to make an assessment of all the real and personal property liable to taxation in such district. All personal property shall be assessed as of the first day of May in such year except as provided in section 70.13. Real property may be assessed at any time between the first day of May and the time of the sitting of the board of review for such district. [*Stats. 1919 s. 1033; 1921 c. 69 s. 8*]

WHAT TO BE ASSESSED.

70.07 What property taxable. Taxes shall be levied upon all property in this state except such as is exempted therefrom. All swamp and overflowed lands which have been or may be contracted for sale by any county board or commissioners pursuant to law shall be assessed and taxes thereon collected as in other cases. In cities of the first class the tax commissioner shall perform such duties in relation to the assessment of property for taxation as may be prescribed by the common council, and the assessment rolls of the city shall be made as the council shall direct. [*Stats. 1919 s. 1034; 1921 c. 69 s. 9*]

70.08 Definitions. The terms "real property," "real estate" and "land," when used in this title, shall include not only the land itself but all buildings and improvements thereon, including buildings on leased lands, and all fixtures and rights and privileges appertaining thereto, and also private railroads and bridges. [*Stats. 1919 s. 1035; 1921 c. 69 s. 11*]

70.09 Definition of personal property. The term "personal property," as used in this title, shall be construed to mean and include toll bridges, saw logs, timber and lumber, either upon land or afloat; steamboats, ships and other vessels, whether at home or abroad; ferry boats, including the franchise for running the same; ice cut and stored for use, sale or shipment; and all goods, wares, merchandise, chattels, and effects, of any nature or description, having any real or marketable value, and not included in the term "real property," as above defined. [*Stats. 1919 s. 1036; 1921 c. 69 s. 12*]

70.10 Improvements on homestead lands. The improvements on all lands situated in this state which shall have been entered under the provisions of the act of congress entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, one thousand eight hundred and sixty-two, and which shall be actually occupied and improved by the person so entering the same or his heirs, shall be subject to taxation, and such improvements shall be assessed as personal property. All taxes levied thereon shall be collected out of the personal property of the occupant of such lands and in no other manner. [*Stats. 1919 s. 1037; 1921 c. 69 s. 12*]

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EXEMPTIONS.

70.11 Property exempt from taxation. The property in this section described is exempt from taxation, to wit:

(1) That owned exclusively by the United States or by this state except lands contracted to be sold by the state; but lands purchased by counties at tax sales shall be exempt only in the cases provided in section 75.32. No real estate belonging to or held in trust for the state which is exempt from taxation shall be subject to special taxes or assessments for local improvements, any different or inconsistent provision in any city charter notwithstanding.

(2) Lands owned or occupied free of rental exclusively by any county, city, village, town, school district or free public library of this state and lands in this state belonging to cities of any other state used for public parks.

(3) Any and all lands occupied or held exclusively for public parks, boulevards or pleasure drives by any city or village, and the personal property used by such city or village for the upkeep and maintenance thereof, and lands used for public parks or monument grounds belonging to any military organization and not used for gain. Any certificate or certificates of sale of such lands for unpaid taxes held by any county, may be canceled by a majority of the county board thereof upon application therefor by the county, village or military organization having possession of such lands.

(4) Personal property owned by any religious, scientific, literary, educational or benevolent association, or by fraternal societies, orders, or associations operating under the lodge system, used exclusively for the purposes of such association, and the real property necessary for the location and convenience of the buildings of such association and embracing the same, not exceeding ten acres; provided such real or personal property is not leased or otherwise used for pecuniary profit; and the lands reserved for grounds of a chartered college or university, not exceeding forty acres; and parsonages, whether of local churches or districts, and whether occupied by the pastor permanently or rented for his benefit. The occasional leasing of such buildings for schools, public lectures or concerts, or the leasing of such parsonages, shall not render them liable to taxation. The endowment funds and real and personal estate of any public library asociation, organized under the laws of this state, which, or the income of which, shall be used or invested for the purposes of such association. The endowment funds and the real and personal estate of any corporation formed solely to encourage the fine arts, organized under the laws of this state, without capital stock, and paying no dividends or pecuniary profits to its members. Such real and personal estate comprised under any endowment or trust, or such proportion of the true value of such real or personal estate, as under the terms of such endowment or trust is specifically held for the benefit of the state historical society of Wisconsin organized under the act of the legislature, approved on the fourth day of March, one thousand eight hundred fifty-three.

(5) Property owned and used exclusively by any state or county agricultural society, or by any corporation or association formed under the laws of this state for the encouragement of industry by agricultural and industrial fairs and exhibitions, necessary for fairgrounds, while used exclusively for that purpose, not exceeding eighty acres; provided, that such corporations or associations may permit such fairgrounds to be used for celebrations or as places of amusement.

(6) Fire engines and other implements used for extinguishing fires, owned or used by any organized fire company, and the buildings and necessary ground connected therewith owned by such company, and used exclusively for its proper purposes.

(7) The property of Indians who are not citizens, except lands held by them by purchase.

(8) Lands owned by any cemetery association used exclusively as public burial grounds and tombs and monuments to the dead therein; including lands adjoining such burial grounds, and greenhouses and other buildings and outbuildings thereon, owned and occupied exclusively by such cemetery association for cemetery purposes; all articles of personal property owned by any cemetery association necessarily used in the care and management of such burial grounds, and all funds exclusively devoted to such purposes; all flowers and ornamental plants and shrubs raised for the decoration of such burial grounds, and which may be sold in the manner and for the purposes mentioned in section 1449; also all property held by donation, bequest or in trust for cemetery associations under the provisions of section 1447.

(9) Pensions receivable from the United States.

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(10) All moneys or debts due or to become due to any person and all stocks and bonds, including bonds issued by any county, town, city, village, school district, or other political subdivision of this state, not otherwise specially provided for.

(11) Wearing apparel, personal ornaments and jewelry habitually worn not exceeding in value seven hundred fifty dollars, family portraits, private libraries, not exceeding in value two hundred dollars, kitchen and other household furniture and furnishings, one piano, organ or melodeon and other musical instruments, and also growing crops, including ginseng and other medicinal plants.

(12) (a) The tools of a mechanic kept and used in his trade and farm, orchard and garden machinery implements and tools, actually used in the operation of any farm, orchard or garden.

(b) One bicycle used by the owner in his business or for pleasure, not including any machine propelled in whole or in part by any mechanical agency.

(c) One sewing machine kept for the use of the owner or his family.

(d) Firearms kept for the use of the owner not exceeding in value twenty-five dollars.

(e) Not exceeding five colonies (swarms) of honey bees, kept for the use of the owner and his family.

(f) Poultry not exceeding in value twenty-five dollars.

(g) And all farm animals born after the thirty-first day of December next preceding the day of assessment.

(h) One watch carried by the owner.

(i) One boat, launch or vessel, not exceeding forty feet in length, operated by its owner and used exclusively for fishing purposes in Lake Winnebago and in the outlying waters of the state, together with all nets, hooks, reels and other fishing apparatus used in connection with such boat.

(13) Provisions and fuel provided by the head of a family to sustain its members for six months; but no person paying board shall be deemed a member of a family.

(14) All the personal property of all insurance companies that now are or shall be organized or doing business in this state.

(15) All the real and personal property of any orphan asylum or orphan home in this state, and the real estate of the Home of the Friendless in the city of Milwaukee, not exceeding one lot, while the same are actually used for such homes.

(16) The armory owned by any regiment, battalion or company of the Wisconsin national guard and used for military purposes by such organization; but such property shall be subject to local assessments for the improvement of streets or sidewalks, or for the construction and repair of sewers or drains.

(17) The property of any corporation or association formed under the laws of this state, used exclusively for the purpose of manufacturing oxide of zinc or metallic zinc from native ores of the state, shall be exempt from taxation for a period of three years.

(18) All of the real and personal property of the turner societies which are or may be incorporated under the laws of this state, which is used exclusively for educational purposes, is hereby exempted from taxation.

(19) All real and personal property of any public art gallery or of any corporation created without capital stock for the sole purpose of maintaining, regulating and managing a public art gallery in this state shall be exempt from taxation; provided, that the public shall have access to such art gallery free of charge not less than three days in each week.

(20) The property of all telephone companies and of persons, associations or corporations engaged in the business of transmitting messages by telephone or the renting, letting or keeping of telephones, wires, batteries or apparatus for that purpose except real estate not used in carrying on their business.

(21) All the property of trust or annuity corporations organized under chapter 86, except real estate owned by them.

(22). All the property of corporations organized under chapter 86 for the guaranty of title.

(23) All the property of every kind actually used in operating any plank or toll road.

(24) So much of any bridge across the St. Croix or Mississippi rivers, together with the necessary highways and approaches thereto as lies in this state and is open to the general public for highway purposes, whether toll be charged thereon or not, owned exclusively by any county, city, village or town in this state or in the state of Minnesota, or owned jointly by any county, city, village or town, together with any other county, city, village or town in either of said states, shall be exempt from taxation.

(25) (a) The lands not exceeding ten acres, together with the buildings thereon, not being within the limits of any incorporated city or village, owned by corporations organ-

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ized under the laws of this state for moral, religious and educational purposes and used by them exclusively for the holding of annual encampments or assemblies, for moral, religious and educational purposes, are hereby exempted from taxation.

(b) The benefits of this subsection shall cease to be enjoyed by any such corporation if it shall at any time appear that a dividend has been declared on its stock, or that a division of profits has been made, in any manner, among all or any of its members.

(c) The maintenance on such grounds by such corporation of cottages or other structures for the use and accommodations of persons attending such encampments or assemblies shall not deprive such corporation of the exemption privilege hereby granted, but such exemption shall not extend to buildings on such grounds owned by persons other than such corporation.

(26) All real property, not exceeding one hundred and sixty acres, and personal property of any religious corporation, society, institute or body, which is actually used and occupied for a home for feeble-minded, so long as said property is actually so used.

(27) All real property, not exceeding twenty acres, of the Ebenezer congregation of the Moravian church of the town of Watertown, the income from which is used exclusively for religious purposes, so long as said property is actually so used.

(28) All memorial halls owned and occupied by the Grand Army of the Republic, Women's Relief Corps, or Sons of Veterans, containing permanent memorial tablets with the names of the enlisted men of any given town, city or county, who died in service during the civil war inscribed thereon, and all buildings erected or purchased by any county, city, town or village as memorials to the soldiers, sailors and marines of this state who served in the late world war. The renting of such halls or buildings for public purposes shall not render them taxable, provided that all income derived therefrom be used for the upkeep and maintenance thereof.

(29) All real and personal property of any community house district organized under the provisions of section 43.51.

(30) Real estate, not exceeding forty acres nor less than twenty acres, which shall hereafter be acquired for, and actually devoted to, agricultural purposes, by a bona fide settler occupying the same as a homestead, shall be exempt from taxation for a period of three years from the commencement of such occupation; provided, that such real estate at the time of such acquisition is entirely uncleared and unimproved. [*Stats. 1919 s. 1038 except sub. (34); 1921 c. 69 s. 13 to 29; 1921 c. 215, 355, 374; 1921 c. 422 s. 34; 1921 c. 590 s. 41; 1921 c. 9 s. 2*]

WHERE TO BE ASSESSED.

70.12 Real property. All real property not expressly exempt from taxation shall be entered upon the assessment roll in the assessment district where it lies. [*Stats. 1919 s. 1039; 1921 c. 69 s. 30*]

70.13 Where personal property assessed. (1) All personal property shall be assessed in the assessment district where the same is located or customarily kept except as otherwise specifically provided. Personal property in transit within the state on the first day of May shall be assessed in the district in which the same is intended to be kept or located, and personal property having no fixed location shall be assessed in the district where the owner or the person in charge or possession thereof resides.

(2) Saw logs or timber in transit, which are to be sawed or manufactured in any mill in this state, shall be deemed located and shall be assessed in the district in which such mill is located. Saw logs or timber shall be deemed in transit when the same are being transported either by water or rail or shall have been removed from the district in which the same shall have been cut, and shall be banked, decked, piled, or otherwise temporarily stored in some other district for transportation to such mill; but when such logs or timber are banked, decked, piled, or otherwise temporarily stored for transportation in the district in which the same shall have been cut, they shall be deemed located and shall be assessed in such district.

(3) On or before the tenth day of May in each year the owner of such logs or timber shall furnish the assessor of the district in which such mill is located and also the assessor of the district in which such logs and timber were located on the first day of May preceding, a verified statement of the amount, character and value thereof, designating the assessment district in which the same are to be sawed or manufactured. Any assessment made in accordance with such statement shall be valid and binding on the owner notwithstanding any subsequent change as to the place where the same may be sawed or manufactured. If the owner of such logs or timber shall fail or refuse to furnish the statement herein provided for, or shall intentionally make a false statement, he shall be subject to the penalties prescribed by section 70.36.

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(4) It shall be the duty of the assessor of the assessment district in which any saw logs, timber, railroad ties, or telegraph poles owned by nonresidents may be located to ascertain at any time during the month of April in each year the amount of such property in his assessment district, by actual view as far as practicable, fix the value of said property, and assess the same to said owners as other personal property is valued and assessed.

(5) As between school districts, the location of personal property for taxation shall be determined by the same rules as between assessment districts; provided, that whenever the owner or occupant shall reside upon any contiguous tracts or parcels of land which shall lie in two or more assessment districts, then the farm implements, live stock, and farm products of such owner or occupant used, kept, or being upon such contiguous tracts or parcels of land, shall be assessed in the assessment district where he resides at the time of such assessment.

(6) No change of location or sale of any personal property after the first day of May in any year shall affect the assessment made in such year. [*Stats. 1919 s. 1040 except subs. 2, 3, 9; 1921 c. 69 s. 31 to 36*]

70.14 Incorporated companies. The residence of an incorporated company, for the purposes of the preceding section, shall be held to be in the assessment district where the principal office or place of business of such company shall be. [*Stats. 1919 s. 1041; 1921 c. 69 s. 37*]

70.15 Assessment of vessels. (1) That in consideration of an annual payment into the treasury of any town, village or city where such property is assessable by the owner of any steam vessel, barge, boat or other water craft, owned within this state, or hailing from any port thereof, and employed regularly in interstate traffic in the navigation of international waters, of a sum equal to three cents per net ton of the registered tonnage thereof, said steam vessel, barge, boat or other water craft shall be and the same is hereby made exempt from further taxation, either state or municipal.

(2) The owner of any steam vessel, barge, boat or other water craft, hailing from any port of this state, "and so employed in the navigation of international waters," desiring to comply with the terms of this section, shall annually, on or before the first day of May, file with the clerk of such town, village or city a verified statement, in writing, containing the name, port of hail, tonnage and name or owner of such steam vessel, barge, boat or other water craft, and shall thereupon pay into the said treasury of such town, village or city a sum equal to three cents per net ton of the registered tonnage of said vessel, and the treasurer shall thereupon issue his receipt therefor. All vessels, boats or other water craft not regularly employed in interstate traffic in the navigation of international waters, and all private yachts or pleasure boats belonging to inhabitants of this state, whether at home or abroad, shall be taxed as personal property. [*Stats. 1919 s. 1042a; 1921 c. 69 s. 38*]

70.16 Leaf tobacco. Leaf tobacco, whether in the hands of the grower or dealer, shall be listed and valued by the assessor of the assessment district where the same is located on May first of the year in which the assessment is to be made, and no tobacco then located in this state shall be considered in transit unless it has actually been started on its journey or has been delivered and consigned to a common carrier for shipment. Any assessor who shall knowingly fail to list and value according to law any and all leaf tobacco located in his district on May first of the year of making his assessment shall be punished as provided in section 4550. [*Stats. 1919 s. 1042b; 1921 c. 69 s. 39*]

TO WHOM TO BE ASSESSED.

70.17 Real property. Real property shall be entered in the name of the owner, if known to the assessor, otherwise to the occupant thereof if ascertainable, and otherwise without any name. The person holding the contract or certificate of sale of any real property contracted to be sold by the state, but not conveyed, shall be deemed the owner for such purpose. The undivided real estate of any deceased person may be entered to the heirs of such person without designating them by name. The real estate of an incorporated company shall be entered in the same manner as that of an individual. Real property held under lease from any religious, scientific, literary or benevolent association, but otherwise exempt, shall be assessed to the lessee. All buildings on lands under lease or permit, including buildings located on railroad right of way or on other lands not subject to local assessment, shall be assessed as real estate to the owners of such buildings, if known, otherwise as above provided. The tax thereon may be enforced in the same manner as other real estate taxes or by action of debt as prescribed by section 74.12 for the collection of taxes on personal property. [*Stats. 1919 s. 1043; 1921 c. 69 s. 40*]

70.18 Property held in charge, assessed to representative capacity. Personal property shall be assessed to the owner thereof, except that when it shall be in the charge

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or possession of some person other than the owner or person beneficially entitled thereto in the capacity of parent, guardian, husband, agent, lessee, occupant, mortgagee, pledgee, executor, administrator, trustee, assignee, receiver, or other representative capacity, it shall be assessed to the person so in charge or possession of the same. Telegraph and telephone poles, posts, railroad ties, lumber and all other manufactured forest products shall be deemed to be in the charge or possession of the person in occupancy or possession of the premises upon which the same shall be stored or piled, and the same shall be assessed to such person, unless the owner or some other person residing in the same assessment district, shall be actually and actively in charge and possession thereof, in which case it shall be assessed to such resident owner or other person so in actual charge or possession; but nothing contained in this clause shall affect or change the rules prescribed in section 70.13 respecting the district in which such property shall be assessed. [*Stats. 1919 s. 1044; 1921 c. 69 s. 41*]

70.19 Assessment, how made; liability and rights of representative. (1) When personal property shall be assessed to some person in charge or possession thereof other than the owner or person beneficially entitled thereto as hereinbefore provided, the assessment thereof, shall be entered upon the assessment roll separately from the same person's assessment of his own personal property, adding to his name upon such roll words briefly indicating that such assessment is made to him as the person in charge or possession thereof as occupant or possessor of the premises on which such property is stored or piled or as the husband, agent, lessee, occupant, mortgagee, pledgee, executor, administrator, trustee, assignee, receiver or other representative of the owner or person beneficially entitled thereto; but a failure to enter such assessment separately or to indicate the representative capacity or other relationship of the person assssed shall not affect the validity of the assessment.

(2) The person so assessed shall be personally liable for the tax thereon. He shall have a personal right of action against the owner or person beneficially entitled to such property for the amount of such taxes and shall have a lien therefor upon such property with the rights and remedies for the preservation and enforcement of such lien provided in sections 3346 and 3347, and shall be entitled to retain possession of such property until the owner or person beneficially entitled thereto shall have paid the tax thereon or shall have reimbursed the person assessed for such tax if paid by him. Such lien and right of possession shall relate back and exist from the time as of which such assessment is made, but may be released and discharged by giving to the person assessed such undertaking or other indemnity as he may accept or by giving to him a bond in such amount and with such sureties as shall be directed and approved by the county judge of the county in which such property is assessed, upon eight days' notice to the person assessed, which bond shall be conditioned to hold and keep the person against whom such assessment is made free and harmless from any and all costs, expense, liability or damage by reason of such assessment. [*Stats. 1919 s. 1044a; 1921 c. 69 s. 42*]

70.20 Actions to collect tax, proceedings. (1) When personal property shall be assessed to some person in charge or possession thereof, other than the owner, such owner as well as the person so in charge or possession shall be liable for the taxes levied pursuant to such assessment; and the liability of such owner may be enforced in a personal action as for a debt. Such action may be brought in the name of the town, city or village in which such assessment was made, if commenced before the time fixed by law for the return of delinquent taxes, by direction of the treasurer or tax collector of such town, city or village. If commenced after such a return, it shall be brought in the name of the county or other municipality to the treasurer or other officer of which such return shall be made, by direction of such treasurer or other officer. Such action may be brought in any court of this state having jurisdiction of the amount involved and in which jurisdiction may be obtained of the person of such owner or by attachment of the property of such owner.

(2) The remedy of attachment may be allowed in such action upon filing an affidavit of the officer by whose direction such action shall be brought, showing the assessment of such property in the assessment district, the amount of tax levied pursuant thereto, that the defendant was the owner of such property at the time as of which the assessment thereof was made, and that such tax remains unpaid in whole or in part, and the amount remaining unpaid. The proceedings in such actions and for enforcement of the judgment obtained therein shall be the same as in ordinary actions for debt as near as may be, but no property shall be exempt from attachment or execution issued upon a judgment against the defendant in such action.

(3) The assessment and tax rolls in which such assessment and tax shall be entered shall be prima facie evidence of such assessment and tax and of the justice and regularity

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thereof; and the same, with proof of the ownership of such property by the defendant at the time as of which the assessment was made and of the nonpayment of such tax, shall be sufficient to establish the liability of the defendant. Such liability shall not be affected and such action shall not be defeated by any omission or irregularity in the assessment or tax proceedings not affecting the substantial justice and equity of the tax. The provisions of this section shall not impair or affect the remedies given by other provisions of law for the collection or enforcement of such tax against the person to whom the property was assessed. [*Stats. 1919 s. 1044b; 1921 c. 69 s. 43*]

70.21 Partnership; estates in hands of executor; personal property, how assessed. The personal property of a partnership may be assessed in the names of the persons composing such partnership, so far as known or in the firm name or title under which the partnership business is conducted, and each partner shall be liable for the taxes levied thereon. Undistributed personal property belonging to the estate of a person deceased shall be assessed to the executor or administrator if one shall have been appointed and qualified, on the first day of May in the year in which the assessment is made, otherwise it may be assessed to the estate of such deceased person, and the tax thereon shall be paid by the executor or administrator if one be thereafter appointed, otherwise by the person or persons in possession of such property at the time of the assessment. [*Stats. 1919 s. 1044c; 1921 c. 69 s. 44*]

70.22 Personal property being administered, how assessed. (1) In case one or more of two or more executors of the will or administrators or trustees of the estate of a decedent, whose domicile at the time of his decease was in this state, shall not be residents within the state, the taxable personal property belonging to such estate shall be assessed to the executors, administrators or trustees residing in this state. In case there shall be two or more executors, administrators or trustees of the same estate residing in this state, but in different assessment districts, the assessment of such personal property shall be in the name of all such executors, administrators or trustees. In case the executor, administrator, trustee, or all of them if more than one, shall not reside in this state, such property may be assessed in the name of such executors or administrators or in the name of such estate.

(2) The taxes imposed pursuant to such assessment may be enforced as a claim against the estate, upon presentation of such claim by the treasurer of such district to the court in which the proceedings for the probate of such estate are pending, and upon due proof such court shall allow and order the same to be paid; and before the allowance of the final account of a nonresident executor, administrator or trustee the court shall ascertain whether there are or will be any taxes remaining unpaid or to be paid on account of personal property belonging to the estate, and shall make such order or direction as may be necessary to provide for the payment thereof. The foregoing provisions shall not impair or affect any remedy given by other provisions of law for the collection or enforcement of taxes upon personal property assessed to executors, administrators or trustees. [*Stats. 1919 s. 1044d; 1921 c. 69 s. 45*]

HOW TO BE ENTERED AND DESCRIBED ON ROLL.

70.23 Duties of assessors; unincorporated villages. (1) The assessor shall enter upon the assessment roll opposite to the name of the person to whom assessed, if any, as before provided in regular order as to lots and blocks, sections and parts of sections (except that so much as is within the limits of an incorporated village or unincorporated village the limits of which have been designated by the town board, shall be assessed in one part of the roll from the best information he can obtain), a correct and pertinent description of each parcel of real property in the assessment district not exempt from taxation and the number of acres in each tract containing more than one acre.

(2) When two or more lots or tracts owned by the same person are deemed by the assessor so improved or occupied with buildings as to be practically incapable of separate valuation, they may be entered as one parcel. Whenever any tract, parcel or lot of land shall have been surveyed and platted and a plat thereof recorded according to law, the assessor shall designate the several lots and subdivisions of such platted ground as they are fixed and designated by such plat. [*Stats. 1919 s. 1045; 1921 c. 69 s. 46*]

70.24 Public lands and land mortgaged to state. The secretary of state shall annually, before the first day of May, make and transmit to the county clerk of each county an abstract containing a correct and full statement and description of all public lands sold and not patented by the state, and of all lands mortgaged to the state lying in his county; and immediately on receipt thereof the county clerk shall make and transmit to the clerk of each town or city in the county a list from said abstract of such lands lying in such town or city, if any. Every assessor shall enter on the assessment roll, in a sepa-

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rate column, under distinct headings, a list of all such public and mortgaged lands, and the same shall be assessed and taxed in the same manner as other lands, without regard to any balance of purchase money or loans remaining unpaid on the same. [*Stats. 1919 s. 1046; 1921 c. 69 s. 47*]

70.25 Lands, described on rolls. In all assessments and tax rolls, and in all advertisements, certificates, papers, conveyances or proceedings for the assessment and collection of taxes, and proceedings founded thereon, as well heretofore as hereafter, any descriptions of land which shall indicate the land intended with ordinary and reasonable certainty and which would be sufficient between grantor and grantee in an ordinary conveyance shall be sufficient; nor shall any description of land according to the United States survey be deemed insufficient by reason of the omission of the word quarter or the figures or signs representing it in connection with the words or initial letters indicating any legal subdivision of lands according to government survey. Where a more complete description may not be practicable and the deed describing any piece of real property is recorded in the office of the register of deeds for the county, a description stating the volume and page where recorded, and the section, village, or, if within a city, the ward, where the property is situated, shall be sufficient. [*Stats. 1919 s. 1047; 1921 c. 69 s. 48*]

70.26 Platting lands for assessment; county clerk may order. (1) Whenever any congressional subdivision of land of forty acres or less or any government fractional lot situated outside the limits of any incorporated city is owned by two or more persons in severalty, and the description of one or more of the different parts or parcels thereof cannot, in the judgment of the county clerk, be made sufficiently certain and accurate for the purposes of assessment and taxation without noting the metes and bounds of the same, said county clerk shall notify such owners and proprietors by mail or personally, and if any of such owners and proprietors are nonresidents of the county and their residence is unknown, by publication of such notice once a week for three successive weeks in any newspaper published in the county where such lands are situate, that they are required to make or cause to be made, certified, acknowledged and recorded a plat thereof in the manner and subject to all the conditions of law mentioned in sections 2268 and 2269.

(2) If such owners or proprietors, whether so notified or not, fail or neglect to execute and file for record such plat for thirty days after the issuance of said notice the county clerk shall cause such plat to be made and filed for record, and for such purpose may cause to be done all necessary surveying and make and sign all the certificates and acknowledgments in said sections mentioned to be made, signed by the owners; but in lieu of the statement by the owners required in section 2269 said clerk shall annex a statement to the plat, giving the names of the owners of record of the several subdivisions and his certificate that such plat has been executed by him by reason of the failure of the owners or proprietors so named to do so.

(3) In any such plat so made by the county clerk no subdivision shall be recognized or marked thereon unless the same shall appear of record in the office of the register of deeds, and no street, alley, lane or roadway or dedication to public or special use shall be marked thereon unless the same shall be reserved or provided for in some conveyance of record. Said clerk shall file said plat for record, and when so filed for record it shall have the same effect for all purposes as if executed, acknowledged and recorded by the owners or proprietors themselves.

(4) A correct statement of the costs and expenses of such plat, surveying and recording, verified by oath, shall be laid before the first session of the county board next to be held; said board shall audit and allow the same and order its payment out of the county treasury. Before the first day of May in each year the county clerk shall notify the town clerks of the making and recording during the preceding year of any such plats affecting land in their several towns. [*Stats. 1919 s. 1047a; 1921 c. 69 s. 49*]

70.27 Platting lands for assessment; common council may order. Whenever any congressional subdivision of land as mentioned in section 70.26, situated within the limits of any city, is owned by two or more persons in severalty and the description of one or more of the different parts or parcels thereof cannot, in the judgment of the common council, be made sufficiently certain and accurate for the purposes of assessment and taxation without noting the metes and bounds of the same, said council may so declare by resolution, and in and by such resolution shall direct some officer or board designated therein to cause the same to be platted; and upon the passage of said resolution such officer or board shall proceed to give notice as provided in section 70.26, and in default of compliance therewith may cause such land to be platted and acknowledge the same, and have the plat thereof recorded in the manner and with the effect mentioned in said section; provided, that such plat made by such officer or board shall not contain any other subdivision nor any metes or bounds of any subdivision or parcel of land other than such as

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shall appear of record in the office of the register of deeds; and the surveyor's certificate mentioned in section 2269 need state only the fact that he has platted the parcels of land correctly and has designated them by the numbers and titles of subdivision as appears on said plat. The resolution of the council, certified by the clerk, shall in such cases be recorded with the plat. The expenses of making and recording such plat shall be paid out of the general fund of such city. [*Stats. 1919 s. 1047b; 1921 c. 69 s. 50*]

70.28 Assessment as one parcel. No assessment of real property which has been or shall be made shall be held invalid or irregular for the reason that several lots, tracts or parcels of land have been assessed and valued together as one parcel and not separately, where the same are contiguous and owned by the same person at the time of such assessment. [*Stats. 1919 s. 1048; 1921 c. 69 s. 51*]

70.29 Personalty, how entered. The assessor shall place in one distinct and continuous part of the assessment roll all the names of persons assessed for personal property, with a statement of such property in each village in his assessment district, and foot up the valuation thereof separately; otherwise he shall arrange all names of persons assessed for personal property on his roll alphabetically so far as he conveniently can. He shall also place upon the assessment roll, in a separate column and opposite the name of each person assessed for personal property, the number of the school district in which such personal property is subject to taxation. [*Stats. 1919 s. 1049; 1921 c. 69 s. 52*]

70.30 Aggregate values. Every assessor shall ascertain and set down in separate columns prepared for that purpose on the assessment roll and opposite to the names of all persons assessed for personal property the number and value of the following named items of personal property assessed to such person, which shall constitute the assessed valuation of the several items of property therein described, to wit:

(1) The number and value of horses, mules and asses of all ages.
(2) The number and value of neat cattle of all ages.
(3) The number and value of sheep and lambs.
(4) The number and value of swine.
(5) The number and value of wagons, carriages and sleighs.
(6) The value of bank stock.
(7) The value of merchants' and manufacturers' stock.
(8) The value of logs, timber, lumber, ties, poles and posts, not manufacturers' stock.
(9) The number and value of steam and other vessels.
(10) The value of the property and franchises of water and light companies.
(11) The value of leaf tobacco.
(12) The number and value of all automobiles and other motor vehicles.
(13) The value of all other personal property except such as is exempt from taxation.
(14) The number and value of ornaments, jewelry and precious stones.
(15) Total, the value of all personal property. [*Stats. 1919 s. 1050; 1921 c. 69 s. 53; 1921 c. 215; 1921 c. 422 s. 30*]

ASSESSMENT OF BANK STOCK.

70.31 Bank stock, assessment. (1) The president, cashier or other officer in charge of any bank, shall make out and deliver to the assessor annually on or before the first day of June a verified statement showing the number and par value of the shares of stock, the names and residence of each stockholder therein on the preceding first day of May and the amount of stock owned or held by him on that day.

(2) All the shares of stock of every bank or banking association whether organized under the authority of any law of this state or of any act of the congress of the United States shall be assessed and taxed in the assessment district in which such bank is located for the transaction of business.

(3) The shares of stock in any bank shall be liable to assessment and taxation as personal property and shall be entered upon the assessment roll in the names of the several owners, separately from the assessment of other personal property assessable to such owners. The valuation of such shares of stock and the taxes thereon shall be separately entered in the tax roll. [*Stats. 1919 s. 1051; 1921 c. 69 s. 54*]

HOW PROPERTY TO BE VALUED.

70.32 Real estate. (1) Real property shall be valued by the assessor from actual view or from the best information that the assessor can practicably obtain, at the full value which could ordinarily be obtained therefor at private sale. In determining the value the assessor shall consider, as to each piece, its advantage or disadvantage of location, quality of soil, quantity of standing timber, water privileges, mines, minerals, quarries, or other valuable deposits known to be available therein, and their value. But the

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fact that the extent and value of minerals or other valuable deposits in any parcel of land are unascertained shall not preclude the assessor from affixing to such parcel the value which could ordinarily be obtained therefor at private sale.

(2) The assessor, having fixed the value, shall enter the same opposite the proper tract or lot in the assessment roll. In one column he shall enter the value of the land, exclusive of the buildings thereon; in a separate column, under the head "Improvements," he shall enter the value of such buildings and improvements, together with machinery and fixtures therein, if any, not separately assessable, as personal property; and in the third column he shall enter the value of both land and improvements. [*Stats. 1919 s. 1052; 1921 c. 69 s. 55*]

70.33 Valuation and assessment of lead and zinc bearing lands. (1) For purposes of assessment and taxation lands containing deposits of lead or zinc shall be valued in the following manner, to wit: The value of each parcel of such land, exclusive of its mineral content, shall first be determined and to this there shall be added, in lieu of the value of such mineral content, one-fifth of the gross amount of sales of any ore, mineral or deposit extracted from such land at any time and sold during the preceding calendar year. Nothing herein shall be construed to exempt from taxation the buildings, machinery, mills, equipment, stores, supplies or other personal property of any person, copartnership, corporation, association or company engaged in mining or extracting such deposits.

(2) On or before the first day of April of each year, every owner of such land, and every person, copartnership, corporation, association or company engaged in mining or extracting such deposits shall furnish to the assessor of incomes of the district in which such land is situated a verified statement or return giving a correct description of each such parcel of land, the name of the owner thereof, the amount of sales or purchases of all ore, minerals and deposits mined or extracted therefrom at any time and sold during the preceding calendar year, and such other facts and information as may be necessary to enforce the provisions of this act. In the discretion of the assessor of incomes, similar reports may be required from every person, copartnership, association, corporation or company, engaged in purchasing such ore, minerals or deposits.

(3) On or before the first day of June of each year, the assessor of incomes shall determine the gross amount of sales of such ore, minerals or deposits from each parcel of land subject to this act; and shall certify the same to the assessor of each district in which such land is situated. On the basis of such sales and in the manner hereinbefore prescribed, the valuation of each such parcel of such land shall be computed by the assessor, entered on the assessment roll, and after the examination and review provided by section 70.47 shall be taxed as other property in the same district is taxed. [*Stats. 1919 s. 1053; 1921 c. 69 s. 56*]

70.34 Personalty. All articles of personal property shall, as far as practicable, be valued by the assessor upon actual view at their true cash value; and after arriving at the total valuation of all articles of personal property which he shall be able to discover as belonging to any person, if he have reason to believe that such person has other personal property or any other thing of value liable to taxation, he shall add to such aggregate valuation of personal property an amount which, in his judgment, will render such aggregate valuation a just and equitable valuation of all the personal property liable to taxation belonging to such person. [*Stats. 1919 s. 1055; 1921 c. 69 s. 57*]

70.35 Taxpayer may be examined; assessor must require oath. To determine the amount and value of personal property for which any person should be assessed, any assessor may examine such person under oath as to all such items of property and the true value thereof; and should any person refuse to so testify, or should any assessor or the board of review hereinafter provided for desire further evidence, they may call upon other persons as witnesses to give evidence under oath as to the items and value of the personal property of such person. [*Stats. 1919 s. 1056; 1921 c. 69 s. 58*]

70.36 False statement; duty of district attorney. (1) Any person, firm or corporation in this state owning or holding personal property of any nature or description, individually or as agent, trustee, guardian, administrator, executor, assignee or receiver, which property is subject to assessment, who shall intentionally make a false statement to the assessor of his assessment district or to the board of review thereof for the purpose of avoiding the payment of the just and proportionate taxes thereon, shall forfeit the sum of ten dollars for every one hundred dollars or major fraction thereof so withheld from the knowledge of such assessor or board of review.

(2) It is hereby made the duty of the district attorney of any county, upon complaint made to him by any taxpayer of the assessment district in which it is alleged that property has been so withheld from the knowledge of the assessor or board of review, or not included in said statement, to investigate the case forthwith and bring an action in the

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name of the state against the person so complained of. All forfeitures collected under the provisions of this section shall be paid into the county treasury. [*Stats. 1919 s. 1056a; 1921 c. 69 s. 59*]

70.37 Assessment, how made; deductions. In the assessment of shares of stock in any bank the assessor shall first determine the total true cash value of all such shares according to his best judgment. If the building in which such bank maintains its offices and transacts its business be owned by such bank, the assessed value thereof, including the land upon which it is located, if owned by such bank, not exceeding the amount for which such building and land are carried as an asset upon the books of the bank, shall be deducted from the total value of such shares. The remainder of such total value or the whole thereof, if the bank does not own such building, divided by the total number of such shares, shall be taken as the valuation for assessment of each of such shares. No deduction shall be made on account of any other real estate in the assessment of the shares of stock of any bank. [*Stats. 1919 s. 1057; 1921 c. 69 s. 60*]

70.38 Tax a lien on shares of stock; levy and sale. (1) The taxes levied upon the shares of stock in any bank shall be a lien upon such shares from the time of the assessment on the preceding first day of May, which lien shall be prior to all other claims or liens. Such taxes and the lien therefor may be enforced by any officer having authority to collect such taxes by levy upon and sale of such shares of stock under his warrant for the collection thereof.

(2) Such levy may be made by delivering to the president or cashier of such bank, or to any other person who has at the time the custody of the books and papers thereof, a notice referring to such warrant and stating that by virtue thereof he thereby levies upon such shares of stock, designating the number of such shares, the name of the person to whom assessed and the amount of taxes thereon, for the purpose of making sale thereof to satisfy such taxes in the manner provided by law.

(3) In making sale of such shares under such warrant it shall not be necessary for such officer to exhibit or have in his possession the certificates or other evidences of such shares. Upon making such sale the officer shall issue duplicate certificates of sale in the manner specified in section 2990 of the statutes and the purchaser at such sale shall be entitled to all the rights and remedies given in said section 2990 to purchasers of shares of corporate stock upon sale under execution. [*Stats. 1919 s. 1057a; 1921 c. 69 s. 61*]

70.39 Bank may pay tax on stock. Any bank is authorized to pay such taxes on the shares of stock in such bank and shall have a lien from the preceding first day of May upon the shares of stock for the amount of the taxes so paid with interest and for any costs or expenses incurred therewith or any such bank may at its option pay such taxes for all the stockholders in such bank out of its earnings or other available resources as the expenses of such bank. [*Stats. 1919 s. 1057b; 1921 c. 69 s. 62*]

70.40 Exemption. The taxation of the shares of stock in banks as provided in sections 70.31, 70.37, 70.38 and 70.39, shall be in lieu of all taxes upon the capital, surplus, property and assets of such banks, except that no real estate owned by any bank or banking association or constituting the whole or any part of its capital, surplus or assets shall be exempt from taxation. [*Stats. 1919 s. 1057c; 1921 c. 69 s. 63*]

70.41 Occupation tax on grain storage. (1) GRAIN TAX. Every person, copartnership, association, company or corporation operating a grain elevator or warehouse in this state, except elevators and warehouses on farms for the storage of grain raised by the owner thereof, shall on or before December fifteenth of each year pay an annual occupation tax of a sum equal to one-half mill per bushel upon all wheat and flax and one-fourth mill per bushel upon all other grain received in or handled by such elevator or warehouse during the preceding year ending April thirtieth; and such grain shall be exempt from all taxation, either state or municipal.

(2) STATEMENT FOR ASSESSMENT OF GRAIN STORAGE. Every such person, copartnership, association, company or corporation, operating a grain elevator or warehouse within the state except elevators and warehouses on farms for the storage of grain raised by the owner thereof, shall on May first of each year furnish to the assessor of the town, city or village within which such grain elevator or warehouse is situated, a full and true list or statement of all grain specifying the respective amounts and different kinds thereof received in or handled by such elevator or warehouse during the year immediately preceding May first of such year in which such list or statement is so to be made. Any such operator of an elevator or warehouse who shall fail or refuse to furnish such list or statement or who shall knowingly make or furnish a false or incorrect list or statement, shall be punished by a fine not exceeding one thousand dollars.

(3) ASSESSMENT AND COLLECTION OF TAX ON GRAIN STORAGE. The tax herein provided for shall be separately assessed to the person, copartnership, company, association or cor-

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poration chargeable therewith by the assessor and shall be included in the assessment roll annually submitted by such assessor to the town, village or city clerk and shall be entered by said clerk on the tax roll. Such tax shall be paid and collected in the same manner as taxes on personal property are paid and collected in the taxing district where such elevator or warehouse is situated, and when paid may be credited to or offset against income taxes in the same manner as personal property taxes are credited or offset as provided in section 71.21.

(4) FAILURE TO SUBMIT CORRECT STATEMENT FOR GRAIN STORAGE ASSESSMENT. If the assessor or board of review shall have reason to believe that the list or statement made by any person, copartnership, association, company or corporation is incorrect, or when any such person, copartnership, association, company or corporation has failed or refused to furnish a list or statement as required by law, the assessor or board of review shall place on the assessment roll such taxes against such person, copartnership, association, company or corporation as he or they shall deem true and just, and in case such change or assessment is made by the assessor, the assessor shall give written notice of the amount of such assessment at least six days before the first or some adjourned meeting of the board of review; in case such change or assessment is made by the board of review, notice shall be given in time to allow such person, copartnership, association, company or corporation to appear and be heard before the board of review in relation to said assessment; said notice may be served in the manner provided in section 70.35.

(5) TAXATION STATUTES APPLICABLE TO GRAIN STORAGE TAXATION. All laws not in conflict with the provisions of this act relating to the assessment, collection and payment of personal property taxes, the correction of errors in assessment and tax rolls, shall apply to the tax herein imposed. [*Stats. 1919 s. 1057m, 1057n, 1057o, 1057p, 1057q; 1921 c. 69 s. 64 to 68*]

70.42 Occupation tax on coal. (1) Every person, copartnership, association, company or corporation, operating a coal dock in this state, other than a dock used solely in connection with an industry and handling no coal except that consumed by such industry, shall on or before December fifteenth of each year pay an annual occupation tax of a sum equal to one and one-half cents per ton upon all bituminous coal, and two cents per ton upon all anthracite coal handled by or over such coal dock, during the preceding year ending April thirtieth; and such coal shall be exempt from all taxation, either state or municipal.

(2) Every such person, copartnership, association, company or corporation, operating a coal dock within the state, other tha na dock used solely in connection with an industry and handling no coal except that consumed by such industry, shall on May first of each year furnish to the assessor of the town, city or village within which such coal dock is situated, a full and true list or statement of all coal, specifying the respective amounts and different kinds thereof, received in or on, or handled by or over such coal dock during the year immediately preceding May first of such year in which such list or statement is so to be made. Any such operator of a coal dock who shall fail or refuse to furnish such list or statement or who shall knowingly make or furnish a false or incorrect list or statement, shall be punished by a fine not exceeding one thousand dollars.

(3) The tax herein provided for shall be separately assessed to the person, copartnership, company, association or corporation chargeable therewith by the assessor and shall be included in the assessment roll annually submitted by such assessor to the town, village or city clerk and shall be entered by said clerk on the tax roll. Such tax shall be paid and collected in the same manner as taxes on personal property are paid and collected in the taxing district where such coal dock is situated, and when paid may be credited to or offset against income taxes in the same manner as personal property taxes are credited or offset as provided in section 71.21. Taxes collected under the provisions of this section shall be divided as follows, to wit: Ten per cent to the state, twenty per cent to the county, and seventy per cent to the town, city or village in which such taxes are collected, which shall be remitted and accounted for in the same manner as the state and county taxes collected from property are remitted and paid.

(4) If the assessor or board of review shall have reason to believe that the list or statement made by any person, copartnership, association, company or corporation is incorrect, or when any such person, copartnership, association, company or corporation has failed or refused to furnish a list or statement as required by law, the assessor or board of review shall place on the assessment roll such taxes against such person, copartnership, association, company or corporation as he or they shall deem true and just, and in case such change or assessment is made by the assessor, the assessor shall give written notice of the amount of such assessment at least six days before the first or some adjourned meeting of the board of review; in case such change or assessment is made by the board of review,

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notice shall be given in time to allow such person, copartnership, association, company or corporation to appear and be heard before the board of review in relation to said assessment; said notice may be served in the manner provided in section 70.35.

(5) All laws not in conflict with the provisions of this act relating to the assessment, collection and payment of personal property taxes, the correction of errors in assessment and tax rolls, shall apply to the tax herein imposed. [*Stats. 1919 s. 1057t; 1921 c. 69 s. 69*]

FORMER ERRORS TO BE CORRECTED.

70.43 Correction of error, how made. If any assessor shall discover that any error was made in any assessment roll during the preceding year, by which the valuation of any real or personal estate subject to taxation was increased or reduced from the true assessed valuation thereof, he shall correct such error by adding to or subtracting from, as the case may be, the valuation of such property on his assessment roll as fixed by him, the amount omitted from or added to the true assessed valuation in consequence of such error and make a marginal note of such correction, and the result shall be taken as the true valuation of such property for the latter year and a final correction of such error. [*Stats. 1919 s. 1058; 1921 c. 69 s. 70*]

70.44 Assessment; property omitted. Real or personal property omitted from assessment in any of the three next previous years unless previously reassessed for the same year or years, shall be entered once additionally for each previous year of such omission, designating each such additional entry as omitted for the year 19.. (giving year of omission) and affixing a just valuation to each entry for a former year as the same should then have been assessed according to his best judgment, and taxes shall be apportioned, and collected on the tax roll for such entry. [*Stats. 1919 s. 1059; 1921 c. 69 s. 71*]

70.45 Return and examination of rolls. When the assessment roll or rolls shall have been completed in cities of the first class the same shall be delivered to the tax commissioner, and in all other cities to the city clerk, who shall thereupon give notice by publication in the official paper of the city for ten days that on a certain day or days therein named said assessment roll or rolls will be open for examination by the taxable inhabitants, which said notice may assign a day or days certain for each ward, where there are separate assessment rolls for such wards, for the inspection of such rolls. On such examination the tax commissioner, assessor or assessors may make such changes as may be necessary to perfect the assessment roll or rolls, and after the corrections are made the said roll or rolls shall be submitted by the tax commissioner or city clerk to the board of review. [*Stats. 1919 s. 925—138; 1921 c. 69 s. 72*]

70.46 Boards of review; members; organization. (1) The supervisors and clerk of each town, the mayor, clerk, and such other officer or officers, other than assessors, as the common council of each city shall, by ordinance determine, the president, clerk, and such other officer or officers, other than the assessor, as the board of trustees of each village shall, by ordinance determine, shall constitute a board of review for such town, city or village. In cities of the first class, the mayor, clerk, tax commissioner and assessors shall constitute the board of review. In cities other than cities of the first class, the common council shall fix, by ordinance, the salaries of the members of the board of review.

(2) Such board shall meet annually on the last Monday of June at its town, city or village clerk's office, provided that in towns it may meet at the place where the last annual town meeting was held. In cities the board shall meet on the first Monday of July in each year. A majority shall constitute a quorum.

(3) Notice of the time and place of meeting shall be posted up by such clerk in at least three public places in each town, village, or city, or ward thereof, at least four days prior to such meeting.

(4) The town, city, or village clerk on such board of review shall be clerk thereof and shall keep an accurate record of all its proceedings. The board may adjourn from day to day or from time to time until its business is completed; provided that, if an adjournment be had for more than one day, a written notice shall be posted on the outer door of the place of meeting, stating to what time said meeting is adjourned.

(5) The members of such board, except in cities of the first class, shall receive such compensation as shall be fixed by resolution or ordinance of the town board, village board, or common council not exceeding, however, three dollars per day.

(6) After the assessors shall have laid before the board of review their assessment roll of real estate with the sworn statements and valuations of personal property and bank stock, as provided by section 70.47, the board of review shall remain in session one day from ten o'clock A. M. until four o'clock P. M. for taxpayers to appear and examine such assessment roll, sworn statements, and valuations and be heard in relation thereto; and

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upon reasonable cause being shown therefor, shall hold at least one adjourned session upon a subsequent day, and said board shall be presumed to be in session each day until final adjournment is made unless adjournment is made to a particular date.

(7) The provisions of this section shall not be so construed as to alter, repeal, amend, or modify the provisions of any city or village charter relating to the cases herein provided for. [*Stats. 1919 s. 1060; 1921 c. 69 s. 73, 75, 77; 1921 c. 137; 1921 c. 422 s. 51*]

70.47 Duties and powers of board; proceedings. (1) The assessors shall lay before the board of review their assessment roll of the real property and all the sworn statements made by others and valuations made by them of personal property and bank stock. The board shall, under their official oaths, carefully review and examine said roll and statement and all valuations of real and personal property and bank stock, and shall correct any errors in description of property or otherwise; and for that purpose they are hereby required to hear and examine any person or persons upon oath, who shall appear before them in relation to the assessment of any property upon said roll or in relation to any property omitted therein; and if it appear that any property has been valued by the assessor too high or too low, they shall increase or lessen the same to the true valuation according to the rules for valuing property prescribed in this chapter. They shall determine the correct value of any bank stock which has been valued in his statement thereof by an officer of the bank at one price and by the assessor at a different price.

(2) Any person who thinks the aggregate valuation of his personal property by the assessor too high, may appear and state to the board under oath the true aggregate valuation of all personal property upon which he is liable to taxation, and if the board shall be satisfied of the truth of such statement they shall take the valuation so fixed by him as the true aggregate valuation of his personal property. The board of review shall, when satisfied from the evidence taken that the assessor's valuation is too high or too low, lower or raise the same accordingly, whether the person assessed appear before them or not. The board may also place upon the roll any property they may know to be omitted, and assess the same to the person to whom in right it should be assessed.

(3) But they shall not raise any assessment nor assess any property not already on the roll unless the person assessed, if a resident of the town, city, or village, or if a nonresident, his agent, if there be one resident therein, or if neither, the possessor of the property assessed, if any, shall have been duly notified of such intention in time to appear and be heard before the board in relation thereto; provided, the residence of such owner, agent or possessor be known to any member of said board.

(4) Any person claiming any correction of the assessment may call witnesses to support the same, or to show that any property on the roll is assessed too high, or too low; and the attendance of witnesses and the production of books, inventories, schedules, papers, or documents may be compelled by subpœna issued by a justice of the peace or the clerk of the board.

(5) The clerk shall keep a careful record of all changes made and valuations determined on by the board, and shall reduce to writing and preserve the examination and statements of every person and witness taken by the board.

(6) No person shall be allowed in any action or proceeding to question the amount or valuation of personal property assessed to him unless in person or by agent he shall have first presented his objections thereto before the board of review of the district in which such assessment was made and in good faith presented evidence to such board in support of such objections and made full disclosure before said board, under oath, of all his personal property liable to assessment in such district and the value thereof, except when prevented from making such presentation and disclosure by omission of duty on the part of the assessor or of such board. [*Stats. 1919 s. 1061; 1921 c. 69 s. 78*]

CORRECTION AND RETURN OF ROLL.

70.48 Assessor to attend, testify, correct. The assessor shall attend without order or subpœna all hearings before the board of review and under oath submit to examination and fully disclose to said board such information as he may have touching his assessment and any other matters pertinent to the inquiry being made and shall receive the same compensation for such attendance as is allowed to the members of said board. He shall make all corrections to the assessment roll ordered by the board of review; and when any valuation of real property shall be changed he shall enter on the roll opposite the proper tract, in a separate column, the valuation fixed by the board. He shall also enter upon the assessment roll, in the proper place, the names of all persons found liable to taxation on personal property or bank stock, setting opposite such names respectively the aggregate valuation of such property, after deducting exemptions and making such corrections as the board may have ordered. [*Stats. 1919 s. 1062; 1921 c. 69 s. 79*]

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70.49 Affidavit of assessor. The assessor or assessors shall annex to the assessment roll, when completed, his or their affidavits, to be made and certified substantially in the following form, viz.:

STATE OF WISCONSIN, ... County. } ss.

We, ... and ...., assessors for the .... of ...., in said county, do solemnly swear that the annexed assessment roll contains, as we verily believe, a complete and perfect entry and list of all real property liable to assessment for the present year in said ...., the name of each person therein owning or having in charge personal property liable to taxation; the name of each stockholder and the amount of his stock in each incorporated bank in said town or ward; a correct description of the separate parcels of real property assessed; that we have, as far as practicable, valued each parcel of real estate from an actual view of such parcel (but in towns exceeding one hundred and eight square miles this clause shall be "that we have valued each parcel of real estate from actual view, or from the best information we could practicably obtain, and all improved lands from actual view"); that we have, as far as practicable, personally viewed and inspected each article of personal property assessed by us; that the valuation of real property as set down in said roll is as determined by us or as corrected by the board of review; that the valuation of personal property and bank stock in said roll is as fixed by us or as finally fixed by the board of review; that each and every valuation of the property made by us is the just and equitable value thereof, as we verily believe.

Read to the affiant and subscribed and sworn to before me this .... day of ...., 19...

....

No assessor shall be allowed in any court or place, by his oath or testimony, to contradict or impeach any affidavit or certificate made or signed by him as such assessor. [*Stats. 1919 s. 1063; 1921 c. 69 s. 80*]

70.50 Delivery of roll. The assessor shall, on or before the first Monday in August annually, deliver the assessment roll so completed and all the sworn statements and valuations of personal property to the clerk of the town, city or village, who shall file and preserve the same in his office; provided, that in cities of the first class, whether organized under general or special charter, the assessment rolls, after the tax roll has been completed and compared with such assessment rolls, be delivered by the city clerk to the tax commissioner or other head of the assessment department of such city, by whatsoever name he may be designated, who shall file and preserve the same in his office. It shall be unnecessary for such tax commissioner or other head of the assessment department in such cities of the first class to make or keep in his office any copy of said assessment roll. [*Stats. 1919 s. 1064; 1921 c. 69 s. 81*]

70.51 Assessment review and tax roll in Milwaukee. (1) The board of review in all cities of the first class whether organized under general or special charter, after they shall have examined, corrected and completed the assessment roll of said city and within the time prescribed by law, shall deliver the same to the tax commissioner, who shall thereupon re-examine and perfect the same and make out therefrom a complete tax roll in the manner and form provided by law. All laws applicable to any such city relating to the making of such tax rolls shall apply to the making of the tax roll by said tax commissioner, except that the work of making said rolls shall be performed by the assessors and such other employes in the tax commissioner's office as the tax commissioner shall designate. After the completion of said tax roll in the manner provided by law, the tax commissioner shall annex a warrant in the form prescribed by law and signed by him and deliver the tax roll and warrant to the city treasurer of such city on the second Monday of December in each year.

(2) The county clerk of any county in which there shall be a city of the first class shall deliver his certificates of apportionment of taxes and statement of the names of persons in said city subject to an income tax to the tax commissioner instead of the city clerk of such city. [*Stats. 1919 s. 1064a; 1921 c. 69 s. 83*]

70.52 Clerks to examine and correct rolls. Upon receiving such assessment roll the said clerk shall carefully examine it. He shall correct all double assessments, imperfect descriptions and other errors apparent upon the face of the roll, and strike off all parcels of real property not liable to taxation. He shall add to the roll any parcel of real or personal property omitted by the assessors and immediately notify them thereof; and such assessors shall forthwith view and value the same and certify such valuation to said clerk, who shall enter it upon the roll, and such valuation shall be final. To enable such clerk to properly correct defective descriptions he may call to his aid, when necessary, the county surveyor, whose fees for the services rendered shall be paid by the town, city of village. [*Stats. 1919 s. 1065; 1921 c. 69 s. 84*]

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70.53 Statement to county clerk. Upon the correction and completion of the assessment roll as provided in the preceding section, the said clerks shall ascertain and, on or before the fourth Monday in August, transmit to the county clerk a detailed statement of the aggregate of each of the several items of taxable property specified in section 70.30, with a statement of the number of acres of land and aggregate value thereof, and the aggregate value of all city and village lots as appears from the assessment roll. Every county clerk shall, at the expense of the county, annually procure and furnish to each town, city and village clerk blanks for such statements. [*Stats. 1919 s. 1066; 1921 c. 69 s. 85*]

70.54 Abstracts for tax commission. Each county clerk, after the receipt of such statement, shall make an abstract of the same and transmit it to the tax commission on or before the thirty-first day of December. [*Stats. 1919 s. 1067; 1921 c. 69 s. 86*]

70.55 Special messenger. Whenever any town, city or village clerk shall have failed to transmit any such statement within the time fixed as aforesaid, the county clerk shall send a messenger therefor, who shall be paid and the expenses charged back as provided in section 68.09; and whenever any county clerk shall have failed to transmit any such abstract, within the time fixed as aforesaid, the tax commission may send a messenger therefor, who shall be paid and the expenses therefor charged back to the county. [*Stats. 1919 s. 1068; 1921 c. 69 s. 87*]

70.555 Provisions directory. The directions herein given for the assessing of lands and personal property and levying and collecting taxes shall be deemed directory only, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax, shall vitiate or in anywise affect the validity of such tax or assessment. [*Stats. 1919 s. 925—153; 1921 c. 69 s. 87a*]

RESTORATION OF LOST ASSESSMENT AND TAX ROLLS.

70.56 New roll. (1) NEW ASSESSMENT. Whenever the assessment roll of any assessment district shall be lost or destroyed before the second Monday of November in any year and before the tax roll therefrom has been completed the assessor of such district shall immediately prepare a new roll and as soon thereafter as practicable make a new assessment of the property in his district. If the board of review for such district shall have adjourned without day before such new assessment is completed such board shall again meet at a time fixed by the clerk of the town, city or village, not later than the fourth Monday in November, and like proceedings shall be had, as near as may be, in reference to such new assessment and assessment roll as in case of other assessments, and such clerk shall give notice of the time and place of such meeting of the board of review as is provided in section 70.46. Such new assessment and assessment roll shall be deemed the assessment and assessment roll of such assessment district to all intents and purposes. In case the assessor shall fail to make such new assessment or the board of review shall fail to meet and review the same, or any assessment roll is lost or destroyed after the second Monday in November in any year and before the tax roll therefrom is completed, or both the assessment roll and tax roll are lost or destroyed, then the county clerk shall make out and deliver a tax roll in the manner and with like effect as provided in section 70.71.

(2) SAME. Whenever a tax roll in any town, city or village shall be lost or destroyed before it has been returned by the treasurer or sheriff holding the same, a new roll shall be prepared in like manner and with like warrant as the first, and delivered to such treasurer or sheriff, who shall complete the collection of the taxes and return such new tax roll in the manner provided for the original tax roll. [*Stats. 1919 s. 1068a, 1068b; 1921 c. 69 s. 88, 89*]

70.57 State valuation and general assessment. (1) The tax commission shall commence on the third Wednesday of May in each year, and before the first day of September of the same year shall complete, the valuation of the property of the state. From all the sources of information accessible to it the commission shall determine and assess the relative value of all property subject to taxation in each county. It shall set down in a list of all the counties, opposite to the name of each county, the valuation thereof so determined by it, which shall be the full value according to its best judgment. The list so prepared shall be certified by said commission or a majority of its members, and its secretary as the state assessment made by the commission, and be delivered to the secretary of state. In any case where the commission, through mistake or inadvertence has assessed to any county a greater or less valuation for any year than should have been assessed to such county, it shall correct such error by adding to or subtracting from (as the case may be) the valuation of such county as determined by it at the next succeeding state assess-

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ment, the amount omitted from or added to the true valuation of such county in the former state assessment in consequence of such error, and the result shall be taken as the true valuation of such county for the latter year and a final correction of such error.

(2) The commission shall have the power to make such rules, orders and regulations for making and filing complaints by counties, the attendance of witnesses, the production of books, records and papers and the mode of procedure as may be deemed necessary, not inconsistent with the laws of the state.

(3) The commission shall have authority to direct that the fees for the attendance of witnesses and officers and other expenses for evidence shall be paid by the county making complaint to the commission which is determined adversely to such county, as justice may require, and when such costs and fees are so directed to be paid by any county the amount thereof shall be certified to the secretary of state, and by him apportioned to such county with the state taxes and be levied and collected upon the property of said county with said state taxes. [*Stats. 1919 s. 1069; 1921 c. 69 s. 90*]

70.58 Apportionment of funds in treasury. Whenever in the opinion of the governor, secretary of state and state treasurer, or a majority of them, the public interest requires it, they may apply the surplus in the treasury, or so much thereof as may be by them deemed proper, as a portion of the state tax levy in each year, and the balance thereof, after deducting the amount above provided for, shall be apportioned in the same manner as now provided for under the provisions of section 70.59. For the purpose of ascertaining the financial condition of the state at the end of each calendar year the governor is authorized to employ such expert accountants and other assistants as he shall deem necessary for that purpose. [*Stats. 1919 s. 1069a; 1921 c. 69 s. 91*]

70.59 Apportionment. (1) METHOD OF. The secretary of state shall annually apportion the state tax levied for the year and all other taxes which he is directed by law to levy as or in the manner of a state tax among the several counties according and in proportion to the relative valuation of each county to the aggregate valuation of the whole state; and shall carry out opposite the name of each county on the list aforesaid the amount of such taxes apportioned thereto and thereupon; and on or before the fourth Monday of October in each year he shall certify to the county clerk of each county the amount of such taxes apportioned to and levied upon his county, and all other special charges which he is required by any law to make in any year to any such county, to be collected with the state tax. He shall then charge to each county the whole amount of such taxes and charges so assessed, and the same shall be paid into the state treasury as provided by law.

(2) APPROPRIATIONS IN EXCESS OF LEVY. Whenever it shall appear before the apportionment and certification of such state tax, as above prescribed, that the appropriations made by the legislature and existing laws exceed the amount of state tax levied to meet the expenses of the year for which such tax was levied, the secretary of state shall levy and apportion such additional amount as may be necessary, in connection with the amount provided by law to be levied, to meet all authorized demands upon the state treasury up to the time when the succeeding state tax will be due and payable. [*Stats. 1919 s. 1070, 1071; 1921 c. 69 s. 92, 93*]

70.60 Statement of additional tax. In every such case the secretary of state shall make a statement showing the amount of additional tax levied as above provided and the estimates upon which the same was based, which he shall place on record in his office and include in and publish with his biennial report to the governor. [*Stats. 1919 s. 1072; 1921 c. 69 s. 95; 1921 c. 422 s. 31*]

COUNTY APPORTIONMENT.

70.61 How made. The county clerk of each county shall annually, before the second Tuesday of November, prepare a statement of the latest statistics of population and such other statistical information as he may have, and lay the same, together with the statements received during the year from the several town, city and village clerks in pursuance of section 70.53, before the county board at their annual meeting in November. The county board shall, at such meeting, carefully examine all such statements and determine and assess the relative value of all the taxable property in each town, city and village which collects taxes independently in their county. They shall set down in a list of the towns, cities and such villages, opposite the name of each, the value thereof so determined by them, which shall be the full value according to their best judgment. The list so prepared shall be certified to by the chairman and clerk of said board as the county assessment made by said board, and said clerk shall file the same in his office and record it in a book therefor. [*Stats. 1919 s. 1073; 1921 c. 69 s. 96*]

70.62 County tax rate. (1) COUNTY BOARD TO DETERMINE. The county board shall also, at such meeting, determine by resolution the amount of taxes to be levied in their

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county for county purposes for the year, and also the amount to be raised by tax in each town for the support of common schools for the ensuing year, which shall not in any town be less than the amount apportioned to such town in the last apportionment of the income of the school fund; and by separate resolution adopted by majority of the members of the board not prohibited from voting thereon by section 39.05, determine the amount of tax to be levied to pay the compensation and allowances of the county superintendents of schools and designate therein the cities exempt from taxation therefor.

(2) MAXIMUM, ONE PER CENT. The total amount of county taxes assessed, levied and carried out against the taxable property of any county in any one year shall not exceed in the whole one per centum of the total valuation of said county for the preceding year as fixed by the tax commission, excepting in so far as a larger per centum may be necessary in order to meet indebtedness incurred prior to the passage and publication of this act.

(3) OMITTED TAX. Whenever the county board of any county shall fail to apportion against any town, city or village thereof in any year any state, county or school tax or any part thereof properly chargeable thereto, such county board shall, in any succeeding year, apportion such taxes against such town, city or village and add the proper amount thereof to the amount of the current annual tax then apportioned thereto. [*Stats. 1919 s. 1074, 1075; 1921 c. 69 s. 97, 98*]

70.63 Apportionment to towns. (1) BY COUNTY CLERK. The county clerk shall apportion the county tax and the whole amount of state taxes and charges levied upon his county, as certified by the secretary of state, among the several towns, cities and such villages as aforesaid therein, according and in proportion to the relative valuation thereof to the aggregate valuation of the whole county; and shall carry out in the record book aforesaid, opposite to the name of each in separate columns, the amount of state taxes and charges and the amount of county taxes so apportioned thereto, and also the amount to be raised as aforesaid for the support of common schools therein, and the amount of all other special taxes or charges apportioned or ordered, or which he is required by any law to make in any year to any such town, city or village, to be collected with such annual taxes; and within ten days after the assessment of values by the county board he shall certify to the clerk of, and charge to, each town, city and such village excepting in cities of the first class, the amount of each and all such taxes so apportioned to and levied upon the same, and shall, at the same time, file with the county treasurer a certified copy of the apportionment so certified by him to each town, village and city clerk.

(2) CITY OF FIRST CLASS. The county clerk shall certify in a similar manner to the tax commissioner of each city of the first class located within the limits of the county.

(3) UNPAID TAXES. Each county clerk shall also, at the time of certifying such taxes, return to the clerk of each town, city and such village, excepting cities of the first class, a list of all the tracts of land therein upon which the taxes for the preceding year remain unpaid.

(4) CITY OF FIRST CLASS. The county clerk shall make returns in a similar manner to the tax commissioner of each city of the first class located within the limits of the county. [*Stats. 1919 s. 1076, 1077; 1921 c. 69 s. 99, 100*]

EQUALIZATION BY TAX COMMISSION.

70.64 Review and appeal. (1) BY COUNTY BOARD. The assessment and determination of the relative value of taxable property in the several assessment districts of any county made by the county board under the provisions of section 70.61 may be reviewed, and a redetermination of the value of such property may be made, by the tax commission upon appeal from the determination of such county board to said commission on behalf of any town, city or village in such county. Such appeal shall be taken and such review and redetermination shall be made in the manner provided in subsections (2) to (12), and under such rules and regulations governing the procedure therein, not inconsistent with law, as may be prescribed by said commission.

(2) AUTHORIZATION OF APPEALS. To authorize such appeal an order or resolution directing the same to be taken shall be passed or adopted by the mayor and common council of the city, president and trustees of the village or board of supervisors of the town, in whose behalf such appeal is to be taken, at a lawful meeting of such governing body. When an appeal shall have been authorized the prosecution thereof shall be in charge of the chairman of the town, mayor of the city or president of the village in behalf of which the appeal is to be taken, unless otherwise directed by the body authorizing the appeal. The officers or committee in charge of such appeal may employ attorneys to conduct the same. After authorizing an appeal as provided above, any two or more of

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the towns, cities and villages in the same county may join in taking and prosecuting such appeal.

(3) FORM OF APPEAL. To accomplish such appeal there shall be filed in the office of the county clerk, within four months after the determination of the county board to be reviewed upon such appeal, a declaration in writing which shall set forth:

(a) That the town, city or village, naming the same, in whose behalf such review and redetermination is sought, appeals to the tax commission from the determination made by the county board under the provisions of said section 70.61, specifying the date of such determination.

(b) Whether such appeal is for the purpose of obtaining a review and redetermination of the valuation of property in all the assessment districts of the county or of property in particular districts only, therein specified.

(c) Whether review and redetermination is desired as to real estate, or as to personal property, or both.

(d) That such appeal has been authorized by an order or resolution of the mayor and common council of the city, president and trustees of the village or board of supervisors of the town, city or village in whose behalf such appeal is taken.

(e) A plain and concise statement, without unnecessary repetition, of the facts constituting the grievance sought to be remedied upon such appeal.

The declaration shall be verified by the affidavit of the chairman of the town, mayor of the city or president of the village in whose behalf the appeal is taken, or by a member of the governing body thereof authorizing such appeal, in the manner that pleadings in courts of record may be verified. When two or more municipalities join in taking such appeal the verification may be made by the proper officer of any one of them.

(4) RETURN. Upon the filing of such declaration, the county clerk without delay shall prepare a certified copy thereof, together with a certified copy of the determination of the county board from which such appeal is taken and of the record of the proceedings of the board in relation thereto, and transmit such copies to the tax commission. Upon receipt of such copies said commission shall make an order fixing a time and place for a preliminary hearing upon such appeal and shall transmit an attested copy of such order to such county clerk in time for giving the notice hereinafter required. Upon receipt of such order, said clerk, at least twenty days before the time fixed for such hearing shall transmit by mail to each member of the county board of such county a notice stating that such appeal has been taken, naming the municipality or municipalities in whose behalf the same is taken, and the time and place of such preliminary hearing. He shall file in his office a copy of such notice with his affidavit attached stating the fact and time of mailing the same to said members, and shall transmit to the tax commission a certified copy of such notice and affidavit.

(5) APPEARANCES; ATTORNEYS. After the taking of such appeal, and not later than the time fixed for such preliminary hearing, unless such time be enlarged by order of the tax commission, any town, city or village may cause an appearance to be entered in its behalf before said commission in support of such appeal and uniting with the appellant for the relief demanded; and by verified petition or statement showing grounds therefor may apply for other or further review and redetermination than that demanded in the declaration on such appeal. Within the like time any town, city or village in such county may in like manner have its appearance entered in opposition to such appeal and to the relief demanded. Such appearances shall be authorized in the manner for authorizing an appeal as provided in subsection (2). When so authorized the interests of the town, city or village authorizing the same shall be in the charge of the chairman, mayor or president thereof unless otherwise directed by the body authorizing such appearance; and attorneys may be employed in that behalf. In such appearances any two or more of the towns, cities and villages of said county may join if united in support of or in opposition to such appeal.

(6) HEARING. At the time fixed for such preliminary hearing, or at the time to which the same may be adjourned, the tax commission shall determine whether such appeal shall be entertained or dismissed. For that purpose they shall consider such sworn statements as may be filed and such testimony and arguments as may be presented within such reasonable time as the commission may fix for such presentation. If satisfied that no substantial injustice has been done in the county assessment appealed from, the commission in its discretion may dismiss such appeal. If the appeal be not dismissed, the commission, at such preliminary hearing or at the time to which it may be adjourned, shall make up the issues between the parties to such appeal and ascertain whether the review and redetermination sought by such appeal shall extend to all or to a part only of the towns, cities and villages in such county, whether to real estate or personal property or to

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all taxable property therein; and for that purpose the commission may require further statements in the nature of pleadings to be filed and may cause any statement filed, serving as a pleading, to be amended or made more definite and certain.

(7) REASSESSMENT. The commission shall then proceed to review and redetermine the value of property in such county in accordance with the issues as ascertained and made up under the provisions of the preceding section. They shall have authority in their discretion to include in such review and redetermination all of the taxable property in said county and to extend the same beyond the issues as made up on the preliminary hearing, if at any time during the progress of their investigations they shall be satisfied that such course is necessary in order to accomplish substantial justice and to secure relative equality as between all the assessment districts in such county. They shall make careful investigation of the quantity and value of taxable property in the several assessment districts to which such review and redetermination shall extend. For that purpose the commission may employ such experts and other assistants as may be necessary, and fix their compensation. In making such investigations the commission, the members thereof, and all persons employed therein by the commission shall have and possess all the power and authority possessed by assessors so far as applicable, including authority to administer oaths and to examine property owners and witnesses under oath as to the quantity and value of property subject to taxation belonging to any person or within any district to which the investigation shall extend.

(8) LOCAL HEARINGS, HOW HAD. The commission shall have authority in their discretion at any time before their final determination to appoint a time and place within such county at which they will hear evidence and arguments relevant to the matters under consideration upon such appeal. The time to be devoted to such hearings may be limited as the commission in their discretion shall direct. At least ten days before the time fixed for such hearings, the commission shall cause notice thereof to be mailed to the county clerk and to the attorney or other representative of each town, city and village in whose behalf an appearance has been entered in the matter of such appeal.

(9) SUBPŒNAS; CONTEMPT; PERJURY. The tax commission and each of the members thereof shall have authority to issue subpœnas requiring the attendance of witnesses to produce books and papers and to give testimony at such times and places as may be designated therein. Witnesses summoned at the instance of such commission or any of its members shall be compensated at the rates provided by law for witnesses in courts of record, the same to be audited and paid the same as other claims against the state, upon the certificate of said commission. If any person shall disobey any subpœna or refuse to be sworn or to make affirmation or to testify when lawfully required so to do under any provision of law he may be proceeded against for contempt as provided in section 4066 of the statutes. If any property owner or other person shall make any false statement to said commission or to any member thereof or to any person employed by them upon any matter under investigation he shall be subject to all the forfeitures and penalties imposed by law for false statements to assessors and boards of review.

(10) DECISION. The tax commission, within four months from the making up of the issues upon the preliminary hearing, shall make its determination upon such appeal and file a certificate thereof signed by the members or a majority of the members of such commission in the office of the county clerk. In such determination and certificate the commission shall set forth the relative value of the taxable property in each town, city and village of such county as found by them, and what sum, if any, shall be added to or deducted from the aggregate value of taxable property in each as fixed in the determination of the county board from which such appeal was taken in order to produce a relatively just and equitable county assessment. Such determination shall be final and conclusive.

(11) EFFECT OF DECISION. The determination of the tax commission shall not affect the validity of taxes apportioned in accordance with the county assessment from which such appeal was taken; but if it shall be determined upon such appeal that such county assessment is relatively unequal, such inequality shall be remedied and compensated in the apportionment of state and county taxes in such county next following the determination of said commission in the following manner: Each town, city and village whose valuation in such county assessment was determined by said commission to be relatively too high shall be credited a sum equal to the amount of taxes charged to it upon such unequal assessment in excess of the amount equitably chargeable thereto according to the determination of the tax commission; and each town, city and village whose valuation in such county assessment was determined by said commission to be relatively too low shall be charged, in addition to all other taxes, a sum equal to the difference between the amount

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charged thereto upon such unequal assessment and the amount which should have been charged thereto according to the determination of the tax commission.

(12) EXPENSES; APPORTIONMENT. The tax commission shall transmit to the county clerk with their determination on such appeal a statement of all expenses incurred therein by or at the instance of the commission, which shall include the actual expenses of the members of the commission, the compensation and actual expenses of all persons employed by them and the fees of officers employed and witnesses summoned at their instance. A duplicate of such statement shall be filed in the office of the secretary of state. Such expenses shall be audited upon the certificate of the commission, and paid out of the state treasury, in the first instance, as other claims against the state are audited and paid. The amount of such expenses shall be a special charge against such county and shall be included in the next apportionment and certification of state taxes and charges, and collected from such county, as other special charges are certified and collected. Unless otherwise directed by the commission in their determination upon such appeal, the county clerk, in the next apportionment of state and county taxes, shall apportion the amount of such special charges to and among the towns, cities and villages in such county whose relative valuations were increased in the determination of the commission in proportion to the amount of such increase in each of them respectively. The apportionment of such expenses shall be set forth in the determination of the commission. The amount so apportioned to each such town, city and village shall be charged upon its tax roll and shall be collected and paid over to the county treasurer as other state taxes and special charges are collected and paid. [*Stats. 1919 s. 1077a to 1077l; 1921 c. 69 s. 101 to 112*]

TAX ROLL.

70.65 How made. From the assessment roll when so corrected, the town clerk (and the clerk of each city or such village as aforesaid, where a different course is not directed by its charter) shall make out in a book to be called a tax roll, a complete list of all the taxable real property therein arranged, except as herein directed in regular order as to lots and blocks and sections and parts of sections, by the proper corrected descriptions and having entered opposite in separate columns the name of the person to whom assessed before, and the valuation thereof, ascertained as aforesaid, after such description, and also a complete alphabetical list of all persons in his town having any taxable personal property, with the aggregate valuation of such property ascertained as aforesaid, and the number of the school district in which it is subject to taxation set opposite in separate columns. Whenever the property situate in an incorporated village or unincorporated village, the limits of which have been designated by the town board is embraced in a town tax roll the list of the real property and of persons taxable for personal property as aforesaid shall be entered in a continuous part of the roll and the valuations be separately footed. Public lands sold and not patented and lands mortgaged to the state shall be separately entered under a proper heading. [*Stats. 1919 s. 1078; 1921 c. 69 s. 113*]

70.66 Calculation and statement of taxes. (1) BY TOWN AND VILLAGE CLERKS. Upon receipt of the certificate of the apportionment from the county clerk each town and village clerk in counties containing a population of more than three hundred thousand shall, upon a uniform percentage, calculate and carry out in one item opposite to each valuation in the tax roll the amount required to be raised upon such valuation to realize in his town the whole amount of state, county, school and other taxes so certified, together with such town and other local taxes, except taxes to pay judgments, as are to be levied uniformly upon all the taxable property in the town; and all other taxes, if any, including taxes to pay judgments, in separate columns opposite the valuation of the property to be charged.

(2) UNPAID TAX FOR PREVIOUS YEAR. Under the head of "taxes unpaid for previous year" he shall enter opposite each tract of land so returned to him as aforesaid by the county clerk the year for which such tax remains unpaid. He shall enter upon said roll a statement showing the several amounts of taxes levied upon said town or any part thereof and for what purpose; provided, in case the board of supervisors of any county shall so order, said town clerk shall calculate and carry out in separate items the several amounts of taxes as are to be levied uniformly upon all the taxable property of the town in separate columns on such roll, the form of which may be prescribed by such county board.

(3) SEVERAL TAXES TO BE SEPARATELY STATED IN ROLL. Upon receipt of the certificate of apportionment from the county clerk, each town and village clerk, located in counties having a population of less than three hundred thousand, shall separately calculate and carry out opposite to each valuation in the tax roll the amount required to be raised upon such valuation, for state taxes, county taxes, school district taxes, town or village taxes

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and all other taxes, if any, including taxes to pay judgments. Said several amounts shall be entered in the tax roll in separate columns showing the purpose for which each amount is to be raised in such form as shall be prescribed by the tax commission. Under the head "taxes unpaid for previous year" he shall enter opposite each tract of land so returned as aforesaid by the county clerk the year for which such tax remains unpaid.

(4) SPECIAL ASSESSMENT. All special assessments shall be carried out on the tax roll in a separate column or columns opposite the lots or tracts upon which the same may be a lien, and the treasurer shall have the same authority with reference thereto as if the amount of such lien was a general tax. [*Stats. 1919 s. 925—146, 1079, 1079a; 1921 c. 69 s. 114, 115, 116*]

70.67 Municipal treaurer's bond, maximum five hundred thousand dollars. The treasurer of each town, city or village shall execute and deliver to the county treasurer a bond, with sureties, to be approved, in case of a town treasurer, by the chairman of the town, and in case of a city or village treasurer by the county treasurer, in the sum of double the amount of state and county taxes apportioned to his town, city or village, not exceeding five hundred thousand dollars, conditioned for the faithful performance of the duties of his office and that he will account for and pay over according to law all state and county taxes which shall come into his hands. Provided, that when such bond is executed, or the condition thereof guaranteed, solely by a surety company as provided in section 1966—33, such bond shall be in a sum equal to the amount of such state and county taxes. The county treasurer shall give to said town, city or village treasurer a receipt for said bond, and file and safely keep said bond in his office. [*Stats. 1919 s. 1080; 1921 c. 69 s. 117*]

70.68 Warrant. (1) TOWN CLERK TO ATTACH. Every such treasurer shall deliver said receipt to the clerk of his town, city or village on or before the first day of December, and thereupon the clerk shall attach to said tax roll a warrant, substantially in the following form:

THE STATE OF WISCONSIN to ...., treasurer of the town of ...., in the county of .....

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of said county, on or before the first Monday in March next, the sum of ...., for state taxes; you are to retain and pay out as town treasurer, according to law, the sum of ...., and the balance of said moneys you are required to pay to said treasurer for county purposes, on or before the twenty-second day of March, by which day you are further required to make return to said treasurer of this warrant, with said roll annexed.

Given under my hand this .... day of ...., 19... ...., Clerk.

(2) CLERK TO DELIVER TAX ROLL. The clerk shall deliver the tax roll, with said warrant annexed, to the treasurer, if he shall have duly qualified as such, on or before the third Monday in December, and charge him with the town and local taxes therein.

(3) IN COUNTIES OF TWO HUNDRED AND FIFTY THOUSAND POPULATION. In all counties in this state having two hundred and fifty thousand or more population as ascertained by the last United States census, said warrant shall provide instead that said town, city or village treasurers shall pay such moneys to said county treasurer and make return to said treasurer of said warrant on or before the twenty-second day of March.

(4) NOTICE; TIME OF PAYMENT. In cities of the second, third and fourth classes on the receipt of such tax roll the treasurer shall give one week's notice thereof in the official paper; such notice shall specify that the taxes must be paid on or before the thirty-first day of January following.

(5) COLLECTION OF TAXES. (a) *By treasurer, except in cities of first class.* On the expiration of the time specified the treasurer shall proceed to enforce the collection of such taxes in the manner provided by law; provided, that in cities of the first class however organized he shall issue his warrant, directed to the chief of police of the city, requiring him, within a time specified therein to collect all state, county, city, school and other taxes due on personal property as shall then remain unpaid, and the chief of police receiving such warrant shall possess all the powers given by law to town treasurers for the collection of such taxes, and be subject to the liabilities and entitled to the same fees as

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town treasurers in such cases, but such fees shall be turned over to the city treasurer and become a part of the general fund.

(b) *Bond of chief of police.* Before the treasurer shall sign his warrant to the chief of police such chief of police shall give a bond to the city, in such sum and with such sureties as the council may prescribe, for the payment to the city treasurer of all taxes by him collected or received by virtue of such warrant.

(c) *Return of tax warrant.* Within the time required by these statutes in the case of town treasurers for the return to the county treasurers of the delinquent taxes on personal and real property, the said chief of police, in cities of the first class, shall return his warrant for the collection of taxes of personal property to the treasurer. [*Stats. 1919 s. 925—147 to 925—150, 1081; 1921 c. 69 s. 118, 119, 120*]

70.69 Delivery of roll before treasurer qualifies. If the tax roll shall have been delivered to the treasurer before qualification it shall be recalled from him and delivered to a treasurer appointed and qualified according to law; if it cannot be obtained the clerk shall make a new one, in the same manner, directed to the treasurer so appointed and qualified, upon which he shall collect only the balance of taxes then remaining unpaid, and shall demand and sue for such as were collected upon the original roll from the person so collecting the same. [*Stats. 1919 s. 1082; 1921 c. 69 s. 121*]

70.70 Delivery to sheriff. If the treasurer-elect shall fail to qualify as such or to file his bond with the county treasurer, in the manner and within the time prescribed, and the board shall fail to appoint a treasurer, or the person so appointed shall so fail to qualify and give such bond and deliver a receipt therefor by the third Monday in December, the clerk shall deliver the tax roll and warrant to the sheriff of the county, or if the same cannot be obtained in the case mentioned in the last preceding section, a new roll and warrant, made as aforesaid, and the sheriff shall execute to the county treasurer a like bond as required of the treasurer, and by himself or deputy shall make like collections and returns, and shall, unless he receives a fixed salary for all services, be entitled to collect for his services in cities one per cent, and in towns and villages two per cent upon all taxes paid on or before January thirty-first, and on all taxes collected by him after said date, in cities four per cent, and in towns and villages five per cent, said fees to be computed and added to the amounts as specified on the tax roll, and he shall be responsible to the same extent as treasurers appointed by boards, for all taxes so handed over to him for collection; and for the purpose of collecting the same he shall be vested with all the powers conferred upon the treasurer. [*Stats. 1919 s. 1083; 1921 c. 69 s. 122*]

70.71 Proceedings if roll not made. (1) Whenever any town, city or village clerk shall neglect or refuse to make and deliver the tax roll and warrant within the time required by law the county clerk shall, at any time after such neglect or refusal, demand and summarily obtain the assessment roll for such year, and make, in the same manner as required of the town clerk, a tax roll for such town, city or village and the like warrant thereto, and deliver the same to the sheriff of the county for collection, who shall give a like bond and have the power and proceed as directed in section 70.70, in the case there provided, to execute such warrant.

(2) If the assessment roll cannot be obtained the county clerk may use a copy thereof if obtainable. If he can obtain neither original nor copy he shall make out, to the best of his ability, a tax roll from the last assessment or tax roll on file in his office or in the office of the county treasurer, which shall then be taken and deemed conclusively the legal tax roll of such town for all purposes whatever. For all such services the county clerk shall be allowed by the county board and paid from the county treasury a reasonable compensation, which shall be charged to the town in the next apportionment of taxes. [*Stats. 1919 s. 1084; 1921 c. 69 s. 123*]

70.72 Clerical help on reassessment. Whenever a reassessment or reassessments of taxes shall hereafter be ordered in any town, the town board of such town may employ such additional clerical help for the purpose of preparing the tax rolls upon such reassessment as in its judgment shall be necessary. [*Stats. 1919 s. 1084a; 1921 c. 69 s. 124*]

70.73 Correction of tax roll. (1) BEFORE DELIVERY. Whenever it shall be discovered by any town, village or city clerk or treasurer that any parcel of land has been erroneously described on the tax roll he shall correct such description, and when he shall discover that personal property has been assessed to the wrong person, or two or more parcels of land belonging to different individuals or corporations have been erroneously assessed together on his tax roll, he shall notify the assessor and all parties interested, if residents of the county, by notice in writing to appear at the clerk's office at some time, not less than five days thereafter, to correct the assessment roll, at which time and place the assessment roll shall be corrected by entering the names of the persons liable to assessment thereon, both as to real and personal property, describing each parcel of land and

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giving its proper valuation to each parcel separately owned; but the valuation so given to separate tracts of real estate shall not together exceed nor be less than the valuation given to the same property when the several parcels were assessed together. Such valuation of parcels of land or correction of names of persons assessed with personal property may be made at any time before the tax roll and warrant shall be returned to the county treasurer for the year in which such tax is levied. Such valuation or correction of names, when so made, shall be held just and correct and be final and conclusive.

(2) AFTER DELIVERY. Whenever after delivery of the tax roll to the treasurer it shall be discovered that any city, town or village clerk in making out the tax roll has made a mistake therein in entering the description of any real or personal property, or the name of the owner or person to whom assessed, or in computing or carrying out the amount of the tax, the clerk with the consent of the treasurer at any time before the treasurer is required to make his return of delinquent taxes, may correct the name of the taxpayer, the description of property or errors in computing or carrying out the tax to correspond to the entry which should have been made on the tax roll before delivery to the treasurer. If any such corrections shall produce a change in the total amount of taxes entered in the tax roll, the clerk shall make corresponding corrections in the warrant annexed to such roll. The clerk shall enter a marginal note opposite each correction, stating when made, which shall be signed by the clerk and treasurer.

(3) NOTICE OF CORRECTION. When the assessment roll shall have been so corrected the clerk shall enter a marginal note on the roll stating when the correction was made by the assessor; and if the taxes shall have been extended against the property previously the clerk shall correct the tax roll in the same manner that the assessment roll was corrected, and extend against each tract the proper amount of tax to be collected. [*Stats. 1919 s. 1085, 1085a, 1086; 1921 c. 69 s. 125, 126, 127*]

REASSESSMENT OF TAXES.

70.74 When and how. Whenever any tax or assessment or any part thereof levied on real estate, whether heretofore or hereafter levied, shall have been set aside or determined to be illegal or void or the collection thereof prevented by the judgment of a court or the action of the county board; or whenever any town, city or village treasurer shall have been prevented by injunction from collecting or returning as delinquent any such tax or assessment in consequence of any irregularity or error in any of the proceedings in the assessment of such real estate, the levy of such tax or the proceedings for its collection, or of any erroneous or imperfect description of such real estate, or of any omission to comply with any form or step required by law, or of the affixing of a revenue stamp to the tax certificate, and including the amount thereof in the same, or the including of any illegal addition with the lawful tax, or for any other cause, then, if the real estate was properly taxable or assessable, if it be not a proper case to collect by a resale of the land, such tax, or so much thereof as shall not have been collected and as may be taxable or assessable thereto, may be reassessed or relevied upon such real estate at any time within three years after such judgment or such action of the county board or the dissolution of such injunction; and the proper town board, village board, board of trustees or common council shall make an order directing the same to be reassessed upon such real estate, and the clerk shall insert the same in the tax roll, opposite such real estate, in a separate column, as an additional tax, and the same shall be collected as a part of the tax for the year when so placed on the roll. Any such school district tax shall be so reassessed and relieved on the order of the town board; but the provisions of this section shall not be construed as conflicting with, limiting or in any way affecting the reassessment provided for in sections 75.54 and 75.55. [*Stats. 1919 s. 1087; 1921 c. 69 s. 128*]

ASSESSOR OF INCOMES.

70.75 Assessor of incomes; duties. (1) The assessor of incomes shall have full and complete supervision and direction of the work of the town, city and village assessors of the county or counties within his assessment district and shall annually, on or before the last Tuesday of April, call a meeting for each such county of all such local assessors for conference and instruction relative to their duties in the valuation and assessment of all property subject to taxation. Each such local assessor, upon notice by mail from said assessor of incomes shall attend such meeting, and shall receive therefor the sum of three dollars, and also six cents per mile for travel from his residence to the county seat and returning. Such compensation shall be paid out of the treasury of the county in which such local assessor resides upon the certificate of the assessor of incomes showing such attendance and travel, in like manner as certificates of witnesses and jurors are paid.

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(2) The assessor of incomes shall have access to all public records, books, papers and offices throughout his district and shall make a full and complete examination of them and investigate all other matters and subjects relative to the assessment and taxation of property in the several towns, villages and cities contained therein; and for that purpose he shall visit each such town, village and city as often as may be necessary during each year.

(3) The assessor of incomes shall examine and test the work of assessors during the progress of their assessments and ascertain whether any of them is assessing property at other than full value or is omitting property subject to taxation from the roll. He shall have the rights and powers of a local assessor for the examination of persons and property and for the discovery of property subject to taxation, and shall have the power to personally value and reassess any property previously assessed by the local assessor. If he shall ascertain that any property has been omitted or not assessed according to law, he shall bring the same to the attention of the local assessor of the proper district and if such local assessor shall neglect or refuse to correct the assessment he shall report the fact in writing to the clerk of the proper board of review at or before the meeting of such board and such clerk shall lay the same before said board of review for its action.

(4) Whenever the assessor of incomes ascertains, or has good reason to believe, that any assessor is guilty of a violation of law, he is authorized to make complaint to the presiding judge of the circuit court for the removal of such assessor. The district attorney shall attend and prosecute such proceedings for removal.

(5) The assessor of incomes shall make a report to the county board of each county within his assessment district showing in detail the work of local assessors in their several districts, the failure, if any, of such assessors or property owners to comply with the law, the relative assessed and true value of property in each local assessment district, and all such information and statistics as he may obtain which will be of assistance to the county board in determining the relative value of all taxable property in each town, city and village in the county. Such report shall be filed with the county clerk at least fifteen days before the annual meeting of the county board. The county clerk shall cause to be printed not less than two hundred copies of such report, one of which shall be mailed immediately by the county clerk to each member of the county board. Not less than six copies of such printed report, together with all statistics accompanying the same, shall be filed with the state tax commission.

(6) The county board, upon its own motion, may direct the assessor of incomes to make a reassessment of all the taxable property in any local assessment district for any year, and to report the same in the form of an assessment roll to the county board at its next annual session. In making such reassessment, the value of the property shall be fixed, as nearly as may be, as of the time the original assessment was made, and he shall have the powers and be governed by the rules provided by law for local assessors in the assessment of property for taxation. In case the aggregate valuation of taxable property as determined by such reassessment, shall be ten per cent or more in excess of the aggregate valuation thereof as fixed by the original assessment, the expense of making such reassessment, not exceeding five dollars per day for each day necessarily and actually spent in making the same, shall be charged to such local assessment district in the next apportionment thereto of county taxes.

(7) The state tax commission shall call a meeting of the assessors of incomes at the capitol at a specified time in the month of January in each year, for a conference on the subjects of taxation and the administration of the laws, and for the instruction of such officers in their duties. The actual and necessary expenses of each such officer in such attendance shall be audited and paid out of the state treasury in the same manner as other expenses of said assessors are audited and paid. [*Stats. 1919 s. 1087b; 1921 c. 69 s. 129*]

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CHAPTER 71.

INCOME TAX ACT.

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71.23 Reimbursement of unlawful income tax collections.
71.24 Correction of errors.

71.01 Persons and subjects taxable. There shall be assessed, levied, collected and paid a tax on all income received in each calendar year beginning with the year 1920, by every person residing within the state and by every nonresident of the state upon such income as is derived from property located or business transacted within the state, except as hereinafter exempted; provided, that all persons whose fiscal year ends on some other date than December 31, may be assessed on the income of such fiscal year in lieu of the income of the calendar year, at the discretion of the tax commission. This section shall not be construed to prevent or affect the correction of errors or omissions in the assessment of income of former years as authorized by subsection (1) of section 71.10 and section 71.11. [*Stats. 1919 s. 1087m—1; 1921 c. 65 s. 2*]

71.02 Definition of terms; what income taxable. (1) The term "person," as used in this act, shall mean and include any individual, firm, copartnership, and every corporation, joint stock company or association organized for profit, and having a capital stock represented by shares, unless otherwise expressly stated.

(2) The term "income," as used in this act, shall include:

(a) All rent of real estate.

(b) All dividends derived from stocks and all interest derived from money loaned or invested in notes, mortgages, bonds or other evidence of debt of any kind whatsoever, provided, that the term "dividends" as used in this section shall be held to mean any distribution made by a corporation, joint stock company or association, out of its earnings or profits accrued since January 1, 1911, and paid to its shareholders whether in cash or in stock of the corporation, joint company or association.

(c) All wages, salaries or fees derived from services; provided, that compensation to public officers for public service shall not be computed as a part of the taxable income in such cases where the taxation thereof would be repugnant to the constitution.

(d) All profits derived from the transaction of business or from the sale of real estate or other capital assets; provided, that for the purpose of ascertaining the gain or loss resulting from the sale or other disposition of property, real or personal, acquired prior to January 1, 1911, the fair market value of such property as of January 1, 1911, shall be the basis for determining the amount of such gain or loss.

(e) All royalties derived from mines or the possession or use of franchises or legalized privileges of any kind.

(f) And all other gains, profits or income of any kind derived from any source whatever except such as hereinafter exempted.

(3) (a) Persons who customarily estimate their incomes or profits on a basis other than cash receipts and disbursements may, with the consent and approval of the tax commission, return for assessment and taxation the income or profits earned during the income year, in accordance with the method of accounting regularly employed in keeping their books, except as hereinafter provided; but if no such method of accounting has been employed, or if the method used does not clearly reflect the taxable income, the computation shall be made upon such basis and in such manner as in the opinion of the tax commission will clearly reflect such income.

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(b) The terms "paid" or "actually paid," as used in this chapter, are to be construed in each instance in the light of the method used in computing taxable income whether on the accrual or receipt basis; provided, that the deduction for federal income and excess profits taxes shall be confined to cash payments made within the year covered by the income tax return, and that reserves for contingent losses or liabilities shall not be deducted.

(c) Income from mercantile or manufacturing business, rentals, royalties or the operation of any farm, mine or quarry, or from the sale of real or personal property for the purposes of taxation shall follow the situs of the property or business from which derived, and all other income including that derived from personal service, professions and vocations and from land contracts, mortgages, stocks, bonds and securities shall follow the residence of the recipient.

(d) Persons engaged in business within and without the state shall be taxed only upon such income as is derived from business transacted and property located within the state, which may be determined by an allocation and separate accounting for such income when made in the form and manner prescribed by the tax commission, but otherwise shall be determined in the manner specified in paragraph (e) of subsection 7 of section 1770*b* as far as applicable. [*Stats. 1919 s. 1087m—2; 1921 c. 65 s. 3*]

71.03 Deductions from gross income of corporations. Every corporation, joint stock company or association shall be allowed to make from its gross income the following deductions:

(1) Payments made within the year for wages of employes and salaries of officers if reasonable in amount, for services actually rendered in producing such income; provided, there be reported the name, address and amount paid each such employe or officer residing within this state to whom a compensation of seven hundred dollars or more shall have been paid during the assessment year.

(2) Other ordinary and necessary expenses and cash bonuses to employes, actually paid within the year out of the income in the maintenance and operation of its business and property, including a reasonable allowance for depreciation by use, wear and tear of property from which the income is derived and in the case of mines and quarries an allowance for depletion of ores and other natural deposits on the basis of their actual original cost in cash or the equivalent of cash; and including also interest paid during the year in the operation of the business from which its income is derived; provided, the debtor reports the amount so paid, the form of the indebtedness, together with the names and addresses of the parties to whom interest was paid.

(3) Losses actually sustained within the year and not compensated for by insurance or otherwise, provided that no loss resulting from the operation of business or the ownership of property may be allowed as a deduction, unless the income which might be derived from such business or property would be subject to taxation under this act.

(4) Taxes other than special improvement taxes paid during the year upon the business or property from which the income taxed is derived, including therein taxes imposed by the state of Wisconsin and the government of the United States as income, excess or war profits and capital stock taxes.

(5) Dividends or income received within the year from stocks or interest in any copartnership, corporation, joint stock company or association, the income of which shall have been assessed under the provisions of this act; provided that when only part of the income of the copartnership, corporation, joint stock company or association from which such dividend or income was received shall have been assessed under this act only a corresponding part of such dividend or income shall be deducted; provided, further, that such copartnership, corporation, joint stock company or association report the name and address of each person owning stocks or having such interest and the amount of dividends or income paid such person during the assessment year.

(6) Amounts distributed to patrons in any year, in proportion to their patronage of the same year, by any corporation, joint stock company or association doing business on a co-operative basis (hereinafter called "company"), whether organized under chapter 86 or otherwise, shall be returned as income or receipts by said patrons but may be deducted by such company as cost, purchase price or refunds; provided that no such deduction shall be made for amounts distributed to the stockholders or owners of such company in proportion to their stock or ownership, nor for amounts retained by such company and subject to distribution in proportion to stock or ownership as distinguished from patronage.

(7) Contributions or gifts actually made within the year to corporations or associations operating within the state, organized and operated exclusively for religious, charitable, scientific, or educational purposes, or to societies operating within the state, for the prevention of cruelty to children or animals, no part of the net income of which inures to the benefit of any private stockholder or individual, to an amount not in excess of ten

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per centum of the taxpayer's taxable net income as computed without the benefit of this subsection. [*Stats. 1919 s. 1087m—3 par. (a) to (e), (h), (i); 1921 c. 65 s. 4; 1921 c. 335; 1921 c. 590 s. 11*]

71.04 Deductions from incomes of persons other than corporations. Persons other than corporations, joint stock companies or associations, in reporting incomes for purposes of taxation shall be allowed the following deductions:

(1) Payments made within the year for wages of employes and a reasonable allowance for services of copartners or members of a firm actually rendered in producing such income. But no deductions shall be made for any amount paid for personal services unless there be reported the name and address and amount paid each such employe or copartner to whom a sum of seven hundred dollars or more shall have been paid during the assessment year.

(2) The ordinary and necessary expenses actually paid within the year in carrying on the profession, occupation or business from which the income is derived, including a reasonable allowance for depreciation by use, wear and tear of the property from which the income is derived, and in the case of mines and quarries an allowance for depletion of ores and other natural deposits on the basis of their actual original cost in cash or the equivalent of cash.

(3) Losses during the year and not compensated for by insurance or otherwise, provided that no loss resulting from the operation of business or the ownership of property may be allowed as a deduction unless the income which might be derived from such business or property would be subject to taxation under this act.

(4) Dividends or incomes received by any person from stocks or interest in any copartnership, corporation, joint stock company or association, the income of which shall have been assessed under the provisions of this act; provided that when only part of the income of any copartnership, corporation, joint stock company or association shall have been assessed under this act only a corresponding part of the dividends or income received therefrom shall be deducted, and provided, further, that said copartnership, corporation, joint stock company or association report the name and address of each person owning stock or having such interest and the amount of dividends or income paid such person during the assessment year.

(5) Interest paid within the year on existing indebtedness; provided, the debtor reports the amount so paid, the form of the indebtedness, together with the name and address of the creditor. But no interest shall be allowed as a deduction if paid on an indebtedness created for the purchase, maintenance or improvement of property, or for the conduct of a business, unless the income from such property or business would be taxable under this chapter.

(6) Taxes other than inheritance and special improvement taxes upon the property or business from which the income hereby taxed is derived paid by such persons during the year, including therein taxes imposed by the state of Wisconsin or the United States government as income taxes.

(7) Contributions or gifts actually made within the year to corporations or associations operating within the state, organized and operated exclusively for religious, charitable, scientific, or educational purposes, or to societies operating within the state, for the prevention of cruelty to children or animals, no part of the net income of which inures to the benefit of any private stockholder or individual, to an amount not in excess of ten per centum of the taxpayer's taxable net income as computed without the benefit of this subsection. [*Stats. 1919 s. 1087m—4 par. (a) to (d), (h), (l); 1921 c. 65 s. 5; 1921 c. 335*]

71.05 Exemptions. (1) There shall be exempt from taxation under this chapter income as follows, to wit:

(a) To an individual, income up to and including eight hundred dollars.

(b) To husband and wife, twelve hundred dollars.

(c) For each child under the age of eighteen years, two hundred dollars.

(d) For each additional person, who is actually supported by and entirely dependent upon the taxpayer for his support, two hundred dollars. In computing said exemptions and the amounts of taxes payable by persons residing together as members of a family, the income of the wife and the income of each child under eighteen years of age shall be added to that of the husband or father, or if he be not living, to that of the head of the family and assessed to him. The taxes levied thereon shall be payable by such husband or head of the family, but if not paid by him may be enforced against any person whose income is included in the assessment.

(e) Dividends received from state banks, national banks, mutual savings banks and trust companies subject to taxation by this state.

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(f) Pensions received from the United States.

(g) All inheritances, devises, bequests and gifts received during the year.

(h) All insurance received by any person or persons in payment of a death claim by any insurance company, fraternal benefit society or other insurer. But endowment or other insurance paid to the insured in his lifetime shall be taxable upon the excess received over the amount paid for the insurance.

(2) Income of state banks, national banks, mutual savings banks, trust companies, mutual loan corporations and building and loan associations and of all religious, scientific, educational, benevolent or other corporations or associations of individuals not organized or conducted for pecuniary profit.

(3) Incomes derived from property and privileges by persons now required by law to pay taxes or license fees directly into the treasury of the state in lieu of taxes, and such persons shall continue to pay taxes and license fees as heretofore.

(4) Income received by the United States, the state and all counties, cities, villages, school districts or other political units of this state. [*Stats. 1919 s. 1087m—3 par. (g), 1087m—4 par. (g), (i), (j), (k), 1087m—5; 1921 c. 65 s. 6, 7*]

71.06 Rates of taxation. (1) The tax to be assessed, levied and collected upon the incomes of all persons, except as otherwise provided by law, after making such deductions and exemptions as are hereinbefore allowed, shall be computed at the following rates, to wit:

(a) On the first one thousand dollars of taxable income or any part thereof, at the rate of one per cent.

(b) On the second one thousand dollars or any part thereof, one and one-fourth per cent.

(c) On the third one thousand dollars or any part thereof, one and one-half per cent.

(d) On the fourth one thousand dollars or any part thereof, one and three-fourths per cent.

(e) On the fifth one thousand dollars or any part thereof, two per cent.

(f) On the sixth one thousand dollars or any part thereof, two and one-half per cent.

(g) On the seventh one thousand dollars or any part thereof, three per cent.

(h) On the eighth one thousand dollars or any part thereof, three and one-half per cent.

(i) On the ninth one thousand dollars or any part thereof, four per cent.

(j) On the tenth one thousand dollars or any part thereof, four and one-half per cent.

(k) On the eleventh one thousand dollars or any part thereof, five per cent.

(l) On the twelfth one thousand dollars or any part thereof, five and one-half per cent.

(m) On any sum of taxable income in excess of twelve thousand dollars, six per cent.

(2) The taxes to be assessed, levied and collected upon the incomes of corporations, joint stock companies or associations, after making such deductions and exemptions as hereinbefore allowed, shall be computed at the following rates, to wit:

(a) On the first one thousand dollars of taxable income or any part thereof, two per cent.

(b) On the second one thousand dollars or any part thereof, two and one-half per cent.

(c) On the third one thousand dollars or any part thereof, three per cent.

(d) On the fourth one thousand dollars or any part thereof, three and one-half per cent.

(e) On the fifth one thousand dollars or any part thereof, four per cent.

(f) On the sixth one thousand dollars or any part thereof, five per cent.

(g). On the seventh one thousand dollars or any part thereof, six per cent.

(h) On all taxable income in excess of seven thousand dollars, six per cent. [*Stats. 1919 s. 1087m—6; 1921 c. 65 s. 8*]

71.07 Assessment districts; assessors; deputies. (1) The state shall be divided into assessment districts by the state tax commission, but in no instance shall a county be divided.

(2) Not less than thirty days prior to the first of March, 1912, there shall be selected and appointed by the state tax commission an assessor of incomes for each assessment district in the state. Such assessor shall be a citizen and an elector of this state, but need not be a resident of the district in which he is appointed to serve; provided, however, that so far as practicable, preference shall be given in making such appointments to residents of the districts.

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(3) The tax commission may in its discretion transfer any assessor of incomes from one district to another.

(4) Such assessor of incomes shall take and file the official oath. He shall be under the direction and control of the state tax commission, and shall make such reports to the commission, to the county board of review and the county board of supervisors, and perform such other duties, as the commission shall direct.

(5) The state tax commission may authorize any assessor of incomes to appoint such deputies and other assistants as may be required for the proper performance of his duties. Such deputies shall qualify in like manner and possess the same powers as the assessor. [*Stats. 1919 s. 1087m—8; 1921 c. 65 s. 9*]

71.08 Salaries of assessors, expenses and supplies. (1) The salaries of the assessors of incomes and their deputies and assistants shall be fixed by the state tax commission, but such salaries, together with the expenses of such assessors and their deputies and assistants, shall not in any year exceed in amount five cents for every thousand dollars of the valuation of all property as fixed by the tax commission in the state assessment of the preceding year. The assessor shall be furnished all necessary printing, stationery, postage and office equipment, and he and his deputies shall be entitled to receive their actual necessary expenses incurred in the performance of their duties. The salaries of the assessor and his assistants, and all such expenditures shall be audited and paid out of the state treasury in the same manner as other similar salaries and state expenses are audited and paid, except as hereinafter provided.

(2) The county board of each county in which the assessor of incomes has an office shall provide at the expense of the county a suitable room or rooms in the courthouse or other convenient building at the county seat for the use of such assessor, together with all furniture, fixtures and other equipment necessary to properly conduct the duties of his office. If any county shall fail or refuse to furnish such quarters and equipment for the use of the assessor of incomes as herein provided, the tax commission may procure the same at the expense of the county responsible therefor. The rent of such office and the cost of such office equipment, if procured by the tax commission shall, in the first instance, be paid out of the state treasury as other claims against the state are audited and paid, and shall be included in the next apportionment and certification of state taxes and charges and collected from such county as other special charges are certified and collected. [*Stats. 1919 s. 1087m—9; 1921 c. 65 s. 10, 11*]

71.09 Assessment of incomes. (1) The state tax commission and the assessors of incomes shall annually on the first day of January, or as soon thereafter as practicable, proceed to assess as hereinafter provided, every income received during the preceding calendar year liable to taxation under the provisions of this chapter. Liability to taxation for income which follows the residence of the recipient in the case of persons, other than corporations, joint stock companies and associations, moving into or out of the state shall be determined by the residence of such person on the thirty-first day of December of the income year. The assessment of corporations, joint stock companies and associations shall be made by the state tax commission, and the assessment of persons other than corporations, joint stock companies and associations shall be by the county assessor of incomes.

(2) In the performance of such duty the state tax commission and the county assessors of incomes shall respectively possess all powers now or hereafter granted by law to the state tax commission or assessors in the assessment of personal property and also the power to estimate incomes.

(3) Every corporation, joint stock company or association, whether taxable under this chapter or not, shall furnish to the tax commission a true and accurate statement, on or before February fifteenth of each year, except that returns for fiscal years ending on some other date than December thirty-first, shall be furnished within thirty days after the last day of such year in such manner and form and setting forth such facts as said commission shall deem necessary to enforce the provisions of this chapter. Such statement shall be made upon the oath or affirmation of the president, vice president or other principal officer and the treasurer of said corporation, joint stock company or association.

(4) Whenever in the judgment of the assessor of incomes any person other than a corporation, joint stock company or association shall be subject to income tax in his district under the provisions of this chapter, he shall notify such person to make report to him on or before March first of each year in such manner and form as the tax commission shall prescribe, specifying in detail the amounts of income received by him from all sources, together with the amount of income received by his wife and each child under eighteen years of age residing together with him as members of the family, and such other information as the commission shall deem necessary to enforce the provisions of this

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chapter. In case any person shall fail, neglect or refuse to make return when notified by the assessor of incomes so to do, such assessor shall estimate and assess his taxable income according to his best judgment and give notice thereof by mail. Any person who receives a taxable income during the year must report the same in the manner and form herein provided to the assessor of incomes, whether notified to do so or not, and shall be subject to the same penalties for failure to report as those who receive notice.

(5) Every guardian, trustee, executor, administrator, agent or receiver, and every other person or corporation acting in a fiduciary capacity shall make and render to the assessor of incomes of the district in which such representative resides, a verified list or return of the amount of income received by him for such person, ward or beneficiary together with all income received by the ward, beneficiary, deceased or incompetent person whom he represents or succeeds during the year covered by the return and shall be liable to assessment and taxation therefor, subject to the deductions and exemptions provided in this chapter; provided, that such deductions or exemptions have not been claimed by or for such person, ward or beneficiary in another capacity. The return so made shall be signed by the person rendering it, and by the president or secretary thereof, if a corporation. Every person subject to an income tax in his representative capacity under this subsection shall have all of the remedies and rights of reimbursement for any tax assessed against or paid by him in such capacity prescribed by section 70.19.

(6) The income tax to be paid by guardians, trustees, agents or other persons or corporations acting in a fiduciary capacity shall, as to such income as follows the residence of the recipient, be paid in the district where the said guardian, trustee, agent or other fiduciary resides, if the ward, beneficiary or principal is a nonresident of the state of Wisconsin. If the ward, beneficiary or principal resides in the state of Wisconsin the tax upon all such income shall be paid in the district where the said ward, beneficiary or principal resides.

(7) An executor, administrator, guardian, or trustee applying to a court having jurisdiction for a discharge from his trust and a final settlement of his accounts, before his application shall be granted, shall file with the assessor of incomes of his county a return of all income received in his representative capacity during the time between the last preceding January first and the date of his application for discharge and also similar returns of income received during each of the three next preceding calendar years as have not theretofore been filed. Upon the receipt of such returns, the income tax assessor shall immediately determine the amount of income tax due or to become due from such executor, administrator, guardian, or trustee and certify the amount or amounts to the court in which the application for discharge is pending and the court shall thereupon enter an order directing the executor, administrator, trustee or guardian, as the case may be, to pay to the treasurer of the county in which such proceeding is pending the amount of tax, if any, found due by the assessor of incomes, and take his receipt therefor. The certificate of the assessor of incomes shall contain the names of the counties, towns, cities or villages entitled to the tax and the amount to which each is entitled and a copy thereof shall be filed with the treasurer of the county in which said court is located. Such receipt shall be evidence of the payment of the tax and shall be filed with the court before a final distribution of the estate is ordered, and the executor, administrator, trustee or guardian is discharged. The county treasurer shall pay to the several treasurers of the state, county, town, city and village the portion of the tax each is entitled to at the time and in the manner delinquent income taxes are paid by him. The assessor of incomes shall enter all such assessments upon the assessment roll for the year in which the assessment is made, if practicable to do so, otherwise upon the assessment roll of the following year and shall enter thereon opposite each such assessment the words: "Paid to the county treasurer by order of court."

(8) Returns of income required to be made by virtue of the next preceding subsection may be dispensed with by order of the court having jurisdiction in cases where it is clearly evident to the court that no income tax is due or to become due from the trust estate. [*Stats. 1919 s. 1087m—10 sub. 1 to 5c; 1921 c. 65 s. 12 to 16*]

71.10 Incorrect returns by corporations; penalty for frauds and refusal to make returns. (1) Whenever it shall appear probable that a corporation has been over or underassessed, or that no assessment has been made when one should have been made in any one or more of the next previous three years, the tax commission may require such corporation to furnish such information with reference to its capital, surplus and business transacted as it may deem necessary to enable it to ascertain the amount of taxable income such corporation received during the year or years in question. Upon such information and such other information as it may be able to discover the commission shall determine the true amount of taxable income received during the year or years under

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investigation. If all or any part of the amount so ascertained shall not previously have been assessed, the same shall be assessed and entered upon the assessment rolls in the year discovered, and the normal tax thereon may be computed at twice the original rate. If it shall be found that the assessment was in excess of the actual taxable income received in any one or more of the previous three years, the tax commission may make allowance as far as possible for such excess in the assessment of the year when such error in assessment shall be discovered. No additional assessment shall be made under this section without giving at least ten days' notice in writing of the proposed assessment to the corporation to be subjected thereto. Such notice shall be served in the same manner as a circuit court summons is served, or by registered mail.

(2) In case of the failure on the part of a corporation to make a report of income within the time and in the manner prescribed by law, the tax commission may enter an assessment against said corporation upon ten days' notice in writing in a sum of not less than five hundred dollars. Such notice may be served by mail. After the tax on such assessment has been certified for collection to the treasurer of the town, city or village where the same is payable, the corporation assessed shall be forever barred from questioning the correctness of the same in any action or proceeding.

(3) In case of neglect occasioned by the sickness or absence of an officer of any corporation, joint stock company or association required to make said return, or for other sufficient reason, the state tax commission may allow such further time for making and delivering such return as it may deem necessary, not to exceed thirty days.

(4) If any of the corporations, joint stock companies or associations aforesaid shall fail or refuse to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint stock company or association shall be liable to a penalty of not less than one hundred dollars and not to exceed five thousand dollars at the discretion of the court.

(5) Any officer of a corporation, joint stock company or association required by law to make, render, sign or verify any return who makes any false or fraudulent return or statement, with intent to defeat or evade the assessment required by this act to be made, shall upon conviction be fined not to exceed five hundred dollars or be imprisoned not to exceed one year, or both, at the discretion of the court, with the cost of prosecution. [*Stats. 1919 s. 1087m—11; 1921 c. 65 s. 18, 19, 20*]

71.11 Incorrect returns by individuals; penalty for frauds and refusal to make returns. (1) Whenever it shall appear probable to the assessor of incomes or the county board of review herein provided for, that any person other than a corporation, joint stock company or association has been over or underassessed, or that no assessment had been made when one should have been made in any one or more of the next previous three years, such income tax assessor or county board of review may require such person to furnish such information as may be deemed necessary to enable them to ascertain the amount of taxable income received by such person during the year or years in question. Upon such information and such other information as they may be able to discover, they shall determine the true amount of taxable income received during the year or years under investigation. If all or any part of the amount so ascertained shall not previously have been assessed, the same shall be assessed and entered upon the assessment rolls in the year discovered and the normal tax thereon may be computed at twice the original rate. If it shall be found that the assessment was in excess of the actual amount of income received in any one or more of the three previous years, the income tax assessor or county board of review may make allowance as far as possible for such excess in the assessment of the year when such error in assessment shall be discovered. No additional assessment shall be made under this subsection without giving at least ten days' notice in writing of the proposed assessment to the person to be subjected thereto. Such notice may be served by mail.

(2) Any person other than a corporation, joint stock company or association, required to make an income tax return, who shall fail, neglect, or refuse to do so in the manner and form and within the time prescribed by this chapter, or shall make a return that does not disclose his entire taxable income, shall be assessed on such income as the assessor of incomes shall determine was received. In the case of wilful neglect to comply with the law in respect to making and filing an income tax return on the part of such person, the tax on such assessment shall be computed at twice the original rate.

(3) Any person, other than a corporation, joint stock company or association who fails or refuses to make a return at the time hereinbefore specified in each year or shall render a false or fraudulent return shall upon conviction be fined not to exceed five hundred dollars, or be imprisoned not to exceed one year, or both, at the discretion of the court, together with the cost of prosecution. [*Stats. 1919 s. 1087m—12; 1921 c. 65 s. 21, 22, 23*]

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71.12 Hearing of grievances. Any corporation, joint stock company or association subject to assessment by the state tax commission, feeling aggrieved by the decision of said commission regarding the assessment of its income, shall be granted the same rights of hearing and appeal as are now granted corporations assessed by said commission. [*Stats. 1919 s. 1087m—13; 1921 c. 65 s. 24*]

71.13 County board of review. (1) APPOINTMENT. The state tax commission shall appoint three resident taxpayers of each county to serve as a county board of review.

(2) CLERK; RECORD OF PROCEEDINGS. The county clerk shall be clerk of such board, and shall keep an accurate record of all proceedings thereof, including a correct record of all changes in the assessment rolls made by the board. The county clerk shall take full minutes of all evidence given before the board; provided, however, that the board, with the approval of the assessor of incomes, may in cases where they deem it advisable, employ a stenographic reporter to take such evidence in shorthand, and extend the same in typewritten form. The county clerk shall preserve in his office a record of all such proceedings, minutes and evidence taken, and all documentary evidence offered. The expense of such stenographic reporter shall be borne by the county, and shall be paid by the county treasurer on the certificate of the assessor of incomes.

(3) MEETINGS OF BOARD; QUORUM; PROCEEDINGS. (a) The county board of review of each county, constituting an assessment district, shall meet annually on the last Monday of July at ten o'clock A. M. at the courthouse in said county to hear complaints and to review the assessments of income made by the assessor. A majority shall constitute a quorum.

(b) In assessment districts composed of more than one county the board of review of the county designated by the assessor of incomes shall meet as provided above and the board of review of each remaining county of the district shall meet as soon thereafter as is possible for the assessor of incomes to be present. The date of such meeting shall be fixed by the assessor of incomes.

(c) Notice of the annual meeting of each county board of review shall be published in a newspaper of the county at least one week previous to such meeting.

(d) The board may adjourn from day to day, and from time to time, until its business is completed, but no adjournment other than from day to day shall be had except upon written request and for satisfactory cause shown.

(e) Attendance of witnesses and the production of books and papers before said board may be compelled by subpœna, issued by the clerk thereof, a justice of the peace or a court commissioner.

(4) HEARING AND DETERMINATION. (a) The board shall hear and examine, and permit the assessor to examine, any aggrieved or other person upon oath who shall appear before it in relation to any assessment or omission of income, and may increase or lessen the amount of any income assessed, if satisfied from the evidence submitted and the statements of the assessor, that such change should be made.

(b) The board shall not increase any assessments, nor assess any income not on the roll without notice in writing to the person liable for payment of the tax thereon, or his agent, if either be resident of the county, of such intention in time to appear and be heard before the board in relation thereto. [*Stats. 1919 s. 1087m—14, 1087m—15, 1087m—16, 1087m—17; 1921 c. 65 s. 25 to 28*]

71.14 Exclusive original jurisdiction. No person subject to assessment by the county assessor shall be allowed in any action or proceeding to question any assessment of income, unless objections thereto shall first have been presented to the county board of review in good faith and full disclosure made under oath of any and all income of such party liable to assessment. [*Stats. 1919 s. 1087m—18; 1921 c. 65 s. 29*]

71.15 Appeal and review. (1) Any person dissatisfied with any determination of the county board of review may appeal within twenty days to the state tax commission, to whom a copy of the record of the board shall be certified, together with all evidence or a copy thereof, relating to such assessment.

(2) The tax commission shall review such assessments from the record thus submitted and shall make necessary corrections and certify its conclusion to the county clerk, who shall duly notify the person liable for the tax and enter upon the assessment roll any change made by the commission. [*Stats. 1919 s. 1087m—19; 1921 c. 65 s. 30*]

71.16 Computation of corporation taxes. (1) The state tax commission shall complete the assessment of income for each corporation, joint stock company, and association on or before the fifteenth day of October in each year, and compute the tax thereon, and shall thereupon forthwith certify to each county clerk a statement of the assessment of each corporation, joint stock company and association in his county and the amount of tax levied against each.

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(2) The state tax commission shall submit in their biennial report the amount of income tax collected for each county in the state, and shall designate the several general classes of property from which the incomes were received, the cost to the state and each county for the administration of the law, and all such facts as shall be required to give a definite understanding of the financial operations of the law. [*Stats. 1919 s. 1087m—20; 1921 c. 65 s. 31*]

71.17 Computation of tax on individuals; certified to clerks. (1) The tax upon the income of persons other than corporations, joint stock companies and associations shall be computed by the county clerk, assisted by the assessor of incomes and said clerk shall on or before November first, certify, excepting in cities of the first class, to each town, city and village clerk the names of all persons whose incomes are assessed in his own town, city or village, and the amount of tax levied against each such person, and such amount shall be entered by the town, city and village clerks in a separate column designated "income tax" upon the tax roll of the year, and shall be collected and paid as personal property taxes are now collected and paid.

(2) The county clerk shall certify in a similar manner to the tax commissioner of each city of the first class located within the limits of the county and the tax commissioner shall proceed in the manner previously prescribed for the city clerk to make out the tax roll. [*Stats. 1919 s. 1087m—21; 1921 c. 65 s. 32*]

71.18 Situs of taxation. The place at which the income tax herein provided for shall be assessed, levied and collected shall be determined as follows:

(1) In their return for purposes of assessment persons deriving incomes from within and without the state, or from more than one political subdivision of the state, shall make a separate accounting of the income derived from without the state and from each political subdivision of the state in such form and manner as the tax commission may prescribe.

(2) The entire taxable income of every person deriving income from within and without the state or from within different political subdivisions of the state, when such person resides within the state, shall be combined and aggregated for the purpose of determining the proper exemptions and proper rate of taxation. The taxable income so computed shall be assessed, and taxes at such rate shall be paid, in the several towns, cities and villages in proportion to the respective amounts of income derived from each, counting that part of the income derived from without the state when taxable as having been derived from the town, city or village in which said person resides.

(3) The income tax of every nonresident of this state shall be paid in the taxing district from which the income is derived. When such income is derived from more than one taxing district of the state, the tax shall be computed on the aggregate income received from all districts and shall be certified for collection to the several taxing districts in proportion to the amount of income received from each under such rules and regulations as the tax commission may prescribe.

(4) All laws not in conflict with the provisions of this act, relating to the assessment, collection and payment of taxes on personal property, the correction of errors in assessment and tax rolls, the compromise or cancellation of illegal taxes and the refund of moneys paid thereon, shall be applicable to the income tax herein provided for; but no town or village board or common council, nor the county officers specified in section 75.60, shall compromise or cancel any income tax or any part thereof or refund any moneys paid thereon without the written approval of the assessor of incomes who made the assessment or of the tax commission in the case of assessments made by it, specifying the defect in the assessment or tax proceeding and the amount of taxable income which should have been assessed and the amount of the taxes justly chargeable thereto.

(5) In the return of delinquent income taxes as required by law the entire amount of each such delinquent income tax shall be returned to the county treasurer without division or apportionment. All laws, including the provisions of any city charter in conflict with this subsection are hereby repealed.

(6) Whenever any city, town or village shall have collected an income tax that under the income tax law ought not to have been collected by such city, town or village, but by the provisions of the income tax law should have been collected by another town, city or village, such tax shall be paid to the town, city or village entitled thereto; provided, however, that no such payment shall be made except on the written approval of the assessor of incomes who made the assessment, or of the tax commission in the case of assessments made by it, specifying the defect in the assessment or tax proceeding; and provided further that a claim for such tax shall have been made within one year after the collection of the tax. If any portion of such taxes so refunded shall be properly chargeable to the county and state, they shall be so charged, and such town, city or village shall be credited by the county treasurer on the settlement with the proper treasurer for the taxes of

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the ensuing year, with the whole amount of such state and county taxes so paid into the county treasury; and the county treasurer shall also be allowed by the state treasurer the amount of said taxes so illegally collected and paid in his settlement with the state treasurer, next after the payment of such claim. [*Stats. 1919 s. 1087m—22; 1921 c. 65 s. 33*]

71.19 Apportionment of revenue. (1) All income taxes collected in cash over and above the personal property offset authorized by section 71.21 shall be divided as follows, to wit: Ten per cent to the state, twenty per cent to the county, and the balance to the town, city or village in which the tax was assessed, levied and collected, except that when such balance exceeds two per cent of the equalized value of such town, city or village under section 70.61, such excess shall be paid to the county to be distributed and paid to the several towns, cities and villages of the county, according to the school population therein. The same shall be remitted and accounted for in the same manner as the state and county taxes collected from property are remitted and paid, except that income taxes returned delinquent shall not be charged to the county nor credited to the town, city or village returning the same.

(2) Out of the first moneys received and retained from cash collected from such income taxes in any city of the first class, however organized, there shall be transferred and paid to the firemen's pension fund provided for by chapter 165 of the laws of 1903 and laws amendatory thereof, a sum each year sufficient to make the said firemen's pension fund on the first day of March in each year not less than one hundred and seventy-five thousand dollars, to be used for the purpose of paying pensions to disabled and superannuated members of the fire department and their beneficiaries mentioned in said laws. The county treasurer shall account for and pay all delinquent taxes thereafter collected by him, upon the basis hereinbefore provided, to the state treasurer, and to the several town, city and village treasurers entitled thereto quarterly thereafter. [*Stats. 1919 s. 1087m—23; 1921 c. 65 s. 34*]

71.195 Advance payment. County treasurers are authorized to accept advance income taxes and surtaxes on incomes from individuals or corporations desirous of making such payments at any time before the same shall become due and payable. No such advance payments shall be accepted by the county treasurer unless a certification is furnished by the Wisconsin tax commission, in case of assessments made by it, or the assessor of incomes in case of assessments made by him, showing the amount of income taxes to become due and the districts which are entitled thereto. Advance payment of taxes under this provision shall not relieve any individual or corporation from additional taxes which may result from subsequent legislation or from additional taxable income disclosed or discovered subsequent to the assessment. The county treasurer, upon receipt of such advance taxes, shall enter the amount received on a ledger account termed "Advance Income Taxes" and on or between January 1 and January 5, next succeeding the date of payment, the county treasurer shall pay to the local treasurers of the several districts named in the certificates of the tax commission, or assessor of incomes, the full amount of taxes payable to each of such districts giving the names of the several taxpayers paying such taxes and the amount paid by each. The county treasurer shall take from the local treasurers to whom such payments are made separate receipts in the usual form which he shall deliver to the several persons entitled thereto when the same shall be called for. [*1921 c. 311; 1921 c. 9 s. 2*]

71.20 Penalty for divulging information. (1) No commissioner, assessor of incomes, deputy, member of a county board of review, or any other officer, agent, clerk or employe shall divulge or make known to any person in any manner any information whatsoever obtained directly or indirectly by him in the discharge of his duties or permit any income return or copy thereof or any paper or book so obtained to be seen or examined by any person except as provided by law; provided, that any and all information contained in income tax returns and in the statements and correspondence pertaining thereto relating to the ownership or value of property shall be furnished or made accessible to all public officials charged with the duty of assessing the same for taxation or of supervising the assessment thereof, under such rules and regulations as the tax commission shall prescribe, but no information so received shall be divulged by any such official except as may be necessary in the proper performance of his duties; and provided further that in any action or proceeding brought for the collection, remission, cancellation or refund of the whole or any part of a tax assessed under sections 71.01 to 71.24, or for enforcing the penalties prescribed for making false or fraudulent returns, any and all information contained in such returns may be furnished or made accessible to the officers or representatives of the state or municipal district charged with the duty of prosecuting or defending the same, under such rules and regulations as the tax commission shall prescribe; and all such returns and the statements and correspondence relating

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thereto may be produced in evidence in any action or proceeding, civil or criminal, directly pertaining to such returns or the assessment made thereon.

(2) Any officer, agent, clerk or employe violating any of the provisions of this section shall upon conviction thereof be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by imprisonment in the state prison for not more than two years, at the discretion of the court.

(3) Such officer, agent, clerk or employe upon such conviction shall also forfeit his office or employment and shall be incapable of holding any public office in this state for a period of three years thereafter.

(4) Nothing herein shall be construed as preventing the assessment roll, the tax roll and all proceedings had before the county board of review and all evidence taken at such hearing from being open to public inspection at such times and under such conditions as the state tax commission may direct. [*Stats. 1919 s. 1087m—24; 1921 c. 65 s. 35*]

71.21 Personal property credited. Any person who shall have paid a tax assessed upon his personal property during any year shall be permitted to present the receipt therefor to the tax collector, together with any similar receipts for personal property taxes paid by members of his family whose incomes have been assessed to him, and have the same accepted by the tax collector to their full amount in the payment of income taxes assessed against such person during said year; provided, that no receipt for taxes paid on the shares of stock in any state, national or mutual savings bank or trust company shall be allowed as an offset against any income tax within the meaning of this section. If in any year a person failed or neglected, or shall in the future fail or neglect, to present his personal property tax receipt in payment of income tax, as provided by this section, and the council of the city or board of the town or village to which such taxes shall have been paid is satisfied that such person was entitled to such offset, and that by reason thereof, such person has paid to the town, city or village an amount in excess of that which he was legally obliged to pay, it may within two years after such payment remit such excess to such person without interest and charge the state and county for their respective proportions of such excess, as provided in section 74.73. [*Stats. 1919 s. 1087m—26; 1921 c. 65 s. 36*]

71.22 Rules and regulations. (1) The state tax commission is hereby empowered to make such rules and regulations as it shall deem necessary in order to carry out foregoing provisions.

(2) CLERKS AND SPECIALISTS. The state tax commission is hereby authorized to employ such clerks and specialists as are necessary to carry into effective operation this act. Salaries and compensations of such clerks and specialists shall be charged to the proper appropriation for the tax commission. [*Stats. 1919 s. 1087m—28, 1087m—29; 1921 c. 65 s. 38, 39*]

71.23 Reimbursement of unlawful income tax collections. Whenever in any action for the recovery of an unlawful income tax, judgment is rendered against the city, town or village treasurer for such tax, the city, town or village shall reimburse such treasurer for such sums of money as may be recovered against him in any court, with the costs and expenses of suit, for any such income tax collected by him, and such city shall be reimbursed for the county's and state's share of such tax in the manner provided in section 74.73. [*Stats. 1919 s. 1087m—30; 1921 c. 65 s. 40*]

71.24 Correction of errors. Whenever an error has been made in any income tax assessment that shall be discovered after the income tax roll has been certified to the county clerk, the tax commission, in case of assessments made by it, and the assessor of incomes, in case of assessments made by him, may correct such error at any time before the tax becomes delinquent by certifying the tax properly due, or if no tax is due, by certifying that fact to the treasurer of the town, city or village where the same is payable. Whereupon such treasurer shall enter upon the tax roll the words "reduced to .... dollars," or "increased to .... dollars," or "canceled," "by direction of the assessor of incomes," or "by direction of the tax commission," as the case may be, and shall be required to account in his annual settlement with the county treasurer only for the amount appearing on the roll as corrected. No assessment shall be increased under this section except on five days' notice to the person to be subjected thereto. [*1921 c. 65 s. 41*]

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CHAPTER 72.

INHERITANCE TAX ACT.

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72.01 Subjects liable. A tax shall be and is hereby imposed upon any transfer of property, real, personal or mixed, or any interest therein, or income therefrom in trust or otherwise, to any person, association or corporation, except county, town or municipal corporations within the state, for strictly county, town or municipal purposes, and corporations of this state organized under its laws or voluntary associations organized solely for religious, charitable or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization, within the state, in the following cases, except as hereinafter provided:

(1) WHILE A RESIDENT OF STATE. When the transfer is by will or by the intestate laws of this state from any person dying possessed of the property while a resident of the state.

(2) NONRESIDENT'S PROPERTY WITHIN THE STATE. When a transfer is by will or intestate law, of property within the state or within its jurisdiction and the decedent was a nonresident of the state at the time of his death.

(3) TRANSFERS IN CONTEMPLATION OF DEATH. When the transfer is of property made by a resident or by a nonresident when such nonresident's property is within this state, or within its jurisdiction, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, vendor or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by deed, grant, bargain, sale or gift, made within six years prior to the death of the grantor, vendor or donor, of a material part of his estate, or in the nature of a final disposition or distribution thereof, and without an adequate valuable consideration, shall be construed to have been made in contemplation of death within the meaning of this section.

(4) TRANSFER BEFORE OR AFTER PASSAGE OF ACT. Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof, by any such transfer whether made before or after the passage of sections 72.01 to 72.24, inclusive; provided, that property or estates which have vested in such persons or corporations before this act shall take effect, shall not be subject to a tax; and provided further, that contingent interests created by the will of any person who died prior to the passage of this act shall not be taxed.

(5) TRANSFER UNDER POWER OF APPOINTMENT. Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property, made either before or after the passage of sections 72.01 to 72.24, inclusive, such appointment, when made, shall be deemed a transfer taxable under the provisions of sections 72.01 to 72.24, inclusive, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of sections 72.01 to 72.24, inclusive, shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such

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power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

(6) JOINT INTERESTS. Whenever any property, real or personal, is held in the joint names of two or more persons, or as tenants by the entirety, or is deposited in banks or other institutions or depositaries in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons the right of the surviving tenant by the entirety, joint tenant or joint tenants, person or persons, to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer of one-half or other proper fraction thereof taxable under the provisions of this chapter in the same manner as though the property to which such transfer relates belonged to the tenants by the entirety, joint tenants or joint depositors as tenants in common, and had been bequeathed or devised to the surviving tenant by the entirety, joint tenant or joint tenants, person or persons, by such deceased tenant by the entirety, joint tenant or joint depositor, by will.

(7) INSURANCE PART OF ESTATE. Insurance payable upon the death of any person shall be deemed a part of his estate for the purpose of the tax, and shall be taxable to the person or persons entitled thereto.

(8) BASIS OF TAX. The tax so imposed shall be upon the clear market value of such property at the rates hereinafter prescribed and only upon the excess of the exemptions hereinafter granted. [*Stats. 1919 s. 1087—1; 1921 c. 7 s. 2*]

72.02 Primary rates, where not in excess of twenty-five thousand dollars. When the property or any beneficial interest therein passes by any such transfer, where the amount of the property shall exceed in value the exemption specified in section 72.04, and shall not exceed in value twenty-five thousand dollars, the tax hereby imposed shall be:

(1) TWO PER CENTUM, WHERE. Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, provided, however, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, at the rate of two per centum of the clear value of such interest in such property.

(2) FOUR PER CENTUM, WHERE. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of four per centum of the clear value of such interest in such property.

(3) SIX PER CENTUM, WHERE. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the father or mother of the decedent, at the rate of six per centum of the clear value of such interest in such property.

(4) EIGHT PER CENTUM, WHERE. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of eight per centum of the clear value of such interest in such property. [*Stats. 1919 s. 1087—2; 1921 c. 7 s. 3; 1921 c. 568 s. 1, 2*]

72.03 Other rates, where in excess of twenty-five thousand dollars. The foregoing rates in section 72.02 are for convenience termed the primary rates. When the amount of the clear value of such property or interest exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(1) RATE WHERE AMOUNT TWENTY-FIVE THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS. Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars two times the primary rates.

(2) RATE WHERE AMOUNT FIFTY THOUSAND DOLLARS TO ONE HUNDRED THOUSAND DOLLARS. Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars three times the primary rates.

(3) RATE WHERE AMOUNT ONE HUNDRED THOUSAND DOLLARS TO FIVE HUNDRED THOUSAND DOLLARS. Upon all in excess of one hundred thousand dollars and up to five hundred thousand dollars four times the primary rates.

(4) RATE WHERE AMOUNT OVER FIVE HUNDRED THOUSAND DOLLARS. Upon all in excess of five hundred thousand dollars five times the primary rates. [*Stats. 1919 s. 1087—3; 1921 c. 7 s. 4; 1921 c. 568 s. 1*]

72.04 Exemptions. The following exemptions from the tax, to be taken out of the first twenty-five thousand dollars, are hereby allowed:

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(1) All property transferred to municipal corporations within the state for strictly county, town, or municipal purposes, or to corporations of this state organized under its laws, solely for religious, charitable or educational purposes, which shall use the property so transferred, exclusively for the purposes of their organization, within the state, shall be exempt.

(2) Property of the clear value of twenty-five thousand dollars transferred to the widow of the decedent, and two thousand dollars transferred to each of the other persons described in the first subdivision of section 72.02 shall be exempt. Such exemption to the widow shall include all her statutory and other allowances. Any child of the decedent shall be entitled to credit for so much of the tax paid by the widow as applied to any property which shall thereafter be transferred by or from such widow to any such child, provided the widow does not survive said decedent to exceed ten years.

(3) Property of the clear value of five hundred dollars transferred to each of the persons described in the second subdivision of section 72.02 shall be exempt.

(4) Property of the clear value of two hundred and fifty dollars transferred to each of the persons described in the third subdivision of section 72.02 shall be exempt.

(5) Property of the clear value of one hundred and fifty dollars transferred to each of the persons described in the fourth subdivision of section 72.02 shall be exempt.

(6) Property of the clear value of one hundred dollars transferred to each of the persons and corporations described in the fifth subdivision of section 72.02 shall be exempt.

(7) No tax shall be imposed upon any tangible personal property of a resident decedent when such property is located without this state, and when the transfer of such property is subject to an inheritance or transfer tax in the state where located and which tax has actually been paid, provided such property is not without this state temporarily nor for the sole purpose of deposit or safe-keeping; and provided the laws of the state where such property is located allow a like exemption in relation to such property left by a resident of that state and located in this state. [*Stats. 1919 s. 1087—4; 1921 c. 7 s. 5; 1921 c. 568 s. 2*]

72.05 Lien. (1) PERSONAL LIABILITY. All taxes imposed by this act shall be due and payable at the time of the transfer, except as hereinafter provided; and every such tax shall be and remain a lien upon the property transferred until paid, and the person to whom the property is transferred and the administrators, executors, and trustees of every estate so transferred shall be personally liable for such tax until its payment.

(2) PAYMENT; RECEIPT. The tax shall be paid to the treasurer of the county in which the county court is situated having jurisdiction as herein provided; and said treasurer shall make duplicate receipts of such payment, one of which he shall immediately send to the state treasurer, whose duty it shall be to charge the county treasurer so receiving the tax, with the amount thereof, and the other receipt shall be delivered to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts.

(3) BOND OR RECEIPT NECESSARY. But no executor, administrator or trustee shall be entitled to a final accounting of an estate, in settlement of which a tax is due under the provisions of sections 72.01 to 72.24, inclusive, unless he shall produce such receipts or a certified copy thereof or unless a bond shall have been filed as prescribed by section 72.09. [*Stats. 1919 s. 1087—5; 1921 c. 7 s. 6*]

72.06 Discount; interest. If such tax is paid within one year from the accruing thereof, a discount of five per centum shall be allowed and deducted therefrom. If such tax is not paid within eighteen months from the accruing thereof, interest shall be charged and collected thereon at the rate of ten per centum per annum from the time the tax accrued; unless by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, such tax shall not be determined and paid as herein provided, in which case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which ten per centum shall be charged. In all cases when a bond shall be given under the provisions of section 72.09, interest shall be charged at the rate of six per centum from the accrual of the tax, until the date of payment thereof. [*Stats. 1919 s. 1087—6; 1921 c. 7 s. 7*]

72.07 Executors; powers; collection; payment. Every executor, administrator, or trustee shall have full power to sell so much of the property of the decedent as will enable him to pay such tax in the same manner as he might be entitled by law to do for the payment of the debts of the testator or intestate. Any such administrator, executor, or trustee having in charge or in trust any legacy or property for distribution, subject to such tax, shall deduct the tax therefrom; and within thirty days therefrom shall pay over the same to the county treasurer, as herein provided. If such legacy or property be not in money, he shall collect the tax thereon upon the appraised value thereof, from the person

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entitled thereto. He shall not deliver or be compelled to deliver any specific legacy or property subject to tax under this act, to any person until he shall have collected the tax thereon. If any such legacy shall be charged upon or payable out of real property, the heir or devisee shall deduct such tax therefrom and pay it to the administrator, executor, or trustee, and the tax shall remain a lien or charge on such real property until paid, and the payment thereof shall be enforced by the executor, administrator, or trustee in the same manner that payment of the legacy might be enforced, or by the district attorney under section 72.16. If any such legacy shall be given in money to any such person for a limited period, the administrator, executor, or trustee shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of an accounting by him to make an apportionment if the case require it, of the sum to be paid into the hands by such legatees, and for such further order relative thereto as the case may require. [*Stats. 1919 s. 1087—7; 1921 c. 7 s. 8*]

72.08 Refunding. (1) DEBTS PROVED AFTER PAYMENT. If any debt shall be proved against the estate of the decedent after the payment of any legacy or distributive share thereof, from which any such tax has been deducted, or upon which it has been paid by the person entitled to such legacy or distributive share and such person is required by the order of the county court having jurisdiction thereof on notice to the state treasurer to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be repaid to such person by the executor, administrator, trustee, or officer to whom said tax has been paid.

(2) ERRONEOUSLY PAID. When any amount of said tax shall have been paid erroneously into the state treasury, it shall be lawful for the state treasurer upon receiving a transcript from the county court record showing the facts to refund the amount of such erroneous or illegal payment to the executor, administrator, trustee, person, or persons who have paid any such tax in error, from the treasury; or the said state treasurer may order, direct, and allow the treasurer of any county to refund the amount of any illegal or erroneous payment of such tax out of the funds in his hands or custody to the credit of such taxes, and credit him with the same in his quarterly account rendered to the state treasurer under this chapter. Provided, however, that all applications for such refunding of erroneous taxes shall be made within one year from the payment thereof, or within one year after the reversal or modification of the order fixing such tax.

(3) ADVANCE PAYMENT AND REFUND OF EXCESS. Any person from whom any such tax is or may be due may make an estimate of and pay the same to the county treasurer, who shall receipt therefor, at any time before the same is determined by the court, and shall thereupon be entitled to any discount and be relieved from any interest or penalty upon the amount so paid in the same manner as if the tax were then determined. Any excess so paid shall be refunded to the person so paying or entitled thereto by such treasurer out of any inheritance tax money in his possession, or by the state treasurer when the county treasurer is without such money, upon filing with such treasurer a copy of the order fixing such tax, and attached thereto a certificate of the judge stating the amount of refund due. [*Stats. 1919 s. 1087—8; 1921 c. 7 s. 9*]

72.09 Bond for payment of legacies not in possession. Any beneficiary of any property chargeable with a tax under sections 72.01 to 72.24, inclusive, and any executors, administrators and trustees thereof, may elect, within eighteen months from the date of the transfer thereof, as herein provided, not to pay such tax until the person or persons beneficially interested therein shall come into the actual possession or enjoyment thereof. The person or persons so electing shall give a bond to the state in a penalty of three times the amount of any such tax, with such sureties as the county court of the proper county may approve, conditioned for the payment of such tax and interest thereon, at such time or period as the person or persons beneficially interested therein may come into the actual possession or enjoyment of such property, which bond shall be filed in the county court. Such bond must be executed and filed, and a full return of such property upon oath made to the county court within one year from the date of such transfer thereof, as herein provided, and such bond must be renewed every five years. [*Stats. 1919 s. 1087—9; 1921 c. 7 s. 10*]

72.10 Bequests to executors for services. If a testator bequeaths property to one or more executors or trustees in lieu of their commissions or allowances, or makes them his legatees to an amount exceeding the commissions or allowances prescribed by law for an executor or trustee, the excess in value of the property so bequeathed, above the amount of commissions or allowances prescribed by law in similar cases, shall be taxable by sections 72.01 to 72.24, inclusive. [*Stats. 1919 s. 1087—10; 1921 c. 7 s. 11*]

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72.11 Nonresident decedents. (1) BY FOREIGN EXECUTOR, ADMINISTRATOR OR TRUSTEE. If a foreign executor, administrator, or trustee shall assign or transfer any stock or obligations in this state, standing in the name of a decedent or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county or the state treasurer on the transfer thereof.

(2) BY BANKS AND TRUST COMPANIES. No safe deposit company, bank, or other institution, person or persons, holding securities or assets of a nonresident decedent, nor any foreign or domestic corporation doing business within this state in which a nonresident decedent held stock at his decease, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended transfer be served upon the tax commission and public administrator at least ten days prior to the said transfer; nor shall any such safe deposit company, bank, or other institution, person or persons, nor any such foreign or domestic corporation, deliver or transfer any securities or assets of the estate of a nonresident decedent without retaining a sufficient portion or amount thereof to pay any tax which may thereafter be assessed on account of the transfer of such securities or assets under the provisions of the inheritance tax laws, without an order from the proper court authorizing such transfer; and it shall be lawful for the tax commission or public administrator, personally or by representative, to examine said securities or assets at any time before such delivery or transfer. Failure to serve such notice or to allow such examination or to retain a sufficient portion or amount to pay such tax as herein provided, shall render said safe deposit company, trust company, bank, or other institution, person or persons, or such foreign or domestic corporation, liable to the payment of the tax due upon said securities or assets in pursuance of the provisions of the inheritance tax laws. The tax commission may issue a certificate authorizing the transfer of any such stock, securities or assets whenever it appears to the satisfaction of the commission that no tax is due thereon.

(3) BY NONRESIDENT. Where stocks, bonds, mortgages, or other securities of corporations organized under the laws of this state or of foreign corporations owning property or doing business in this state shall have been transferred by a nonresident decedent, the tax shall be upon such proportion of the value thereof as the property of such corporation in this state bears to the total property of the corporation issuing such stocks, bonds, mortgages, or other securities.

(4) BY WISCONSIN CORPORATIONS. If any stocks, bonds, mortgages, or other securities of a holding company or other corporation are based upon or represent in whole or in part the value of any stocks, bonds, mortgages, or other securities of a Wisconsin corporation or a corporation owning property in this state, either directly or indirectly, the transfer of the stocks, bonds, mortgages, or other securities of such holding company or other corporation shall be subject to the inheritance tax in the proportion which the Wisconsin property bears to the total property represented by or subject to the total stocks, bonds, mortgages, or other securities of which those so transferred are a part.

(5) BY ESTATES PARTLY WITHOUT THE STATE. Whenever a tax may be due from the estate, or the beneficiaries therein, of any resident or nonresident decedent upon the transfer of any property, when the property or estate left by such decedent is partly within and partly without this state, or upon any stocks, bonds, mortgages, or other securities representing property or estate partly within and partly without this state, any beneficiary of such estate shall be entitled to deduct only a proportion of his share of the debts, expenses of administration and of his Wisconsin exemption equal to the proportion which his interest in the property within the state or within its jurisdiction bears to his entire interest in such estate.

(6) REPORTS; DUTY TO PAY TAX. The tax commission shall require such reports and information, and shall make such orders, rules, and regulations as it may deem necessary to enable the commission to secure the necessary information from corporations, domestic and foreign, and to ascertain the amount of and collect such tax; and no holding company or other corporation subject to the provisions of this section shall deliver or transfer any such stocks, bonds, mortgages, or other securities of a nonresident decedent based upon or representing in whole or in part, directly or indirectly, the value of Wisconsin property, or stocks, bonds, mortgages, or other securities of a Wisconsin corporation or a corporation owning property in this state, without retaining a sufficient portion or amount thereof to pay any tax which may thereafter be assessed on account of such transfer, except upon order of the proper court or a certificate of the tax commission.

(7) PENALTY. Any corporation or holding company violating the provisions of this section shall be liable to the state for the amount of the tax; and for wilful violation of its provisions shall forfeit its charter or its license to do business within this state upon com-

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plaint of the tax commission, and conviction thereunder. [*Stats. 1919 s. 1087—11; 1921 c. 7 s. 12; 1921 c. 407*]

72.12 County courts. (1) JURISDICTION. The county court of every county of the state having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under the inheritance tax laws, or to appoint a trustee of such estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of the inheritance tax laws and to do any act in relation thereto authorized by law to be done by a county court in other matters or proceedings coming within its jurisdiction; and if two or more county courts shall be entitled to exercise any such jurisdiction, the county court first acquiring jurisdiction hereunder, shall retain the same to the exclusion of every other county court.

(2) PETITION FOR ANCILLARY LETTERS. Every petition for ancillary letters testamentary or of administration shall include the public administrator as a person to be notified, and a true and correct statement of all the decedent's property in this state with the value thereof; upon presentation thereof, the county court shall cause the order for hearing to be served personally upon the public administrator; and upon the hearing, the county court shall determine the amount of the inheritance tax which may be or become due, and the decree awarding the letters may contain provisions for the payment of such tax or the giving of security therefor.

(3) CLAIMS AGAINST NONRESIDENT DECEDENTS. The county court and the judge thereof at the seat of government shall have jurisdiction to hear and determine all questions relating to the determination and adjustment of inheritance taxes in the estates of nonresident decedents in which a tax appears to be due, and in which it does not otherwise appear necessary for regular administration to be had therein. And in such estates the public administrator may be appointed as special administrator for the purposes of such adjustment. The county treasurer shall retain for the use of the county out of all such taxes paid and accounted for, only one per cent, and the balance, less the statutory expenses of collection and adjustment as fixed by the court, shall be paid into the state treasury; provided, however, that the minimum fee to which the county shall be entitled shall be three dollars in each case and that in no case shall the maximum fee exceed one hundred dollars; and the judge shall be paid two dollars for each such case. [*Stats. 1919 s. 1087—12; 1921 c. 7 s. 13*]

72.13 Special appraiser; appointment; transfers. The county court, upon the application of any interested party, including the tax commission and public administrator, or upon its own motion, shall as often as, and whenever occasion may require, appoint a competent person as special appraiser to fix the fair market value at the time of the transfer thereof of the property of persons whose estate shall be subject to the payment of any tax imposed by sections 72.01 to 72.24, inclusive. [*Stats. 1919 s. 1087—13; 1921 c. 7 s. 14*]

72.14 Appraiser; duties; powers; compensation. Every such appraiser shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the public administrator, and to such persons as the county court may by order direct, of the time and place when he will appraise such property. He shall, at such time and place, appraise the same at its fair market value, as herein prescribed, and for that purpose, the said appraiser is authorized to issue subpœnas and to compel the attendance of witnesses before him and to take the evidence of such witnesses under oath concerning such property and the value thereof; and he shall make report thereof and of such value in writing, to the said county court, together with the depositions of the witnesses examined, and such other facts in relation thereto and to the said matter as the said county court may order or require. Every appraiser shall be paid on the certificate of the county court at the rate of three dollars per day for every day actually and necessarily employed in such appraisal, and his actual and necessary traveling expenses and the fees paid such witnesses, which fees shall be the same as those now paid to witnesses subpœnaed to attend in courts of record, by the county treasurer out of any funds he may have in his hands on account of any tax imposed under the provisions of sections 72.01 to 72.24, inclusive. [*Stats. 1919 s. 1087—14; 1921 c. 7 s. 15*]

72.15 Hearing and determination of tax. (1) SPECIAL APPRAISER. The report of the special appraiser shall be made in duplicate, and not less than twenty days before the hearing thereon one of said duplicates shall be filed in the office of the county court and the other shall be mailed to the tax commission. At the time and place of hearing the administration account the county court shall examine such report, and from the report and other proofs relating to any such estate shall forthwith determine the cash value of

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such estate and the amount of tax to which the same is liable; or, the county court without appointing such appraiser may at the time so fixed hear evidence and determine the cash value of such estate and the amount of tax to which the same is liable.

(2) NOTICE OF HEARING. Notice of such hearing to determine the inheritance tax shall be given in the same manner and may be included in the notice of hearing the administration account as provided in section 3931, except where it is clearly evident that no tax is due; and the hearing to determine such tax shall be held at the same time and place as the hearing provided in said section 3931 or at such other time as the court may order. But notice in writing of such hearing shall be mailed to the public administrator and to the tax commission not less than twenty days before such hearing upon such blanks and containing such information as the tax commission may provide.

(3) ADDITIONAL APPRAISER; COMPENSATION. If the county court without appointing such special appraiser decide to hear evidence as to the cash value of the estate for inheritance tax purposes, the court may, at the time of the appointment of the regular appraisers of the estate, or at any time thereafter, on its own motion, or on motion of the public administrator, designate an additional third appraiser to represent the county and state, and such additional appraiser shall report the inventory and appraisal of said property with the other appraisers; or, in case of failure to agree, in a separate report, and be entitled to compensation of three dollars per day for each day necessarily employed in such appraisal, and his mileage, which fees shall be paid on the certificate of the county judge by the county treasurer out of any of the state's inheritance tax funds he may have in his possession.

(4) FUTURE ESTATES, ETC.; COMPUTATION BY INSURANCE COMMISSIONER. The commissioner of insurance shall, on application of any county court or of the tax commission, determine the value of any such future or contingent estates, income, or interests therein, limited, contingent, dependent, or determinable upon the life or lives of the person or persons in being upon the facts contained in such special appraiser's report or upon the facts contained in the county court's finding and determination and certify the same to the county court, and his certificate shall be presumptive evidence that the method of computation adopted therein is correct.

(5) BASIS FOR APPRAISAL OF FUTURE ESTATES. Whenever a transfer of property is made upon which there is, or in any contingency there may be, a tax imposed, such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable. The value of every future or limited estate, income, interest, or annuity dependent upon any life or lives in being, shall be determined by the rule, method, and standard of mortality and value employed by the commissioner of insurance in ascertaining the value of policies of life insurance and annuities for the determination of liabilities of life insurance companies, except that the rate of interest for making such computation shall be five per cent per annum. The tax so determined shall be construed to be upon the transfer of a proportion of the principal or corpus of the estate equal to the present value of such future or limited estate, income, interest, or annuity, and not upon any earnings or income of said property produced after death, and such earnings or income shall not be exempt from the income tax. Such tax shall be due and payable forthwith.

(6) INCUMBRANCES; RETURN OF TAX. In estimating the value of any estate or interest in property to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made in respect of any contingent incumbrance thereon, nor in respect of any contingency upon the happening of which the estate or property or some part thereof, or interest therein, might be abridged, defeated or diminished; provided, however, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgement, defeat, or diminution of such estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax in respect of the amount or value of the incumbrance when taking effect or so much as will reduce the same to the amount which would have been assessed in respect of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided in section 72.08.

(7) TAXATION ON RELIEF OF ESTATE CHARGED WITH LIFE INTEREST. Where any property shall, after the passage of sections 72.01 to 72.24, inclusive, be transferred subject to any charge, estate, or interest determinable by the death of any person or at any period ascertainable only by reference to death, the increase of benefit accruing to any person or corporation upon the extinction or determination of such charge, estate or interest shall be deemed a transfer of property taxable under the provisions of sections 72.01 to 72.24,

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inclusive, in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase of benefit from the person from whom the title to their respective estates or interests is derived.

(8) ESTATES IN TRUST. When property is transferred in trust or otherwise, and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon such transfer at the lowest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of sections 72.01 to 72.24, inclusive, and such tax so imposed shall be due and payable forthwith out of the property transferred; provided, however, that on the happening of any contingency or condition whereby the said property or any part thereof is transferred to a person or corporation, which under the provisions of sections 72.01 to 72.24, inclusive, is required to pay a tax at a higher rate than the tax imposed, then such transferee shall pay the difference between the tax imposed and the tax at the higher rate, and the amount of such increased tax shall be enforced and collected as provided in sections 72.01 to 72.24, inclusive.

(9) CONTINGENT ESTATES. Estates in expectancy which are contingent or defeasible, and in which proceedings for determination of the tax have not been taken, or where the taxation thereof has been held in abeyance, shall be appraised at their full undiminished clear value when the person entitled thereto shall come into the beneficial enjoyment or possession thereof without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation upon which said estates in expectancy may have been limited. Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

(10) ORDER OF COUNTY COURT DETERMINING VALUE OF ESTATES AND LIABILITY TO TAX. Upon the determination by the county court of the value of any estate which is taxable under the inheritance tax laws, and of the tax to which it is liable, an order shall be entered by the court determining the same, which order shall include a statement of (a) the date of death of the decedent, (b) the gross value of the real and personal property of such estate, stating the principal items thereof, (c) the deductions therefrom allowed by the court, (d) the names and relationship of the persons entitled to receive the same, with the amount received by each, (e) the rates and amounts of inheritance tax for which each such person is liable, and the total amount of tax to be paid, (f) a statement of the amount of interest or penalty due, if any. Such order shall be substantially in the form prescribed by the tax commission. A copy of the same shall be delivered or mailed to the county treasurer, the state treasurer, and the tax commission, and no final judgment shall be entered in such estates until due proof is filed with the court that such copies have been so delivered or mailed.

(11) REHEARING IN COUNTY COURT. The attorney-general, tax commission, public administrator, district attorney, or any person dissatisfied with the appraisement or assessment and determination of such tax may apply for a rehearing thereof before the county court within sixty days from the fixing, assessing, and determination of the tax by the county court as herein provided on filing a written notice which shall state the grounds of the application for a rehearing. The rehearing shall be upon the records, proceedings, and proofs had and taken on the hearings as herein provided and a new trial shall not be had or granted unless specially ordered by the county court.

(12) REAPPRAISAL IN CIRCUIT COURT. Within two years after the entry of an order or decree of the county court, determining the value of an estate and assessing the tax thereon, the attorney-general may, if he believes that such appraisal, assessment or determination has been fraudulently, collusively or erroneously made, make application to the circuit judge of the judicial circuit in which the former owner of such estate resided, for a reappraisal thereof. The circuit judge to whom such application is made may thereupon appoint a competent person to reappraise such estate. Such appraiser shall possess the powers, be subject to the duties, shall give the notice and receive the compensation provided by sections 72.13 and 72.14. Such compensation shall be payable by the county treasurer out of any funds he may have on account of any tax imposed under the provisions of sections 72.01 to 72.24, inclusive, upon the certificate of the circuit judge. The report of such appraiser shall be filed in the circuit court, and thereafter the same proceedings shall be taken and had by and before such circuit court as herein provided to be taken and had by and before the county court. The determination and assessment of such circuit court shall supersede the determination and assessment of the county court, and shall be filed in the office of the state treasurer, and a certified copy, transmitted to the county court of the proper county. [*Stats. 1919 s. 1087—15; 1921 c. 7 s. 16*]

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72.16 Unpaid taxes; proceedings to collect. If the treasurer of any county, the public administrator, or the tax commission, shall have reason to believe that any tax is due and unpaid under sections 72.01 to 72.24, inclusive, after the refusal or neglect of any person liable therefor to pay the same, he shall notify the district attorney of the county in writing of such failure or neglect, and such district attorney, if he have probable cause to believe that such tax is due and unpaid, shall apply to the county court for a citation citing the person liable to pay such tax to appear before the court on the day specified, not more than three months from the date of such citation, and show cause why the tax should not be paid; or such citation may be granted on the application of the public administrator or the tax commission. The judge of the county court upon such application and whenever it shall appear to him that any such tax, accruing under sections 72.01 to 72.24, inclusive, has not been paid as required by law, shall issue such citation, and the service of such citation and the time, manner and proof thereof, and the hearing and determination thereof, shall conform as near as may be to the provisions of the laws governing probate practice of this state, and whenever it shall appear that any such tax is due and payable, and the payment thereof cannot be enforced under the provisions of sections 72.01 to 72.24, inclusive, in said county court, the person or corporation from whom the same is due is hereby made liable to the county of the county court having jurisdiction over such estate or property for the amount of such tax, and it shall be the duty of the district attorney of said county, in the name of such county, to sue for and enforce the collection of such tax, and it is made the duty of said district attorney to appear for and act on behalf of any county treasurer, who shall be cited to appear before any county court under the provisions of sections 72.01 to 72.24, inclusive. [*Stats. 1919 s. 1087—16; 1921 c. 7 s. 17*]

72.17 Special administration. (1) PUBLIC ADMINISTRATOR. When no application for administration of the estate of any deceased person is made within sixty days after the demise of such person, and such estate appears to come under the provisions of the inheritance tax laws, or when administration has been completed without determining the tax, or when no tax is due, and that fact has not been found by the court, or when any certificate of heirship has been applied for or issued under section 2276*a*, or when any foreign will has been recorded as provided in section 2295, the public administrator of the proper county, or any person interested in such estate, may make application for such special or general administration as may be necessary for the purpose of the adjustment and payment of such tax, if any, or if no tax is due, for an order determining that fact. In cases arising under this and the following subsection, the public administrator, if appointed such special administrator, shall be entitled in the discretion of the court to the fees allowed by law to administrators, or to other reasonable compensation, unless it be found that no tax is due.

(2) TRANSFER IN CONTEMPLATION OF DEATH. Where it appears that the estate of a deceased person subject to the inheritance tax laws was transferred in contemplation of the death of the grantor without the adjustment and payment of the inheritance taxes and no application for such adjustment is made within sixty days after the demise of such grantor, the public administrator of the proper county shall make application for and shall be entitled to such general or special administration as may be necessary for the purpose of the adjustment and payment of the inheritance taxes provided by law and shall administer such estate the same as other estates are administered as though such estate had not been transferred by the grantor.

(3) DUTIES; FEES. It shall be the duty of the public administrator, under the general supervision of the tax commission and with the assistance of the district attorney, when required by the tax commission or county judge, to investigate the estates of deceased persons within his county and to appear for and act in behalf of the county and state in the county court in such estates as the court may in its discretion deem necessary, and for such services the public administrator shall be entitled to five per centum of the gross inheritance tax as determined in each such estate, to be paid by the county treasurer out of the inheritance tax funds upon an order of the county judge, provided that the minimum fee for each such estate shall not be less than three dollars, except that it shall not exceed the amount of such tax, and the maximum fee not more than twenty-five dollars; but in cases of unusual difficulty, in estates of resident decedents, where the tax exceeds five hundred dollars, the county judge may allow the public administrator such additional compensation as he may deem just and reasonable.

(4) COUNTIES OVER TWO HUNDRED THOUSAND, PUBLIC ADMINISTRATOR. In counties containing a population of over two hundred thousand, an assistant district attorney, compensated as otherwise provided by law, may by order of the county court be desig-

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nated to take the place of and perform all the duties of the public administrator relating to the inheritance tax laws, except as provided in subsections (1) and (2). Whenever the assistant district attorney is designated as public administrator he shall receive the same fees as the public administrator in other counties, provided, however, that all such fees collected by him as public administrator shall be turned into the county treasurer. [*Stats. 1919 s. 1087—17; 1921 c. 7 s. 18*]

72.18 Inheritance tax counsel; investigations. (1) It shall be the duty of the tax commission to supervise the administration of, and to investigate and cause to be investigated the administration of the inheritance tax laws, and such particular estates to which the inheritance tax laws apply, throughout the various counties of the state, and to cause to be made and filed in its offices reports of such investigation together with specific information and facts as to particular estates that may seem to require especial consideration and attention by the legal department of the state.

(2) Under its general authority as set forth in subsection (2) of section 73.02, the commission shall appoint an inheritance tax counsel who shall have charge of the inheritance tax work under the supervision of the tax commission, and who shall be provided with such further assistance from time to time from the regular force of the tax commission office as may be necessary and expedient. Such inheritance tax counsel shall devote his time to the work of inheritance tax investigations, and he shall personally make such investigations at the different county courts from time to time as deemed advisable. He shall counsel and assist public administrators and shall appear in the county courts of the state when requested by the county judge or public administrator. He shall file with the commission triplicate reports on the first day of January, April, July and October each year, together with such additional triplicate reports of particular estates from time to time as seem to require the special attention of the legal department. One copy of such reports shall be filed with the commission, one copy shall be submitted to the attorney-general by the commission with such recommendation thereon as it may deem advisable for the due administration of the inheritance tax laws, and one copy may in the discretion of the commission be submitted by it to the county judge or public administrator of the county reported on with such recommendation as the commission may deem wise and expedient.

(3) The commission and its inheritance tax counsel, in the conduct of inheritance tax affairs, shall have the same and similar powers and authority for gathering information and making investigations as is conferred by law on the commission in the performance of its other duties. The commission shall biennially report to the legislature at the opening of the sessions the general result of its labors and investigations in inheritance tax matters during the previous biennial period, together with specific reports of the several counties where the administration of the inheritance tax laws has been lax and unsatisfactory, with such recommendations for action thereon by the legislature as may be deemed advisable and proper.

(4) The commission and its inheritance tax counsel shall also gather information and make investigations and reports concerning the estates of nonresident decedents within the provisions of the inheritance tax laws, and shall especially investigate the probate and other records for such probable estates without the state and report thereon from time to time to the legal department of the state and to the public administrator of the proper county court for appropriate legal action.

(5) It shall be the duty of the legal department of the state to carry out and enforce the recommendations and directions of the tax commission in all matters pertaining to the conduct of inheritance tax affairs; and in every estate in which the amount of inheritance tax collectible shall exceed or probably exceed the sum of one thousand dollars, there shall be no compounding, composition, or settlement of the taxes under the authority conferred by section 72.21, or otherwise, until the tax commission or its inheritance tax counsel shall have investigated such estate and made a report thereon, nor until the commission consents to such compounding, compromise, or settlement.

(6) The inheritance tax counsel herein provided for shall be in the exempt class of the civil service.

(7) The tax commission shall prescribe such forms and prepare such blanks as may be necessary in inheritance tax proceedings in the county courts of the state; and such blanks shall be printed at the expense of the state and furnished to the county courts upon the request of the judge or clerk. [*Stats. 1919 s. 1087—18; 1921 c. 7 s. 19*]

72.19 Report of county treasurer; payment of tax moneys to state. Each county treasurer shall make a report under oath, to the state treasurer, on and prior to the fifth day of January, April, July, and October of each year, of all taxes received by him

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under the inheritance tax laws, up to the first day of each of said months, stating for what estate and by whom and when paid. The form of such report may be prescribed by the state treasurer. He shall at the same time pay the state treasurer all the taxes received by him under the inheritance tax laws and not previously paid into the state treasury, and for all such taxes collected by him and not paid into the state treasury, within five days from the times herein required, he shall pay interest at the rate of ten per centum per annum. [*Stats. 1919 s. 1087—19; 1921 c. 7 s. 20*]

72.20 Tax retained by county. The county treasurer shall retain for the use of the county, out of all taxes paid and accounted for by him each year under sections 72.01 to 72.24, inclusive, seven and one-half per cent on all sums so collected by or paid to said treasurer. [*Stats. 1919 s. 1087—20; 1921 c. 7 s. 21*]

72.21 Expectant estates; compounding tax; agreement, filing. The public administrator with the consent of the tax commission, expressed in writing, is authorized to enter into an agreement with the executor, administrator, or trustee of any estate therein situate, in which remainders or expectant estates have been of such a nature or so disposed and circumstanced that the taxes therein were held not presently payable or where the interest of the legatees or devisees are not ascertainable under the provisions of this act, or whenever a tax is claimed on account of the transfer of any property of a nonresident decedent, and to compound such taxes upon such terms as may be deemed equitable and expedient and to grant discharges to said executors, administrators or trustees upon the payment of the taxes provided for in such composition, provided, however, that no such composition shall be conclusive in favor of said executors, administrators, or trustees, as against the interests of such cestui que trust as may possess either present rights of enjoyment or fixed, absolute, or indefeasible rights of future enjoyment, or of such as would possess such rights in the event of the immediate termination of particular estates, unless they consent thereto either personally when competent or by guardian. Composition or settlement made or affected under the provisions of this section shall be executed in triplicate and one copy shall be filed in the office of the state treasurer; one copy in the office of the judge of the county court in which the tax was paid; and one copy to be delivered to the executors, administrators, or trustees, who shall be parties thereto. [*Stats. 1919 s. 1087—21; 1921 c. 7 s. 22*]

72.22 Receipts; copies; fee; recording. Any person shall, upon the payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or the state treasurer, or at his option to a copy of a receipt that may have been given by such county treasurer or state treasurer for the payment of any tax under this act, under the official seal of such county treasurer, or state treasurer, which receipt shall designate upon whose estate such tax shall have been paid, by whom, and whether in full of such tax. Such receipt may be recorded in the office of the register of deeds of the county in which such estate is situate in a book to be kept by him for that purpose, which shall be labeled "transfer tax." [*Stats. 1919 s. 1087—22; 1921 c. 7 s. 23*]

72.23 Taxes; payment; application. All taxes levied and collected under sections 72.01 to 72.24, inclusive, less any expenses of collection, the percentage to be retained by the county, and the deduction authorized under sections 72.01 to 72.24, inclusive, shall be paid into the treasury of the state for the use of the state, and shall be applicable to the expenses of the state government and to such other purposes as the legislature may by law direct. [*Stats. 1919 s. 1087—23; 1921 c. 7 s. 24*]

72.24 Definitions. The word "estate" and "property" as used in sections 72.01 to 72.24, inclusive, shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees or successors, and shall include all personal property within or without the state. The word "transfer," as used in sections 72.01 to 72.24, inclusive, shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift or appointment in the manner herein prescribed. The word "decedent," as used in sections 72.01 to 72.24, inclusive, shall include the testator, intestate, grantor, bargainor, vendor or donor. The words "county treasurer," "public administrator" and "district attorney," as used in sections 72.01 to 72.24, inclusive, shall be taken to mean the treasurer, public administrator and district attorney of the county of the county court having jurisdiction as provided in section 72.12. [*Stats. 1919 s. 1087—24; 1921 c. 7 s. 25*]

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CHAPTER 73.

TAX COMMISSION.

73.01 Tax commission.
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73.11 Statement of expenses.
73.12 Review of claims; payment.
73.13 Deputies; neglect; reassessment.
73.14 Inequalities may be corrected in subsequent year.

73.01 Tax commission. (1) CREATION. There is hereby created a state board to be designated and known as the "Tax Commission."

(2) PERSONNEL; TERM. Said tax commission shall be composed of three commissioners, who shall be appointed by the governor by and with the advice and consent of the senate. The three persons first to compose said board shall be appointed within ten days after the passage and publication of this act and before the adjournment of the present legislature if practicable. Of such three persons one shall be appointed and designated to serve for a term ending on the first Monday in May, 1909, one for a term ending on the first Monday in May, 1911, and one for a term ending on the first Monday in May, 1913, each of said terms to begin upon the qualification of the person appointed therefor. Upon the expiration of the terms of the three commissioners first to be appointed as aforesaid, each succeeding commissioner shall be appointed and shall hold his office for the term of eight years, except in the case of a vacancy as hereinafter provided, and each commissioner shall hold his office until his successor shall have been appointed and qualified.

(3) APPOINTMENTS. After the appointment of said first three commissioners and except when appointed to fill a vacancy, each commissioner shall be appointed on or before the last Monday in February during the biennial session of the legislature next preceding the commencement of the term for which he shall be appointed.

(4) QUALIFICATIONS. The persons to be appointed as members of such commission shall be such as are known to possess knowledge of the subject of taxation and skill in matters pertaining thereto. So far as practicable they shall be so selected that the board will not be composed wholly of persons who are members of or affiliated with the same political party or organization. No person appointed as such commissioner shall hold any other office under the laws of this state nor any office under the government of the United States or of any other state. Each such commissioner shall devote his entire time to the duties of the office and shall not hold any position of trust or profit, engage in any occupation or business interfering with or inconsistent with his duties, or serve on or under any committee of any political party.

(5) OATH. Each commissioner, within thirty days after notice of his appointment, shall take and file the official oath. [*Stats. 1919 s. 1087—31, 1087—32, 1087—33, 1087—34, 1087—35; 1921 c. 11 s. 2, 3, 4, 5, 6*]

73.02 Organization. (1) QUORUM. The commissioners first appointed under subsection (2) of section 73.01, after having duly qualified, shall without delay meet at the capitol in Madison, and shall thereupon organize and elect one of their number as chairman. A majority of said commissioners shall constitute a quorum for the transaction of the business and the performance of the duties of the commission. The said commission shall be in continuous session and open for the transaction of business every day except Sundays and legal holidays; and the sessions of such commission shall stand and be deemed to be adjourned from day to day without formal entry thereof upon its records. The commission may hold sessions or conduct investigations at any place other than the capitol when deemed necessary to facilitate the performance of its duties.

(2) CLERKS; EXPERTS; RULES. Said commission may appoint a secretary and may employ such other persons as experts and assistants as may be necessary to perform the duties that may be required of the commission. The secretary shall keep full and correct minutes of all hearings, transactions, and proceedings of said commission and shall perform such other duties as may be required by the commission. The commission shall have power to make all needful rules, not inconsistent with law, for the orderly and methodical

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performance of its duties as a board of assessment or otherwise, and for conducting hearings and other proceedings before it. [*Stats. 1919 s. 1087—36, 1087—37; 1921 c. 11 s. 7, 8*]

73.03 Powers and duties defined. It shall be the duty of the commission, and it shall have power and authority:

(1) To have and exercise general supervision over the administration of the assessment and tax laws of the state, over assessors, boards of review and assessors of incomes, and over county boards in the performance of their duties as county boards of assessment, to the end that all assessments of property be made relatively just and equal at true value in substantial compliance with law.

(2) To confer with, advise and direct assessors, boards of review, county boards of assessment and assessors of incomes as to their duties under the statutes of the state.

(3) To direct proceedings, actions and prosecutions to be instituted to enforce the laws relating to the penalties, liabilities and punishment of public officers, persons, and officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property; and to cause complaints to be made against assessors, members of boards of review, assessors of incomes, and members of county boards, or other assessing or taxing officers, to the proper circuit judge for their removal from office for official misconduct or neglect of duty.

(4) To require district attorneys to assist in the commencement and prosecution of actions and proceedings for penalties, forfeitures, removals and punishment for violations of the laws of the state in respect to the assessment and taxation of property, in their respective counties.

(5) To collect annually from all town, city, village, county and other public officers information as to the assessment of property, collection of taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, and such other information as may be needful in the work of the commission, in such form and upon such blanks as the commission shall prescribe; and it shall be the duty of all public officers so called upon to fill out properly and return promptly to the commission all blanks so transmitted. To examine all town, village, city and county records for such purposes as are deemed needful by the commission. To publish annually the information collected, with such compilations, analyses or recommendations as may be deemed needful.

(6) In its discretion to inspect and examine or cause an inspection and examination of the records of any town, city, village or county officer whenever such officer shall have failed or neglected to return properly the information as required by subdivision (5) of this section, within the time set by the tax commission. Upon the completion of such inspection and examination the tax commission shall transmit to the clerk of the town, city, village or county a statement of the expenses incurred by the tax commission to secure the necessary information. Duplicates of such statements shall be filed in the office of the secretary of state and state treasurer. Within sixty days after the receipt of the above statement, the same shall be audited, as other claims of towns, cities, villages and counties are audited, and shall be paid into the state treasury, in default of which the same shall become a special charge against such town, city, village or county and be included in the next apportionment or certification of state taxes and charges, and collected with interest at the rate of ten per cent per annum from the date such statements were certified by the commission, as other special charges are certified and collected.

(7) The officers responsible for the furnishing of the information collected pursuant to this section, shall be jointly and severally liable for any loss the town, city, village or county may suffer through their delinquency; and no payment shall be made them for salary, or on any other accounts, until the cost of such inspection and examination as provided above shall have been paid into the town, city, village or county treasury.

(8) To require individuals, partnerships, companies, associations and corporations to furnish information concerning their capital, funded or other debt, current assets and liabilities, value of property, earnings, operating and other expenses, taxes and all other facts which may be needful to enable the commission to ascertain the value and the relative burdens borne by all kinds of property in the state.

(9) To summon witnesses to appear and give testimony, and to produce records, books, papers and documents relating to any matter which the commission shall have authority to investigate or determine.

(10) To cause the deposition of witnesses residing within or without the state or absent therefrom, to be taken, upon notice to the interested party, if any, in like manner that depositions of witnesses are taken in civil actions pending in the circuit court, in any matter which the commission shall have authority to investigate or determine.

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(11) To visit the counties in the state, unless prevented by other necessary official duties, for the investigation of the work and the methods adopted by local assessors, boards of review, assessors of incomes and county boards, in the assessment, equalization and taxation of real and personal property.

(12) To carefully examine into all cases where evasion or violation of the laws for assessment and taxation of property is alleged, complained of or discovered, and to ascertain wherein existing laws are defective or are improperly or negligently administered.

(13) To investigate the tax systems of other states and countries and to formulate and recommend such legislation as may be deemed expedient to prevent evasion of assessment and tax laws and to secure just and equal taxation and improvement in the system of taxation in the state.

(14) To inquire into the system of accounting of public funds in use in towns, villages, cities and counties; to devise, prescribe and at the request of any town, village, city or county, to install a system of accounts which shall be as nearly uniform as practicable; provided, that when so installed the system shall be retained by the town, village, city or county; and to audit the books of the town, village, city or county officers upon the request of the town or village board, city council or county board, or upon its own motion. It shall be the duty of the commission to establish a scale of charges for the installation of systems of accounts and for audits, when such installation or audit is requested by a town, village, city or county. Upon the completion of such work the commission shall transmit to the clerk of the town, village, city or county, a statement of such charges. Duplicates of such statements shall be filed in the offices of the secretary of state and state treasurer. Within sixty days after the receipt of the above statement of charges, the same shall be audited as other claims against towns, villages, cities and counties are audited and shall be paid into the state treasury, in default of which the same shall become a special charge against such town, village, city or county, and be included in the next apportionment or certification of state taxes and charges, and collected, with interest at the rate of ten per cent per annum from the date such charges were certified by the commission, as other special charges are certified and collected.

(15) To consult and confer with the governor of the state upon the subject of taxation, the administration of the laws in relation thereto and the progress of the work of the commission, and to furnish the governor from time to time such assistance and information as he may require.

(16) To transmit to the governor and to each member of the legislature, thirty days before the meeting of the legislature, the report of the commission showing all the taxable property in the state and the value of the same in tabulated form with recommendations for improvement in the system of taxation in the state, together with such measures as may be formulated for the consideration of the legislature.

(17) To exercise and perform such further powers and duties as may be granted to or imposed upon the commission by law. [*Stats. 1919 s. 1087—39; 1921 c. 11 s. 10*]

73.04 Hearings; witnesses; contempt. (1) FEES FOR SUBPŒNAS. Oaths to witnesses in any matter under the investigation or consideration of the commission may be administered by the secretary of the commission or by any member thereof. In case any witness shall fail to obey any summons to appear before said commission or shall refuse to testify or answer any material question or to produce records, books, papers or documents when required so to do, such failure or refusal shall be reported to the attorney-general, who shall thereupon institute proceedings in the proper circuit court to compel obedience to any summons or order of the commission or to punish witnesses for any such neglect or refusal. Any person who shall testify falsely in any material matter under the consideration of the commission shall be guilty of and punished for perjury. In the discretion of the commission, officers who serve summons or subpœnas, and witnesses attending, shall receive like compensation as officers and witnesses in the circuit court. Such compensation shall be charged to the proper appropriation for the tax commission.

(2) SPECIAL INVESTIGATIONS. The commission may, in its discretion, appoint one of its members, or its secretary or engineer, to act for it to investigate and make report upon any matter pending before it, and such member, secretary or engineer, may hold hearings, administer oaths to witnesses, take testimony and perform all duties necessary to carry his commission into effect. He shall report any evidence submitted to him to the commission in such manner as it may prescribe. [*Stats. 1919 s. 1087—40, 1087—40a; 1921 c. 11 s. 11, 12*]

73.05 Omitted assessment. (1) HOW ENTERED. Any property subject to assessment by the tax commission omitted from assessment in any of the three next previous years by mistake or inadvertence unless previously reassessed for the same year or years,

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shall be entered by the commission upon its assessment and tax roll once additionally for each year so omitted, designating each such additional entry as omitted for the year 19.. (giving year of omission) and fixing the valuation and tax to each entry for a former year as the same should then have been assessed according to the best judgment of the commission. The proceedings relating to such assessment shall be had and hearings given as far as practicable in accordance with the provisions of chapter 76 of the statutes.

(2) REASSESSMENT, HOW MADE. Whenever it shall satisfactorily appear to the tax commission upon complaint made by the owner or owners of taxable property in any assessment district, other than an assessment district within the corporate limits of any city containing more than fifteen such assessment districts, the aggregate assessed valuation of which is not less than five per cent of the assessed valuation of all of the property in such district, according to assessment next hereinafter mentioned and a summary hearing in that behalf had, that the assessment of property in such assessment district is not in substantial compliance with law and that the interest of the public will be promoted by a reassessment thereof, said commission shall have authority in its discretion to order a reassessment of all or of any part of the taxable property in such district to be made by one or more persons to be appointed for that purpose by said commission. Notice of such hearing specifying the time and place thereof shall be mailed to the chairman and clerk of the town, president and clerk of the village or mayor and clerk of the city, which constitutes or includes such assessment district, not less than eight days before the time fixed for such hearing. The order directing such reassessment and naming the person or persons appointed to make the same shall be filed in the office of the clerk of such district, and a duplicate thereof shall be retained in the office of the commission. A copy of such order shall be transmitted to the assessor of incomes of the county in which such district is located and to each of the persons appointed to make such reassessment and to serve on the board for the review thereof, which shall be legal notice to such persons respectively, of their appointment.

(3) PERSONS APPOINTED TO REASSESS, POWERS AND DUTIES. The person or persons so appointed to make such reassessment, without delay, shall severally take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Wisconsin and faithfully to perform the duties imposed upon him in respect to such reassessment to the best of his ability, and shall file the same with the tax commission. Thereupon such person or persons shall proceed with diligence to make a reassessment of all the taxable property in such district. For that purpose he or they shall have all the power and authority given by law to assessors in such district and shall perform all the duties and be subject to all restrictions and penalties imposed by law upon such assessors. He or they shall have access to all public records and files which may be needful or serviceable in the performance of said duties, and while engaged therein shall be entitled to have custody and possession of the roll containing the original assessment in such district and all property and other statements and memoranda relating thereto. A blank assessment roll and all property statements and other blank forms needful for the purposes of such reassessment shall be furnished by the county clerk at the expense of the county upon the application of the assessor of incomes. [*Stats. 1919 s. 1087—44, 1087—45, 1087—46; 1921 c. 11 s. 13, 14, 15*]

73.06 Board of correction. (1) NOTICE, PROOF. In the order for such reassessment the tax commission shall designate three persons to serve as a board for the correction and review of such reassessment. As soon as practicable the person or persons making such reassessment shall inform the clerk of such district of a date on which such reassessment will be ready for the consideration of such board, which information shall be given in time to enable such clerk to give the notice hereinafter required. The clerk shall thereupon give notice that such board will meet on such date at the place provided by law for the meeting of the regular board of review of such district, specifying such place. He shall record such notice in the record book of proceedings of the board of review of such district after first recording therein the order for such reassessment; he shall post such notice in three conspicuous public places in said district and shall also serve a copy of such notice upon each of the persons named to act as such board and upon the assessor of incomes if such reassessment be not made by him, which posting and service shall be at least one week before the day designated for such meeting; provided, that in case of the failure or refusal of such clerk to give and serve the notice aforesaid in the manner herein prescribed within five days after he shall have been requested to do so by the person or persons making such reassessment the assessor of incomes in and for such district may give and serve such notice with like force and effect as if given and served by the clerk. Such service may be by personal delivery to the person to be served or by leaving such

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copy at his usual place of abode or by mailing the same in a sealed envelope postpaid and directed to such person at his post-office address. A memorandum stating the time and place of such posting and the time and manner of such service shall be entered by the clerk in the record aforesaid. Such memorandum, authenticated by the signature of the clerk shall be presumptive evidence of the facts therein stated; and the fact, time, and manner of such posting and service may be proved by any person having knowledge of the facts even though no entry of such memorandum be made.

(2) HEARING. The persons designated to serve as a board to review such reassessment shall attend at the time and place specified in such notice. A majority of such persons shall constitute a quorum. Before proceeding in such review they shall be sworn by the clerk or by some other person authorized by law to administer oaths, to faithfully and impartially perform their duties in respect to such reassessment. The clerk of such district shall attend and serve as the clerk of such board at all its sessions and shall perform all the duties required of such clerks at meeting of the regular board of review of such district, except that he shall have no voice in the determinations of such board.

(3) EVIDENCE. The person or persons making such reassessment shall attend such meeting, shall lay before such board the roll containing the reassessment of property made by him or them and all property statements, affidavits, and other memoranda in relation thereto, shall furnish the board all information in his or their possession which may be useful in the work of such board, and may give testimony of any facts within his or their knowledge pertinent to any matter under the consideration of such board. [*Stats. 1919 s. 1087—47, 1087—48, 1087—49; 1921 c. 11 s. 16, 17, 18*]

73.07 Proceedings; inspection. (1) Such board shall carefully examine and consider such reassessment roll and all statements and other information accompanying the same or given in relation thereto. They shall review and correct such reassessment in like manner as the regular board of review of such district is required to review assessments therein and for that purpose they may adjourn from time to time and shall otherwise have and exercise all the power and authority given by law to boards of review and shall be subject to all the rules and restrictions imposed upon such boards. Any owner of taxable property in such district shall have the right to examine such reassessment and shall have all the rights and privileges before such board in respect to such reassessment that are given by law in respect to any assessment of property in such district.

(2) Provided, that whenever it shall appear to the satisfaction of the tax commission, on a written complaint filed with the tax commission within twenty days after the adjournment of the board of review for an assessment district, that the assessment of one or more descriptions or classes of property in such assessment district, the aggregate assessment of which does not exceed ten per cent of the assessment of all property therein, is radically out of proportion to the assessment of other descriptions or classes of property in such district and the same can be satisfactorily corrected without a reassessment of the entire district, the tax commission may in its discretion revalue such property and equalize the assessment without the intervention of a board of review, at any time before November first, of the year in which such assessment is made. The valuation so fixed by said commission shall be final, unless modified or set aside by a decision of the court on the ground that such reassessment is excessive or irregular, and shall be substituted for the original valuation in the assessment and tax rolls and taxes computed and paid thereon accordingly. But no assessment shall be raised unless on the written complaint of three or more taxpayers and the party to whom the property is assessed shall have been duly notified of such intention in time to appear and be heard before or file his objections with the commission in relation thereto. [*Stats. 1919 s. 1087—50; 1921 c. 11 s. 19*]

73.08 Affidavit; filing. Upon the completion of the work of such board and the incorporation in such reassessment roll of any corrections and changes ordered by such board, the person or persons making such reassessment shall make and annex to such roll an affidavit conforming as nearly as may be to the affidavit required by law to be annexed to assessment rolls in such district. Such reassessment roll when completed shall be filed in the office of the clerk of such district and shall take the place of the original assessment made in such district for said year for all purposes and shall be prima facie evidence of the facts therein stated and of the regularity of all the proceedings culminating therein. [*Stats. 1919 s. 1087—51; 1921 c. 11 s. 20*]

73.09 Power of assessor. If such reassessment shall be made by any person other than the assessor of incomes of the county in which such district shall be located the assessor of incomes shall have all the authority in respect thereto that is possessed by him in respect to other assessments in his county and, in such case, he shall render what assistance he can practicably to the person or persons making such reassessment and to the board which shall review the same, the meeting of which board shall be attended by him.

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The district attorney of the county in which such reassessment shall be made shall render any legal assistance which may be required in relation thereto or the review thereof upon the request of the assessor of incomes. [*Stats. 1919 s. 1087—52; 1921 c. 11 s. 21*]

73.10 Compensation; fees. The person or persons making such reassessment and the persons serving upon the board for review thereof shall receive such compensation for their services and expenses as may be designated by the tax commission in the order directing such reassessment. Any witness directed to be summoned by such board shall be entitled to fees for travel and attendance at the rates allowed by law to witnesses in the circuit court, but shall not be entitled to such fees prior to his attendance and the giving of his testimony. Assessors of incomes may be appointed to make reassessments, but in no case shall an assessor of incomes be appointed to reassess a district when the complaint was made or the proceedings instituted by him. [*Stats. 1919 s. 1087—53; 1921 c. 11 s. 22*]

73.11 Statement of expenses. Upon completion of the review of such reassessment, each person entitled to compensation for services in respect thereto as provided in section 73.10 shall make out a statement of his claim therefor against the state of Wisconsin and execute a voucher for the payment thereof upon blank forms to be furnished by the tax commission. Such statement shall show the number of days for which compensation is claimed, the rate per day, the character of the service, the total amount claimed, the address of the claimant, and, in case of witnesses, the number of miles traveled, which statement shall be verified by the affidavit of the claimant or of some person having knowledge of the facts. Each such claim shall be approved, if correct, by a member of such board and by the assessor of incomes. A memorandum of all such claims, showing the number of days and character of service and amount due to each person, shall be entered at the foot of the record of the proceedings of such board. [*Stats. 1919 s. 1087—54; 1921 c. 11 s. 23*]

73.12 Review of claims; payment. The statements and vouchers mentioned in section 73.11 shall be promptly transmitted by the assessor of incomes to the tax commission, who shall have authority to review the same and determine the number of days to be allowed. After such review and determination and after procuring any needed corrections therein said commission shall indorse their approval of such statements and file the same and such vouchers in the office of the secretary of state. Such claims shall thereupon be audited by the secretary of state and paid out of the state treasury in like manner that other claims against the state are audited and paid. The amount so paid shall constitute an indebtedness of the district in which such reassessment was made to the state of Wisconsin, and such indebtedness with interest thereon at six per cent per annum shall be a special charge upon such district to be certified to and collected from such district in the then next levy and certification of state taxes and special charges, in like manner that other indebtedness of cities, towns and villages to the state are certified and collected. [*Stats. 1919 s. 1087—55; 1921 c. 11 s. 24*]

73.13 Deputies; neglect; reassessment. If any person appointed or required to perform any duty under sections 73.05 to 73.14, inclusive, shall be unable or neglect to do so, his place may be filled by appointment by said commission. If any person required to perform any duty under sections 73.05 to 73.14, inclusive, shall wilfully neglect or refuse to do so, he shall forfeit to the state not less than fifty nor more than two hundred and fifty dollars. In the appointment of persons to perform services under sections 73.05 to 73.14, inclusive, the tax commission shall not be required to select any of such persons from the residents of the district in which the reassessment is to be made. It shall not be necessary for the said commission to wait until the assessment in any district is completed before making an order for reassessment therein under the provisions of sections 73.05 to 73.14, inclusive; but they shall be entitled to make such order whenever they shall be satisfied from the work already done upon such assessment that when completed it will not be in substantial compliance with law. [*Stats. 1919 s. 1087—56; 1921 c. 11 s. 25*]

73.14 Inequalities may be corrected in subsequent year. If any such reassessment cannot be completed in time to take the place of the original assessment made in such district for said year, the clerk of the district shall levy and apportion the taxes for that year upon the basis of the original assessment roll, and when the reassessment is completed the inequalities in the taxes levied under the original assessment shall be remedied and compensated in the levy and apportionment of taxes in such district next following the completion of said reassessment in the following manner: Each tract of real estate, and, as to personal property, each taxpayer, whose tax shall be determined by such reassessment to have been relatively too high, shall be credited a sum equal to the amount of taxes charged on the original assessment in excess of the amount which would have been charged had such reassessment been made in time; and each tract of real estate, and, as

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to personal property, each taxpayer, whose tax shall be determined by such reassessment to have been relatively too low, shall be charged, in addition to all other taxes, a sum equal to the difference between the amount of taxes charged upon such unequal original assessment and the amount which would have been charged had such reassessment been made in time. The tax commission, any of its members, or its authorized agent, shall at any time have access to all assessment and tax rolls herein referred to for the purpose of assisting the local clerk and in order that the results of the reassessment may be carried into effect. [*Stats. 1919 s. 1087—57; 1921 c. 11 s. 26*]

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and it shall be the duty of the town treasurer, or if such taxes be returned uncollected, of the county treasurer, to pursue and levy upon such logs, wood or timber, wherever the same may be, and collect such tax by distress and sale of the same in the manner provided by law for the distress and sale of personal property for the payment of taxes. [*Stats. 1919 s. 1088; 1921 c. 17 s. 2*]

74.02 Notice of collection. The treasurer of each town, city or village on the receipt of the tax roll for the current year, shall forthwith post notices in three or more public places in such town, city or village, that the tax roll for the same is in his hands for collection, and that the taxes charged therein are subject to payment at his office at any time prior to or on the thirty-first day of January in such year, and after the said thirty-first day of January, he shall proceed to collect the taxes charged in such roll and remaining unpaid, and for that purpose shall call at least once on the person taxed, or at the place of his usual residence, if within the town, city or village, and demand payment of the taxes charged to him on such roll. [*Stats. 1919 s. 1089; 1921 c. 17 s. 3*]

74.03 Penalty. (1) NONPAYMENT. Taxes not paid before the first day of February shall be subject to a penalty of two per cent on the amount of the tax, which penalty shall be collected and paid into the treasury by the town, city or village treasurer. Provided, that any town or village by a two-thirds vote of the town or village board, or any city of the second, third or fourth class, by a two-thirds vote of the council, may extend the time for the payment of taxes without penalty until the first day of March.

(2) POSTPONEMENT OF TAX PAYMENTS. The common council of any city, whether incorporated under special charter or operating under general law, shall have power to extend the time for the collection of all or a portion of the taxes, assessed for city purposes, for a period of time not exceeding six months under the following conditions:

(a) All taxes, the payment of which shall be thus postponed, shall bear interest from the time they would otherwise become delinquent to the date of their payment at such rate as shall be fixed by an ordinance, which shall be approved by the comptroller or clerk in cities having no comptroller; provided, however, that the rate of interest shall not be less than five per cent per annum, nor more than seven per cent per annum.

(b) No such extension of time shall be operative in favor of any taxpayer unless he shall have paid to the city treasurer, before the expiration of the time limited therefor, the full amount of all taxes required to be by him paid for all purposes, exclusive of city purposes.

(c) If any taxes, the payment of which shall have been thus postponed, shall not be paid on or before the expiration of the said six months, the city treasurer shall declare the same to be delinquent, and such taxes shall be collected, including accrued interest, together with an additional charge thereon at the rate of twelve per cent per annum from the expiration of the said six months. If any such taxes shall have been levied upon personal property, the same shall be collected forthwith in the manner provided for the collection of delinquent taxes on personal property. If any of such taxes shall have been assessed upon real estate, all tracts or parcels of land upon which the same shall have been assessed, shall be sold in the manner provided for the sale of land for the nonpayment of taxes. The sale of such lands shall be had at the time and place at which lands shall be sold in the year next succeeding, for the nonpayment of taxes. [*Stats. 1919 s. 959—70o, 1090; 1921 c. 6; 1921 c. 17 s. 4, 5; 1921 c. 422 s. 35; 1921 c. 523*]

74.04 Payment in orders. Town, city and village orders shall be receivable for taxes in the town, city or village where issued, and shall be allowed the treasurer on settlement of such taxes; and county orders and jurors' certificates shall be receivable for taxes in the county where issued, and shall be allowed the treasurer on settlement of county taxes with the county treasurer; but no town, city or village treasurer shall receive orders in payment for taxes to a larger amount than the town, city or village taxes included in his tax roll, exclusive of all taxes for school purposes, nor county orders and jurors' certificates to a greater amount than the county tax included therein. [*Stats. 1919 s. 1091; 1921 c. 17 s. 6*].

74.05 Officers not to buy orders. No town, city, village or county treasurer, or other town, city, village or county officer shall, either directly or indirectly, purchase or receive in exchange or in payment for taxes or otherwise, in any manner whatever, any county, city, village or town order, or any demand against his county, city, village or town for a claim allowed by the proper board or council during his term of office for a less amount than that expressed on the face of such order or demand; and any such person so offending shall for each offense forfeit not less than twenty-five dollars nor more than two hundred and fifty dollars. [*Stats. 1919 s. 1092; 1921 c. 17 s. 7*]

74.06 Payment on part; undivided interests. The treasurer shall receive the tax on any part of any lot or parcel of land or on any undivided share or interest therein

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which the person paying the tax will clearly define; and if the tax on the remainder of such lot or parcel of land shall remain unpaid such treasurer shall return such remainder and the tax due thereon as delinquent to the county treasurer; and if the part on which the tax is so paid shall be an undivided share the person paying the same shall state to the treasurer the name of the owner of such share, that it may be excepted in case of sale for the tax on the remainder, for which purpose the treasurer shall enter the name of such owner and a specification of such share in his account of uncollected taxes; and the balance of the taxes on any such land shall be a lien on the residue only of such lot or parcel of land; provided, that when an application is made to the treasurer for the payment of the taxes upon any part or portion of any lot or parcel of land assessed as a whole, but which is owned in severalty, the treasurer, before making a receipt for the taxes upon any part or portion thereof, may ascertain from affidavits or by actual view the true proportion of taxes chargeable to the part on which the tax is sought to be paid, and the amount so found shall be deemed to be the amount of the taxes chargeable thereto. [*Stats. 1919 s. 1093; 1921 c. 17 s. 8*]

74.07 How tax paid. When any land has been assessed more than once for the same year the treasurer shall collect only the tax justly due thereon and shall make return to the county treasurer of the balance as a double assessment, and he shall be credited therefor by such treasurer. [*Stats. 1919 s. 1094; 1921 c. 17 s. 9*]

74.08 Stub receipts; not collected in saloons. (1) The county clerk of each county shall prepare and cause to be printed and furnished to each town, city and village treasurer of his county a book of tax receipts for each current year, with stubs to be a duplicate of the receipts; and every town, city and village treasurer shall use only the receipts so furnished. All city treasurers, and town and village treasurers in counties having a population in excess of three hundred thousand shall enter in each receipt given by him for the payment of taxes the name of the person, firm, company or corporation paying the same, the date thereof, the description of the property, the valuation and the aggregate amount of taxes paid; town and village treasurers in counties having a population of less than three hundred thousand shall, in addition to the foregoing, give in separate columns the several amounts paid for state taxes, county taxes, town or village taxes, and all other taxes, if any, appearing on the tax roll opposite the valuations to be charged therewith.

(2) Whenever it appears from the tax roll that the taxes for the previous year remain unpaid upon any tract of land he shall enter in such receipt, under the head of "taxes unpaid for previous year," opposite such tract, the year for which such unpaid tax is due. Such receipts shall be signed by the treasurer and a duplicate thereof made upon the stub thereof to be left in the book, and after noting the payment of such taxes upon the tax roll he shall deliver said receipt to the person entitled thereto. No city, county, village or town treasurer or tax collector shall collect or receive any taxes in any room where malt or intoxicating liquors are sold, given away or otherwise disposed of. Any person violating this provision shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days. [*Stats. 1919 s. 1095; 1921 c. 17 s. 10*]

74.09 Comparison of stub book with tax roll; book as evidence. Every such treasurer shall each year compare the stub book of receipts with the tax roll of his town, city or village as to the description of land or other property upon which taxes have or have not been paid and as to the amount of money received for taxes; and the said treasurer shall certify on such stub book that he has made such comparison, and that the stub book and tax roll correspond; and the stub book thus certified shall be returned with the tax roll to the county treasurer, who shall file the same with the county clerk, to be by such clerk preserved in his office. Such stub book or a certified copy thereof shall have the same effect as evidence as the original receipt. [*Stats. 1919 s. 1096; 1921 c. 17 s. 11*]

74.10 Collection. (1) By distress. In case any person shall refuse or neglect to pay the tax imposed upon him the treasurer shall levy the same by distress and sale of any goods and chattels belonging to such person, wherever the same may be found within his town, city or village; and if a sufficient amount of such property cannot be found in such town, city or village the treasurer may levy the same by distress and sale of the goods and chattels belonging to such person, wherever the same may be found in the county or in any adjoining counties, and shall receive therefor the fees allowed by law to constables for levy and sale of goods upon execution.

(2) Notice and sale. The treasurer shall give public notice of the time and place of such sale at least six days previous thereto by advertisement, containing a description of the property to be sold, to be posted up in three public places in the town where the sale is to be made. The sale shall be at public auction in the daytime and the property sold

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shall be present; such property may be released by the payment of the taxes and charges for which the same is liable to be sold; if the purchase money on such sale shall not be paid at such time as the treasurer shall require he may again, in his discretion, expose such property for sale or sue in his name of office the purchaser for the purchase money, and recover the same with costs and ten per centum damages.

(3) RETURN OF SURPLUS; PROCEEDINGS IF NO SALE. If the property so levied upon shall be sold for more than the amount of the tax and costs the surplus shall be returned to the owner thereof; and if it cannot be sold for want of bidders the treasurer shall return a statement of the fact and return the property to the person from whose possession he took the same; and the tax, if unsatisfied, shall be collected in the same manner as if no levy had been made. [*Stats. 1919 s. 1097, 1098, 1099; 1921 c. 17 s. 12, 13, 14*]

74.11 Action to collect tax on personal property. (1) HOW BROUGHT. In case the treasurer is unable to collect any tax assessed upon personal property he shall make and file with some justice of the peace of his county an affidavit showing that there is such tax upon personal property, the amount thereof and the name of the person against whom assessed, that he has demanded payment thereof and is unable to collect the same. Such justice shall thereupon issue a summons directed to such person, commanding him to appear forthwith to answer under oath and show cause why he does not pay said tax. Such summons may be served by said treasurer or any constable in said county by reading the same to such person or in his hearing; upon its appearing by the affidavit of the officer or person serving such summons that the same was duly served upon such person to whom the same was directed, and that he has failed or neglected to appear before said justice for twenty-four hours after the service of the summons, the said justice shall issue a warrant, directed to the sheriff or any constable of the county, commanding him to forthwith arrest and bring such person before him.

(2) JURISDICTION; COMPLAINT; REMOVAL; ARREST. The justice before whom such person shall appear or is brought shall have jurisdiction of the subject matter to the full amount of the tax against such person, with interest, charges and costs; and he shall enter the cause in his docket as an action wherein the town, city or village in which such tax is assessed shall be plaintiff and the person against whom the same is assessed shall be defendant; and the affidavit of the treasurer shall be deemed the complaint. Such defendant may, on his appearing or being brought before such justice and before submitting to an examination as hereinafter provided, remove such action to the next nearest justice in the same county upon making and filing with such justice an affidavit stating that from prejudice or other cause he believes such justice will not decide impartially in the matter; and thereupon the justice shall transmit all the papers, with a copy of his docket entries in such action, to such nearest justice; and if the defendant be under arrest the officer having him in charge shall take him before such nearest justice. Such nearest justice shall enter the action in his docket and proceed in the manner hereinafter provided; if such defendant be not under arrest and shall fail to appear before such last-named justice within one hour after the receipt of the papers in such action he may issue his warrant, directed to the sheriff or any constable of his county, commanding him to forthwith arrest such defendant and bring him before such justice.

(3) PROCEEDINGS; COSTS; EXECUTION. When the defendant shall appear or be brought before the justice before whom such proceedings were commenced, or if the cause shall have been removed to another justice, before such last-named justice, such justice shall cause the defendant to be examined on oath, and hear the testimony of any witnesses or other evidence presented by either party upon the following questions:

(a) Whether the defendant had any personal property liable to taxation at the time the assessment was made.

(b) Whether he has money or property, real or personal, of any description sufficient to pay such tax or any part thereof.

(c) Whether he is justly liable for the payment of such tax or any part thereof; and if any of said questions shall be established in the negative the defendant shall be discharged with his costs; but if the defendant shall refuse to answer such relevant questions as shall be put to him or if he shall fail to establish either of said questions in the negative, judgment shall be entered against the defendant for the amount of such tax which he ought to pay, with costs of such proceedings. No stay of execution shall be allowed on any such judgment except in case of appeal; and no property of such defendant shall be exempt from levy and sale upon execution issued thereon. The justice shall reduce the examination of the defendant and of all witnesses produced and examined by either party to writing, and cause the same to be signed by the persons so examined.

(4) TRANSCRIPT OF JUDGMENT; LIEN; EXECUTION. The treasurer may file a transcript of any such judgment rendered against the defendant in any such action in the office

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of the clerk of the circuit court of any county, and the same shall be docketed by such clerk in the same manner as other transcripts of justices' judgments, and when so docketed it shall be a lien on all the real estate of the defendant in every county in which the same is docketed. The clerk of any circuit court in which any such transcript is filed and docketed may issue execution thereon, and no real or personal estate of the defendant shall be exempt from seizure and sale on such execution; and upon the sale of any real estate of the defendant by virtue of such execution the sheriff selling the same shall make, execute and deliver to the purchaser thereof a deed of the same, and the defendant shall have no right to redeem the said real estate after the sale thereof; and such deed shall be absolute to convey all the interest of the defendant in such real estate so sold as aforesaid, and the sheriff shall proceed in the sale of such real estate as upon sale on execution in other cases.

(5) APPEAL AND RETURN. The defendant may, within twenty days after the entry of any such judgment, appeal to the circuit court by executing and delivering to the justice an undertaking to the town, city or village, with one or more sureties to be approved by such justice, conditioned to pay any judgment the said circuit court may render against him in such action; and upon the receipt of such undertaking the justice shall return the same with the examinations and evidence taken by him and all other papers and proceedings in such action, duly certified by him, to the said circuit court. The plaintiff may also appeal from any such judgment or from any judgment discharging such defendant to the said circuit court in the same manner that a plaintiff to a civil action in a justice's court may appeal from a judgment rendered therein; and upon taking such appeal the justice shall make a like return to the circuit court as upon an appeal by the defendant.

(6) TRIAL; DUTY OF DISTRICT ATTORNEY. Upon filing the return of the justice by the clerk of the circuit court such action shall be tried in such court as other actions therein; and the district attorney of the county shall appear for and try such action on behalf of the plaintiff whenever requested by the treasurer so to do. Upon the trial in such court either party may read as evidence the examinations taken by the justice and returned by him to such court and produce such other proofs as they may deem necessary. The issues shall be the same as before the justice; and if upon the trial in the circuit court neither of said issues shall be established in the negative, or if the defendant shall neglect or refuse to appear on such trial and answer all relevant questions which shall be put to him the judge or jury by whom such action is tried shall assess the amount of the tax which the defendant ought to pay, and judgment shall be rendered against him and his sureties in said undertaking for the amount so assessed and for all costs, fees and disbursements before the justice and the circuit court; and execution shall issue upon such judgment against the property of all the defendants in such judgment, and no property belonging to the defendant in the action shall be exempt from seizure and sale on such execution; but if either of such issues shall be established in the negative the action shall be dismissed and the defendant shall recover his costs.

(7) SUPPLEMENTARY PROCEEDINGS. In case execution in any such action upon a judgment rendered upon an appeal or upon a transcript of a judgment of such justice shall be returned unsatisfied in whole or in part, the proper treasurer is hereby authorized to institute proceedings supplementary to execution to collect such judgment; and all laws applicable to supplementary proceedings upon other judgments are made applicable to the judgment above mentioned.

(8) EFFECT OF JUDGMENT. A final judgment in such action upon the ground that the defendant had no personal property liable to taxation at the time the assessment was made or that he is not justly liable to pay any portion of such tax shall be a bar to any further proceedings of any kind for the collection of such tax; and every such judgment against the defendant, fixing the amount of tax which he ought justly to pay, shall be conclusive as to the extent of his liability; and in fixing the amount which the defendant ought justly to pay, all irregularities, mistakes and errors in the assessment and proceedings which do not affect the justice and equity of such tax or some part thereof shall be disregarded. [*Stats. 1919 s. 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107; 1921 c. 17 s. 15 to 22*]

74.12 Action of debt to collect tax; duty of district attorney. In addition to the other remedies provided in this chapter an action of debt shall lie in the name of the town, city or village, and, after the tax is returned as delinquent, in the name of the county, for any tax assessed against any person upon personal property remaining unpaid after the last day of January. Summons in such action shall issue at the request of the treasurer of the town, city, village or county as the case may be and shall be subject to all the rules of law and practice applicable to actions of debt. Such summons when issued by a justice of the peace may in addition to the other methods of service provided by law

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in justice's court be served as provided in subsection (1) of section 74.11, or 2637. Such summons shall state that it is issued for the collection of a tax and judgment may be entered and execution issued as provided in this chapter. It shall be the duty of the district attorney upon request to attend and prosecute any action or proceeding commenced under any of the provisions of this chapter for the collection of a tax. [*Stats. 1919 s. 1107a; 1921 c. 17 s. 23*]

74.13 Action for collection of taxes against public utilities. In addition to the other remedies provided by law for the collection of taxes against real estate, an action of debt shall lie in the name of the town, city or village, and, after the tax is returned as delinquent, in the name of the county, for any tax heretofore or hereafter levied upon and extended against the property of any public service corporation as defined in section 1753—1, which property is subject to taxation like the property of individuals, and which tax remains unpaid after the last day of January in any year. Summons in such action shall issue at the request of the treasurer of the town, city, village or county, as the case may be; shall be served as provided in section 2637, and such action shall be subject to all of the rules of law and practice in this state applicable to actions of debt. The complaint in such action shall be served with the summons. Judgment in such action shall be entered and execution issued thereon as in other actions of debt. The judgment shall bear interest at the rate of ten per cent per annum from the date of entry until paid. [*Stats. 1919 s. 1107b; 1921 c. 17 s. 24*]

74.135 Taxes, cancellation of. After the tax roll shall have been thus delivered to the treasurer it shall not be lawful for the council to remit, annul or cancel any tax specified therein except in the following cases:

(1) When a clerical error has been made in the description of the property or in the extension of the tax.

(2) When improvements on lots were considered in making the assessment roll, where the improvements did not exist at the time fixed by law for making the assessment.

(3) When the property is exempt by law from taxation.

(4) When a person has been assessed the same year for the same property in more than one ward or place. [*Stats. 1919 s. 925—145; 1921 c. 17 s. 24a*]

74.14 Procedure. In any action brought pursuant to section 74.13 it shall be sufficient to entitle plaintiff to judgment in said action to allege and prove that the tax was regularly levied and extended upon the tax roll and that the same has not been paid; provided, that the defendant may defend against such action by first paying the amount of the tax with interest, penalties and charges into the county, town, city or village treasury. The defendant in such action shall be entitled to recover judgment for the amount, if any, so paid in excess of the amount the court shall finally determine it ought to have paid on the property involved in said action, with interest from the date of such payment. Payment of any judgment so recovered by the defendant, shall be made forthwith by the treasurer of any such county, town, city or village, upon presentation of a certified copy thereof, without other or further order. He shall preserve said copy of such judgment as his warrant for such payment and shall require the satisfaction of record of such judgment upon the making of such payment. [*Stats. 1919 s. 1107c; 1921 c. 17 s. 25*]

DUTIES OF TOWN, CITY AND VILLAGE TREASURERS.

74.15 Payment of state and county taxes. (1) TAX RETURNS. The town, city or village treasurer shall retain in his hands the amount specified in his warrant, to be paid into the town, city or village treasury, and shall on or before the day specified in his warrant for paying the money therein directed to be paid to the county treasurer, pay to him the sum so directed to be paid in the manner provided by law; and the town, city or village treasurer shall pay over the full amount of state tax on or before the first Monday of March of each year, though it may occasion a deficiency in the town, city or village taxes.

(2) APPORTIONMENT OF TAXES; DELINQUENT RETURNS. Out of the taxes collected the treasurer shall first pay the state tax to the county treasurer, and shall then set aside all sums of money levied for school taxes, then moneys levied for the payment of judgments, then all sums raised as special taxes in the order in which they are levied, then taxes for the payment of principal and interest on the public debt, then taxes for bridge purposes, then for fire purposes, then for streets and other public improvements, and lastly county taxes. Delinquent returns shall be made to the county treasurer in all respects as required by the statutes, and thereafter such proceedings shall be had with reference to the delinquent taxes so returned as are provided for in case of delinquent returns from towns. [*Stats. 1919 s. 925—151, 1110; 1921 c. 17 s. 26, 26a*]

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74.16 Treasurer's receipts, how countersigned. Whenever any town, city or village treasurer shall pay any money to the county treasurer such county treasurer shall deliver to him duplicate receipts for the amount of money so paid, specifying in such receipts the sum paid, date of payment and on what account the same is paid; and the town, city or village treasurer shall present such receipts to the county clerk, who shall countersign one of said receipts and return the same to such treasurer, and shall retain and safely keep the other in his office; and no receipt of the county treasurer given to a town, city or village treasurer for money paid by such town, city or village treasurer shall be any evidence of such payment in favor of such town, city or village treasurer unless the same be first countersigned by the county clerk. [*Stats. 1919 s. 1111; 1921 c. 17 s. 27*]

74.17 Delinquent taxes. If the treasurer shall be unable to collect any taxes mentioned in the tax roll annexed to his warrant within the time prescribed by law he shall make out a statement of the taxes so remaining unpaid, including the two per cent penalty provided by section 74.03, distinguishing, by setting down separately, between such as are on real and such as are on personal estate, with a full and perfect description of such real estate from his tax roll, and the name of the person taxed, if therein specified, and by setting down separately all public lands which are held on contract and all lands mortgaged to the state, and submit the same to the county treasurer; he shall also include in such statement a description of any land doubly assessed and the amount of tax thereon, and also the specification and entry required by section 74.06. The county treasurer shall carefully compare such statement, when submitted, with the tax roll and ascertain that it is correct. [*Stats. 1919 s. 1112; 1921 c. 17 s. 28*]

74.18 Form of return. The return of the town, city or village treasurer to the county treasurer of delinquent taxes may be made in tabular form and varied as facts may require, but when so made shall be, as nearly as convenient, after the following form:

Return of .... treasurer of the .... of ...., in the county of ...., and state of Wisconsin, containing a description of the lands and the taxes thereon, and the valuation of personal property and the taxes thereon, if any, assessed in said .... in the year ...., which taxes remain due and unpaid for the years herein specified, to wit:

Names of Persons Taxed.	Description of Lands and Statement of Personal Property.	Section.	Township.	Range.	Number of acres.	Amount of tax.	Years for which taxes are due.	Remarks.
A. B.....	N. hf. of N. E. qr.....	34	3	19	80	$5 60	18—	.....
C. D.....	Undivided ½ E. hf. of N. E. qr.....	34	3	19	53	2 74	18—	.....
do.....	do. omitted in 18—....	34	3	19	53	2 25	18—	.....
Unknown....	E. hf. of S. E. qr.....	18	3	19	80	2 00	18—	.....
Public lands held on contract and lands mortgaged to the state:								
A. B.....	S. W. qr. of S. E. qr....	16	20	16	40	$5 50	18—	.....
Personal property:								
A. B.....	Valuation $300.....	.....	.....	.....	.....	$300	.....	.....
The taxes on the following shares or parcels of land above returned have been paid by the following named owners:								
E. F.....	Undivided hf. of the E. hf. of N. E. qr....	34	3	19	26	$1 37	18—	.....
The following land is returned as doubly assessed for the year 18..:								
R. S.....	S. hf.....	17	3	19	320	$9 60	18—	.....
Unknown.....	W. hf. of N. W. qr.....	4	3	19	80	2 00	18—	.....

O. H., ... Treasurer.

[*Stats. 1919 s. 1113; 1921 c. 17 s. 29*]

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74.19 Affidavit; penalty; collection of delinquent taxes. (1) The town, city or village treasurer shall then make an affidavit to be annexed to such statement, before the county treasurer or before any officer authorized to administer oaths, that the facts set forth in said statement are correct, that the sums therein returned as unpaid taxes have not been paid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the persons charged with such unpaid taxes whereon he could levy the same, which statement and affidavit shall be filed with the county treasurer; and he shall thereupon be credited by the county treasurer with the amount of taxes so returned as unpaid and doubly assessed, except the penalty provided by section 74.23, and he shall be allowed by the county treasurer, in settlement one dollar and six cents for each mile traveled one way to deliver the same.

(2) If any actions have been commenced by him for the recovery of any personal property tax he shall also state that fact and what proceedings have been had therein. And any town, city or village treasurer who shall render his return without duly making, annexing, subscribing and making oath to the affidavit as above required shall forfeit one hundred dollars; and every county treasurer who shall receive such return, and credit the amount of unpaid and doubly assessed taxes to the town, city or village treasurer, without first requiring such return to be duly verified by affidavit as above required shall forfeit two hundred dollars; and neither said town, city or village nor county treasurer shall be permitted to offer such unverified statement in evidence in any settlement made by them with their respective boards of supervisors or auditing officers, nor in any action brought against them on their respective official bonds, nor in any prosecution against them for embezzlement.

(3) All taxes so returned as delinquent shall belong to the county and be collected, with the interest and charges thereon, for its use; and all actions and proceedings commenced and pending for the collection of any personal property tax shall be thereafter prosecuted and judgments therein be collected by the county treasurer for the use of the county; but if such delinquent taxes, exclusive of the penalty provided by section 74.23, exceed the sum then due the county for unpaid county taxes such excess, when collected, with the interest and charges thereon, shall be returned to the town, city or village treasurer for the use of the town, city or village. [*Stats. 1919 s. 1114; 1921 c. 17 s. 30*]

74.20 Certificate of delinquent taxes. The county treasurer shall, at the time the town, city or village treasurer makes his return to him of the delinquent taxes aforesaid, make and deliver to such town, city or village treasurer a certificate of the amount of the delinquent taxes so returned by such town, city or village treasurer, specifying the amount delinquent on real estate and the amount on personal property; and it shall be the duty of the town, city or village treasurer to whom such certificate is given forthwith to deliver the same to the county clerk, who shall file the same in his office; and no county treasurer shall indorse the bond of such town, city or village treasurer, filed in his office, as satisfied and paid until such certificate shall be delivered to the county clerk and filed in his office as above specified. [*Stats. 1919 s. 1115; 1921 c. 17 s. 31*]

74.21 How treasurer's bond satisfied. Upon filing said certificate by the town, city or village treasurer and upon payment to the county treasurer of the full amount of the state tax and the full amount of the county taxes, after deducting the amount of delinquent taxes so returned and certified and his fees for making such return, the county treasurer shall indorse the bond of such town, city or village treasurer, filed in his office, as satisfied and paid; and the indorsement so made shall operate as a full discharge of such town, city or village treasurer and his sureties from the obligations of such bond unless it shall afterwards appear that the return of such town, city or village treasurer was false; in which case such bond shall continue in force, and such treasurer and his sureties shall be liable to be prosecuted thereon for all deficiencies and for all damages occasioned by such false return. [*Stats. 1919 s. 1116; 1921 c. 17 s. 32*]

74.22 Penalty for failure to settle taxes. If any town, city or village treasurer shall fail to make settlement of the taxes included in his tax roll within the time required by law the county treasurer shall charge such town, city or village treasurer five per centum damages and ten percentum interest per annum from the day payment should have been made on the balance of unsettled taxes due from him; and if any town, city or village treasurer shall withhold the payment of any public moneys collected or received by him, after the same should be paid and shall have been demanded, he shall pay ten per cent damages and ten per cent interest, as above specified, on such moneys; which moneys, damages and interests may be collected by action upon such town, city or village treasurer's bond. [*Stats. 1919 s. 1117; 1921 c. 17 s. 33*]

74.23 Warrant; levy; breach of bond. If any town, city or village treasurer shall neglect or refuse to pay to the county treasurer the sums in his hands required by law to

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be paid to him, or if he shall neglect or refuse to account for moneys required by law to be collected and paid by him to the county treasurer, such county treasurer shall issue a warrant under his hand, directed to the sheriff of the county, commanding him to levy such sum, specifying the amount thereof, as shall remain unpaid or unaccounted for, with interest and damages as specified in the preceding section, together with his fees for collecting the same, of the goods and chattels, lands and tenements of such town, city or village treasurer, and pay the same to the county treasurer, and return such warrant within sixty days from the date thereof and deliver the same to the sheriff, who shall immediately cause the same to be executed and make return thereof within the time therein specified, and pay to such county treasurer the amount required by such warrant or so much thereof as he shall have collected thereon; and such sheriff shall be entitled to collect and receive the same fees as are allowed by law to sheriffs on execution. Nothing in this section shall prohibit prosecution of such treasurer's bond in case of a breach thereof. [*Stats. 1919 s. 1118; 1921 c. 17 s. 34*]

74.24 False or negligent return. If any sheriff shall neglect to return any such warrant or to pay the money collected thereon within the time limited for the return of such warrant, or shall make a false return thereto, the county treasurer shall forthwith proceed to collect of him the whole sum directed to be levied by such warrant in the same manner as such sheriff might be proceeded against for neglecting to return an execution in a civil action; and if he shall fail to collect such money of the sheriff he shall forthwith cause a prosecution to be commenced against him and his sureties on his official bond for the sum due on such warrant, which sum, when collected, shall be paid into the county treasury. [*Stats. 1919 s. 1119; 1921 c. 17 s. 35*]

74.25 Damages. If any person shall be injured by the false return or fraudulent act of any town, city or village treasurer such person shall recover upon action brought on the bond of such treasurer, of him and his sureties, double damages and costs of suit. [*Stats. 1919 s. 1120; 1921 c. 17 s. 36*]

COLLECTION AND PAYMENT OF TAXES BY COUNTY TREASURERS.

74.26 Taxes paid. (1) To STATE TREASURER. The several county treasurers shall pay to the state treasurer, the amount of state taxes charged to their respective counties, on or before the second Monday of March in each year. They shall pay to the state treasurer, the amount of income taxes charged to their respective counties under the provisions of chapter 71, on or before the first day of May in each year.

(2) TREASURER'S DUTY AND LIABILITY IF STATE TAXES NOT PAID. Every county treasurer who does not pay the full amount due from his county for state taxes at the time required by law for the payment thereof shall, at the time for making such payment, file with the state treasurer an affidavit stating that he has returned and paid into the state treasury the whole amount of the state taxes which have come into his hands, and specifying the amount received from each town, city and village; and if any such county treasurer shall fail to make and file such affidavit and pay into the state treasury the whole amount of state taxes which shall have come into his hands he shall, in addition to other penalties prescribed by law, forfeit one thousand dollars, which shall be collected for the benefit of the state upon the official bond of such treasurer.

(3) ADDITIONAL LIABILITY. Whenever any county treasurer shall fail to pay into the state treasury any moneys in his hands for that purpose at the time prescribed by law he shall, in addition to other penalties, be liable to the following: If he shall so fail for the space of ten days he shall forfeit to the state twenty per cent on the amount withheld, and if he shall fail to pay over such moneys for the space of thirty days after such specified time he shall forfeit his office of treasurer. [*Stats. 1919 s. 1121, 1122, 1123; 1921 c. 17 s. 37, 38, 39*]

74.27 Penalties upon counties. When any county shall fail, neglect or refuse to pay to the state treasurer the whole or any part of the state tax lawfully apportioned to and levied upon such county at the time and in the manner required by law such county shall pay to the state treasurer, in addition to the amount so due and unpaid on such tax, interest at the rate of ten per centum per annum from the time such tax was due and payable, until the same, together with such interest thereon, shall be fully paid. The secretary of state shall annually, at the time he is by law directed to apportion the state tax, add to the amount charged to each county respectively all amounts which may be due the state and unpaid from such county on any former tax, together with interest thereon at the rate aforesaid up to the first day of January following such apportionment; and the amount so found shall be the amount of the state tax to be paid by such county for the year, and shall be certified, levied, collected and paid into the state treasury as provided by law;

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and any money in the state treasury or which may come therein at any time prior to the payment of such delinquent tax by such county, on account of any appropriation made to such county by the legislature or otherwise, except money belonging to the school fund income, shall be retained by the state treasurer, and he shall apply the same, or such part thereof as may be necessary, to fully pay such delinquent tax, with interest thereon. [*Stats. 1919 s. 1124; 1921 c. 17 s. 40*]

74.28 Payments to local treasurers. Each county treasurer shall pay to the several town, city or village treasurers in his county, on demand, all money collected or received by him and belonging to such town; but he may retain in the county treasury all amounts due from any town, city or village to the county. [*Stats. 1919 s. 1125; 1921 c. 17 s. 41*]

COLLECTION OF DELINQUENT PERSONAL TAX BY COUNTY TREASURERS.

74.29 Proceedings. (1) The county treasurer shall annually, within thirty days after the several town treasurers shall have made their returns of the delinquent taxes as provided by law, make a schedule of all the taxes on personal property in his county so returned delinquent and which shall remain unpaid at the time of making such schedule, including the two per cent penalty. Such schedule shall also contain all taxes on personal property in said county returned by said town treasurers as unpaid for the two years next preceding those last returned and which shall have remained uncollected at the date thereof, and may be in the following form, to wit:

Schedule of taxes assessed on personal property for the years 19.., 19.. and 19.., and which were returned as provided by law by the several town treasurers of the county of ...., as delinquent and unpaid and which remain unpaid on this .... day of ...., A. D. 19..:

Names of Persons Taxed.	Amount of taxes due.	Years for which taxes are due.
A. B.	$10.50	19..
C. D.	7.50	19..
E. F.	12.50	19..
G. H.	10.50	19..

(2) The county treasurer shall, within the time aforesaid, annex to such schedule a warrant under his hand, directed to the sheriff of his county, commanding him to collect from each of the persons and corporations named in said schedule the amount of the unpaid taxes set down in such schedule opposite to their respective names, with interest at the rate of twelve per centum per annum from the first day of January next preceding the time when such taxes were returned unpaid, together with his fees for collecting the same, of the goods and chattels, lands and tenements of said persons and corporations respectively, and to pay the same to the county treasurer, and to make return of such warrant within sixty days after the date thereof; and such treasurer may issue a special warrant or warrants, in any convenient or proper form, to the sheriff of any other county commanding the collection of the delinquent personal property tax of any one person or of several persons in the discretion of the treasurer; and such last-named warrants may be issued at any time while such tax remains unpaid. The county treasurer may renew, by indorsement thereon, such general or special warrants from time to time, either before or after the return thereof, for sixty days at one time and not longer than one year after the date thereof. [*Stats. 1919 s. 1126; 1921 c. 17 s. 42*]

74.30 Powers of sheriff; actions; attachment; garnishment. (1) The sheriff to whom any such warrant shall be delivered shall proceed in the same manner and with the same power to collect the unpaid taxes specified in the schedule or warrant as he would upon execution issued out of a court of record. And the county treasurer or any person in his behalf who is interested in the collection of said tax may make the necessary affidavit for garnishee proceedings or attachment, and thereupon any competent court shall have jurisdiction of the same. Such affidavit need not state that such indebtedness or property is not exempt by law from sale on execution, but shall state that the indebtedness is for a delinquent personal property tax instead of stating that it is on contract or judgment. Such affidavit may be amended as in other cases.

(2) In case any of such taxes shall be returned unpaid in whole or in part the said treasurer may, at any time within six years thereafter, bring an action or actions in the

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name of his county to recover such unpaid taxes and the costs and charges thereon against the persons or corporation charged therewith in any court of competent jurisdiction; and no law exempting any goods and chattels, lands and tenements from forced sale under execution shall apply to a levy and sale under any of said warrants or upon any execution issued upon any judgment rendered in any such action; and upon the return of such general warrant the county treasurer is also authorized to institute against any person charged with any personal tax which remains uncollected supplementary proceedings for the collection thereof; and all laws applicable to such supplementary proceedings upon judgments are made applicable to the proceedings hereby authorized, except that if such delinquent is a resident of this state such proceedings shall be instituted before some proper officer of the county in which the person proceeded against resides, otherwise in any county in the state.

(3) The tax roll and town treasurer's warrant and return, or abstracts therefrom, certified by the county treasurer under his seal of office, shall, upon the trial of any such action or proceedings authorized by this section, be presumptive evidence of such tax, of its being unpaid and of the amount unpaid, and in supplementary proceedings the same presumptions shall be entertained in favor of the validity of the tax and tax proceedings as in favor of a judgment and execution. [*Stats. 1919 s. 1127; 1921 c. 17 s. 43*]

74.31 May be charged to towns. The county treasurer, after one year from the time any delinquent personal property tax shall have been returned to his office by the treasurer of any town and upon filing in his office the affidavit of the sheriff, his deputy or undersheriff, stating that such tax is uncollectible, shall charge the same back to such town, city or village and certify the same to the county clerk, who shall add the same to the next county tax apportioned thereto; but if any such tax shall be thereafter collected by the county treasurer the amount so collected shall be credited to such town, city or village. [*Stats. 1919 s. 1128; 1921 c. 17 s. 44*]

74.32 Payment on undivided share; apportionment. Any person may discharge the taxes on any parcel of land returned to the county treasurer as delinquent or on any part thereof or undivided share therein, by paying the same, with interest at twelve per centum from the first day of January previous and all lawful charges thereon, to such county treasurer at any time before the same shall be sold as hereinafter provided; and upon such payment the treasurer shall execute duplicate receipts therefor, countersigned by the county clerk, showing the name of the person paying the same, the date of the receipt, the description of the property on which the tax was paid and the aggregate amount of taxes, interest, costs and charges paid, one of which shall be delivered to such person and the other filed by the county clerk; provided, that when an application is made to the county treasurer for the payment of the taxes upon any part or portion of any lot or parcel of land assessed as a whole, but which is owned in severalty, such treasurer, before making a receipt for the taxes upon such part or portion thereof, may ascertain by affidavits or by actual view the true proportion of taxes chargeable to the part on which the tax is sought to be paid, and the amount so found shall be deemed to be the amount of taxes chargeable thereto. [*Stats. 1919 s. 1129; 1921 c. 17 s. 45*]

ADVERTISEMENT OF REAL ESTATE FOR SALE FOR TAXES.

74.33 List of delinquent lands; notice of sale; illegal publication. (1) The county treasurer shall, on the fourth Monday of April in each year, make out a statement of all lands upon which the taxes have been returned as delinquent and which then remain unpaid, except public lands held on contract and lands mortgaged to the state, containing a brief description thereof, with an accompanying notice stating that so much of each tract or parcel of land described in said statement as may be necessary therefor will, on the second Tuesday in June next thereafter and the next succeeding days, be sold by him at public auction at some public place, naming the same, at the seat of justice of the county, for the payment of taxes, interest and charges thereon; and if in any county no seat of justice shall be established then at such public place therein as he may select; and cause such statement and notice to be published in a newspaper printed in his county, if there be one, and if there be none, then in a newspaper printed in an adjoining county, if there be one, but if there be no newspaper printed in the same or an adjoining county, then such statement and notice shall be published in the official state paper, which statement and notice shall in all cases be published once in each week for four successive weeks prior to said second Tuesday in June; and such treasurer shall also, at least four weeks previous to said day, cause to be posted up copies of said statement and notice in at least four public places in such county, one of which copies shall be posted up in some conspicuous place in his office; but it shall be unlawful for any county treasurer to publish

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such statement and notice in any newspaper in his county that has not been regularly and continuously published in such county once in each calendar week for at least two years immediately before the date of such notice, if there be a newspaper which has been so published in such county; and any county treasurer who shall violate the provisions of this section shall forfeit a sum equal to the fees allowed by law for such publications, to be sued for and recovered in a civil action brought in the name of the state of Wisconsin, one-half of such penalty to be paid to the informant and the other half into the school fund.

(2) And it is hereby made the duty of the district attorney of the proper county, on complaint being made, to prosecute such action; provided, no county treasurer shall be liable to any penalty or to the forfeiture of any sum whatever for causing such publication to be made in a weekly newspaper published in such county for two years or more next prior to the date of said treasurer's statement and notice when, by reason of accident or other cause, more than one week has intervened between the dates of its actual issue to subscribers, if such delay at any time shall not have exceeded three days, but every such newspaper, for all the purposes of this section, shall be deemed to have been regularly published once in each week as hereinbefore provided; provided further, that when any new county shall have been formed and organized the provisions of this section concerning the competency of newspapers to publish the county treasurer's statement and notice herein provided for shall apply to any newspaper or newspapers which shall have been regularly and continuously published within the territorial limits of such county for two years previous to its formation and organization. [*Stats. 1919 s. 1130; 1921 c. 17 s. 46*]

74.34 Contract; bids; bond; forfeiture. (1) In every county where the number of the descriptions in the list of lands to be advertised for sale for the nonpayment of taxes by the county treasurer shall exceed four thousand the county treasurer shall let by contract the publication of such list to the lowest bidder, upon a notice written or printed, to be delivered to and left with the publisher or one of the publishers of each newspaper in his county at least five days prior to the time at which such contract shall be let; but no such contract shall be made to publish such list in any newspaper which has not been regularly and continuously published once in each week in such county for at least two years prior to the time at which such publication shall be by law required to be made unless there be no such newspaper so published in such county; and the contract price for the publication of such list shall in no case exceed the amount now or which shall be hereafter prescribed by law as the maximum price for publishing such list.

(2) All bids shall be written and sealed and accompanied by a good and sufficient bond, in the sum of at least five thousand dollars, conditioned that the work will be promptly performed. Any county treasurer who shall wilfully refuse or neglect to perform any duty enjoined by this section or who shall keep back and not report any delinquent lands for the purpose of avoiding the provisions of this section shall forfeit the full amount of his official bond, one-half of which when collected shall be paid to the person prosecuting therefor and the residue shall be paid into the treasury of the county for the use of the school fund; provided, that when any new county shall have been formed and organized the provisions of this section shall apply to any newspaper or newspapers which may have been regularly and continuously published within the territorial limits of such new county for two years previous to the formation and organization of such new county. [*Stats. 1919 s. 1131; 1921 c. 17 s. 47*]

74.345 Error in notice; subsequent sale. If, in any notice heretofore posted or published, during the year 1921, or hereafter posted or published, the county treasurer, through error, fails to comply with the provisions of section 74.33 of the statutes, said notice may in such case be posted and published and the sale thereir provided held at a time to be fixed by the county treasurer, not later than October fifteenth, of the year in which said error shall have occurred, with like effect as if the provisions of said section had originally been complied with. [*1921 c. 508; 1921 c. 590 s. 99*]

74.35 [*Repealed by 1921 c. 485 s. 2 and 1921 c. 590 s. 101*]

74.36 Affidavits of publication and posting. Every printer who shall publish such statement and notice shall, immediately after the last publication thereof, transmit to the treasurer of the proper county an affidavit of such publication made by some person to whom the fact of publication shall be known; and no printer shall be paid for publishing any such statement and notice who shall fail to so transmit such affidavit on or before the date fixed for such sale; and the county treasurer shall also make or cause to be made an affidavit or affidavits of the posting of such statement and notice as above required, which affidavits together with the affidavit of publication, shall be carefully preserved by him and deposited as hereinafter specified. [*Stats. 1919 s. 1132; 1921 c. 17 s. 49*]

74.37 Fee for advertising. (1) The printer who shall publish the list and notice of sale of lands for taxes shall receive for all insertions not to exceed twenty-five cents for

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each tract or lot of land in such list not exceeding one thousand and fifteen cents for each tract or lot of land in such list in excess of one thousand, except that when the same is published under contract, as provided in section 74.34, he shall receive the compensation fixed by such contract and no more. The compensation paid for such publication shall in all cases be apportioned equally upon the several parcels of land advertised; and whenever such list of lands shall also be published in a newspaper published in any other than the English language, in pursuance of an order of the county board made in accordance with the provisions of subsection (4) of section 59.09, the compensation paid for such publication shall also be apportioned equally upon the several parcels of land advertised.

(2) When the list of lands above referred to shall not exceed one hundred parcels in number then the compensation for the publication of the same shall be at the rate of sixty cents per folio for the first insertion and thirty-five cents per folio for each subsequent insertion and the compensation for such publication shall be apportioned equally upon the several parcels of land advertised. [*Stats. 1919 s. 1133; 1921 c. 17 s. 50*]

74.38 Officers not to be interested. It shall be unlawful for any town or county officer or county board to make any contract or agreement with the printer or any other person by which the said fees or compensation or any part thereof, or the fees and compensation hereinafter provided for the publication of the notice of the time when redemption of lands sold for taxes will expire or any part thereof, may or shall, directly or indirectly, inure to the use or benefit of any such town or county officer; and if any such officer or printer shall violate the provisions of this section he shall forfeit not less than two hundred and fifty nor more than one thousand dollars. [*Stats. 1919 s. 1134; 1921 c. 17 s. 51*]

SALE OF REAL ESTATE FOR TAXES.

74.39 How made. On the day designated in the notice of sale the several county treasurers shall commence the sale of those lands on which the taxes, interest and charges shall not have been paid and shall continue the same from day to day, Sundays excepted, until so much of each parcel thereof shall be sold as shall be sufficient to pay the taxes, interest at the rate of twelve per centum per annum upon the amount of such taxes and collector's fees from the first day of January next preceding the day of sale, and charges thereon, and all moneys received on such sale shall be paid into the county treasury; but if the treasurer shall discover before the sale that on account of irregular assessment or for any other error any of said lands ought not to be sold, he shall not offer the same for sale, and report the lands so withheld from sale to the county board at the next session thereof with his reasons for withholding the same. [*Stats. 1919 s. 1135; 1921 c. 17 s. 52*]

74.40 Who to be purchaser; order of sale. The person offering at such sale to pay the taxes, interest and charges on any tract of land for the least quantity thereof shall be the purchaser of such quantity, which shall be taken from the north side or end of such tract, and shall be bounded on the south by a line running parallel with the northerly line thereof, if such line be a single straight line, otherwise the south line of the portion so sold shall run due east and west; and in case no bid be made for the payment of the taxes, interest and charges on any such tract of land for a portion thereof then the whole of such tract shall be sold. [*Stats. 1919 s. 1136; 1921 c. 17 s. 53*]

74.41 Payment. The county treasurer may, in his discretion, require immediate payment of every person to whom any such tract or parcel thereof shall be struck off; and in all cases where the payment is not made within twenty-four hours after the bid he may declare such bid canceled and sell the land again or may sue the purchaser for the purchase money and recover the same, with costs and ten per cent damages; and any person so neglecting or refusing to make payment shall not be entitled after such neglect to have any bid made by him received by the treasurer during such sale. [*Stats. 1919 s. 1137; 1921 c. 17 s. 54*]

74.42 When treasurer to buy. If any tract of land cannot be sold for the amount of taxes, interest and charges thereon it shall be passed over for the time being, but shall, before the close of the sale, be re-offered for sale; and if the same cannot be sold for the amount aforesaid the county treasurer shall bid off the same for the county for such amount. [*Stats. 1919 s. 1138; 1921 c. 17 s. 55*]

74.43 Cities bidding in at tax sales. (1) If, at any sale in any city in this state, whether organized under general law or special charter, of real or personal property for taxes or assessments, no bid shall be made for any parcel of land, or for any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in its corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall be purchaser of any personal property by virtue of this chapter, the treasurer shall have the power to sell the same at public sale,

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and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is authorized to sell the certificates issued therefor for the amount of such sale and interest at ten per centum per annum, and to indorse and transfer such certificates to the purchasers.

(2) All acts or parts of acts, including the provisions of any city charter, which are contrary to the provisions of this section are repealed. [*Stats. 1919 s. 1138a; 1921 c. 17 s. 56*]

74.44 County may purchase on tax sales. The county board of any county may authorize and direct the county treasurer to bid in and become the purchaser of all lands sold for taxes for the amount of taxes, interest and charges remaining unpaid thereon. All laws relating to the sale or purchase of lands sold for the nonpayment of such taxes, and to the redemption of such lands, shall apply and be deemed to relate to the sale or purchase of such lands by the county. [*Stats. 1919 s. 1138m; 1921 c. 17 s. 57; 1921 c. 96; 1921 c. 422 s. 32, 50; 1921 c. 590 s. 12*]

74.45 Mistake not to affect sale. When any land is offered for sale for any taxes it shall not be necessary to sell the same as the property of any particular person; and if it should be sold as the property of any such person no misnomer of the owner or supposed owner or other mistake respecting the ownership of such land shall ever affect the sale or render it void or voidable. [*Stats. 1919 s. 1139; 1921 c. 17 s. 58*]

74.46 Certificate of sale; may be assigned and recorded. (1) The county treasurer shall give to each purchaser on the payment of his bid, and if the same be struck off to the county, then to the county, a certificate dated the day of the sale, describing the lands purchased, the amount paid therefor, the rate of interest thereon and the time when the purchaser will be entitled to a deed; which certificate shall be substantially in the following form, to wit:

STATE OF WISCONSIN }
.... County, } ss.

County Treasurer's Office, ..., A. D. 19..

I, ..., county treasurer of the county of ...., in said state, do hereby certify that I did at public auction, pursuant to notice given as by law required, on this .... day of ...., sell to A. B. (or the county of ....) the lands herein described for the sum of .... dollars and .... cents, said sum being the amount due and unpaid for taxes, interest and charges on said land for the year of our Lord one thousand nine hundred and ....; that said A. B., his heirs or assigns (or said county or assigns), will, therefore, be entitled to a deed of conveyance of said lands in three years from this date, unless sooner redeemed from such sale according to law, and the rate of interest in case of redemption shall be .... per cent per annum. Said lands are described as follows, with sums for which each tract was sold set opposite to each description, that is to say: (Here insert description, and separately the amount bid on each tract.)

A. B., County Treasurer.

(2) Any such certificate may be assigned by the purchaser by writing his name in blank on the back thereof, and by the county treasurer or county clerk in like manner, with his official character added, or any person's interest therein may be transferred by a written assignment indorsed upon or attached to the same. Any assignment of such certificate after the first may be made by the delivery of the certificate without any writing or other indorsement. A deed may be issued on such assigned certificate, though indorsed or delivered to the owner and holder thereof, and possession of the same, together with the affidavit now required by law, shall be sufficient evidence of the ownership of such certificate. And the county treasurer or county clerk, whichever of them shall, by the county board in pursuance of section 75.35, be authorized to sell and assign any tax certificates owned by such county, shall make and keep on file in his office a careful and accurate list of all such tax certificates struck off to or owned by such county, and he shall note upon such list, at the time of the sale or assignment of any such certificate, the time when and the person to whom the same is assigned. All such certificates and assignments thereof, when such assignments are duly sealed, duly attested by two subscribing witnesses and acknowledged, may be recorded in the office of the register of deeds of the proper county with the same effect as other records therein. [*Stats. 1919 s. 1140; 1921 c. 17 s. 59*]

74.47 Papers, stub book and rolls to be filed. Every county treasurer shall, immediately after the close of the sale of any lands for taxes, deposit in the office of the county clerk all affidavits, notices and papers in relation to such tax sale to be filed and preserved therein; also a statement containing a particular description of each tract or parcel thereof, of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold and the name of the owner, if known; and the said

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treasurer and clerk shall each record such statement in their respective offices. Said treasurer shall also file with the county clerk the stub book, tax roll and delinquent return, and said clerk shall preserve and file the same in his office. [*Stats. 1919 s. 1141; 1921 c. 17 s. 60*]

74.48 Record of affidavits and notices; as evidence. Every county clerk in this state shall, at the expense of the county, procure a record book and record therein all affidavits and notices hereafter filed in his office by or on behalf of the county treasurer, pursuant to the provisions of section 74.47 and the record of such affidavits and notices shall be received in evidence in all courts and proceedings as proof of the matters therein contained with like effect as such original notices or affidavits. [*Stats. 1919 s. 1141a; 1921 c. 17 s. 61*]

74.49 Sale after injunction dissolved. Whenever any officer shall have been enjoined from selling any lands subject to sale for unpaid taxes or assessments of any kind or nature and such injunction shall have been dissolved, if such taxes or assessments, with interest and charges thereon, shall remain unpaid for thirty days after the dissolution of such injunction such officer or his successor shall, immediately after the expiration of said thirty days, give notice of the time and place of the sale of such lands, and thereupon sell the same for such unpaid taxes or assessments, interest and charges; and interest shall be charged thereon to the time of sale at the rate provided by law for interest on such taxes and assessments at the time of granting such injunction; and in giving such notices and in making such sale he shall be governed in all respects by the provisions of law which may then be in force concerning sales of lands for taxes so far as the same may be applicable. The effect of such sale shall be the same as of other sales of lands for taxes by such officer; and the land sold may be redeemed from such sale, and if not redeemed, deeded in like manner and with like effect as may be provided in other cases of lands sold for taxes. [*Stats. 1919 s. 1142; 1921 c. 17 s. 62*]

74.50 Disqualification of officers. It shall not be lawful for any county treasurer, county clerk, any of their deputies or clerks or any other person for them or any of them to purchase, directly or indirectly, property sold for taxes at any tax sale, or to purchase any tax certificate or tax title held by the county or by any person or persons whomsoever, except for and on behalf of the county as provided by law; nor shall any such treasurer, clerk, any of their deputies or clerks or any other person for them or either of them be directly or indirectly interested in the purchase of any property sold as aforesaid at any tax sale or in the purchase of any tax certificate or tax title except as hereinbefore provided; and any such certificate or title purchased or issued or any purchase of property made contrary to this section shall be null and void; and no money received into the county treasury for any such tax certificate shall be refunded to the purchaser or to any person on his behalf. [*Stats. 1919 s. 1143; 1921 c. 17 s. 63*]

74.51 Fees to be collected. The two per cent penalty prescribed by section 74.03 on the delinquent tax list returned by the treasurer of any town, city or incorporated village to the county treasurer shall be collected by the county treasurer in the same manner as other delinquent taxes are collected and paid into the county treasury for the use of the county. [*Stats. 1919 s. 1144; 1921 c. 17 s. 64*]

DELINQUENT TAXES ON LANDS, PUBLIC OR MORTGAGED TO STATE.

74.52 Not to be sold. It shall not be lawful for any county, city or village treasurer to sell any public lands held on contract or any lands mortgaged to the state for delinquent taxes; but if the taxes on any such lands returned delinquent shall not be paid on or before the first day of April in each year, together with interest thereon at the rate of twelve per centum per annum from the first day of January next preceding, the county treasurer shall immediately forward to the state treasurer a certified list of said lands and the amount of said taxes on each description, with interest and charges added. [*Stats. 1919 s. 1145; 1921 c. 17 s. 65*]

74.53 Proceedings. The treasurer shall charge such returned taxes, interest and charges against the lands upon which such taxes are assessed; and if the amount thereof is not paid on or before the first day of June next succeeding he shall add thereto fifteen per cent, and the same, with such fifteen per cent added, shall be collected with other charges against said lands, and when collected shall be added to the appropriate fund; and so much of the amount returned, together with the fifteen per cent added as aforesaid as shall have been collected, shall be entered to the credit of the proper county quarterly, and shall offset an equal amount of state tax charged to said county; but if the amount so collected in any quarter shall exceed the amount then due from such county for state tax

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the state treasurer shall pay to the county treasurer of such county such excess. [*Stats. 1919 s. 1146; 1921 c. 17 s. 66*]

74.54 State treasurer to furnish lists of taxes paid. The treasurer shall forward quarter yearly to the several county treasurers a list of all public lands and lands mortgaged to the state, located in their respective counties, on which the taxes and interest and penalty on the taxes shall have been collected and paid into the state treasury; such list shall state the amount of taxes, interest and penalty paid on each separate tract of land contained therein, and shall designate each such lot or tract of land separately, and, when not included in any city or village plat, showing the sections, township and range in which the same is embraced. [*Stats. 1919 s. 1147; 1921 c. 17 s. 67*]

74.55 Taxes to be credited. Immediately upon the receipt of such list by any county treasurer he shall ascertain the aggregate amount of such taxes, interest and penalty collected on such lands in each of the towns, cities and villages in his county; and when the amount of such taxes, interest and penalty shall have been credited to such county or paid over to such county treasurer as provided by law he shall credit the proper towns, cities and villages in his county with such part of said taxes, interest and penalty, collected on lands embraced therein, as shall then be due to them respectively. [*Stats. 1919 s. 1148; 1921 c. 17 s. 68*]

74.56 Return of public lands on which taxes unpaid. If the taxes on any of the public lands held on contract or on lands mortgaged to the state, situated in any city or incorporated village any officer of which may be authorized to sell lands for the payment of taxes, shall not be paid during the time required by law therefor, the treasurer of such city or village shall return a list of such lands to the county treasurer, at the time and in the manner fixed by law for town treasurers to return lists of such delinquent lands, and the county treasurer shall include the same in his list returned to the state treasurer; and any provision to the contrary in any city or village charter or special act is hereby repealed. [*Stats. 1919 s. 1149; 1921 c. 17 s. 69*]

74.57 Lands acquired by state are not subject to tax sale. (1) It shall not be lawful for any county, city or village treasurer to sell any lands which shall have been acquired by the state after the taxes become a lien thereon. When such lands shall have been returned delinquent to the county treasurer he shall certify to the commissioners of public lands a description thereof together with the amount of taxes charged against each separate description. The commissioners of public lands within ten days after the receipt of such certificate from the county treasurer shall consider the question of whether such taxes are just and legal, and if they so find shall order the same paid. They shall transmit a certified copy of their order to the secretary of state, and upon his audit and warrant drawn upon the state treasurer the amount of said taxes shall be paid out of the appropriation provided for carrying out the purposes of this section.

(2) No tax deed shall be issued upon any land the title of which shall have been acquired by the state after the same shall have been sold for taxes and a tax certificate issued thereon. Upon the purchase by the state of any lands upon which there are tax certificates outstanding, the state department or agency making such purchase shall cause the amount of money required for the redemption thereof to be paid to the county treasurer. If such tax certificates shall not be so redeemed, the owner thereof may deposit the same with the county clerk who shall draw an order upon the county treasurer for an amount necessary to redeem the same and payable to the holder of the tax certificate. The amount of such order shall be paid by the county treasurer and deducted by him in his next settlement with the state treasurer for state taxes.

(3) Whenever, in any action brought by the state to set aside tax deeds outstanding on lands owned by the state, the court shall, as a condition of relief, order a certain amount to be paid by the state, the commissioners of public lands may order that the amount required by the order of the court as a condition of relief shall be paid from the state treasury. A certified copy of their order shall be filed with the secretary of state, and upon his audit thereof and his order drawn on the state treasurer the amount shall be paid to the clerk of the proper court or such other person as directed by the order of the court.

(4) The commissioners of public lands are authorized and empowered to negotiate with such parties as may hold tax deeds or tax certificates upon any of the public domain, and if the holder of such tax deed or deeds or tax certificate or certificates is willing to accept the amount of the taxes and interest thereon at the rate prescribed by section 75.01, or if lands are in counties where the rate has been changed at the rate fixed by the county board, and the legal charges paid out by him for the purpose of securing said tax deed or tax certificate, the commissioners of public lands may, by their order, direct that he be paid such sums for a quitclaim deed of such lands or for the surrender of such certificate

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or certificates. A certified copy of such order may be filed with the secretary of state, and upon his audit thereof and an order drawn on the state treasurer, the same shall be paid to the person or persons indicated in the order of the commissioners of public lands. [*Stats. 1919 s. 1149a; 1921 c. 17 s. 70*]

MISCELLANEOUS PROVISIONS.

74.58 Taxes in cities and villages, how collected. The warrant for the collection of state and county taxes in any city or village which by its charter collects taxes independently shall, unless otherwise provided, be made out and signed by the clerk of such city or village, and annexed by him to the assessment or tax roll of such city or village, and delivered to the treasurer thereof for collection, who shall proceed in the collection of taxes therein specified in like manner as he is required by the charter of such city or village to collect city or village taxes; and he shall make returns thereof under oath, with the said assessment or tax roll of such city or village annexed, to the county treasurer, and pay over all state and county taxes collected by him at the time and in the manner, as near as practicable, that town treasurers are required to make their returns of uncollected taxes and pay over the state and county taxes collected by them; but the affidavit to be attached to his return shall conform to the duties required to be performed by him in the collection of taxes; and taxes for city, village or other local purposes may be collected together with the state and county taxes, when so ordered by the common council of such city or the board of trustees of such village or when so directed to be by law, and if so collected they shall be set down in one or more separate columns; but in all cases the tax for the support of the common schools in such city or village, imposed by the county board of supervisors, shall be levied and collected at the same time with the state and county taxes and retained by the treasurer of such city or village and paid over by him as required by law; and the warrant issued to such treasurer shall be so modified as to conform to the provisions of this chapter; and every city and village treasurer acting as collector of taxes under the provisions of this chapter shall, so far as practicable, unless otherwise provided, exercise the same powers and perform the same duties as are herein conferred upon and required of town treasurers and be subject to the same penalties and liabilities as such town treasurers. [*Stats. 1919 s. 1150; 1921 c. 17 s. 71*]

74.59 Application of chapter to cities. The provisions of this chapter relative to towns and town treasurers shall apply to cities and villages and the treasurers thereof, when the same are applicable, unless otherwise provided; but whenever a village constitutes a part of a town it shall, for the purpose of raising state, county and town taxes, be regarded as a part of the town. When any territory shall be detached from any county, town, city, village or school district it shall in no manner invalidate or interfere with the collection of taxes in such territory, but they shall be collected and returns made as if the territory was not detached therefrom. [*Stats. 1919 s. 1151; 1921 c. 17 s. 72*]

74.60 Neglect to elect officers; how taxes collected. Whenever the people of any territory which has been or shall hereafter be set off as a separate town shall neglect or refuse to elect the officers required by law to be chosen therein, by reason whereof the property of such town shall fail to be assessed in the manner provided by law, the county board shall issue their warrant to the assessor and to the treasurer of a town next adjoining, requiring them to assess and collect respectively the amount of taxes due from such town to the state and county till an election shall be held therein; and thereupon such assessor and treasurer shall severally discharge all the duties in regard to the assessment and collection of said taxes within said town that would have devolved upon them had they been duly elected assessor and treasurer respectively for said town; and for any malfeasance in respect thereof said treasurer shall be liable on his official bond, or said board of supervisors may, if they think necessary, require him to execute a new bond to the county treasurer in such sum and with such surety as they shall direct. [*Stats. 1919 s. 1152; 1921 c. 17 s. 73*]

74.61 Mailing statements of taxes due. The treasurer of any town, village or city, except cities of the first class, while the tax roll therefor is in his possession, shall, upon request therefor from any taxpayer, forthwith deliver or forward by mail to such taxpayer a statement of the amount of taxes due upon each parcel or tract of land owned by such taxpayer and situated in such town, city or village, and in case the tax roll has been delivered to the county treasurer of any county, except those containing a population of one hundred fifty thousand inhabitants or more, then and in such case the county treasurer shall, upon request therefor, forthwith perform such service. [*Stats. 1919 s. 1152a; 1921 c. 17 s. 74*]

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74.62 Taxes; payment by grantor and grantee. As between grantor and grantee of any land, when there is no express agreement as to which shall pay the taxes assessed thereon for the year in which the conveyance is made, if such land is conveyed on or before the first day of December, then the grantee shall pay the same; but if conveyed after that date, then the grantor shall pay them. [*Stats. 1919 s. 1153; 1921 c. 17 s. 75*]

74.63 Rights of occupant who has paid taxes. When a tax of any kind on any real estate shall have been paid by or collected of an occupant or tenant such occupant or tenant shall be entitled to recover from the person under whom he is such occupant or tenant the amount so paid by him, with interest thereon at the rate of twelve per cent per annum, or he may retain the same from any rent due or owing from him to such person for the real estate on which such tax was paid, unless it be otherwise provided by agreement between such parties. [*Stats. 1919 s. 1154; 1921 c. 17 s. 76*]

74.64 County to refund unjust tax. If any person, within two years after the payment of any state or county tax by him, can satisfactorily show to the county board that the same was improperly assessed or was paid by mistake when it was not justly chargeable, the said board shall order the same to be repaid by the county treasurer; and if the taxes so refunded or any portion thereof be properly chargeable to any town, city or village it shall be so charged. [*Stats. 1919 s. 1155; 1921 c. 17 s. 77*]

74.65 Cancellation of sales. If the county treasurer shall sell any parcel of land for taxes which shall have been paid before sale the county clerk, on presentation to him of a receipt of the town or county treasurer showing that such taxes have been so paid, shall enter in his sales book, opposite the description of the property so sold, the fact that such receipt had been presented, the date of presentation and by whom the receipt was executed. [*Stats. 1919 s. 1156; 1921 c. 17 s. 78*]

74.66 Loss by officers. All losses that may be sustained by the default of any officer of any town, city or village in the discharge of the duties imposed by this title shall be chargeable to such town, city or village; and all losses sustained by the default of any county officer in the discharge of such duties shall be chargeable to such county; and the county board shall add all such losses to the next year's taxes of such town, city or village, or county, as the case may require. [*Stats. 1919 s. 1157; 1921 c. 17 s. 79*]

74.67 Rights of lienholder who pays taxes. Whenever any person having any lien upon any real estate, obtained pursuant to law, shall have paid any taxes on such real estate or shall have redeemed such real estate, when the same shall have been sold for taxes, he shall have a further lien upon such real estate as against the person under whose title he claims such first lien and all other persons then claiming under him for the amount of money so paid, with interest at the rate of ten per cent per annum, and against all other persons claiming title to such real estate under such person accruing subsequently to the time of recording the notice hereinafter specified. [*Stats. 1919 s. 1158; 1921 c. 17 s. 80*]

74.68 Record of notice of lien. Any person paying money as aforesaid may cause to be recorded in the office of the register of deeds of the county where the real estate is situated a notice, signed and acknowledged by him, stating the land upon which the tax or redemption money was paid and the amount of the moneys thus paid. [*Stats. 1919 s. 1159; 1921 c. 17 s. 81*]

74.69 Discharge of lien; rights of lienor. The original lien, by virtue of which any person shall obtain such second lien, shall not be discharged as to the persons mentioned in section 74.67 until the money thus paid for taxes, charges, interest or redemption, with interest thereon as aforesaid, shall be first repaid. If the original lien be a mechanic's lien, or by attachment or mortgage, the amount of such second lien may be included in any judgment rendered in the suit by which such original lien shall be enforced; if it be by judgment, then upon the sale of such real estate the amount of such subsequent lien shall be paid before any surplus shall be paid to the owner of such real estate or to any such subsequent incumbrancer or claimant; and if it be by a sheriff's certificate of a sale on execution or by purchase at a mortgage foreclosure sale, then such real estate shall not be redeemed or repurchased from such sale or purchase until such second lien has been paid. [*Stats. 1919 s. 1160; 1921 c. 17 s. 82*]

74.70 Lienholder may avoid tax. Any person who is the holder of any such original lien upon any real estate shall have the same right of action that the owner of the land has to test the legality and validity of any tax, charge or assessment or tax sale, and to annul the same, and to enjoin the sale or deeding of the land on account thereof. [*Stats. 1919 s. 1161; 1921 c. 17 s. 83*]

74.71 Assessments may be settled for; effect of release. Whenever any assessment has been or shall be made by the authorities of any city or village for the purpose of paying for any work done or improvement made upon any street or highway therein, the costs

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of which are liable to be or have been assessed against any lot or parcel of land, the owner or any person interested in any such lot or parcel of land may settle for such work or improvement with any contractor or his assigns having a claim against the same for any work done or to be done by him upon such street or highway under any contract with the authorities of such city or village; and a release, duly executed and acknowledged by such contractor or his assigns, shall be entitled to be recorded in the office of the register of deeds in the county and shall be an effectual release and discharge of all claims of such contractor or his assigns against the land described therein and against the owner thereof and the city or village which may be the contracting party for such work or improvement, but not of any claim of the city or village against such land for printing, surveying, engineering and other incidental expenses. [*Stats. 1919 s. 1162; 1921 c. 17 s. 84*]

74.72 Neglect to levy taxes. Whenever any town shall have failed to levy, collect or pay over to the county treasurer any state or county tax apportioned to and charged against such town in any year, or any part thereof, the county board of such county shall, in the next or any succeeding year, charge all such delinquent taxes and a penalty of twenty-five per cent to such delinquent town; and the county clerk shall add the same to the amount of the annual state and county tax apportioned to such town for such succeeding year. [*Stats. 1919 s. 1163; 1921 c. 17 s. 85*]

74.73 Recovery of illegal taxes; limitation. (1) Any person aggrieved by the levy and collection of any unlawful tax assessed against him may file a claim therefor against the town, city, or village, whether incorporated under general law or special charter, which collected such tax in the manner prescribed by law for filing claims in other cases, and if it shall appear that the tax for which such claim was filed or any part thereof is unlawful and that all conditions prescribed by law for the recovery of illegal taxes have been complied with, the proper town board, village board, or common council of any city, whether incorporated under general law or special charter, may allow and the proper town, city, or village treasurer shall pay such person the amount of such claim found to be illegal and excessive. If any town, city, or village shall fail or refuse to allow such claim, the claimant may have and maintain an action against the same for the recovery of all money so unlawfully levied and collected of him. Every such claim shall be filed; and every action to recover any money so paid shall be brought within one year after such payment and not thereafter.

(2) In case any such town, city, or village shall have paid such claim or any judgment recovered thereon after having paid over to the county treasurer the state and county tax levied and collected as part of such unlawful tax, such town, city, or village shall be credited by the county treasurer, on the settlement with the proper treasurer for the taxes of the ensuing year, the whole amount of such state and county tax so paid into the county treasury with the county's and state's proportionate share of the taxable costs and expenses of suit; and the county treasurer shall also be allowed by the state treasurer the amount of state tax so illegally collected with the state's proportionate share of the taxable costs and expenses of suit and paid in his settlement with the state treasurer next after the payment of such claim or the collection of such judgment. If any part of such unlawful tax shall have been paid over to any school district before the payment of such claim or judgment, such town shall charge the same to such district with the proportionate share of the taxable costs and expenses of suit, and the town clerk shall add the same to the taxes of such school district in the next annual tax; provided, however, that no claim shall be allowed and no action shall be maintained under the provisions of this section unless it shall appear that the plaintiff has paid more than his equitable share of such taxes. [*Stats. 1919 s. 1164; 1921 c. 17 s. 86*]

74.74 Reassessment of plaintiff's taxes. (1) In any action for the recovery of any money paid as and for taxes levied either upon real or personal property, or both, if upon the trial it shall appear that the assessment upon which the taxes were so paid is void, the court, before entering judgment, shall continue the action for a sufficient time to permit a reassessment of the property affected by such void assessment, and such reassessment shall thereupon be made in accordance with the provisions of law. If from such reassessment when so made it shall appear that the sum or sums paid for taxes by the plaintiff are no greater than his equitable and just share of the taxes as so reassessed, judgment shall be entered for the defendant; and if from such reassessment it shall appear that the plaintiff has paid more than his equal and just share of the taxes judgment shall be entered in his favor for the excess only over such share. The validity of the reassessment herein provided for may be attacked and determined, and subsequent reassessments may be had as provided by section 75.54; provided, that such reassessment shall in all cases be made by the assessor of the assessment district wherein the property to be reassessed is situated.

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(2) If however, in any such action now pending or which may be begun hereafter the evidence enables the court to determine, with reasonable certainty, the amount of taxes which were justly chargeable against the lands involved in the action, the court, in its discretion, may proceed to judgment without staying proceedings or ordering a reassessment, if it finds that it is for the best interests of all parties to the action that it should do so. [*Stats. 1919 s. 1164a; 1921 c. 17 s. 87*]

74.75 Assessment and collection of special taxes. (1) FOR BRIDGES, TOWN HOUSES. Whenever the qualified electors of any town, at any legal meeting, shall have voted to raise money, for the purpose of building or repairing any bridge or town house or other special purpose, to the amount of one thousand dollars or upwards more than six months previous to the time for the completion and delivery to the town treasurer for collection of the next regular annual tax roll of such town the supervisors of such town may, in their discretion, require the clerk of such town to make out a tax roll by copying the last regular annual tax roll of said town, excepting the taxes specified therein, and upon the roll so made out to apportion and carry out the special tax so voted to be raised. The said clerk shall attach to said roll, when completed, a warrant in the usual form, excepting that such warrant shall require the treasurer to retain and pay out as town treasurer, according to law, the whole of the taxes collected by him by virtue thereof, and to make return of said warrant, with said roll annexed, to said town clerk with his doings thereon within sixty days.

(2) SPECIAL BOND. The town treasurer shall execute a bond to the supervisors of the town in a sum double the amount of such tax, with sureties, to be approved by the chairman of said supervisors, conditioned that he will faithfully account for and pay over according to law all moneys that shall come into his hands as such treasurer under and by virtue of said warrant.

(3) DUTY OF TREASURER. The clerk shall thereupon deliver said tax roll and warrant to the treasurer; and the said treasurer shall proceed to collect the same in the same manner that general taxes are collected.

(4) DELINQUENT TAXES, HOW COLLECTED. If the treasurer shall be unable to collect any part of said taxes he shall return to the town clerk a list of such delinquent and uncollected taxes under oath in the usual form; and the said clerk shall add such delinquent taxes to the taxes against the same property and persons in the next regular annual tax roll of such town, and the same shall be collected in the same manner as other taxes in said annual tax roll. [*Stats. 1919 s. 1164c, 1164d, 1164e, 1164f; 1921 c. 17 s. 88 to 91*]

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CHAPTER 75.

LAND SOLD FOR TAXES.

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75.01 Redemption in whole or in part. (1) The owner or occupant of any land sold for taxes or other person may, at any time within three years from the date of the certificate of sale, redeem the same or any part thereof or interest therein by paying to the county treasurer of the county where such land was sold, for the use of the purchaser, his heirs or assigns, the amount for which such land was sold and all subsequent charges thereon authorized by law, or such portion thereof as the part or interest redeemed shall amount to with interest on the amount of purchase money at the rate of ten per cent per annum from the date of such certificate, and all other taxes and charges thereon imposed subsequent to such sale and paid by such purchaser or his assigns prior to such redemption, with interest thereon at the rate of ten per cent per annum, vouchers or other evidence of the payment of which shall have been deposited with the county clerk or produced to such person seeking to redeem; but whenever any land sold for taxes shall be redeemed within six months after the sale thereof interest as aforesaid shall be paid for six months; and in all cases any such person may, in like manner, redeem any such lands or any part thereof or interest therein at any time before the tax deed executed upon such sale is recorded, and when so redeemed, such deed shall be void; provided, that when an application is made to the county treasurer to redeem from any tax sale any part or portion of any lot or parcel of land which was sold for taxes as a whole, but which is owned in severalty, said treasurer, before making a receipt for the redemption of such part or portion thereof, may ascertain by affidavits or by actual view the true proportion of taxes chargeable to the part or portion sought to be redeemed, and the amount so found shall be deemed to be the amount required for the redemption thereof. The provisions of this chapter relating to redemption, conveyance, rights of action, limitation and other proceedings

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shall apply to all swamp and overflowed lands which have been or may be contracted for sale by any county board.

(2) The rate of interest to be paid in any county on certificates of sale of lands sold for taxes may be changed at any annual meeting of the county board of such county to a rate not to exceed fifteen per cent per annum. The rate so fixed by any county board shall continue to be the rate in such county until changed by a succeeding county board. The interest to be paid on any such certificate at the time of redemption thereof shall be determined by the rate in force at the time such certificate was issued. [*Stats. 1919 s. 1165; 1921 c. 18 s. 2*]

75.02 Redemption from city tax sales. (1) The owner or occupant of any land sold for city taxes by the city treasurer of any city in this state, or any other person, may at any time within three years from the date of the certificate of sale, redeem the same, or any undivided interest therein, by paying to the city treasurer of the city where such land was sold, for the use of the purchaser, his heirs or assigns, the amount for which such land was sold, and all subsequent charges thereon authorized by law, or such portion thereof as the interest redeemed shall amount to, with interest on the amount of the purchase money at the rate of ten per centum per annum from the date of such certificate, and all other taxes and charges thereon imposed subsequent to such sale and paid by such purchaser, or his assigns prior to such redemption, with interest thereon at the rate of ten per centum per annum; and whenever any land sold for such city taxes shall be redeemed within six months after the sale thereof, interest as aforesaid shall be paid for six months; and in all cases any such person may in like manner, redeem any such lands, or undivided interest therein at any time before the tax deed executed upon such sale is recorded; but when so redeemed such deed shall be void.

(2) The rate of interest to be paid in any city on certificates of sale of lands sold for taxes may be changed by the common council at any regular meeting thereof to a rate not to exceed fifteen per cent per annum. The rate so fixed by any common council shall continue to be the rate in such city until changed by the common council. The interests to be paid on any such certificate at the time of redemption thereof shall be determined by the rate in force in such city at the time such certificate was issued, which rate shall be stated in such certificate.

(3) All acts or parts of acts, including the provisions of any city charter, which are contrary to the provisions of this section are repealed. [*Stats. 1919 s. 1165a; 1921 c. 18 s. 3*]

75.03 Redeeming lands of minors. The lands of minors or any interest they may have in lands sold for taxes may be redeemed at any time before such minors come of age and during one year thereafter; but no such redemption shall be construed as redeeming the interest of any other person in such lands. And the lands of idiots and insane persons so sold or any interest they may have in the same may be redeemed at any time during disability and during one year thereafter, and such redemption shall, in all the cases herein mentioned, be made in the manner provided in the preceding section. The heirs of any such minor who shall die after his title to such lands shall accrue and before the expiration of the time when, if he had lived, he might have redeemed the same, may also, if minors, redeem the interest of such minor in such lands within the time in which such minor could, if living, have redeemed the same; and if not minors they may redeem within one year from the time their title so accrues and within the time in which such minor could, if living, have redeemed the same. [*Stats. 1919 s. 1166; 1921 c. 18 s. 4*]

75.04 Redemption receipt and entries. Upon the redemption of any lands sold for taxes by payment to the county treasurer such treasurer shall execute to the person so redeeming a receipt specifying therein the name of the purchaser, the land redeemed and the amount of the redemption money paid on each parcel separately, and also in distinct items the whole amount of penalties and advertising fees on the parcels embraced therein and fees for said receipt; and such treasurer shall also enter on the sale list kept by him the name of the person redeeming, the sum paid therefor, exclusive of fees as aforesaid, and the time when paid; which receipt, before it shall be evidence of such redemption, shall be presented to the clerk of the same county and countersigned by him; and said clerk shall also make a similar entry in the sale list kept by him with that above required to be made by such treasurer, and before said receipt shall be delivered to the person so redeeming; but the county treasurer shall not be required to include in the same receipt of redemption lands sold in different years. [*Stats. 1919 s. 1167; 1921 c. 18 s. 5*]

75.05 Disposition of redemption money. The county clerk shall pay to the county treasurer all redemption money in his hands and hereafter he shall, upon demand of any person entitled to any redemption money in his hands, forthwith, issue an order upon the treasurer to pay the same to such person. All such money shall, after the expiration of

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six years from the date of the sale of the property, become a part of the general fund and be disbursed as other moneys belonging thereto. The legal holder of any certificate so redeemed may thereafter present the same to the county clerk who shall issue an order upon the county treasurer to pay the amount paid upon such redemption. [*Stats. 1919 s. 1168; 1921 c. 18 s. 6*]

75.06 Payment on lost certificates. Whenever any person claiming to be the owner of any certificate given by the county treasurer for lands sold for taxes shall have lost the same, or the same shall be wrongfully detained from him and the land therein described shall have been redeemed, he may exhibit to the county clerk evidence of such ownership, loss or detention; and upon his making it satisfactorily appear to such clerk that he is such owner and that the same is lost or wrongfully detained, and executing to him a bond with sufficient sureties, to be approved by him, conditioned that he will refund such redemption money, with ten per cent interest thereon if any other person shall thereafter show his right thereto, such clerk shall issue an order upon the county treasurer to pay such redemption money to such person. [*Stats. 1919 s. 1169; 1921 c. 18 s. 7*]

75.07 Redemption notices; publication. (1) Each county treasurer shall, at least six and not more than ten months before the expiration of the time limited for redeeming lands sold as aforesaid, cause to be published in a newspaper printed in the county in which said lands are located, a list of all unredeemed lands, specifying each tract or lot, the name of the person to whom assessed, if to any, and the amount of taxes, charges and interest, calculated to the last day of redemption, due on each parcel, together with a notice that unless such lands be redeemed on or before the day limited therefor, specifying the same, they will be conveyed to the purchaser; but it shall not be lawful for any such treasurer to publish any such list and notice in any newspaper in which the county treasurer is prohibited from publishing the list and notice he is required by section 74.33 to cause to be published.

(2) Before publishing such list such treasurer shall carefully compare the county treasurer's advertised list of lands to be sold for delinquent taxes with such treasurer's list of the same lands in his book of sales, and if upon such examination there be found any omission or erroneous description in said list, such parcel of land in the description of which the omission or error shall occur shall not be advertised for redemption, but he shall cancel the certificate of sale of said parcel and shall readvertise and sell the same at the next ensuing sale of land for unpaid taxes; provided, however, that if the number of the descriptions in the lists of lands to be advertised for redemption by the county treasurer shall exceed three thousand, he shall then let by contract the publication of such list to the lowest bidder upon a notice, written or printed, to be delivered to and left with the publisher or one of the publishers of each newspaper printed as aforesaid, at least ten days prior to the time at which such contract shall be let; and any county treasurer who shall wilfully refuse or neglect to perform any duty required by this section or who shall keep back and not report any unredeemed lands for the purpose of evading its provisions shall forfeit the full amount of the penalty of his official bond, one-half of which, when collected, shall be paid to the person prosecuting therefor and the residue into the treasury of the county for the use of the school fund; provided further, that no county treasurer shall be liable to any penalty for causing such publication to be made in a weekly newspaper published in such county for the length of time hereinbefore named prior to the date of his notice, when by reason of accident or other cause more than one week has intervened between the dates of the actual issue of such newspaper to subscribers, if such delay at any one time shall not have exceeded three days; but every such newspaper, for the purpose of this section shall be deemed to have been regularly published once in each week as hereinbefore provided. [*Stats. 1919 s. 1170; 1921 c. 18 s. 8*]

75.08 [*Repealed by 1921 c. 485 s. 2 and 1921 c. 590 s. 101*]

75.09 When and where posted. If no newspaper be published in such county the county treasurer shall also, at least three months previous to the time limited for the redemption of any lands sold for taxes, cause to be posted up copies of the list and notice specified in the preceding section in at least four public places in his county, one of which copies shall be posted up in some conspicuous place in his office. [*Stats. 1919 s. 1171; 1921 c. 18 s. 10*]

75.10 Mistake in notice. Whenever, by mistake or otherwise, such treasurer neglects or fails to include in his published list any such tract or tracts of land or to publish such list in accordance with the requirements of law, the same may be published at any time within two years after the expiration of said three years; such publication shall be made in the same manner and for the same time as prescribed in the preceding sections, and such treasurer shall specify in his notice accompanying such published list when the time for making redemption of such lands from such sale will expire, which time shall not

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be less than six nor more than ten months from the expiration of the full twelve weeks required for the aforesaid publication; and all deeds made upon such tracts of land after the expiration of said three years, shall after the expiration of such extended period of redemption, be as valid and effectual as if such publication had been made at the time required in such section. [*Stats. 1919 s. 1172; 1921 c. 18 s. 11*]

75.11 Compensation of printer. (1) The printer who shall publish the list and notice of the time when the redemption of land sold for the nonpayment of taxes will expire shall receive for all the insertions not to exceed twenty-five cents for each lot or tract of land in such list not exceeding one thousand, and fifteen cents for each lot or tract of land in such list exceeding one thousand, except that when the same is published under contract, as provided by law, he shall receive the compensation fixed by such contract and no more. The compensation paid for such publication shall in all cases be apportioned equally upon the several parcels of land advertised; and when such list and notice shall also be published in a newspaper published in any other than the English language, in pursuance of an order made by the county board in accordance with the provisions of subsection (4) of section 59.09, the compensation paid for such publication shall also be apportioned upon the several tracts of land advertised.

(2) When the list of lands above referred to shall not exceed one hundred parcels in number then the compensation for the publication of the same shall be at the rate of sixty cents per folio for the first insertion and thirty-five cents per folio for each subsequent insertion and the compensation for such publication shall be apportioned equally upon the several parcels of land advertised. [*Stats. 1919 s. 1174; 1921 c. 18 s. 12*]

75.12 Deed, notice of application for. (1) Whenever any lot or tract of land which has been or shall hereafter be sold for taxes shall have been in actual occupancy or possession of any person, other than the owner and holder of the certificate of such tax sale or some person holding under him, for the period of thirty days or more, at any time within the six months immediately preceding the time when the tax deed upon such sale shall be applied for, or whenever the records in the office of the register of deeds show that any lot or tract of land is incumbered by an unsatisfied mortgage and show the post-office address of the mortgagee or if the same has been assigned, the post-office address of the assignee, such deed shall not be issued unless a written notice shall have been served upon the owner or upon such occupant and upon such mortgagee or if said mortgage has been assigned then upon such assignee by the holder of such certificate at least three months prior thereto, stating that he is the owner of such certificate and setting forth the date thereof, and giving notice that after the expiration of three months from the service thereof such deed will be applied for. Notice to any mortgagee or assignee shall be given by registered letter addressed to such mortgagee or assignee at the post-office address of said mortgagee or assignee as disclosed by the mortgage records in the office of the register of deeds. The plaintiff in any action to foreclose a mortgage, having filed with the register of deeds a notice of the pendency thereof, may file a copy of such notice with the county clerk, who shall note such filing opposite the land therein described upon the book of tax sales; and every subsequent applicant for a tax deed of any such land shall give thirty days' notice, in the manner above prescribed, to such plaintiff or his attorney.

(2) An affidavit showing such service and specifying particularly the time and manner thereof shall be filed with the officer whose duty it shall be to issue such tax deed before such deed shall be issued; and in no case shall any tax deed be issued upon the certificate of the sale of land for the nonpayment of taxes except upon proof of the service of the notice as herein provided, when requisite, and if the land be not so occupied, proof filed with such officer that the land described in such certificate was not occupied or possessed for the period of thirty days, as hereinbefore specified. After proof of service of any such notice is filed it shall be necessary to pay, in order to redeem such lot or tract of land or any part thereof or interest therein, one dollar in addition for each such notice and proof. Every such notice may be served in the same manner as a summons in an action in the circuit court, except as herein otherwise provided, and the grantee in any tax deed, his heirs or assigns shall never recover or be entitled to receive from any county the amount due upon any certificate or certificates upon which such deed issued, or any part thereof, if such deed be set aside or declared void solely on the ground that the notice required by this section was not duly served, or that the proof of such service was insufficient, or that the affidavit as to the occupation or possession was not duly made or was insufficient. [*Stats. 1919 s. 1175; 1921 c. 18 s. 13*]

NOTE: Tax deeds issued in the year 1913 are validated by Laws 1913 c. 773 s. 117.

75.13 Curative act. If a proper affidavit of service of notice of land sold for taxes or a proper proof of nonoccupancy, in due form, as provided in section 75.12, has heretofore been filed either with the county clerk or with the county treasurer, the fact that

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such affidavit of service of notice or affidavit of nonoccupancy or such proof has not been otherwise filed shall not, after six months after the passage and publication hereof, be alleged or raised in any action or proceeding attacking or questioning the title of the person claiming an interest in said land growing out of the certificate of sale set forth in such notice or proof. [*Stats. 1919 s. 1175m; 1921 c. 18 s. 14*]

75.14 Deeds, execution of; rights under; evidence. (1) If any land sold for nonpayment of taxes shall not be redeemed as aforesaid the county clerk shall, after the expiration of the time prescribed by law for the redemption thereof, on presentation to him of the certificate of such sale and proof of service of notice upon the occupant or that the lands are unoccupied as prescribed in the preceding section, execute in the name of the state and of his county, as county clerk thereof, under his hand and the seal of the county, to the purchaser, his heirs or assigns, a deed of the land so remaining unredeemed, and shall acknowledge the same, which shall vest in the grantee an absolute estate in fee simple in such land, subject, however, to all unpaid taxes and charges which are a lien thereon and to redemption as provided in this chapter; and such deed duly witnessed and acknowledged shall be presumptive evidence of the regularity of all the proceedings, from the valuation of the land by the assessor up to and including the execution of the deed, and may be recorded with the like effect as other conveyances of land.

(2) The county clerk shall not issue a deed of any parcel of land until by carefully comparing the advertised sale list of lands for unpaid taxes and the advertised list of the same for redemption with the treasurer's list of said lands in his book of sales he shall find that the description of such parcel of land so to be conveyed has been correctly and fully published, both in such advertised list of sales and redemptions; and if upon such examination the county clerk shall find any error or omission in any such advertised description he shall enter opposite the description of said land in his book of sales a statement of the fact of such error or omission; and the county board shall in all such cases cause such certificate to be canceled and direct the county treasurer to correct the description thereof and readvertise and sell the same at the next ensuing sale of lands for unpaid taxes. [*Stats. 1919 s. 1176; 1921 c. 18 s. 15*]

NOTE: Tax deeds issued in the year 1913 are validated by Laws 1913 c. 773 s. 117.

75.15 Deed on lost certificate. Whenever any certificate given by the county treasurer for lands sold for taxes shall be lost or wrongfully withheld from the owner and such land shall not have been redeemed the county board may receive evidence of such loss or wrongful detention, and on satisfactory proof of the fact may cause a deed as aforesaid to be executed to such person as may appear to them to be the rightful owner of such certificate of the lands described therein; but no such deed, if wrongfully or improperly granted, shall be binding on the county in respect to any of its covenants, nor shall it vest any right, title or interest in the grantee or his assigns. [*Stats. 1919 s. 1177; 1921 c. 18 s. 16*]

75.16 Deed, by whom executed; form. All deeds of lands sold for the nonpayment of taxes hereafter executed shall be executed by the proper officer authorized by law to execute the same in the name of the state of Wisconsin, and of the proper county, city or village as the grantors therein, and shall be substantially in the following or other equivalent form:

To all to whom these presents shall come, greeting:

Whereas, ... (or assignee of ....) has deposited in the office of the county clerk of the county of ...., in the state of Wisconsin, a certificate (or certificates) of the (here name the officer making the sale) of said county, whereby it appears, as the fact is, that the following described piece (or pieces) or parcel (or parcels) of land lying and being situated in the county of ...., to wit: (Here describe the lands) was (or were), for the nonpayment of taxes, sold by the (here name the officer making the sale) at public auction at ...., in the county of ...., on the .... day of ...., in the year of our Lord one thousand nine hundred and ...., to the said .... for the sum of .... dollars and .... cents, in the whole, which sum was the amount of taxes assessed and due and unpaid on said tract (or several tracts) of land, together with the costs and charges of such sale due therewith at the time of making such sale, the whole of which sum of money has been paid by the aforesaid purchaser (or purchasers); and whereas it further appears, as the fact is, that the owner (or owners) or claimant (or claimants) of said land has (or have) not redeemed from said sale the lands which were sold as aforesaid, and said lands are now unredeemed from such sale, whereby said described lands have become forfeited and the said purchaser, his (her or their) heirs or assigns is (or are) entitled to a conveyance thereof:

Now, therefore, know all men by these presents that the county of ...., in said state, and the state of Wisconsin, in consideration of the said money aforesaid and the premises,

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and in conformity to law, have given and hereby do give, grant and convey the tract (or several tracts) of land above described, together with the hereditaments and appurtenances, to the said .... and to his (or her or their) heirs and assigns, to their sole use and benefit forever.

In testimony whereof, I, ..., the (here designate the officer) of the county of ...., have executed this deed pursuant to and in virtue of the authority in me vested by the statutes of the state of Wisconsin, and for and on behalf of said state and the county of .... aforesaid, and have hereunto subscribed my name officially and affixed the seal of the said .... (name it), at .... in said county of ...., this .... day of ...., in the year of our Lord one thousand nine hundred and .....

[L. S.]

A. B.
(Here give official designation.)

Done in presence of

....

....

[*Stats. 1919 s. 1178; 1921 c. 18 s. 17*]

75.17 Execution of deeds by city or village. In all cases hereafter of conveyance of land for nonpayment of taxes due to any incorporated city or village in this state, under the provisions of the act or acts authorizing such city or village to assess and collect taxes, the deed executed shall conform as near as may be to the above form; shall be executed in the name of the state of Wisconsin and in the corporate name of such city or village as grantor, and shall be sealed with the corporate seal of such city or village. [*Stats. 1919 s. 1179; 1921 c. 18 s. 18*]

75.18 New deeds in place of void ones. When any deed or instrument in writing intended to be a deed shall have been made for the nonpayment of taxes no other deed shall be issued or made therefor to any person except upon the following conditions: If such taxes shall remain unpaid and such deed shall be void for noncompliance with section 75.12, or informal and insufficient, and the grantee therein named, his heirs or assigns shall, within three years after the recording thereof and before any other deed upon a subsequent sale of the same land for the nonpayment of taxes shall have been issued to some other person, present such void, informal or insufficient deed or a certified copy of the record thereof together with sufficient proof that he is such grantee, heir or assignee, and that he has not conveyed such land the proper county clerk or other proper officer shall execute to such grantee, his heir or assignee another deed of said land which shall recite the fact of the issuing of such void, informal or insufficient deed, with a statement of the volume and page wherein recorded and that the taxes on account of the nonpayment of which it was issued remain unpaid; and such deed duly acknowledged and recorded shall be presumptive evidence of title to the land therein described; but no such new deed shall be issued until notice of the application therefor shall be published in a newspaper printed in the county wherein such lands are situated or until personal service of such notice upon all persons interested in such lands, at least thirty days before such deed shall be issued; and the issuing of such new deed shall not extend in favor of the grantee therein, or his heirs or assignees the limitation which would have begun to run against him on such first deed if it had not been void, informal or insufficient. [*Stats. 1919 s. 1180; 1921 c. 18 s. 19*]

75.19 Foreclosure of certificates. The holder of any tax certificate may, at his option, in lieu of taking a tax deed, at any time after three years from the date of such certificate, and before he would be debarred from demanding a tax deed thereon, foreclose the same by action as in a case of a mortgage upon real estate; and all the laws and rules of practice relating to the foreclosure of mortgages, as to the persons necessary and proper to be made parties, as to pleading and evidence, the judgment of foreclosure and sale thereunder, the right of the plaintiff to be subrogated to the benefit of all liens upon the premises by him necessarily satisfied in order to save the lien of his certificate, the right of the defendants or any of them, to redeem the premises at any time before sale, and as to costs and disbursements, including the necessary expenses for an abstract of title, shall, so far as they are applicable, prevail in such actions; provided, that when costs are allowed to the plaintiff, such costs, exclusive of disbursements, shall be discretionary with the court, but shall not exceed the amount of the face of the certificate or certificates embraced in such action, and such costs when allowed, shall be an additional lien upon the property described in such certificates, provided further, that the defendant may in all cases within the time limited by law for answering the complaint, execute and deliver to the plaintiff or his attorney a quitclaim deed of the lands described in the complaint, conveying all the right, title and interest of such defendant at the time of the commencement of the suit; or may, within such time, either after having delivered such deed or

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without such delivery, answer disclaiming any title to the lands in question at the time of the commencement of the suit, in either of which cases the plaintiff shall not recover costs personally against any such defendant who quitclaims as aforesaid or who shall establish such disclaimer upon the trial of such action. The plaintiff in such action, may include in one action, all the certificates he holds upon the same tract of land; and the sale in such actions shall be conducted, certificates thereon made and filed, the report made and confirmed and a deed thereon executed and delivered, in like manner and with like effect as in case of actions for foreclosure of mortgages; but a foreclosure and sale under the provisions of this section, shall not limit or in any manner affect the right of redemption by a minor, idiot or insane person, as provided in section 75.03. [*Stats. 1919 s. 1181; 1921 c. 18 s. 20*]

75.20 Limitation on actions and issue of deeds. From and after six years from the day of sale of any lands or lots heretofore or hereafter sold for the nonpayment of taxes by any officer of any county, city or village no deed shall be issued on the certificate or certificates issued on such sale and no action shall be commenced thereon; but such limitation shall not apply to certificates issued to and owned by counties or municipal corporations or to their assigns until the expiration of six years from the date of the assignment of such certificate by such county or municipal corporation; provided, no deed shall be issued or action maintained on any certificate whatever after fifteen years from the day of sale. When the issuing of a deed on a tax certificate or certificates or the commencement of an action thereon shall be stayed by injunction the time of the continuance of such injunction shall not be a part of the time above limited for the issuing of such deed or for the commencement of such action. [*Stats. 1919 s. 1182; 1921 c. 18 s. 21*]

75.21 Limitation on special certificates. From and after six years from the date of any street commissioner's certificate or comptroller's certificate or other special tax certificate issued or to be issued by the proper officer or officers of any city or village in this state, and denoting a charge against any lot or parcel of land in such city or village for a special tax or assessment thereon, no action, either at law or in equity, shall be maintained on such certificate. [*Stats. 1919 s. 1183; 1921 c. 18 s. 22*]

75.22 Tax sales; void; refund; immaterial errors. If after the sale or conveyance of any lands sold for the nonpayment of taxes and within the time hereinafter prescribed it shall be discovered that the sale or the certificate issued thereon was invalid, the county board shall make an order, briefly stating the reason therefor, directing that the money paid for such certificate on the sale, and all subsequent charges thereon, and all subsequent taxes paid on the lands described therein by the purchaser or his assigns, be refunded with interest to such purchaser or his assigns, upon the delivery of the certificate or deed to be canceled; and if the county treasurer shall, in pursuance of such order, offer to the person entitled thereto his money as aforesaid, and he shall refuse to receive the same and cancel the certificate or deed, he shall not be entitled to receive any interest on the money so paid by him after the day of such offer and refusal; nor shall any recovery ever be otherwise had against the county on such deed or certificate. But no sale, certificate, or conveyance shall be deemed invalid within the meaning of this section by reason of any mistake or irregularity in any of the tax proceedings not affecting the groundwork of the tax; nor shall any county be liable to pay or refund any moneys by reason of any such mistake or irregularity. [*Stats. 1919 s. 1184; 1921 c. 18 s. 23*]

75.23 Canceled deeds, certificates of county clerk. Whenever the county board shall order the cancellation of any tax deed, the county clerk shall furnish to the owner of the lands described in such deed, upon request therefor, a certificate in writing, executed under his hand and official seal, stating the fact of such cancellation, the date thereof, the description of the lands as to which such deed is canceled, the date of such deed, the date of the sale upon which such deed is based and the reason for such cancellation. Such certificate may be recorded in the office of the register of deeds of the county where the lands therein described are located, and such record shall be prima facie evidence of the facts therein stated and of the cancellation of the tax deed therein mentioned as to the lands therein described. [*Stats. 1919 s. 1184a; 1921 c. 18 s. 24*]

75.24 Limitation, claims under illegal deed or certificate. Every action brought or claim presented against any county or other municipal corporation for the recovery of any sum of money on account of any defective or void tax certificate or tax deed made or issued by any such county or municipality shall be commenced or presented within six years from the date of such certificate on which such deed was issued; but such limitation shall not begin to run on a certificate issued to such counties or municipalities until the date of the assignment made by them; and whenever an action relating to the validity of a tax certificate or tax deed shall have been commenced within the time above limited and a final judgment shall not be rendered in such action until after the expiration of the

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time so limited, in such case an action may be commenced or claim presented on account of such certificate or deed within one year after final judgment declaring the same void. [*Stats. 1919 s. 1185; 1921 c. 18 s. 25*]

75.25 Reassessment for money refunded. If the county board, on making an order directing the refunding of money on account of the invalidity of any tax certificate or tax deed, shall be satisfied that the lands described in such certificate or deed were justly taxable for such tax or some portion thereof; or, when the treasurer shall have withheld from sale any delinquent lands under the provisions of section 74.39, they shall be satisfied that such lands were justly taxable for such tax or some portion thereof, they shall fix the amount of such tax justly chargeable thereon on each parcel thereof, and direct the same to be assessed in the next assessment of county taxes, with interest thereon at the rate of ten per cent per annum from the time when such tax was due and payable to the end of the year in which such tax will be levied; and the county clerk, in his next apportionment of county taxes, shall charge the same as a special tax to the town, city or village in which such lands are situated, specifying the particular tract of land upon which the same are to be assessed and the amount chargeable to each parcel and the year when the original tax was assessed, and certify the same to the clerk of the proper town, city or village; and the clerk receiving such certificate shall enter the same on the tax roll accordingly. [*Stats. 1919 s. 1186; 1921 c. 18 s. 26*]

75.26 Limitation (1) GRANTEE IN DEED. No action shall be maintained by the grantee or any one claiming under him to recover the possession of any land or any interest therein which shall have been conveyed by deed for the nonpayment of taxes unless such action shall be brought within three years next after the date of the execution of such deed; or if such land demanded shall be, when so conveyed, vacant and unoccupied and so remain, unless such action be brought within three years next after the date of the recording of such deed, or unless such grantee or those claiming under him shall have been in actual, not constructive, possession of the land so demanded for three successive years during the five years next after the recording of such deed; provided, however, that if the former owner takes possession of any such land at any time within three months of the expiration of three years from the date of the execution of such deed, then and in such case the grantee in such tax deed or those claiming under him may bring and maintain an action to recover possession of said land at any time within three months next after the expiration of said three years.

(2) TAX DEED VOID, WHEN. Whenever the original owner, or any one claiming under him, of lands which have been conveyed by deed for the nonpayment of taxes, shall continue to pay the taxes upon such lands, and shall pay the taxes assessed against said lands continuously for five years next after the execution of such tax deed, without actual notice of the existence of such tax deed, said tax deed shall be void and of no effect. [*Stats. 1919 s. 1187; 1921 c. 18 s. 27*]

75.27 Limitation on former owner. No action shall be maintained by the former owner or any person claiming under him to recover the possession of any land or any interest therein which shall have been conveyed by deed for the nonpayment of taxes or to avoid such deed against any person claiming under such deed unless such action shall be brought within three years next after the recording of such deed. Whenever any such action shall be commenced upon any tax deed heretofore or hereafter issued after the expiration of three years from the date of the recording of such deed, unless such action shall be brought by a person who was a minor at the time the right of action shall accrue as aforesaid, such deed, if executed substantially in the form prescribed by law for the execution of tax deeds, shall be conclusive evidence of the existence and legality of all proceedings from and including the assessment of the property for taxation up to and including the execution of such deed. [*Stats. 1919 s. 1188; 1921 c. 18 s. 28*]

75.28 Application of section 75.27. (1) The limitation for bringing actions as provided in section 75.27 shall not apply to any person who shall be a minor at the time the right of such action shall accrue, but such minor may bring such action or actions after the time limited at any time during his minority and within one year thereafter; nor shall such limitation nor any other limitation in favor of a tax deed or a tax certificate, except in case of actual possession founded on a tax deed, apply where the taxes, for the nonpayment of which the land was sold and the tax deed executed, were paid prior to the sale, or where the land was redeemed from the operation of such sale as provided by law or where the land was not liable to taxation; nor shall such limitation apply where a single tax deed only has been issued and the original owner has, before the issuance of such tax deed, paid all taxes levied against the land for the three years ensuing after the year for which the land was returned delinquent and sold, except as herein provided.

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(2) The tax deed grantee or his assigns may, at any time after the tax deed is issued and recorded, serve a notice on the owner of record of the original title, stating that he holds a tax deed on the land of such original owner and giving a description of the land so deeded and a reference to the volume and page where such deed is recorded, which notice shall be served in the same manner as a summons in a court of record and proof of which service shall be filed in the office of the county clerk of the county in which the lands are situated. If the owner of record of the original title is a nonresident of this state, or his residence is unknown, or is a foreign corporation, such tax deed grantee, or his assigns, may, upon making and filing in the office of such county clerk an affidavit showing that he is unable, with due diligence, to make service of such notice upon such former owner within the state and also showing the post-office address of such former owner, or that he is unable after due diligence, to ascertain it, publish such notice in a newspaper published in the county where the land described in the tax deed is located, once a week for six successive weeks and proof of such publication shall be filed in the office of such county clerk.

(3) If such notice be served and filed or such notice published and proof of publication filed thirty days or more before the expiration of three years from the date of recording the tax deed, the limitation provided by section 75.27 shall apply. If such notice is not so served and filed, or published and proof filed, the limitation provided by said section 75.27 shall be extended until the expiration of thirty days from and after the day such notice is served and filed or published and proof filed. In any action brought by the original owner to set aside such tax deed after the service or publication and filing of the notice aforesaid, the original owner, in case he prevails, shall as a condition of relief pay to the tax deed claimant the sum of five dollars for each description and the costs of serving or publishing the aforesaid notice, in addition to all other costs and charges now provided for by law. The provisions of law regulating costs and charges for the service of a summons in a court of record shall apply to and govern the amount that may be charged for the service or publication of such notice. [*Stats. 1919 s. 1189; 1921 c. 18 s. 29*]

75.285 Action; condition precedent. No action or proceeding shall be maintained by the former owner or any person claiming under him, based upon the invalidity of any tax certificate or tax deed due to the failure of the county treasurer heretofore or hereafter to publish or post any notice for the sale of delinquent taxes on land, unless within thirty days prior to the commencement of such action, tender shall be made to the owner of such tax certificate or tax deed, of the amount of the taxes, charges and interest due and the owner of such certificate or deed shall fail to release or transfer same. If the owner of any certificate or deed shall give notice in the manner prescribed in the preceding section and the original owner shall fail to redeem after a period of sixty days by depositing with the owner of such certificate or deed or the county treasurer, for the benefit of such tax certificate or tax deed owner, the amount of the taxes with interest and charges together with the costs of executing a release or transfer of such certificate or deed, then the limitation prescribed in section 75.27 shall apply and no action or proceeding herein referred to shall be maintained. [*1921 c. 485; 1921 c. 590 s. 100*]

75.29 Actions of ejectment, when barred. No action to quiet title, remove a cloud on title, to cancel, annul or set aside any tax deed, nor of ejectment, trespass, waste or for other injury to land shall be brought as to lands purporting to be conveyed by tax deed void on its face after the expiration of three years from the time of the recording of such deed. Provided, that the limitation herein declared shall not apply unless the original owner or those claiming under him shall have failed to pay or redeem all the taxes levied upon such lands from the time of the levy of the tax for the nonpayment of which the tax deed was issued to the time of the recording of the tax deed, nor unless the grantee in the tax deed or those claiming under him shall have paid or redeemed all the taxes levied upon such lands for three successive years next after such recording. [*Stats. 1919 s. 1189a; 1921 c. 18 s. 30*]

75.30 Action by original owner where deed void, when barred. No action shall be brought by the original owner for the recovery of lands purporting to be conveyed for the nonpayment of taxes by a deed void on its face after the expiration of five years from the date of the recording of the tax deed, in cases where the grantee in the tax deed shall have taken actual possession of such land within two years after such recording and shall have actually and continuously maintained such possession to the end of such period of five years. [*Stats. 1919 s. 1189b; 1921 c. 18 s. 31*]

75.31 "Possession" defined. What shall constitute a possession of lands within the meaning of sections 75.26 to 75.30 and the extent of such possession shall be governed

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by the rules prescribed for determining an adverse possession by a person claiming title founded upon a written instrument. [*Stats. 1919 s. 1190; 1921 c. 18 s. 32*]

75.32 Taxation and sale of lands held by counties. Real property upon which the county holds any certificate of tax sale shall continue liable to taxation and to sale for unpaid taxes, and the county shall be the exclusive purchaser at the sale; but when a tax deed shall be issued to the county and it shall hold tax certificates of sale unredeemed on the same property for two successive years subsequent to the date of the sale on which such deed shall issue, including certificates of sale made prior to the passage of these statutes, such property shall thereafter be exempt from taxation until the same is sold by the county. The county clerk shall annually, before the first day of June, furnish to the assessors of each town a list of the lands in such town exempt under this section. Nothing in this section shall be so construed as to apply to lands owned by minors, idiots or insane persons. [*Stats. 1919 s. 1191; 1921 c. 18 s. 33*]

75.33 Evidence as to county lands; minors. Whenever in any action it shall become material to any party to show that the title to any tract of land is vested in any county, under chapter 132 of the general laws of 1866, by having been bid in for such county for five successive years on sales for taxes and that the same remains unredeemed, the statement of such sales made by the county treasurer, or the record of such statement in the book kept for that purpose in his office, or the certificates of such sales executed by such treasurer to the county shall be prima facie evidence of the regularity of the tax proceedings from and including the valuation of any such tract of land up to and inclusive of the sale thereof and of the existence of all conditions precedent in any way affecting the validity of such sales, or requisite to make the title of such land absolutely vest in the county in which the same is situate; provided, nothing herein shall be so construed as to apply to any such lands if it shall be made to appear that they were owned at the time of such sales by minors or persons who were non compos mentis, insane or under guardianship. [*Stats. 1919 s. 1191a; 1921 c. 18 s. 34*]

75.34 Sale of certificates by counties. (1) The several county treasurers, when no order to the contrary shall have been made by the county board, shall sell and transfer, by assignment, any tax certificates held by the county to any person offering to purchase the same for the amount for which the land described therein was sold, with interest thereon at the rate of fifteen per cent per annum; but every such sale shall include all certificates in the hands of such treasurer on the same lands.

(2) No county board shall, at any session thereof, sell, convey or transfer, or order or direct the sale, conveyance or transfer of any tax certificates owned or held by the county at less than the face value thereof unless such board shall have previously directed the county clerk to give notice of their intention so to do by publication thereof for four successive weeks in some newspaper published in the English language in such county and having a general circulation therein, and such notice has been so given. Any and all sales, conveyances or transfers of such tax certificates made in violation of these provisions shall be null and void. [*Stats. 1919 s. 1192; 1921 c. 18 s. 35*]

75.35 Terms of sale. The county board may, by an order to be entered in its records prescribing the terms of sale, authorize the county clerk or the county treasurer to sell and assign the tax certificates held or owned by the county, and also the county clerk to sell and convey by quitclaim deed, duly executed and delivered by such clerk under his hand and the county seal of such county, any such lands for which a deed has been executed to such county as provided in the next section. [*Stats. 1919 s. 1193; 1921 c. 18 s. 36*]

75.36 Deeds to county. When any lands upon which the county holds a tax certificate shall not be redeemed as provided by law the county clerk shall execute to the county, in his name of office, a deed therefor, witnessed, sealed and acknowledged and in like form as deeds to individuals; and such deeds shall have the same force and effect as deeds executed by such clerk to individuals for lands sold for the nonpayment of taxes; but no such deed shall be issued until the county board shall, by resolution, order the same. [*Stats. 1919 s. 1194; 1921 c. 18 s. 37*]

75.37 Waste on land sold; distress; claim against county. (1) It shall be unlawful for any person or corporation to cut or remove any logs, wood or timber from any land sold for the nonpayment of taxes while such taxes remain unpaid; and if any person shall cut or remove any logs, wood or timber from such lands during the time aforesaid the county treasurer of the county in which such lands are situated, in cases where the tax certificate is the property of the county, shall issue a warrant under his hand and seal to the sheriff, giving therein a description of such lands, the amount of such taxes, with interest and charges thereon then remaining unpaid and the years for which the same are unpaid, commanding such sheriff forthwith to seize such logs, wood or timber wherever

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the same may be found and to sell the same or a sufficient amount thereof to satisfy such taxes, with the interest and charges thereon and the costs of such seizure and sale.

(2) The sheriff shall receive such warrant and execute the same as therein directed, as in case of levy and sale on execution, and make return thereof with his doings thereon to the county treasurer within sixty days after the receipt of the same, and pay over all money collected thereon to such treasurer; provided, however, that no certificates shall be sold by the county treasurer, in cases where warrants have issued, unless the party applying to purchase the same shall pay all costs and charges incurred in the issuing and execution of said warrant. In case the tax certificate is not owned by the county the owner thereof shall have a lien upon any and all logs, wood and timber so cut or removed from the lands to the amount of the tax certificate held by him against the same, together with all interest and charges thereon then remaining unpaid, and shall have the right to seize such logs, wood and timber wherever the same may be found and to sell the same or a sufficient amount thereof to satisfy such taxes, with interest and charges thereon and the cost of seizure and sale, rendering any surplus upon such sale to the owner of the lands. No tax certificate holder who shall so cut or remove any logs, wood or timber upon any lands described in his certificate shall have any claim against the county under the provisions of section 75.22. [*Stats. 1919 s. 1195; 1921 c. 18 s. 38*]

75.38 Fees for deeds and certificates. The county clerk shall collect as fees for every deed of land issued upon a tax sale, when such deed shall include lands in contiguous tracts not exceeding one hundred and sixty acres, seventy-five cents; and for every additional tract therein described, five cents, and also the expenses of advertising incurred under the provisions of section 75.11. For every certificate of redemption, twenty-five cents for one tract and five cents for each additional tract described therein, to be paid by the person to whom such deed or certificate is issued, and the clerk issuing such deed or certificate shall include therein so many parcels of land bid off, owned or redeemed by any person as he may desire. The county treasurer shall collect as fees five cents for countersigning every certificate of redemption, and for every certificate of sale twenty-five cents, to be paid by the person to whom such certificate is issued, and the sum so paid for such certificate of sale shall be added to the sum for which such lands were sold and included in the certificate issued, and when the lands are bid in for the county the like sum for fees shall be included in each certificate issued on the lands so bid in. [*Stats. 1919 s. 1196; 1921 c. 18 s. 39*]

PROCEEDINGS TO BAR ORIGINAL OWNERS.

75.39 Actions, when barred. The grantee named in any deed made by a county clerk or the treasurer of any incorporated city or village on the sale of lands for the nonpayment of taxes as provided by law, his heirs, executors, administrators or assigns may, at any time within three years after the date of such conveyance, commence an action against the person or persons owning the lands described in such conveyance at the time of making the sale upon which such conveyance was made, or any parcel thereof or interest therein, or against any person or persons claiming under such owner or owners, for the purpose of barring such former owner or owners and those claiming under them of all right, title, interest or claim in such lands; but no such action shall be commenced on any such deed issued in lieu of a void, informal or insufficient deed unless the same be commenced within three years after the date of such void, informal or insufficient deed. [*Stats. 1919 s. 1197; 1919 c. 18 s. 40*]

75.40 Action, where and how brought. Such action must be brought in the circuit court of the county in which the lands or some parcel of them, the title of which is sought to be barred by such action, are situated; and the plaintiff in such action may include in his complaint all the lands described in such conveyance, or any separate parcel, or as many separate parcels thereof as he shall see fit; and he shall make defendants all persons who were the former owners of the several parcels of land included in his complaint or those claiming under them or claiming any interest therein. [*Stats. 1919 s. 1198; 1921 c. 18 s. 41*]

75.41 Complaint. The plaintiff in such action shall set forth in his complaint a description of all the lands the title to which is sought to be barred by such action; that he claims title to such lands under a deed made by a county clerk or the treasurer of an incorporated city or village, and set forth therein a copy of such deed; he shall also set forth the name or names of the former owner or owners of the several tracts of land described therein or the names of the persons claiming under such owner or owners, specifying the persons claiming each separate parcel thereof, and the amount of all taxes paid by him, including redemptions; and if such plaintiff have more than one such deed upon any parcel of land mentioned in such complaint, upon which he might bring such

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action, he shall set forth in such complaint a copy of each such deed, but as a separate cause of action. [*Stats. 1919 s. 1199; 1921 c. 18 s. 42*]

75.42 Defense, answer. (1) The defendants in such action may answer severally, or such of them as are jointly interested in any separate parcel or parcels of land described in the complaint may answer jointly, either to the whole complaint or to any separate cause of action stated therein, that the action thereon was not commenced within the time limited by section 75.39; that the lands described in such complaint or some part or parts thereof to which the defendant or defendants so answering claim title or some interest therein were not liable to taxation at the time the tax for the nonpayment of which the land was sold and conveyed as specified in the complaint was levied; or that the tax for the nonpayment of which said lands purport to be sold was in fact paid before such sale; or that the land was redeemed from such sale as provided by law; or that the title to said land has become vested adversely to the plaintiff in the action under and by virtue of another tax deed; or that the deed, a copy of which is set forth in the complaint, was never executed by the officer whose name is subscribed thereto; or that the lands described in the complaint or some part thereof were in the actual occupancy or possession of the defendant, his agent or tenant, or of some other person through whom he claims title for the period of thirty days or more at some time within six months immediately preceding the expiration of redemption or the six months immediately preceding the time when the deed or deeds mentioned in the complaint were taken, and that no written notice was served on the defendant or owner or occupant of said lands by the holder of the tax certificate or certificates on which such tax deed or deeds were issued three months prior to the issuing of said deed, as required by section 75.12; and no other defense to such action shall be set up by any defendant or defendants unless the defendant or defendants setting up the same shall, at the time of filing the answer, deposit with the clerk of the court in which such action is pending, for the use of the plaintiff in such action, the sum for which the parcel or parcels of land as to which they defend were sold, together with interest thereon at the rate of fifteen per cent per annum from the date of the certificate of sale for taxes upon which such deed was issued; and also all such sums as shall have been paid by the plaintiff for subsequent taxes on such parcel or parcels, with interest thereon from the time of payment at the rate of fifteen per cent per annum to the time of making such deposit; and shall state in the answer the fact that such deposit has been made, and the amount thereof, and that such defendant is ready to pay such portion of the costs and disbursements in the action as shall be adjudged just and reasonable, in case the plaintiff shall elect to receive such deposit and release to said defendant or defendants the parcel or parcels of land on account of which such deposit is made; and any defendant or defendants making the deposit and offer aforesaid may set up in their answer any other matter of defense which will avoid such deed; but no answer merely alleging the defendant's title, or denying the plaintiff's title to the lands described in such complaint, or any part or parcel thereof, or which merely alleges that the deed to the plaintiff is void shall be a sufficient answer; but every answer shall state specifically the grounds on which the defendant or defendants rely for avoiding the deed of the plaintiff.

(2) The defendant may, in all cases within the time limited by law for answering the complaint, execute and deliver to the plaintiff or his attorney a quitclaim deed of the lands described in the complaint, conveying all the right, title and interest of such defendant at the time of the commencement of the suit; or may, within such time, either after having delivered such deed or without such delivery, answer disclaiming any title to the land in question at the time of the commencement of the suit, in either of which cases the plaintiff shall not recover costs personally against any such defendant who quitclaims as aforesaid or who shall establish such disclaimer upon the trial of such action. In no case shall costs be taxed as a personal claim against any defendant for attorney's fees in excess of twenty-five dollars. [*Stats. 1919 s. 1200; 1921 c. 18 s. 43*]

75.43 Election to receive deposit; costs. The plaintiff may, at any time within twenty days after receiving an answer showing that a deposit has been made by any defendant or defendants as provided in the preceding section, give notice to such defendant or defendants that he elects to receive such deposit and that he will, at a time specified in such notice, apply to the clerk of the circuit court, circuit judge or a court commissioner to adjust the costs and disbursements which said defendant or defendants ought to pay, and that upon the payment of the costs and disbursements so adjudged he will release to such defendant or defendants all right, title and claim which he has to the parcel or parcels of land on account of which such deposit is made by virtue of any sale or deed made for the nonpayment of taxes; and unless such costs are paid within twenty days after the same shall have been so adjusted the clerk of the court shall, upon presentation to him of an affidavit showing the nonpayment thereof, enter judgment therefor

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in favor of the plaintiff and against the defendant, which shall be enforced as other money judgments. [*Stats. 1919 s. 1201; 1921 c. 18 s. 44*]

75.44 Release. On the payment of the costs by such defendant or defendants or the collection thereof the said plaintiff shall execute a release to said defendant or defendants of all such right, title, interest or claim in said parcel or parcels of lands, duly acknowledging the same, and deliver it to the said defendant or defendants; and thereupon said action shall be discontinued as to the said parcel or parcels of land so released. [*Stats. 1919 s. 1202; 1921 c. 18 s. 45*]

75.45 Deed as evidence. In any action maintained under the provisions of this chapter the production of a deed, a copy of which is set forth in the complaint substantially in the form prescribed by law or a certified copy of the record thereof, shall be presumptive evidence of an absolute title in fee simple in the grantee therein named, his heirs or assigns in and to the land therein described. [*Stats. 1919 s. 1203; 1921 c. 18 s. 46*]

75.46 Trial; defendant's interest. All issues of fact and of law joined in any such action shall be tried by the court unless the court shall otherwise direct or unless a party to an issue of fact in any such action shall demand a trial by jury, in which case such issues shall be tried by jury as other issues of fact; and on the trial of every such action every defendant shall be deemed to have a redeemable interest in all the lands described in the plaintiff's complaint in respect to which any relief or judgment is sought against such defendant, unless it be otherwise alleged therein. [*Stats. 1919 s. 1204; 1921 c. 18 s. 47*]

75.47 Separate trials. The trial of any issue of fact or of law in such action joined with any defendant or defendants claiming title to and defending as to any separate parcel or parcels of land shall be had separately and a separate judgment may be rendered on such issue. [*Stats. 1919 s. 1205; 1921 c. 18 s. 48*]

75.48 Effect of judgment. If a judgment shall be rendered either for want of an answer or upon the trial of an issue of law or fact in favor of the plaintiff and against the defendants claiming such lands or against a defendant or defendants claiming any separate parcel or parcels thereof, such judgment shall forever bar such defendants and all others claiming under them, after the filing of a notice of the pendency of such action as provided by law, from all right, title or interest in said lands or in such separate parcel or parcels thereof. [*Stats. 1919 s. 1206; 1921 c. 18 s. 49*]

75.49 Judgment for defendant. If in any such action judgment be rendered in favor of any defendant claiming any parcel or parcels of said lands or interest therein, such judgment shall adjudge that there be released to such defendant all the plaintiff's right, title or claim, at the time of the commencement of the action, by virtue of any sale or deed made for the nonpayment of taxes to the land or interest as to which such judgment is rendered, and that the defendant recover his costs and disbursements in the action; and the money, if any, deposited by such defendant upon answering shall be applied in payment of such costs, and the surplus of such deposit, if any, shall be paid to the plaintiff. [*Stats. 1919 s. 1207; 1921 c. 18 s. 50*]

75.50 Unknown owners, minors, idiots. If the plaintiff in such action cannot ascertain who are the proper persons to make defendants as to any tract or parcel of land described in his complaint he may allege the fact in his complaint and they may be proceeded against as nonresident defendants and shall be described in the proceedings as unknown owners; but no judgment rendered against such unknown owners shall affect the right, title or interest of any minor, idiot or insane person whose right of redemption had not expired at the time of the commencement of such action. [*Stats. 1919 s. 1208; 1921 c. 18 s. 51*]

75.51 Action to be dismissed as to minors. If any defendant in any such action was the owner of any of the lands described in the plaintiff's complaint at the time the same was sold for nonpayment of taxes thereon and a minor, and he shall not have arrived at the age of twenty-two years, or an idiot or insane person and five years shall not have elapsed since the sale on which such deed was issued at the time of the commencement of such action, the same shall be dismissed as to such defendant; and no judgment in any such action shall bar the rights of any such minor, idiot or insane person so owning such lands. [*Stats. 1919 s. 1209; 1921 c. 18 s. 52*]

75.52 Judgment a bar, when. No such action shall be commenced by any person under the provisions of this chapter after a judgment shall have been rendered against him in any action founded on such tax deed commenced by him or those under whom he claims for the recovery of the possession of the lands described in such deed or any part thereof, nor after a judgment shall have been rendered against him in an action

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brought by the former owner to recover possession of the lands described in such deed or any part thereof. [*Stats. 1919 s. 1210; 1921 c. 18 s. 53*]

REASSESSMENT OF SPECIAL ASSESSMENTS.

75.53 How and when; issue; appeal; costs. (1) If, in any action now pending or hereafter brought to set aside or vacate any special assessment made by the proper authorities of any city against property for opening, widening or extending any street or alley or part thereof, or for grading, graveling, macadamizing, paving or repaving any street or alley or part thereof, or making any other improvement thereof, or for constructing any sewer in any city, or to set aside or vacate any special assessment certificate, tax sale or tax-sale certificate based upon such special assessment, the court shall be of the opinion, after a hearing in that behalf had, that such assessment is invalid by reason of a defective or void assessment of benefits and damages, it shall stay all proceedings in such action until a new assessment thereof is had in the manner hereinafter mentioned. Thereupon the proper authorities shall proceed to make a new assessment of benefits and damages against the property in the assessment district or to form a new district and make a new assessment therein, as the case may require, in like manner as required by law in the case of such original assessment, and such plaintiff shall have the same right to appeal from such new assessment as he or his grantors would have had to appeal from such original assessment.

(2) If the plaintiff shall desire to contest the validity of such new assessment he shall, within ten days after its confirmation by the common council or other proper authority, file with the clerk of the court and serve upon the defendant's attorneys his objections in writing to such new assessment, and thereupon the court shall direct an issue to be made up involving the objections aforesaid, which issue shall be tried summarily by the court, and thereupon the court shall file an order sustaining or overruling such objections. When by such order such new assessment of benefits and damages shall be held invalid subsequent assessments may be had in the manner hereinbefore provided and the same proceedings may be resorted to to determine the validity of such assessments. When the amount to be assessed against the plaintiff's property has been finally determined by an assessment of benefits and damages to which no objections are filed as aforesaid, or which, if objections are so filed, the court shall sustain the assessment, or, when an appeal is taken, upon such appeal the court shall make an order requiring the plaintiff to pay into court, within a time to be fixed by such order, for the use and benefit of the defendant or the parties entitled thereto the amount which, based upon such valid new assessment, he ought justly to pay or which should be justly and equitably assessed against the property in question, and the court shall, upon the plaintiff's complying with said order within the time so limited, order judgment for him with costs, and in default of compliance with such order within the time so limited the action shall be dismissed with costs in favor of the defendant. Such new assessment shall be prima facie evidence of the amount of benefits or damages justly chargeable or awarded to other lands in the same district in all actions and proceedings concerning the same, but shall not otherwise affect the previous assessment.

(3) If in any such action the validity of any special assessment certificate, tax sale or tax-sale certificate based upon an assessment for any of the purposes herein mentioned is attacked and sought to be set aside upon grounds other than those affecting the validity of the assessment of benefits and damages, or in addition thereto, the court, after a hearing in that behalf had, shall be of opinion that the same is void by reason of any failure to observe any provision of law, or by reason of any act or defect in the proceedings upon which such certificate or tax sale is based, which has intervened to the prejudice of the plaintiff, it shall immediately stay all proceedings in the action and cause an issue to be made up involving the extent of the injury which the plaintiff has suffered by reason of such failure or such act or defect, and such issue shall be tried summarily by the court.

(4) In the event that in such action the validity of the assessment of benefits and damages upon which such special assessment certificate, tax sale or tax-sale certificate is based is attacked, and such assessment shall be set aside, such issue shall only be tried after a new assessment has been had as herein provided. When such issue has been tried and determined the court shall make an order requiring the plaintiff to pay into court, within the time to be limited in such order, for the use and benefit of the defendant or parties entitled thereto, the amount which he ought justly to pay or which should be justly and equitably assessed against the property in question, based upon the finding of the court upon such issue, or in case a new assessment of benefits and damages is had, upon such new assessment and such new finding, and upon such payment being made within such

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time the court shall order judgment for the plaintiff with costs, but in the event that such payment is not so made the action shall be dismissed with costs in favor of the defendant. [*Stats. 1919 s. 1210a; 1921 c. 18 s. 54*]

REASSESSMENT OF GENERAL TAXES WHEN ASSESSMENT VOID.

75.54 How and when made; evidence; issue; costs. (1) In all actions pending or which may be brought in any court of this state, in which either party shall seek to avoid or set aside in whole or in part any assessment, tax or tax proceeding or reassessment made under the provisions of sections 73.05 to 73.14, inclusive, of the statutes for any cause provided by law, if the court shall be of the opinion, after a hearing in that behalf had, that, for any reason affecting the groundwork of the tax and all the property in any assessment district said assessment, tax, or tax proceeding should be set aside, such court shall immediately stay all proceedings in such action and in all other such actions affecting the assessment, tax or tax proceedings in such district until a reassessment of the property therein can be made; and the proper officers of the municipality constituting such assessment district or in which such district is located shall immediately proceed to reassess such property in the manner specified in these statutes, and shall levy upon the same the amount of lawful taxes for the year in question. Such reassessment shall be made by the assessor of such municipality or assessment district or by such person as the said court may appoint and the assessment roll shall be submitted to and passed upon by the board of review thereof in the manner and after like notice as in case of the original assessment.

(2) Upon the completion of the review by said board, the clerk of the town, village or city in which the reassessed district is situated shall extend upon such assessment roll the taxes lawfully levied upon and apportioned to the property described therein for such year, and such roll and tax so extended thereon shall be a public record and be prima facie evidence of the amount of tax justly chargeable against the party seeking to set aside or avoid the original assessment, tax or tax proceeding and upon the lot or lots, tract or tracts of land respecting which the said action is brought, and shall also be prima facie evidence of the amount of tax justly chargeable against any and every other person or corporation and every other lot, parcel or tract of land in such tax roll for such year in any legal proceeding that may arise respecting the same. Such reassessment and tax roll shall be completed and filed with the clerk of the municipality constituting such assessment district or in which such district is located within ninety days from the date of the entry of such order unless the court upon motion and cause shown shall extend the time therefor.

(3) Upon such completion and filing, notice thereof shall be given by such clerk to the clerk of the court in which such action is pending; and such last-mentioned clerk shall thereupon give notice thereof to the attorneys for the parties to such action and to the attorneys in all other actions pending in which the validity of such original assessment may be involved. If any party seeking to set aside or avoid the original assessment, tax or tax proceeding shall desire to contest the validity of such reassessment, he shall, within twenty days after notice of the completion and filing of such reassessment and tax roll, file with the clerk of the court where such action is pending objections in writing to such reassessment or tax roll, a copy of which objections shall within five days after such filing, be served upon the attorney for the opposite party and thereupon the court may direct an issue to be made up involving the objections aforesaid, which shall be tried summarily by the court, which shall make an order sustaining or overruling such objections. If by such order such reassessment or tax roll shall be held invalid subsequent reassessments of such tax may be had in manner and form as hereinbefore provided and similar proceedings may be resorted to, to determine the validity of any such reassessment; or the court in its discretion may upon sustaining objections made to any reassessment, determine and fix the amount of tax which ought justly to be paid by the party or parties contesting such original assessment, tax or tax proceeding, and for that purpose, with or without directing a further issue to be made up, the court may proceed to take such further evidence as may be necessary to make such determination.

(4) If such reassessment and tax roll be held by the court regular and valid or if no objections thereto shall be filed, the court shall make an order requiring the party or parties contesting the original assessment, tax or tax proceeding to pay into court, for the use and benefit of the party entitled thereto the amount which by such reassessment he or they justly ought to pay. If the amount of tax imposed upon the property of such contesting party by such valid reassessment, or by the subsequent determination and order of the court, shall equal or exceed the amount imposed thereon by the original assessment and tax roll, the party or parties contesting the validity of such assessment shall be adjudged

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to pay the costs of such suit; otherwise, upon complying with the order of the court last aforesaid, he or they shall be entitled to judgment with costs; provided, however, that no judgment rendered in any such action shall in any way affect the validity of any tax against any other person than the parties to such action or any tract or parcel of land or other property than that described in complaint therein. In all cases where the boundaries of any town or towns shall have been changed since the assessment was made the reassessment shall be made by the duly elected and qualified assessor of each organized town wherein the whole or any part of the property to be reassessed is situated.

(5) The value of the reassessed property shall be fixed, as nearly as may be, as of the day the original assessment was made, and the rules for determining the same shall be those provided by law. A like stay of proceedings and reassessment shall be ordered in all cases in which a tax which has been reassessed by any county, town or village board, or common council for one or more years shall be adjudged uncollectable or void for any reason affecting the groundwork of the tax so as to require a reassessment in order to determine the amount properly due. When such reassessed tax shall have been levied in different years it shall not be necessary to make separate assessment rolls for each year; but the valuations for each year respectively, may be placed opposite the description of the property on the assessment roll in columns headed with the figures of the year, so that the valuations for each year of reassessments shall be kept distinct from other years entered upon the tax roll. All the provisions of this section shall apply to the making and completion and to objections and further proceedings in respect to such assessment, and the same shall be treated with respect to each year which it purports to embrace as if it were a separate reassessment roll for that year. This section shall apply to all actions whether determined upon default or otherwise.

(6) If however, in any such action now pending or which may be begun hereafter the evidence enables the court to determine, with reasonable certainty, the amount of taxes which were justly chargeable against the lands involved in the action, the court, in its discretion, may proceed to judgment without staying proceedings or ordering a reassessment, if it finds that it is for the best interests of all parties to the action that it should do so. [*Stats. 1919 s. 1210b; 1921 c. 18 s. 55*]

75.55 Application of section 75.54. The provisions of section 75.54 shall be construed to permit the reassessment, by or under the direction or authority of any city, of the property, real and personal, therein, which city, before and until the passage of these statutes, was authorized by law to make its own tax sales, tax certificates and tax deeds by its own proper officers. And in and for and in respect to every such city and the property, real and personal, therein the mayor and council thereof, the assessors thereof, the city clerk thereof, the board of equalization thereof, and the city treasurer thereof shall, as to any such city and the wards therein, respectively exercise all the powers and perform all the duties and proceed in the manner hereinbefore provided in respect to towns, villages and other cities, and exercise the powers and perform the duties devolved upon the board of supervisors, upon the assessors, upon the town clerk, upon the board of review and upon the town treasurer, respectively, for the reassessment of taxes and the collection thereof. [*Stats. 1919 s. 1210c; 1921 c. 18 s. 56*]

75.56 Reassessment of void special assessments. (1) Where the work of constructing any sewer or grading, graveling, planking, macadamizing, paving or repaving any street or alley, or part thereof, or the curbing of or sodding along any sidewalk or the paving of any gutter or the building or repair of any dock in any city has been done, or may hereafter be done, and any special assessment has been or may be made against any property for such work, and such special assessment or any special assessment certificates, tax sale, tax-sale certificate or special improvement bond based thereon is invalid because of such work having been done without authority of law, or for failure to make a proper assessment of benefits and damages, or to observe any provision of law, either in adopting any part of chapter 62, or otherwise, or because of any act or defect in the proceedings upon which such assessment, certificate, sale or bond is based, or because of any provision contained in the contract for doing such work not authorized by law, or because such contract was made by a foreign corporation without having first complied with the provisions of section 1770*b*, the city authorities shall proceed to make a new assessment of benefits and damages in the manner required by law.

(2) At the time of making such new assessment, in case where the contract under which such work was done contained any provision not authorized by law, and which tended to increase the contract price for doing the work, said authorities shall determine the proportion of such contract price justly chargeable against the property in question for such work and assess the same against such property. In any case where a new assessment is made under this act. the owner of property affected thereby may appeal from

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such assessment and determination. The cost of such work done pursuant to and at the price fixed in such contract or the proportion thereof determined as aforesaid to be justly chargeable on account of such work, not exceeding the amount of the excess of benefits over damages as ascertained by such new assessment, is hereby made a lien upon such property, and a certificate to that effect shall be issued by the proper city authorities to the holder of the invalid special assessment certificate or tax-sale certificate aforesaid upon surrender thereof or proof that it has been canceled, or where such special assessment certificate has not been issued or delivered then to the person, who would have been entitled to such special assessment certificate, if such valid assessment, contract or proceeding had been regular and valid, and the excess in the amount of such invalid certificate over such new certificate, if any, shall be paid to such holder, or person, out of the proper fund.

(3) And when under such original assessment special improvement bonds have been, or might be issued, and as soon as the amount chargeable to the property benefited is finally determined by such new assessment, notice shall be given as provided for in subsection (1) of section 62.21, and when so given and thirty days have elapsed after the giving of such notice, the common council may issue new special improvement bonds in lieu of such original bonds, to the holder thereof upon surrender of the same, or where such original bonds have not been issued or delivered then to the person, who would have been entitled to such original bonds, if such invalid assessment, contract and proceeding had been regular and valid, for the amount of such new assessment remaining unpaid, such new bonds to bear interest at the same rate as the original bonds and to be redeemed, enforced and collected in the same manner as provided for in chapter 62, and the excess in the amount of such invalid special improvement bonds, if any, over such new bonds shall be paid to such holder or person out of the proper fund, and when new certificates are issued, the same shall be carried into the annual tax roll of city taxes levied against such property, collected as a tax and paid to the holder of such new certificate in the manner provided by law for the payment of special assessment certificates.

(4) In case of appeal from such new assessment or such determination, or both, the proceedings herein mentioned shall take place as if no appeal had been taken; but if the appellant succeed and the amount of such new assessment exceeds the amount finally adjudged on such appeal the city shall pay such excess with interest thereon from the time such new bond is issued. In all cases where the invalidity of any such special assessment, special assessment certificate, tax sale, tax-sale certificate or special improvement bond is caused by reason of such work having been done without authority of law or by the failure of the common council to pass a valid ordinance adopting any part of chapter 62, or by reason of having omitted from such ordinance any part or parts of said chapter 62, no new assessment of benefits and damages as hereinbefore provided for shall be had or made unless an ordinance shall have been first duly passed, adopting as a part of the city charter all the essential provisions of said chapter 62, relating to city improvements, so as to be in force at the time of making such new assessment. After the passage of such ordinance, all proceedings taken for a new assessment of benefits and damages shall be as valid and effectual for all purposes as if taken before the doing of the work. No proceeding shall be had under the provisions of this section for the reassessment of any tax or assessment after the expiration of three years from the time the original tax or assessment was set aside or declared void. [*Stats. 1919 s. 1210d; 1921 c. 18 s. 57*]

75.57 Stay of proceedings; new assessment; judgment; costs. (1) If in any action at law for the recovery of damages arising from a failure to make a proper assessment of benefits and damages, as provided by law, or failure to observe any provisions of law, or because of any act or defect in any proceeding in which benefits and damages are assessed, and in any action to set aside any special assessment against property for any of the purposes mentioned in section 75.56 or to set aside any special assessment certificate, special improvement bond, tax sale or tax-sale certificate based upon such special assessment, the court determines that such assessment is invalid by reason of a defective assessment of benefits and damages, or for any cause, it shall stay all proceedings in such action until a new assessment thereof be had in the manner hereinafter mentioned; thereupon the proper city authorities shall proceed forthwith to make a new assessment of benefits and damages against the property of the plaintiff as required by law in the case of such original assessment, and such plaintiff shall have the same right to appeal from such new assessment as he or his grantors would have had from such original assessment.

(2) If the plaintiff desire to contest the validity of such new assessment he shall, within ten days after its confirmation by the common council, file with the clerk of the court and serve upon the defendant's attorney his objections to such new assessment; and thereupon the court shall direct an issue to be made involving the objections aforesaid, try the same summarily and file an order sustaining or overruling the objections of the plaintiff. If

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by such order such new assessments be held invalid, subsequent assessments may be made in like manner and similar proceedings resorted to to determine the validity of such assessment. When the amount to be assessed against the plaintiff's property has been finally determined by an assessment of benefits and damages, which the court shall hold to be valid, or when an appeal is taken the court shall make an order, requiring the plaintiff to pay into court, within a time to be fixed by such order, for the benefit of the parties entitled thereto, the amount which, based upon such valid new assessment, he ought to justly pay, or which should be justly assessed against the property in question; upon compliance with said order, judgment shall be entered for the plaintiff with costs. If the plaintiff fails to comply with such order the action shall be dismissed with costs. [*Stats. 1919 s. 1210e; 1921 c. 18 s. 58*]

75.58 Setting aside stay; continuance. (1) Where, in any action at law or suit in equity for any of the purposes mentioned in sections 75.56 and 75.57, and the various acts amendatory thereof, and the court in which any such action or suit shall be pending shall have stayed proceedings therein, and ordered a new assessment of benefits and damages as therein provided, and a new assessment has been made pursuant thereto which is valid so far as the regularity of the proceedings is concerned, but wherein the plaintiff may feel aggrieved by reason of the amount assessed for benefits and damages, or either of them, such court shall, upon the verified petition of the plaintiff to that effect being presented to it, after notice of not less than ten days, to the opposite party or parties, set aside the stay of proceedings theretofore granted, and proceed with the hearing of said cause, in its regular order, as hereinafter provided.

(2) It shall not be necessary for the plaintiff in any such action to appeal from such assessment of benefits and damages in order to have a determination as to the proper amount thereof, but the court in which any such action or suit may be pending, as set forth in the preceding section hereof, shall have full power and jurisdiction to proceed with the hearing and determination thereof, with the same force and effect as if no stay of proceedings had been granted or a new assessment ordered, according to the law of the land and the procedure of the courts, and render final judgment between the parties. If, upon such hearing and determination the court shall find that the amount assessed for benefits against the property of the plaintiff is too great or the amount assessed for damages is too small, the plaintiffs shall be entitled to recover costs; otherwise the opposing party shall be entitled thereto. And if any balance be found due from the plaintiff upon such hearing and determination, the court shall make an order requiring the plaintiff to pay into court, for the benefit of the party entitled thereto, within the time in said order fixed, the amount which said court shall decide the plaintiff shall justly pay, as a condition for the entry of judgment in his behalf. [*Stats. 1919 s. 1210ee; 1921 c. 18 s. 59*]

75.59 Issue; condition of relief. If in any action to set aside any special assessment certificate, special improvement bond, tax sale or tax-sale certificate based upon an assessment for any of the purposes mentioned in section 75.56, upon grounds other than those affecting the validity of the assessment of benefits and damages, the court shall determine that the same is void by reason of any failure to observe any provision of law or by reason of any act or defect in the proceedings upon which the same is based, it shall immediately stay all proceedings in the action, frame an issue therein and summarily try the same and determine the amount which the plaintiff justly ought to pay or which should be justly assessed against the property in question. Such amount shall be ordered to be paid into court for the benefit of the parties entitled thereto within a time to be fixed. Upon compliance with said order judgment shall be entered for the plaintiff with costs. If the plaintiff fail to comply with such order the action shall be dismissed with costs. In case a new assessment is made the same proceedings may be had thereon as provided by law. [*Stats. 1919 s. 1210f; 1921 c. 18 s. 60*]

75.60 County may compromise illegal taxes. If it shall appear from any tax roll or tax proceeding that any sum of money is due from any person or is charged against any lands or other property, and such taxes have been returned as delinquent to the county treasurer of the proper county, and such person or the owner of the lands or property so charged with such taxes shall claim such taxes to be illegal for any cause the county treasurer, county clerk and district attorney of such county may, if they shall deem that there is reasonable cause to believe such taxes illegal, compromise with such person or owner and receive in lieu of the whole tax so appearing due or charged as aforesaid such part thereof as the said county treasurer, county clerk and district attorney, or a majority of them, shall determine to be equitable and for the best interest of such county. [*Stats. 1919 s. 1210g; 1921 c. 18 s. 61*]

75.61 One-year limitation. Every action enumerated in section 75.57, and every action or proceeding to set aside any sale of lands for the nonpayment of taxes, or to

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cancel any tax certificate, or to restrain the issuing of any tax certificate, or tax deed, for any error or defect going to the validity of the assessment, and affecting the groundwork of such tax, or on account of any void or defective special assessment, shall be commenced within one year from the date of such tax sale, and not thereafter. In every action brought to set aside any such sale, or to cancel any tax certificate, or to restrain the issuing of any tax deed upon any ground whatever not going to the validity of the assessment and affecting the groundwork of such tax or special assessment, the plaintiff, if he show himself otherwise entitled to judgment, shall, before the entry thereof within a reasonable time to be fixed by the court, pay into the court for the person or persons claiming under such tax sale or tax certificate the amount for which such land was sold, and the amount paid by such person or persons for taxes levied upon the premises subsequent to such sale, with interest on all such amounts at the rate of fifteen per cent per annum from the times of payment until the said money be so paid into court; and in default of such payment within the time so fixed the defendant shall have judgment in the action. This provision as to the payment into court to be made by the plaintiff shall apply to all actions brought to cancel any tax deed, or to remove the cloud upon any title created by any tax certificate or tax deed where the action impeaches the tax deed or tax certificate upon any grounds whatever not affecting the groundwork of the tax for the nonpayment of which such deed or tax certificate was issued. [*Stats. 1919 s. 1210h; 1921 c. 18 s. 62*]

75.62 Tax sales; actions to set aside. (1) CONDITIONAL PAYMENT. Whenever any action or special proceeding is hereafter commenced to set aside any sale of lands for the nonpayment of taxes, or to cancel any tax certificate, or to restrain the issuing of any tax certificate or tax deed, or to set aside any tax, for any error or defect going to the validity of the assessment and affecting the groundwork of such tax, within twenty days after the commencement of such action the plaintiff in such action, or special proceeding shall pay or cause to be paid to the county, town, city, or village officer entitled to receive the same, the amount of taxes, interest, and charges levied against the said lands involved in such action, as a condition of maintaining said action.

(2) REASSESSMENT; PROCEEDING. If in said action or proceeding a reassessment is ordered, the court shall, upon the completion of said reassessment made in the manner required by statute, determine the amount which, according to said reassessment, the plaintiff ought justly to have paid upon the lands involved in said action or special proceeding.

(3) JUDGMENT. The plaintiff in such action or special proceeding shall be entitled to recover judgment for the amount, if any, he so paid in excess of the amount the court shall finally determine he ought to have paid on the lands involved in said action or proceeding, with interest from the date of such payment.

(4) PAYMENT OF JUDGMENT. Payment of any judgment so recovered by the plaintiff, shall be made forthwith by the treasurer of any such county, town, city, or village, upon presentation of a certified copy thereof, without other or further order. He shall preserve said copy of said judgment as his warrant for such payment and shall require the satisfaction of record of said judgment upon the making of such payment. [*Stats. 1919 s. 1210h—1, 1210h—2, 1210h—3; 1921 c. 18 s. 63 to 66*]

75.63 Ejectment, as to public lands; conditions. (1) No action shall be commenced, maintained or prosecuted by or on behalf of the original owner or any person claiming title through or under such owner to recover possession of or in any way involving the title to any lands conveyed to the state of Wisconsin by any county, or attempted to be so conveyed, and sold by said state to any person until all taxes levied and assessed thereon from the date of the sale thereof by the state, together with all legal charges for assessing and collecting the same and interest thereon at the rate of fifteen per centum per annum from the fifteenth day of May in each and every year during which the said lands were assessed, commencing with the May following the first assessment after such sale, shall have been paid into the treasury of the county in which such lands shall lie; nor until all delinquent taxes levied upon and returned against said lands and remaining unpaid when the same were so conveyed or attempted to be to the state, together with the like interest thereon, shall have been paid into such county treasury; which moneys shall be retained in said treasury to abide the event of such action and be returned to the party paying or depositing the same if he shall fail to maintain such action; otherwise, so much thereof as covers the delinquent taxes above mentioned and interest thereon at the rate aforesaid shall be retained by such county and the remainder shall be paid over to the person purchasing the same from the state or his legal representatives.

(2) In case the title to any such lands shall be adjudged to be in such original owner or party claiming title through or under him they shall be deemed to be and shall be sub-

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ject to taxation during the time the same were held by the state in like manner as if they had not been conveyed to or held by it, and the taxes for such period shall be levied and assessed upon such lands and collected in like manner as other taxes upon real estate. In all such actions the court shall enter an order requiring the plaintiff therein, within a reasonable time to be fixed in the order, to comply with the provisions of this section by payment of the taxes, charges and interest as provided herein, and in default of compliance therewith the court shall dismiss the action. Nothing herein contained shall be construed as amending or repealing any of the provisions of sections 75.26, 75.27, 75.61 or 3087. [*Stats. 1919 s. 1210i; 1921 c. 18 s. 67*]

75.64 No jurisdiction; issue of deed postponed; deposit. (1) In all cases where action is now pending or shall hereafter be commenced for the setting aside of any sale of lands, or for the cancellation of any tax certificate, or for enjoining or restraining the issuing of a tax deed thereon upon the ground that the lands so sold or described in such certificate were not liable to taxation, or that the taxes on such lands were paid prior to such sale, or that such lands have been redeemed according to law, the owner of, or any person interested in, the lands covered by the lien of said certificate may, at any time before final judgment is entered in such action, deposit with the county clerk, or when such certificate shall have been issued by a city treasurer, then with such treasurer, the amount for which such lands were sold, with interest thereon from the date of such sale to the date of such deposit at fifteen per cent per annum, together with the legal charges thereon.

(2) The said clerk or treasurer shall retain such deposit until the final determination of the action, and in case such certificate shall be vacated and set aside or the issuing of such deed be permanently restrained, the money so deposited shall, at the time of entry of judgment or at any time thereafter, upon demand, be returned to the person depositing the same. In case final judgment shall be rendered in such action sustaining the validity of such sale and tax certificate the court shall compute the interest upon such certificate from the date of such deposit to the date of rendering judgment at fifteen per cent per annum and add the same to the costs and disbursements taxable in such action and the amount of such deposit, and shall enter judgment against the plaintiff therefor, and no tax deed shall be issued upon such certificate unless the plaintiff shall fail to pay to such clerk or treasurer, for the use of the owner of such certificate, the amount of such judgment within twenty days after the rendition thereof, together with interest thereon. [*Stats. 1919 s. 1210j; 1921 c. 18 s. 68*]

75.65 Special assessments for local improvements. The property of every county, city, village, town, and school district within this state, and of every corporation, company, or individual operating any railroad or street railway, telegraph, telephone, electric light, or power system, or doing any of the business mentioned in chapter 76, and of every other corporation or company whatever, shall be in all respects subject to all special assessments for local improvements and certificates and improvement bonds therefor may be issued and the lien thereof enforced against such property in the same manner and to the same extent as the property of individuals. Provided that such assessments shall not extend to the right, easement, or franchise to operate or maintain railroads, street railways, telegraph, telephone, or electric light or power systems in streets, alleys, parks or highways. The amount represented by any certificate or improvement bond issued as aforesaid shall be a debt due personally from such corporation, company, or individual, payable in the case of a certificate when the taxes for the year of its issue are payable, and in the case of a bond according to the terms thereof. [*Stats. 1919 s. 1210k; 1921 c. 18 s. 69*]

75.66 Duty of officers; action to collect tax. The officers now authorized by law to collect and receive the same from individuals shall have full power to receive and collect all such special assessments in the same manner as the same are now collected from individuals, and in addition thereto such officers shall have power at the direction of the proper authorities of the city or village making such special assessments, upon the nonpayment of any such special assessments by any corporation, company, or individual mentioned in section 75.65 within the time now limited by law for the payment of such special assessments by individuals, or in the case of a county, city, village, town, and school district, after the time now prescribed by law in the case of other claims, to institute and prosecute an action to collect the same in the name and at the cost of such city or village. A like action may be maintained by the owner or holder of any special assessment certificate or improvement bond issued as aforesaid in his own name and at his own cost. In such action, when brought in the name of such city or village, it shall be sufficient to allege that the defendent is indebted upon a special assessment, specifying the amount due and the date of the warrant issued for the collection of the same, and when brought by such owner or holder, to set up a copy of such certificate or bond, specify the

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amount due and when payable, and allege that the defendant is liable therefor. On the trial of such action, when brought in the name of the city or village, the production of the proper warrant for the collection of such assessment together with the tax roll or list showing the amount thereof; and when brought by such owner or holder, the production of such certificate or improvement bond, tax roll, or list showing the amount thereof and warrant for its collection shall be prima facie evidence of the correctness and validity of such assessment, certificate, or improvement bond and of the liability of the defendant for the amount thereof and interest thereon from the time the same became payable. Any judgment recovered in such action shall be collected in the manner now prescribed for the collection of judgments against such defendant. [*Stats. 1919 s. 1210l; 1921 c. 18 s. 70*]

CHAPTER 76.

TAXATION OF PUBLIC UTILITIES AND INSURANCE COMPANIES.

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76.01 Annual assessment. The tax commission shall make an annual assessment of the property of all railroad companies, of all street railway companies and light, heat and power companies operated in connection with street railways, of all telegraph companies, and of all conservation and regulation companies, within this state, for the purpose of levying and collecting taxes thereon, as provided in this chapter. [*Stats. 1919 s. 1211—1; 1921 c. 59 s. 2*]

76.02 Definitions. For the purposes of sections 76.01 to 76.29 the following provisions and definitions are made:

(1) The term "commission," without other designation, means the tax commission.

(2) Any person, association, company or corporation, owning and operating a railroad, or operating a railroad in this state, or owning or operating any station, depot, track, terminal, or bridge, in this state, for railroad purposes as owner, lessee or otherwise, shall be deemed a railroad company.

(3) Any corporation organized under the laws of this state for constructing, maintaining and operating a street railway with the power of accepting and operating under street railway franchises granted by municipalities and owning and operating a street railway, or operating as lessee or otherwise a street railway within, through, or between one or more towns, villages or cities of this state, shall be deemed a street railway company.

(4) Any person, copartnership, association, company or corporation owning or operating any telegraph or cable line in this state with appliances for the transmission of mes-

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sages and engaged in the business of furnishing telegraph service for compensation as owner, lessee or otherwise shall be deemed, held and known as a telegraph company.

(5) Any corporation organized under the laws of this state for manufacturing, generating or furnishing light, heat, power, signals or other service with the power of accepting and operating under franchises granted by municipalities and wholly operated by a street railway company, and operated in connection with the railway property of such company as owner, lessee or otherwise, shall be deemed a light, heat and power company.

(5a) Any company or corporation organized under the laws of this state for the conservation and regulation of the height and flow of water in public reservoirs within this state, shall be deemed a conservation and regulation company.

(6) The word "company," without other designation or qualification, shall mean and include any railroad company, any street railway company, any light, heat and power company and any telegraph company, as defined in this section, to which the word is applied.

(7) The terms "property of the railroad company," or "property of a company," shall include all franchises, rights of way, roadbeds, tracks, stations, terminals, rolling stock, poles, wires, cables, devices, appliances, instruments, equipment and all other real and personal property of the company referred to, used or employed in the operation of its railroad, street railway or other property, as the case may be, and in the conduct of its business, and shall include all title and interest in such property as owner, lessee or otherwise. All real estate not necessarily used in operating any railroad or street railway are excepted from railroad and street railway property, and shall be subject to taxation in the manner such property is taxed when owned by individuals.

(8) The term "general property of the state" shall include all the real and personal property appearing upon assessment rolls and tax rolls throughout the entire state upon which state, county and local taxes are levied and collected with such changes and corrections made by the commission as are provided for by this chapter.

(9) Every person or company operating a railroad, or a street railway, or the property of a light, heat and power company, or a line or lines of telegraph in this state, with all appliances and property connected and used therewith in the railroad, street railway, telegraph or light, heat and power service, as the case may be, shall be the representative of every title and interest in the property so operated and used either as owner, lessee or otherwise, and notice to the operating company shall be notice to all interests in the property for the purposes of taxation. The assessment and taxation of the property of any company in the name of the owner, lessee or operating company shall be deemed and held an assessment and taxation of all the title and interest in such property of every kind or nature. [*Stats. 1919 s. 1211—2; 1921 c. 59 s. 3*]

76.03 General powers of investigation. In any matter material to the valuation, assessment or taxation of property under this chapter the commission may, in its discretion, exercise any and all of the powers conferred upon it by section 73.03 and subsection (1) of section 73.04; and every state, county, city, village, town and other public officer shall make return to the commission, in such form as it shall prescribe, of all information it shall call for. Persons serving the process of the commission shall receive the same compensation allowed by law to sheriffs for similar service; and persons appearing before the commission in obedience to its summons shall, in the discretion of the commission, receive the same compensation as a witness in the circuit court; such fees and compensation to be audited by the secretary of state on the certificate of a member of the commission, and charged to the proper appropriation for the tax commission. The records, books, accounts and papers of any person, association or corporation, owning or operating railroad property, street railway property, telegraph property or property of any heat, light and power company to be assessed under this chapter, except as otherwise provided, shall be subject to the visitation, inspection and examination by said commission or by such person as it may designate for that purpose. [*Stats. 1919 s. 1211—3; 1921 c. 59 s. 4*]

76.04 Remedies for nonpayment of taxes. All taxes levied pursuant to this chapter upon the property of any company defined in section 76.02, which shall not be paid at the time provided by law, shall thereupon become delinquent and bear interest at the rate of fifteen per cent per annum until actually paid. The neglect of any such company to pay the taxes and interest so required of it within sixty days after the entry of final judgment dismissing in whole or in part any action of such company to restrain or set aside a tax, or the neglect of any such company within sixty days after the entry of final judgment in favor of the state for the taxes and interest to pay the judgment shall be cause for forfeiture of all the rights, privileges and franchises granted by special charter or obtained under general laws, by or under which such company is organized and its busi-

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ness is operated. The attorney-general upon such neglect shall proceed by action to have forfeiture of such rights, privileges and franchises of such company duly declared. Any such company, at any time before the final judgment for forfeiture of such rights, privileges and franchises is rendered, may be permitted upon good cause shown to pay such taxes, interest and the costs of the action upon special application to the court in which the action is pending upon such terms as the court shall direct. [*Stats. 1919 s. 1211—4; 1921 c. 59 s. 5*]

76.05 Reports of companies. Every company defined by this section operating in this state either a railroad, a street railway, a telegraph line or lines, a heat, light and power plant, or a conservation and regulation company, as the case may be, shall annually in each year, under oath of the president, or other chief officer, and the secretary, treasurer, auditor or superintendent of such company, make and file with the commission, at such time and in such form as it may prescribe reports containing the following facts so far as any of them are applicable to the company making such report:

(1) The name of the company.

(2) The nature of the company, whether a person, association, company or corporation, and under the laws of what state or country organized, the date of original organization, date of reorganization, consolidation or merger, with specific reference to laws authorizing the same.

(3) The location of its principal office.

(4) The name of the place where its books, papers and accounts are kept.

(5) The name and post-office address of the president, secretary, treasurer, auditor, superintendent, general manager, counsel, directors and all other general officers.

(6) The name and post-office address of the chief officer or managing agent of the company in Wisconsin and of all other general officers residing in this state.

(7) The total number of shares of capital stock.

(8) The par value of the shares of the capital stock for the whole system showing separately:

(a) Amount authorized.

(b) Amount issued.

(c) Amount outstanding.

(d) Also the dividends paid thereon.

(9) The market value of the shares of capital stock for the whole system, on the dates and for the period the commission may request or specify.

(10) If such capital stock has no market value, the actual value on the dates and for the periods designated by said board.

(11) The funded debt of the company for the whole system, and a detailed statement of all series of bonds, debentures or other securities, forming a part of the funded debt at par value, with date of issue, maturity, rate of interest and interest paid.

(12) The market value of each series of funded debt for the whole system on the dates and for the periods designated by said commission, and if the whole or a part of such funded debt has no market value then the actual value thereof for such dates and periods as the commission may specify.

(13) Such general description of the real estate of the company owned or operated in Wisconsin as would be sufficient in a conveyance thereof, under a judicial decree, directing a sale for taxes to vest in the grantee all title and interest in and to the said property.

(14) A like description of the personal property, including moneys and credits held by the company as a whole system and the part thereof apportioned to the line in Wisconsin.

(15) A statement in detail of all capital stock, bonds or other securities of such company owned by, or held in trust, for the company and the capital stock, bonds or other securities of other persons, companies or corporations owned by, or held in trust for it, and the par value and the market or actual value of the same.

(16) The whole length of the lines of the system operated by the company and the length of the lines in Wisconsin, whether operated as owner, lessee or otherwise. The length of the line owned and the length of the line operated for the whole system, and in Wisconsin, shall be separately reported.

(17) The entire gross earnings of the company from operation, expenses of operation, net earnings and income from operation, and the income from other sources, for the whole system, and in Wisconsin, and the disposition made of such net earnings and income.

(18) The entire gross earnings of such company in Wisconsin for each and every month for each calendar year ending on the thirty-first day of December.

(19) The annual reports of the board of directors or other officers to the stockholders of the company, duplicates of the annual reports made to the interstate commerce com-

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mission, to the railroad commission of this state and to the railroad commission or other state officers or boards of the other states in or through which their lines are operated.

(20) Every company, association or corporation owning all or a majority of the capital stock of a company operating in this state, or having practical control of the company so operating, may be required to make reports of such facts and information specified in this section as may be deemed necessary by the commission to a correct valuation and assessment of the property of such operating company.

(21) Such other facts and information as the commission may require in the form of returns prescribed by it, or which the company may deem material upon the question of taxation of its property in this state.

(22) Each street railway company shall further report as follows:

(a) The number of miles of main single track, second, third, or fourth track, side track or other tracks in each county and in each municipality within or through which the street railway company operates its line within this state.

(b) The gross earnings of such street railway company from the operation of its business in each county and in each town, city and village within or through which said company operated for the year prescribed by the tax commission.

(c) The total number of fare passengers carried on the entire system and separately for Wisconsin.

(d) The fare passengers per mile of single track for the entire system and separately for Wisconsin.

(e) The fare passengers per mile of single track in each county and in each town, city and village in this state in which the line of the company is operated.

(23) Each light, heat and power company shall further report as follows:

(a) The names of the assessment districts in which its principal and other power plants are located with the average daily quantity of electricity produced at each plant.

(b) The average daily quantity of electricity employed in the operation of the street railway property and the quantity furnished for public lighting and other public service and separately the quantity furnished private consumers.

(c) The number of miles of wires in each county and separately in each municipality within or through which the property of such company is operated. The average daily quantity of electricity furnished for public service and to private consumers in each county and each municipality within or through which the company operates.

(d) The gross receipts from the operation obtained in each county and in each municipality, within or through which any such company operates from the business of furnishing light, heat, power or other service for such year as the tax commission may prescribe.

(24) Each telegraph company shall further report as follows:

(a) The whole length of the lines of poles, single wire of the entire system and separately in this state.

(b) The length of wire underground and on buildings of the entire system and in this state.

(c) The length of wire and cable submarine for the entire system and in this state.

(d) The number of miles of all wires and cables of the entire system and the miles of all wires and cables in this state.

(e) The number of offices for the entire system and the number of offices in this state.

(f) The number of messages received and transmitted for the entire system and the number received and transmitted in this state.

(g) The average toll or charge per message and the average cost per message for the whole system, and separately, the average toll and cost per message in this state.

(h) The description and true value and assessed value of real estate within and without the state and the gross and net income therefrom if the company claims any deduction in the value of its property on account thereof.

(i) A detailed description of all capital stock, bonds, mortgages, securities, credits and other personal property, if any, with the value thereof, owned by the company which is not used or employed in the business and is claimed to be exempt in the valuation of its property for taxation under this act.

(25) Blanks for making the above reports shall be furnished to such companies by said commission except for the copies of reports required under the provisions of subsection (19) of this section.

(26) In case any company refuses or neglects to make the reports required by this section or refuses or neglects to furnish any information requested, the commission shall inform itself the best it may on the matters necessary to be known in order to discharge

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its duties with respect to the valuation and assessment of the property of such company. [*Stats. 1919 s. 1211—5; 1921 c. 59 s. 6*]

76.06 Situs for taxation. The property of a company, as defined in section 76.02, subject to taxation under the provisions of this chapter, is declared to be personal property, and the place of assessment and taxation of such property is fixed at the capital of the state. [*Stats. 1919 s. 1211—6; 1921 c. 59 s. 7*]

76.07 Refusal or neglect to report. (1) If any company defined in section 76.02 or its officers or agents shall refuse or neglect to make any reports required by section 76.05 or by the commission, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts or papers when requested by the commission, or shall refuse or neglect to appear before the commission in obedience to a summons, such company shall be estopped to question or impeach the action or determination of the commission except upon satisfactory proof of fraud or mistake injurious to the company.

(2) No company shall be allowed in any action or proceeding to question the amount or valuation of its property as assessed by the commission unless such company shall have made and filed with the commission a full and complete report of the facts and information prescribed by section 76.05 and called for by the commission thereunder, provided that the refusal or neglect of such company to file the report in time may on application of the company and for good cause shown be excused by the commission on condition that such company shall make a full and complete report of all facts and information mentioned in said section 76.05 within fifteen days after notice by mail of the amount of the preliminary valuation of the property of such company, and shall appear before the commission before the time of the final hearing and make a full disclosure of all property liable to assessment and taxation under this chapter and show the full value of such property to the satisfaction of the commission. [*Stats. 1919 s. 1211—7; 1921 c. 59 s. 8*]

76.08 Tentative valuation. (1) PRELIMINARY HEARING. The commission on or before the first day of May in each year in the case of companies defined in subsection (2) of section 76.02, and on or before the first day of July in the case of companies defined in subsections (3), (4) and (5) of section 76.02 shall, according to their best knowledge and judgment, ascertain and determine the true cash value of the property of each company within the state. Every such company after having filed its annual report pursuant to section 76.05 and before the first day of May shall be entitled, on its own motion, to a preliminary hearing, and to present evidence before the commission relating to the value of the property of such company, or to the value of the general property of the state. On request, in writing, for such hearing, or presentation, the commission shall appoint a time and place therefor within the period aforesaid, the same to be conducted in such manner as the commission shall direct. Such preliminary hearing shall not impair or affect the right to further hearing provided for in section 76.10.

(2) RELATION TO STATE VALUATION; DESCRIPTION. The value of the property of each of said companies for assessment shall be made on the same basis and for the same period of time, as near as may be, as the value of the general property of the state is ascertained and determined. The commission shall prepare an assessment roll and place thereon after the name of each of said companies assessed, the following general description of the property of such company, to wit: "Real estate, right of way, tracks, stations, terminals, appurtenances, rolling stock, equipment, franchises and all other real estate and personal property of said company," in the case of railroads and street railways, and "Real estate, right of way, poles, wires, conduits, cables, devices, appliances, instruments, franchises and all other real and personal property of said company," in the case of telegraph and light, heat and power companies, which description shall be deemed and held to include the entire property and franchises of the company specified and all title and interest therein.

(3) ASSESSMENT OF PROPORTION WITHIN STATE. For the purpose of determining the true cash value of the property of each company, appearing on the assessment roll, the commission may, if deemed necessary, view and inspect the property of such company and shall consider the reports filed in compliance with section 76.05 and the reports and returns of the company filed in the office of any officer of this state, and such other evidence or information as may have been taken or obtained bearing upon the true cash value of the property of the company assessed. In case of companies which own or operate lines or roads lying partly within and partly without the state, the said commission shall only value and assess the property within this state. In determining the value of the portion within the state the commission may take into consideration the value of the entire system, the mileage of the whole system and of the part within this state, together with such other information, facts and circumstances as will enable it to make a substantially just and correct determination. When the true cash value of the property of a company

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within this state shall have been ascertained and determined the amount thereof shall be entered upon the assessment roll opposite the name of the company and shall be, and constitute, the assessment of the entire property of such company within this state for the levy of taxes thereon, subject to review and correction, as hereinafter provided. The commission shall thereupon give notice by mail to each company assessed of the amount of its assessment as entered upon such roll.

(4) SEPARATE VALUATION OF DOCKS, PIERS, WHARVES AND ELEVATORS. After the property of a company shall first have been valued as a whole, if any docks, piers, wharves or grain elevators used in transferring freight or passengers between cars and vessels, shall have been included in such valuation, then for the purpose of accounting to the proper assessment districts, the commission shall make a separate valuation of each such dock, pier, wharf and grain elevator, including the approaches and appurtenances thereto. [*Stats. 1919 s. 1211—8; 1921 c. 59 s. 9*]

76.09 General valuation of property of state. The commission, not later than the first day of November in each year, from the information obtained pursuant to section 70.57, and upon all the evidence, proofs, statistics and information obtainable from all available sources, shall according to their best knowledge and judgment, ascertain and determine the true cash value of all general property of the state liable to state, county and local taxes in the then present year, and shall enter upon its records the aggregate true cash value of such property. [*Stats. 1919 s. 1211—9; 1921 c. 59 s. 10*]

76.10 Review of assessment. After the preliminary assessments have been determined as provided in section 76.08 the commission shall continue in session from day to day, unless adjourned for a longer time, for such period as may be necessary, not later than the fifteenth day of May following, for the purpose of reviewing the valuation and assessment of the property of the companies on the assessment rolls, defined in subsection (2) of section 76.02, and until September first, the companies defined in subsections (3), (4) and (5) of section 76.02, and the valuation of the general property of the state. Any such company interested shall have the right to appear and be heard as to the value and assessment of the property of such company and the tax to be levied thereon, and as to the value of the general property of the state; and the commission may, on such application, or of its own motion, correct the valuation or assessment of such company in such manner as will in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state, and may correct the valuation of the general property of the state. The assessed value of the property of a company as it appears on the roll shall not be increased without notice to the company by registered letter that such increase is contemplated and fixing the time for a hearing in relation thereto. The attorney-general shall attend at such hearings and represent the interests of the state. [*Stats. 1919 s. 1211—10; 1921 c. 59 s. 11*]

76.11 Changes in general valuation. Whenever, in determining and reviewing the valuation of the general property of the state, under the provisions of sections 76.09 and 76.10, for the purpose of ascertaining the tax rate to be applied to any company defined in section 76.02, the commission shall change the valuation last made by it of the general property of the state under section 70.57, it shall designate the class or classes of property in each county, the valuation of which is changed and the amount of such change; and any mistake discovered in any return, either by omission or otherwise, of any tax reported, or because of failure to report, shall be considered by the commission in fixing the average tax rate for the year following, by adding to or deducting from the total tax returned the amount of such mistake or omission. [*Stats. 1919 s. 1211—11; 1921 c. 59 s. 12*]

76.12 Aggregate state and local taxes. The commission on or between the first Monday in December and the fifteenth day of January in each year, upon returns from the secretary of state or from county, town, city and village officers, or both, shall ascertain and determine the aggregate tax in the whole state for state, county and local purposes levied on the general property of the state, excluding special assessments on property for local improvements, and when the aggregate of all taxes, state, county and local consolidated, is thus ascertained and determined, the amount thereof shall be entered on the records of the commission. [*Stats. 1919 s. 1211—12; 1921 c. 59 s. 13*]

76.13 Defective returns; penalty. When the officers of any county, town, city or village shall have failed to return the amount of state, county and local taxes, levied on property therein within the time required by law, the commission may inspect and examine or cause an inspection and examination of the records of such officers, to procure the required information, and when no return is made and no information can be procured, the state, county and local taxes levied in such town, city or village in the prior year may be used in determining the aggregate taxes mentioned in section 76.12. Any county,

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town, city or village officer who shall fail to make the report or reports required by this chapter shall be subject to a penalty of not less than twenty-five nor more than one hundred and fifty dollars, to be recovered in a proper action in the name of the state of Wisconsin in any court of competent jurisdiction; and any expense necessarily incurred by the commission in procuring the information not reported as required by law by any such officer shall be a special charge against the county, town, city or village whose officer shall have so failed to furnish the required information and shall be collected in the same manner as other special charges. [*Stats. 1919 s. 1211—13; 1921 c. 59 s. 14*]

76.14 Average rate applied to companies. From the aggregate true cash value of the general property of the state and the aggregate of taxes so determined and entered on the records, the commission shall compute and determine the average rate of taxation, state, county and local consolidated, by dividing the aggregate taxes by the aggregate true cash value of the general property of the state upon which said taxes were levied as reviewed and corrected by the commission, which said rate so arrived at and determined shall be entered upon the records of the commission and shall constitute the rate of taxation on the true cash value of the property of the companies defined in section 76.02. [*Stats. 1919 s. 1211—14; 1921 c. 59 s. 15*]

76.15 Levy; tax roll; lien. (1) The commission shall compute and levy a tax upon the property of each company defined in section 76.02, as assessed at the average rate of taxation determined as aforesaid, and the amount of tax to be paid by each such company shall be extended upon the assessment roll opposite the description of the property of the respective companies. The tax roll for railroad and telegraph companies shall be completed before the fifteenth day of May of each year, and for street railway and light, heat and power companies and conservation and regulation companies before the fifteenth day of September of each year; and the commission shall thereupon attach to each such roll a certificate signed by the members thereof, or by a majority of them, which shall be as follows:

"We do hereby certify that the foregoing tax roll includes the property of all railroad, street railway or telegraph companies or conservation and regulation companies, as the case may be, defined in section 76.02, liable to taxation in this state; that the valuation of the property of each company as set down in said tax roll is the true cash value thereof according to our best knowledge and judgment, and that we have assessed and levied the taxes thereon charged in said tax roll at the average rate of taxation in this state, as required by law."

(2) Every tax roll shall thereupon forthwith be delivered to the state treasurer, who shall immediately notify, by registered mail, the several companies taxed therein to pay the tax extended thereon to the state treasurer, as follows: In the case of railroad and telegraph companies, one-half of the amount of such tax on or before the first day of June and one-half on or before the first day of October of the same year; and in the case of all other companies on or before the first day of December of the same year. The taxes extended against any company after the same become due, with interest, shall be a lien upon all the property of such company prior to all other liens, claims and demands whatsoever, which lien may be enforced in an action in the name of the state in any court of competent jurisdiction against the property of such company within the state as an entirety. [*Stats. 1919 s. 1211—15; 1921 c. 59 s. 16*]

76.16 Reassessment. (1) If any tax levied under the provisions of section 76.15 shall be adjudged illegal and nonenforcible, or shall be set aside by any court of the state of competent jurisdiction, it shall be the duty of the commission, whether any part of the taxes assessed and levied have been paid or not, to forthwith reascertain and redetermine the value of the property of the companies or the value of the general property of the state or the average rate of taxation throughout the state as may be required; and when such reascertainment and redetermination has been made, to make a duplicate of the original assessment roll and to extend the taxes thereon according to such reassessment, and when such duplicate roll has been made and the taxes extended thereon in the manner provided in this section, it shall be of the same force and effect as the original assessment made in accordance with law. The proceedings for such reassessment and for the extension, payment and collection of taxes upon such duplicate assessment roll shall be conducted in the method originally provided for as near as may be. The commission shall fix the time and place for the hearings or proceedings for the reassessment and give notice thereof by mail to the companies.

(2) The power to reassess the property of any company defined in section 76.02 and the general property of the state, and to redetermine the average rate of taxation, may be exercised as aforesaid and as often as may be necessary until the amount of taxes legally due from any such company for any year under the provisions of this chapter, has been

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finally and definitely determined. Whenever any sum or part thereof, levied upon any property subject to taxation under this act so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment upon said property, and the reassessment of taxes to that extent shall be deemed to be satisfied. When the tax roll on the reassessment is completed and delivered to the state treasurer, he shall immediately notify by registered mail each of the several companies taxed therein and pay the amount of the taxes extended thereon within thirty days. [*Stats. 1919 s. 1211—16; 1921 c. 59 s. 17*]

76.17 Immaterial irregularities. No tax assessed upon any of the general property of the state and no average rate determined by said commission as herein required, shall be held invalid on account of any assessment or tax roll not having been made or proceedings had within the time required by law, or on account of the property having been assessed without the name of the owner, or in the name of any corporation or person other than the owner, or on account of any other irregularity, informality or omission, if the method and manner of ascertaining and determining the average rate of taxation on property in this state is in substantial accordance with law. [*Stats. 1919 s. 1211—17; 1921 c. 59 s. 18*]

76.18 Presumption of regularity. The proceedings of the commission shall be presumed to be regular and the determination of the commission shall not be impaired, vitiated or set aside upon any grounds not affecting the substantial justice of the tax. The provisions in this chapter prescribing a date or period at or within which an act shall be performed or determination shall be made by the commission shall be deemed directory only, and no failure to perform any such act or make such determination at or within the time prescribed therefor shall affect the validity of such act or of any determination made by the commission, unless it shall appear that substantial injustice has resulted therefrom. [*Stats. 1919 s. 1211—18; 1921 c. 59 s. 19*]

76.19 Actions; preliminary determination of amount due. In any action, suit or proceeding brought by any company defined in section 76.02 in the state court to set aside, restrain or postpone the payment or collection of any tax levied upon the property of such company, no injunction, order or writ to enjoin or restrain the payment or collection of the tax shall issue, or be continued in force, unless said company shall pay to the state treasurer for the use of the state the amount of taxes which the court shall determine primarily to be justly and equitably due from such company. Such primary determination shall be made by the state court in which the action, suit or proceeding is pending, upon motion, summarily and without delay. In case the amount of tax justly and equitably due from such company shall be finally determined to be less than the amount so paid, the excess shall be refunded to such company by direction of the court, and for that purpose the secretary of state, upon the filing in his office of a certified copy of such final determination, shall draw a warrant upon the state treasurer for the amount to be so refunded. [*Stats. 1919 s. 1211—19; 1921 c. 59 s. 20*]

76.20 Action against state; limitation. Any company defined in section 76.02 claiming to be aggrieved by the levy of a tax upon its property, and alleging facts showing substantial injustice in the determination of the commission, may within six months from the payment of the tax, not thereafter, bring and maintain an action against the state in the circuit court of the state to recover such part of the tax as shall exceed the amount the company should have paid. The state may be served with a summons in such action by delivering a copy to the attorney-general or leaving it at his office in the capitol with one of his assistants. The attorney-general shall appear and defend the action in behalf of the state. [*Stats. 1919 s. 1211—20; 1921 c. 59 s. 21*]

76.21 Venue; calling in judge; adjournment. Any action brought by any company defined in section 76.02 to cancel or set aside any tax or enjoin the collection thereof under the provisions of sections 76.16 or 76.19 or to recover back any taxes under the provisions of section 76.20 shall be commenced and tried in the circuit court for the county of Dane, and the place of trial thereof shall not be changed except upon consent of parties. If the judge of said court shall be disqualified, or if the statutory affidavit of prejudice be filed, such judge shall call upon some other circuit judge of the state to attend and hold court for the trial of such action in accordance with the provisions of section 2625, except as hereinafter provided; and it is hereby made the duty of said circuit judge so called upon to attend and conduct the trial of such action. The power to call in another judge and the jurisdiction of such judge to attend and hold court for the trial of any such action shall continue from time to time and from term to term until the action is tried and final judgment entered. Said court, after the trial of any such action is commenced, may in its discretion, for proper cause, adjourn the trial thereof from time to time beyond the date fixed by statute for the terms of such court. [*Stats. 1919 s. 1211—21; 1921 c. 59 s. 22*]

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76.22 Tax lien; sale. (1) The taxes levied upon and extended against the property of any company defined in section 76.02, after the same become due, with interest thereon, shall become a lien upon the property of such company within the state prior to all other liens, debts, claims or demands whatsoever, which lien may be enforced in an action in the name of the state in any state court of competent jurisdiction against such company and against the property of such company within the state. The place of the trial shall not be changed from the county in which any such action is commenced, except upon consent of parties.

(2) The action to recover taxes and interest and to enforce the same as a lien shall be an action in equity and shall be commenced and carried on and judgment entered according to the laws of the state and the rules and practice of courts of equity so far as applicable. No reference shall be made to take testimony or to hear, try and determine the issues of fact in the action. The judgment shall fix the amount of taxes and interest, adjudge the same a lien on the property of the company and provide for the sale of such property in ninety days after the entry of judgment upon publication of the notice of sale in the official state paper for four consecutive weeks prior to such sale. The judgment shall bear interest at the rate of ten per cent per annum from the date of entry until finally paid.

(3) The state treasurer for and in the name of the state may bid at the sale and the state may become the purchaser of the property of any such company under a judgment for its sale for taxes, interest and costs. If the judge of the court in which such action is commenced shall be disqualified or an affidavit of prejudice is filed, such judge shall call upon some other circuit judge to attend and hold court for the trial of the action according to the mode provided in section 76.21. [*Stats. 1919 s. 1211—22; 1921 c. 59 s. 23*]

76.23 Exemption from other taxation. The taxes imposed by this chapter upon the property of the companies defined in section 76.02 shall be in lieu of all other taxes on such property necessarily used in the operation of the business of such companies in this state, except that the same shall be subject to special assessment for local improvements in cities and villages. The taxes so imposed and paid by such companies shall also be in lieu of all taxes on the shares of stock of such companies owned or held by individuals of this state and such shares of stock in the hands of individuals shall be exempt from further taxation. [*Stats. 1919 s. 1211—24; 1921 c. 59 s. 25*]

76.24 Payment into general fund. All taxes collected from companies defined in section 76.02 under the provisions of this chapter shall be paid to the state treasurer and become a part of the general fund for the use of the state, except as otherwise specifically provided by law. [*Stats. 1919 s. 1211—25; 1921 c. 59 s. 26*]

76.25 Experts and employes. The commission is authorized and empowered to employ expert engineers, expert accountants and such clerks and assistants as may be necessary to properly perform the duties imposed by this chapter and in the work of the valuation and taxation of the property of the companies. [*Stats. 1919 s. 1211—26; 1921 c. 59 s. 27*]

76.26 Court fees. The fees of the sheriff and one deputy, and of the clerk of the court and one deputy, for attendance upon the court for the trial of any action under sections 76.01 to 76.29, inclusive, shall be audited by the secretary of state upon the certification of said clerk and approval by the attorney-general, paid out of the state treasury and charged to the appropriation for circuit courts. [*Stats. 1919 s. 1211—27; 1921 c. 59 s. 28*]

76.27 Distribution tax rolls. Within thirty days after certification of the tax rolls referred to in section 76.15, supplementary tax rolls shall be certified to the state treasurer showing the proper amount of tax payable to each town, city and village, and the amount to be retained by the state pursuant to section 76.28. These rolls shall be known as "Distribution Tax Rolls." [*Stats. 1919 s. 1211—28; 1921 c. 59 s. 29*]

76.28 Apportionment of tax receipts; terminals. (1) The state shall retain fifteen per cent of the taxes paid into the treasury by any street railway company or conservation and regulation company defined by section 76.02, and twenty per cent of such taxes shall be distributed to the counties and sixty-five per cent shall be distributed to the towns, cities and villages, within or through which the business of such company was carried on and operated in proportion, as near as may be, to the property located and business transacted within each such town, city and village; provided, however, that in determining the amount of business transacted, receipts derived from current delivered at wholesale to another utility shall not be taken into consideration in determining such proportion. Also all taxes paid by any company defined by section 76.02 derived from or apportionable to docks, piers, wharves or grain elevators and their approaches and appurtenances, on the

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basis of the separate valuation provided for in section 76.08 shall be distributed to the towns, cities and villages in which they are located.

(2) The commission shall ascertain and determine the amount of the tax when paid into the state treasury by any such street railway company or conservation and regulation company, which on the basis of eighty-five per cent of the whole shall be distributed to the towns, cities and villages, through or in which its business is operated, and the amount of taxes when paid into the state treasury by any company derived from or apportionable to docks, piers, wharves or grain elevators which should be distributed to the towns, cities and villages in which they are located as herein provided, and shall cause to be entered in the records of the tax commission the names of such towns, cities and villages, and opposite the names thereof, the amount of taxes to be paid to each such municipality. [*Stats. 1919 s. 1211—29; 1921 c. 59 s. 30*]

76.29 Distribution tax to municipalities. (1) When the taxes due from any street railway company or conservation and regulation company defined in section 76.02, or the taxes due from any company on account of any dock, pier, wharf or grain elevator separately valued under section 76.08, shall be paid in whole or in part to the state treasurer, he shall forthwith notify the secretary of state of the name of such company and the amount of the payment, and the secretary of state shall audit the amounts payable to each municipality and the treasurer shall pay the same. In case only a part of the tax due from any such company is paid, a proportionate part shall be audited and paid to the municipalities. If a tax due from any such company becomes delinquent and is subsequently collected or paid into the state treasury with interest thereon, the interest on the amount to be distributed to municipalities shall also be distributd to the municipalities in the same proportion as herein provided for payment of the tax itself.

(2) If the state is compelled to refund the whole or any part of the tax received from any such company, and a part of such tax has been distributed to municipalities under the provisions of sections 76.28 and 76.29, such municipalities shall repay to the state the proper proportion of such tax so received by them, and the secretary of state shall certify the amounts to be repaid to the state to the county clerks of the counties in which such municipalities are located for levy and collection from said municipalities as other state taxes are levied and collected.

(3) If in any case after the distribution tax rolls referred to in section 76.27 have been certified to the state treasurer, an error is found to have been made in any report, statement or computation, materially affecting the apportionment of the tax, the same may be corrected in any of the three years next following, by making the proper addition to or deduction from the tax payable to any district, as the case may be. [*Stats. 1919 s. 1211—30; 1921 c. 59 s. 31, 32*]

INSURANCE AND GUARANTY COMPANIES.

76.30 Fire and marine companies; license fees. (1) Every company transacting the business of insurance against fire or by the risk of inland navigation or transportation, other than companies excepted under subsection (2) hereof, shall pay to the state on or before the thirty-first day of January in each year, a tax of two and three-eighths per centum on the amount of the gross premiums received for direct insurance, less return premiums and cancellations on direct insurance, by such company during the preceding year, in this state. Direct insurance shall include all insurance other than reinsurance. In case any company shall discontinue business in this state and reinsure the whole or a part of its risks without making payment of this tax, the company accepting such reinsurance shall pay the tax; and if several companies shall make such reinsurance the tax shall be apportioned between such companies in proportion to the original premiums upon the business, in this state, so reinsured by each such company. Upon the payment of the tax herein provided, such company may be licensed to transact its business until the last day of January in the ensuing year, unless sooner revoked or forfeited according to law.

(2) Excepting domestic mutual insurance companies included in section 76.34 and companies heretofore organized under sections 1896 to 1900, inclusive, no domestic mutual insurance company shall be required to pay any taxes, fees, or charges to the state. [*Stats. 1919 s. 1211—31; 1921 c. 59 s. 33*]

76.31 License fees; calculation of. All license fees and taxes levied under any provision of law upon gross premiums against any insurance company or other insurer shall be uniformly calculated on the amount of gross premiums received for direct insurance less return premiums and cancellations and returns from savings and gains on direct insurance by such company or other insurer during the preceding year in this state. [*Stats. 1919 s. 1211—32; 1921 c. 59 s. 34*]

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76.32 Casualty companies; license fee. Every corporation transacting the business of casualty or suretyship insurance shall pay to the state on or before the first day of March in each year, as a license fee for transacting such business, two per centum upon the gross premiums received during the preceding year on all policies or contracts which have been written on the lives of residents or property in this state. [*Stat. 1919 s. 1211—33; 1921 c. 59 s. 35*]

76.33 Fire companies; license fees; reports. Any company not authorized to do business in this state, which shall insure any property situated in this state against fire or the risk of inland navigation or transportation shall pay to this state a tax upon the gross premiums paid to such company on such insurance computed at the rate per centum prescribed by section 76.30, and on default of any such company in the payment of such tax before the first day of March next succeeding, the owner of such property shall pay such tax. Every person paying more than one hundred dollars premiums to any one such company in any year shall report the same in writing by mail to the commissioner of insurance before the first day of March next succeeding, and if such report be not made and such tax remains unpaid for sixty days after the said first day of March, the tax shall be increased by one-tenth for every month during which such tax remains unpaid after the expiration of said sixty days. [*Stats. 1919 s. 1211—34; 1921 c. 59 s. 36*]

76.34 Life insurance companies to pay annual license. Every company, corporation or association transacting the business of life insurance within this state, excepting only such fraternal societies as have lodge organizations and insure the lives of their own members, and no others, shall, on or before the first day of March, in each year, pay into the state treasury as an annual license fee for transacting such business the amounts following:

(1) DOMESTIC COMPANIES; THREE PER CENT OF GROSS INCOME. If such company, corporation or association is organized under the laws of this state, three per centum of its gross income from all sources for the year ending December thirty-first, next prior to said first day of March excepting therefrom income from rents of real estate upon which said company, corporation or association has paid the taxes assessed thereon, and excepting also premiums collected on policies of insurance and contracts for annuities.

(2) FOREIGN COMPANIES, THREE HUNDRED DOLLARS. If any such company, corporation or association is organized without the state of Wisconsin, and is not purely an assessment company, it shall pay into the state treasury, as such annual license fee, the sum of three hundred dollars, except that whenever the similar taxes and fees imposed upon a company of another state under section 76.35, shall exceed three hundred dollars, the amount of the annual license fee shall be deducted.

(3) POWER GRANTED BY LICENSE; LICENSE FEE IN LIEU OF OTHER TAXES. Such license, when granted shall authorize the company, corporation or association to whom it is issued to transact business until the first day of March of the ensuing year, unless sooner revoked or forfeited. The payment of such license fee shall be in lieu of all taxes for any purpose authorized by the laws of this state, except taxes on such real estate as may be owned by such company, corporation or association. [*Stats. 1919 s. 1211—35; 1921 c. 59 s. 37*]

76.35 Increase of fee of foreign company. Whenever the laws of any other state of the United States or of any foreign country, or the rules, regulations, requirements or impositions thereof, or of any department or officer thereof shall require of insurance companies or fraternal benefit societies organized under the laws of this state and doing business in such state or foreign country or of their agents, any deposit of securities for the protection of their policyholders or otherwise, or any payment of taxes, fines, penalties, certificates of authority, license fees or otherwise, greater than the amount required by the laws of this state for the same purposes from similar companies or fraternal societies organized under the laws of such other state or foreign country and doing business in this state, or shall impose other obligations, prohibitions or restrictions additional to or in excess of those imposed by the laws of this state upon insurance companies or fraternal benefit societies of such other state or foreign country or their agents, then all such companies or fraternal benefit societies of such other states or foreign country doing business within this state shall make the same deposit with the state treasurer and shall pay him the same sum for taxes, fines, penalties, certificates of authority, license fees or otherwise, and the same obligations, prohibitions or restrictions of whatever kind shall be imposed upon them and their agents as a condition to the issuance of a license to them, as is required to be made or paid or is imposed upon companies or societies of this state or their agents by the laws of such other state or foreign country, or the rules, regulations, requirements or impositions thereof, or of any department or officer thereof. [*Stats. 1919 s. 1211—36; 1921 c. 59 s. 38*]

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76.36 Foreign insurance companies; reciprocal taxation. When any insurance corporation or other insurer of this state shall be licensed to transact insurance in any other state, territory, or district of the United States, like insurance corporations or insurers from such other state, territory or district shall pay no other or greater taxes, fees, or licenses than are or would lawfully be imposed upon and collected from like insurance corporations or insurers of this state by such other state, territory or district; but the amount of such taxes or fees paid by insurance corporations or insurers subject to sections 76.34, 1926, and 1972, shall not be less than the amount required and applied as provided in said sections, and the amount of such taxes paid by insurance corporations or insurers under the provisions of subsection (1) of section 76.30 shall not be less than three-eighths of one per centum on the amount of the gross premiums received for direct insurance, less the deductions provided in section 76.31, by such corporations or insurers during the preceding year in this state. This section shall not apply to insurance corporations or other insurers of any foreign country. [*Stats. 1919 s. 1211—37; 1921 c. 59 s. 39; 1921 c. 510; 1921 c. 590 s. 103*]

76.37 License; issuance; collection of fees. (1) Every license issued pursuant to sections 76.30 and 76.37 shall certify that payment of the license fee has been made, be attested by the great or lesser seal thereto affixed, and shall be in such form as shall be approved by the attorney-general.

(2) No suit shall be brought to restrain or enjoin the collection of any license fee imposed or provided for by sections 76.30 to 76.37, inclusive. Any company, corporation, or association, aggrieved by the payment of any such license fee, may maintain a suit against the state for the recovery thereof in the circuit court for Dane county within six months from the time of the payment thereof. The state may be served with a summons in such suit by delivering a copy to the attorney-general or leaving it at his office in the capitol with one of his assistants.

(3) No action shall be commenced to compel the issuance of the license provided for by subsection 5 of section 1947 until the fee imposed by sections 76.30 to 76.37, inclusive, shall have been fully paid.

(4) It shall be the duty of the attorney-general to institute suit in the circuit court for Dane county to recover any such license fees not paid within the time prescribed by sections 76.30 to 76.37, inclusive. Nothing in this act shall be construed as amending or modifying in any respect the provisions of chapter 139 of the statutes. [*Stats. 1919 s. 1211—38; 1921 c. 59 s. 40*]

TELEPHONE LINES.

76.38 License fees. (1) Any person, copartnership, association, company or corporation owning and operating or operating any telephone line in this state with appliances for the transmission of messages of speech or sound, and engaged in the business of furnishing telephone service for compensation as owner, lessee or otherwise, shall be deemed and held a telephone company, and shall on or before the first day of March, in each year, make and return to the state treasurer, in such form and upon such blanks as he shall prescribe and furnish, a true statement of the gross receipts from the operation of the business during the preceding calendar year, which statement shall be verified by the president, treasurer and secretary of such company so operating, or two of the other principal officers thereof, or the person so operating the telephone business. The statement shall show separately the amounts of gross receipts from the toll line service, which shall include all receipts on toll line business, beginning and ending within the state, and a proportion based upon the mileage within the state to the entire mileage over which such business is done, of receipts on all interstate business passing through, into or out of the state, and from the service of the exchange property of the company and the town, city or village in which such exchange is located with the true amount of the gross receipts of each such exchange. The duplicate of such statement shall be filed with the treasurer of each town, city or village in which any exchange of the company may be located.

(2) Every person, copartnership, association, company or corporation operating a telephone exchange or toll line, or both, shall pay an annual license fee to be computed upon the total gross receipts as herein required to be shown in said statement, as follows:

(a) Five per cent of the total gross receipts, if such gross receipts equal or exceed five hundred thousand dollars.

(b) Four per cent of the total gross receipts, if such gross receipts equal or exceed three hundred thousand dollars and are less than five hundred thousand dollars.

(c) Three per cent of the total gross receipts, if such gross receipts equal or exceed one hundred thousand dollars and are less than three hundred thousand dollars.

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(d) Two and one-half per cent of the total gross receipts, if such gross receipts are less than one hundred thousand dollars.

(3) The amount arising from such license fees based upon gross receipts shall be paid by the company as follows, viz.: The license fee upon eighty-five per cent of the gross receipts from the exchange service or business shall, on or before the first day of March, in each year, be paid to the treasurer of the town, city or village in which the exchange is located, for the use and benefit of said town, city or village; the balance of the license fee upon fifteen per cent of such gross receipts from exchange service shall be paid to the state treasurer and become a part of the general fund for the use of the state. The license fees on all of the gross receipts from the toll line service shall be paid to the state treasurer and become a part of the general fund for the use of the state. Every such person, copartnership, association, company or corporation, upon filing such verified statement with the state treasurer and the filing of such duplicate with the treasurer of the respective town, city or village treasurers, and upon the payment of the license fees herein prescribed to the state treasurer and to the respective town, city and village treasurers, shall apply for and receive from the state treasurer a license to carry on such business for the calendar year commencing on the first day of January preceding and ending on the succeeding thirty-first day of December, unless sooner revoked.

(4) Any person, copartnership, association, company or corporation owning and operating or operating any telephone line in this state, with appliances for the transmission of messages of speech or sound, and engaged in the business of furnishing telephone service for compensation as owner, lessee or otherwise, shall, on or before the first day of March each year pay to the state, when the annual license fee upon the total gross receipts is less than five cents for each telephone instrument, owned and operated or operated within this state by any such person, copartnership, association, company or corporation, a sum equal to five cents for each telephone instrument owned and operated or operated within this state by any such person, copartnership, association, company or corporation, as an annual license fee. [*Stats. 1919 s. 1211—39; 1921 c. 59 s. 41*]

SLEEPING CAR, EXPRESS, FREIGHT LINE AND EQUIPMENT COMPANIES.

76.39 Definitions. Any person, persons, copartnership, joint stock company, association or corporation (not being a railroad company or a lessee of a railroad company), wherever organized or incorporated,

(1) When owning any cars known as dining, buffet, chair, parlor, palace or sleeping cars which are used upon railroads within this state, unless the ownership of such cars be identical with that of the lines of railroads on which they are operated, shall be deemed and held to be a sleeping-car company;

(2) When conveying to, from or in this state, money or property of any kind, by express (not including railroad or steamship companies engaged in the ordinary transportation business), shall be deemed and held to be an express company;

(3) When his, their or its business is furnishing or leasing any kind of railroad cars as a common carrier, except dining, buffet, chair, parlor, palace or sleeping cars to be used on, or in the operation of the line of any railroad company wholly or partly within this state, not being the owner or lessee of such railroad, and when owning and operating or operating any railroad freight, refrigerator or tank cars on railway lines in this state for the transportation of his or its goods, wares, merchandise or products, shall be deemed and held to a freight-line company; and,

(4) When his, their or its business is furnishing or leasing any kind of railroad cars to common carriers or shippers, except sleeping cars, to be used on, or in the operation of the line of any railroad company wholly or partly within this state, not being the owner or lessee of such railroad, shall be deemed an equipment company. [*Stats. 1919 s. 1211—40; 1921 c. 59 s. 42*]

76.40 Reports. Every company defined by section 76.39 shall annually at such time, in such form and covering such period as the tax commission shall prescribe make and file with it a statement verified by the oath of the person, agent or officer making the same, setting forth the facts called for so far as any of them are applicable to the company making such report. Such report shall contain:

(1) The name of the company.

(2) The nature of the company, whether a person, agent, trustee, lessee, receiver, mortgagee in possession, or other person, or a joint stock company, partnership, association or corporation.

(3) The location of its principal office. If an association, partnership, or corporation, under the laws of what state or country, and when organized.

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(4) The name and post-office address of the person, or of the president, secretary, auditor, treasurer and superintendent or general manager.

(5) The name and post-office address of his or its chief officer or managing agent in Wisconsin.

(6) Its capital stock:

(a) Authorized;

(b) Issued; and the total amount of its stock invested in its business as defined in section 76.39.

(7) The number of shares of stock:

(a) Outstanding;

(b) Not issued;

(c) Treasury.

(8) The par and market values, or if there be no market value, the actual value of all of the shares of its capital stock invested in its business.

(9) A statement of the situation, income and value in detail of all its real estate in Wisconsin.

(10) A full and correct inventory, at the true cash value, of its personal property, including moneys and credits in Wisconsin.

(11) The location, character and total value of all its real estate outside of Wisconsin used in its business.

(12) The total value of all its personal property, including moneys and credits situated outside of Wisconsin.

(13) The whole length and the names of railroad lines and water and stage routes over which it did business, and separately, in detail, the portions of such lines and routes within this state, and the portions of such routes over navigable waters of the United States within this state.

(14) The total car mileage and the car mileage within this state and such other facts or information as such company or the tax commission may deem material upon the question of the taxable value of its property within this state. Said commission shall furnish forms to said companies upon which to make such reports. [*Stats. 1919 s. 1211—41; 1921 c. 59 s. 43*]

76.41 Assessments; exemption. The tax commission shall make an assessment of the property of all companies defined in section 76.39 within the state for the purpose of levying and collecting taxes thereon as hereinafter provided. Said commission shall give notice to the officer of each such company attesting its report of the time and place such company may appear and be heard in respect to the assessment to be made upon its property. Sleeping-car property, as defined by section 76.39, which is owned and operated by any railroad company taxed under the provisions of this chapter, is exempt from assessment under this section. [*Stats. 1919 s. 1211—42; 1921 c. 59 s. 44*]

76.42 Method of assessment. The tax commission shall carefully consider all reports made pursuant to section 76.40 and all other facts and evidence collected or available, and after hearing the testimony and arguments which each company defined in section 76.39 may offer, shall proceed to determine the true value in money of the entire property of each such company in this state, according to the following rules:

(1) It shall find, ascertain and determine the actual value in money of the entire amount of the capital stock of each such company invested in its business; and when the value of the capital stock cannot be reliably ascertained it shall find, ascertain and determine the value of the entire property used in its business. From the amount so obtained and determined it shall deduct the actual value of all its real estate situate without this state, not used in its business, and the actual value of all its personal property not used in its business. The remainder shall be taken and considered as the actual value of the capital stock of the property of such company invested or used in its business.

(2) The commission shall then divide the amount so obtained by the total car mileage on railroads over which the company did business, to obtain the value per car mile, and shall then multiply the value per car mile thus obtained by the total number of car miles within this state. The commission shall also consider routes other than railroad routes, both within and without the state in order to obtain the true value of all property used by the company within this state. The result shall be taken and considered as the actual value of the property of such company subject to assessment and taxation in this state.

(3) The commission shall thereupon assess such value, and shall levy a tax thereon for the use of the state at the average rate of taxation, state and local consolidated, of this state, certifying such assessment and levy to the state treasurer, who shall thereupon, by registered letter, notify the officer attesting the report of such company, the amount of the assessment, the rate of levy and the amount of the tax; and such company shall have thirty

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days after the mailing of such notice within which to pay said tax to the state treasurer. And such tax when paid shall be in lieu of all other taxes and licenses of every nature against such company. [*Stats. 1919 s. 1211—43; 1921 c. 59 s. 45*]

76.43 Failure to report; nonpayment; action for collection. (1) If any company designated in section 76.39 shall fail to make the report required of it by section 76.40 the commission shall proceed upon the best information it may be able to obtain to make a statement for such company of all the facts which should have been so reported and shall notify such company by registered letter of its action in that behalf. Thereupon the company so notified may appear and be heard as hereinbefore provided. Every tax levied upon the property of any such company shall become due and payable thirty days after the mailing to it by the state treasurer of the notice required by subsection (3) of section 76.42.

(2) All taxes remaining unpaid shall draw interest at the rate of fifteen per centum per annum after they are due, and upon such failure to pay the attorney-general shall proceed by action in the name of the state against such company to collect the same, together with interest and the costs of the suit.

(3) Any company defined in section 76.39 claiming to be aggrieved by the levy of a tax upon its property may within six months from the payment of the tax or the dismissal of any action brought by the state to recover the same, and not thereafter, bring and maintain an action against the state in the circuit court of Dane county to recover such part of the tax so paid as shall exceed the amount the company should have paid. The state may be served with the summons in such action by delivering a copy thereof to the attorney-general or leaving it at his office in the capitol with one of his assistants.

(4) No company defined in section 76.39 shall be permitted to contest the validity of any tax heretofore or hereafter levied and assessed against it under sections 76.39 to 76.46, inclusive, unless at or before the time of serving its complaint or answer, as the case may be, it shall deposit with the state treasurer the amount of such tax, together with interest thereon at the rate of fifteen per cent per annum as provided by section 76.43, but no such company shall be required to deposit with the state treasurer the amount of any tax in any action now pending. In case the amount of the tax, justly and equitably due from such company, shall be finally determined to be less than the amount so paid, the excess shall be refunded to such company by direction of the court and, for that purpose, the secretary of state, upon the filing in his office of a certified copy of such final determination, shall draw a warrant upon the state treasurer for the amount to be so refunded. [*Stats 1919 s. 1211—44; 1921 c. 59 s. 46*]

76.44 Estoppel by failure to report. (1) If any company described in section 76.39 or its officers or agents shall unreasonably refuse or neglect to make any report required by law or by said commission, or shall unreasonably refuse or neglect to answer any material question, or to permit an inspection of its records, books, accounts or papers when requested by said commission, it shall be estopped to question or impeach the action or determination of the commission except upon satisfactory proof of fraud or mistake injurious to it.

(2) No such company shall be allowed in any action or proceeding to question the amount or valuation of its property and franchises as assessed by the commission unless it shall have made and filed with such commission a full and complete report of the facts and information prescribed by law and called for by the commission; provided, that the refusal or neglect of such company to file its report in time may, on verified petition and for good cause shown, be excused by the commission on condition that such company shall make a full and complete report disclosing all facts and information required of it within fifteen days after leave is given to file such report, and shall appear before the commission and make full disclosure of all property liable to assessment and taxation under this chapter and show its value. [*Stats. 1919 s. 1211—45; 1921 c. 59 s. 47*]

76.45 Investigation; apportionment of property; levy; tax roll. (1) For the purpose of determining the true cash value of the property of each company described in section 76.39, including the value of its franchises, the commission may view and inspect any of its property, and may consider the reports filed in compliance with law, and any reports and returns of the company in the office of any officer of this state, or any public office in any other state, and such other evidence or information as may have been taken or obtained, bearing upon the true cash value of the property and franchises of such company.

(2) In case of companies doing business partly within and partly without this state the commission shall assess such portion of the entire property as is properly and legally apportionable to this state, taking into consideration the value of the entire system and of that part thereof within this state, the earning capacity of the entire system and of that

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part within this state, its entire mileage and the mileage within this state, the car mileage of the entire system and the car mileage within this state, and such other information, facts and circumstances as will aid the commission to make a substantially just and correct determination of the valuation of so much of said property as is subject to taxation in this state. In ascertaining the mileage for the entire system of any company or in this state, water, coastwise and ocean mileage may be excluded.

(3) When the true cash value of the property of any such company liable to taxation in this state shall have been ascertained and determined, the amount thereof shall be entered upon an assessment roll, to be prepared by the commission, opposite the name of the company assessed, and shall be and constitute the assessment of the entire property and franchises of such company within this state. The commission shall, in a separate column, place the amount of taxes levied against such company, and shall state the rate of taxation and shall file such assessment and tax roll in the office of the state treasurer. In the case of any company whose assessment has been delayed because of proceedings taken under section 76.44 the commission shall upon the completion of the assessment of any such company file a separate assessment and tax roll for the collection of taxes therein levied with the state treasurer. [*Stats. 1919 s. 1211—46; 1921 c. 59 s. 48*]

76.46 Reassessment of taxes; taxes not illegal unless unjust. (1) If any tax heretofore or hereafter levied under the provisions of sections 76.39 to 76.46, inclusive, shall be set aside or adjudged invalid, illegal, or nonenforcible, it shall be the duty of the tax commission, whether any part of the taxes levied and assessed have been paid or not, to reascertain and redetermine the value of the property of the company or to redetermine and reascertain the average rate of taxation, state and local consolidated, of the state, as may be required, and to reassess such property and relevy the tax thereon according to such redetermination and reassessment. When such reassessment and relevy has been made, it shall have the same force and effect as the original assessment and levy would have had if made in accordance with law. The proceedings for such reassessment and relevy shall be conducted in the method originally provided for as near as may be. When such reassessment and relevy has been certified to the state treasurer, he shall immediately notify, by registered mail, the company whose taxes have been reassessed and relevied, the amount of the reassessment, the rate of the relevy and the amount of the reassessed tax, and such company shall have thirty days after the mailing of such notice within which to pay said tax to the state treasurer.

(2) The power to reassess the property of any company, defined in section 76.39, and to reascertain and redetermine the value of the property of such company and to reascertain and redetermine the average rate of taxation, state and local consolidated, of the state, may be exercised as aforesaid as often as may be necessary until the amount of taxes legally due from any such company for any year under the provisions of sections 76.39 to 76.46, inclusive, has been finally and definitely determined. Whenever any sum or part thereof levied upon the property of such company, has been paid and not refunded, the payment so made shall be applied upon the reassessment of the property of said company and the reassessment of its taxes to that extent shall be deemed to be satisfied.

(3) No tax heretofore or hereafter levied upon any company, as defined in section 76.39, shall be held invalid on account of any irregularity, informality or omission unless it shall appear that substantial injustice to the company has resulted therefrom, and in all actions and proceedings to contest the validity of any such tax, the proceedings of the commission shall be presumed to be regular and the determination of the commission shall not be impaired, vitiated or set aside upon any grounds not affecting the substantial justice of the tax. [*Stats. 1919 s. 1211—46m; 1921 c. 59 s. 49*]

WATER, LIGHT, HEAT AND POWER COMPANIES.

76.47 Nature of business and taxing unit defined. (1) Excepting light, heat and power companies specified in section 76.02, and excepting business enterprises carried on exclusively for the private use of the person or company engaged therein, the property, rights and franchises, if any, of every person, company or corporation used in:

(a) Generating and furnishing gas for lighting or fuel or both.

(b) Supplying water for domestic or public use or for power or manufacturing purposes.

(c) Generating, transforming, transmitting or furnishing electric current for light, heat or power.

(d) Generating and furnishing steam or supplying hot water for heat, power or manufacturing purposes.

(e) The improvement of navigation of public streams or other public waters, together with all real estate used in such business and necessary to the prosecution thereof; the

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property and franchises described in paragraphs (a), (b), (c), (d) and (e) shall be deemed personal property for the purposes of taxation and shall be valued and assessed together as a single item and the assessed valuation thereof shall be apportioned in the manner provided in sections 76.47 to 76.53, inclusive.

(2) In case the property of any public utility described in paragraphs (a) to (e) of subsection (1) is physically connected and operated in connection with any one or more public utilities therein described, all such property shall be included, valued, and assessed, as a single item.

(3) Any of said property shall be subject to reassessment for reasons stated, and in the manner provided in section 70.74. [*Stats. 1919 s. 1211—47; 1921 c. 59 s. 50*]

76.48 Tax commission to assess interdistrict utilities. If the property or business of any such person, company or corporation extends into two or more assessment districts the tax commission shall assess all the property of such person, company or corporation, and extend on the assessment rolls of the respective assessment districts the proportion of the assessed valuation thereof properly belonging to each. Such proportion shall be determined by the ratio which the property located and the business transacted in each district bears to the total property and business of such person, company or corporation, provided, however, that in determining the amount of business transacted in each such district and also the total amount transacted, receipts derived from current delivered at wholesale to another utility shall not be taken into consideration in determining such proportion. The amount so assessed shall be subject to the same tax rate as other property in said district. The assessment assigned to each district shall be certified to the clerk of such district on or before September first and shall by such clerk be spread upon the assessment roll of his district. [*Stats. 1919 s. 1211—48; 1921 c. 59 s. 51*]

76.49 Reports to tax commission. When so requested by the tax commission every person, company or corporation, subject to assessment under the provisions of sections 76.47 to 76.53, shall annually make and file with the commission in such form and manner and at such time as the commission may require a report setting forth its organization, capital, funded and other debt, current assets and liabilities, its property and franchises, and extent of its operation, its earnings and expenses, disposition of income, and such other facts as may be required by the commission. Such report shall be attested or verified by such officers of the company or other persons as the commission may require. [*Stats. 1919 s. 1211—49; 1921 c. 59 s. 52*]

76.50 Judicial review of assessment. (1) Any person, firm or corporation, or any town, city or village mentioned in section 76.48 claiming to be aggrieved thereby may appeal to the circuit court of Dane county from any assessment or apportionment made by the commission under said section 76.48, and, except as provision is otherwise made by section 76.51 or any other statute, such appeal shall be taken and perfected in the following manner: There shall be filed in the office of the tax commission, within sixty days after the certification of such determination by the commission, a declaration in writing that the town, city or village, naming the same, in whose behalf such appeal is taken appeals to the circuit court of Dane county from such determination, and that such appeal has been authorized by an order or resolution of the board of supervisors of the town, common council of the city, or trustees of the village in whose behalf such appeal is taken.

(2) Such declaration shall be signed by the chairman of the town, mayor of the city or president of the village in whose behalf the appeal is taken, or by a member of the governing body thereof. Within thirty days after the filing of such declaration the commission shall file with the clerk of the circuit court of Dane county originals or certified copies of any and all papers, reports and records filed with the commission or used by it in making such determination, and within ten days after such filing of said papers by the commission, it shall mail to the clerk of each town, city or village which may be affected by said appeal a copy of such declaration and a statement of the fact and date of the filing of such papers with the clerk of said court. Within twenty days after the mailing of such copy and statement to said clerks, unless such time be enlarged by said court upon a showing made, any town, city or village affected or which may be affected by such distribution may cause its appearance to be entered in the matter of said appeal by filing with said court clerk an appearance in writing, signed as is a declaration hereunder, or by any attorney on behalf of such municipality so appearing. When so authorized, the interests of the town, city or village authorizing the same shall be in charge of the chairman, mayor or president thereof, unless otherwise directed by the body authorizing such appearance; and attorneys may be employed in that behalf.

(3) Not earlier than thirty days after the filing of said papers by the commission with said court clerk, the appellant or any municipality appearing may, on notice to all parties who shall then have appeared, apply to the court for an order fixing the time for the trial

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of said appeal; and the court shall by order fix the time of such trial and adjournments thereof may be had from time to time as ordered by the court. Said appeal shall be deemed an action in said court, subject, however, to the provisions of law for a change of the place of trial or the calling in of another judge. On the trial of such appeal the appellant or any party who has appeared in the action as herein provided may offer evidence in support of or in opposition to said appeal, and the judgment of the court may be an affirmance of the determination of the commission or the establishment of a new determination based on all of the papers, reports and records filed by the commission and the evidence submitted upon the trial.

(4) The determination of the court shall be certified by the clerk thereof to the tax commission, which shall substitute the same for the determination made by it. If any such appeal cannot be tried and the court's judgment thereon made in time to take the place of the original determination made by the commission for said year, the taxes shall be distributed in accordance with the commission's determination, and when the appeal is completed and the court's judgment certified thereon, as above provided, the inequalities or errors in the distribution under the original determination shall be remedied and compensated in the distribution of the taxes of such company next following the trial and judgment upon said appeal in the following manner: Each town, city and village, whose portion of such tax shall be determined by such appeal to have been too great, shall be debited a sum equal to such excess, and such town, city and village whose portion of such tax shall be determined by such appeal to have been too small, shall be credited a sum equal to such deficiency, and additions to and subtractions from the taxes of such company distributed to and among such towns, cities and villages, in the distribution next following such judgment, shall be made accordingly.

(5) In its judgment the court shall determine also the amount of costs, if any, which shall be recoverable in the action, in whose favor and against whom such recovery shall be had, and the same shall have the force and effect of a money judgment in favor of and against the towns, cities and villages indicated in such judgment. Any utility or municipality aggrieved by a judgment entered upon an appeal hereunder may appeal therefrom to the supreme court within the time and in the manner provided for an appeal from the orders of the circuit court, except that it shall not be necessary for any party to said appeal to execute, serve or file the undertaking required by section 3052 of the statutes in order to perfect such appeal; but all such appeals shall be placed on the calendar of the supreme court and brought to a hearing in the same manner as state cases on such calendar. [*Stats. 1919 s. 1211—50; 1921 c. 59 s. 53*]

76.51 Nonpayment; payment a condition precedent of contest. If any such person, company or corporation shall fail to pay the taxes imposed under sections 76.47 to 76.53, inclusive, within the time provided by law, any municipality to which such tax is due shall have all the remedies applicable to the collection of taxes on personal property; and two or more municipalities may unite in an action to enforce payment thereof. No person, company or corporation upon which a tax shall have been imposed under said sections shall be permitted to contest the validity thereof, either as plaintiff or defendant, unless it shall have first deposited the amount of such tax with the treasurer of the municipality to which such tax is due, together with interest thereon as in the case of other taxes. In case the amount of the tax justly and equitably due shall be finally determined to be less than the amount so paid, the excess shall be refunded by direction of the court. [*Stats. 1919 s. 1211—51; 1921 c. 59 s. 54*]

76.52 Reassessment. (1) If any tax heretofore or hereafter levied under the provisions of sections 76.47 to 76.53, inclusive, shall be set aside or adjudged invalid, the property may be reassessed and taxed in the same manner as omitted property, and the time within which such reassessment may be made shall not begin to run until the final determination of the action in which such tax shall have been contested.

(2) If in any case after certifying the assessment to any town, city or village clerk as provided in section 76.48, an error is found to have been made in any report, statement or computation used in apportioning any valuation or assessment under sections 76.41 76.53, inclusive, the same may be corrected, by adding to or deducting from as the ca may be, the valuation to be assigned to any district or districts in any of the three yea next following. [*Stats. 1919 s. 1211—52; 1921 c. 59 s. 55, 56*]

76.53 Franchise fee not affected. No assessment made or tax levied under t provisions of sections 76.47 to 76.53, inclusive, shall be construed to be in lieu of or anyway as affecting any franchise fee imposed by law on the owner or holder of a franchise granted by this state for the improvement of navigation or for the developme of hydraulic power on any navigable stream. [*Stats. 1919 s. 1211—53; 1921 c. 59 s. 57*

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RENUMBERED AND REVISED CHAPTERS.

[The extent to which revision has been carried in this volume so far as chapters and their contained sections have been relocated and renumbered is presented by the following tables.]

A TABLE

Of newly numbered and revised chapters of the statutes, with former chapters from whence the material entering into the new chapters was derived, set opposite.

Revised Chapters.			Former Chapters.	
1	(1915)	Derived from	1	(1898)
2	(1915)	Derived from	2	(1898)
3	(1915)	Derived from	3	(1898)
4	(1915)	Derived from	4	(1898)
5	(1915)	Derived from	5	(1898)
6	(1915)	Derived from	5	(1898)
7	(1915)	Derived from	6	(1898)
8	(1915)	Derived from	7	(1898)
9	(1915)	Derived from	8	(1898)
10	(1915)	Derived from scattered sections and session laws.		
11	(1915)	Derived from parts of chapter 5 (1898) and part new.		
12	(1915)	Derived from	8*m*	(1911)
13	(1917)	Derived from	12*a*	(1915)
14	(1917)	Derived from	12*b*	(1915)
15	(1917)	Derived from	44*b*	(1913)
16	(1917)	Derived from	44*a*	(1911)
17	(1917)	Derived from	42	(1898)
18	(1917)	Derived from	43	(1898)
19	(1917)	Derived from	44	(1898)
20	(1917)	Derived from chapters 12*c* (1915), 12*m* (1913) and scattered sections.		
21	(1917)	Derived from	34	(1898)
22	(1917)	Derived from	34	(1898)
23	(1917)	Derived from parts of chapters 15 (1898) and 62 (1915).		
24	(1917)	Derived from parts of chapter 15 (1898).		
25	(1917)	Derived from	17	(1898)
26	(1917)	Derived from parts of chapter 61 (1898).		
27	(1917)	Derived from parts of chapters 36 (1898), parts of 40*b* (1898), parts of 41 (1898), and parts of 61 (1898).		
28	(1917)	Derived from parts of	61	(1898)
29	(1917)	Derived from	62	(1915)
30	(1917)	Derived from chapter 70 (1898) and scattered sections.		
31	(1917)	Derived from	69*m* (1913), 146	(1898)
32	(1919)	Derived from scattered sections.		
33	(1917)	Derived from	19	(1898)
34	(1917)	Derived from	73*d*	(1915)
35	(1917)	Derived from	20	(1911)
36	(1917)	Derived from	25	(1898)
37	(1917)	Derived from	26	(1898)
38	(1917)	Derived from section 376—50 (1915).		
39	(1917)	Derived from	27	(1898)
40	(1917)	Derived from	27, 28	(1898)
41	(1917)	Derived from	27	(1898)
42	(1917)	Derived from	27	(1898)
43	(1917)	Derived from	23	(1898)

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RENUMBERED AND REVISED CHAPTERS.

Revised Chapters.			Former Chapters.	
44	(1917)	Derived from	24	(1898)
45	(1917)	Derived from scattered sections.		
46	(1919)	Derived from	45*e*	(1917)
47	(1919)	Derived from	45*f*, 45*i*	(1917)
48	(1919)	Derived from	45*g* (1917), 203	(1898)
49	(1919)	Derived from	63	(1898)
50	(1919)	Derived from	57*b*	(1911)
51	(1919)	Derived from	45*j*	(1917)
52	(1919)	Derived from	45*h*	(1917)
53	(1919)	Derived from	201	(1898)
54	(1919)	Derived from	201*a*	(1898)
55	(1919)	Derived from	202	(1898)
56	(1919)	Derived from scattered provisions.		
57	(1919)	Derived from	199	(1898)
58	(1919)	Derived from scattered provisions.		
59	(1919)	Derived from	45*l*, 45*m*, 45*n*, 45*o*, 45*p*	(1917)
61	(1919)	Derived from	45*q*	(1917)
62	(1921)	Derived from	64*bb*, 64*c*, 64*cc*	(1919)
63	(1919)	Derived from	45*r*	(1917)
64	(1919)	Created (c. 75 and c. 353 secs. 2 and 3, laws 1919).		
65	(1921)	Derived from	64*b*	(1919)
66	(1921)	Derived from	64*bb*, 64*c*, 64*cc*	(1919)
67	(1921)	Derived from scattered provisions.		
68	(1921)	Derived from	64*d*	(1919)
69	(1921)	Derived from	64*e*	(1919)
70	(1921)	Derived from	64*ee*	(1919)
71	(1921)	Derived from	64*f*	(1919)
72	(1921)	Derived from	64*ff*	(1919)
74	(1921)	Derived from	64*gg*	(1919)
75	(1921)	Derived from	64*h*	(1919)
76	(1921)	Derived from	64*hh*	(1919)
76	(1921)	Derived from	64*hh*	(1919)
113	(1913)	Derived from	113	(1898)

A TABLE

Showing in numerical order certain chapters of the statutes that have been either revised or renumbered, or revised and renumbered.

Former Chapters.			Revised and Renumbered Chapters.	
1	(1898)	Revised and renumbered	1	(1915)
2	(1898)	Revised and renumbered	2	(1915)
3	(1898)	Revised and renumbered	3	(1915)
4	(1898)	Revised and renumbered	4	(1915)
5	(1898)	Revised and renumbered	5, 6, 11	(1915)
6	(1898)	Revised and renumbered	7	(1915)
7	(1898)	Revised and renumbered	8	(1915)
8	(1898)	Revised and renumbered	9	(1915)
8*m*	(1911)	Revised and renumbered	12	(1915)
9	(1898)	Revised and renumbered	1, 12*b*	(1915)
10	(1898)	Renumbered	12*a*	(1915)
11	(1898)	Renumbered	12*b*	(1915)
12	(1898)	Renumbered	12*c*	(1915)
12*a*	(1915)	Revised and renumbered	13	(1917)
12*b*	(1915)	Revised and renumbered	14	(1917)
12*c*	(1915)	Revised and renumbered	20	(1917)
12*m*	(1913)	Revised and renumbered	20	(1917)
13	(1898)	Renumbered	45*a*	(1917)
14	(1898)	Renumbered	45*b*	(1917)
15	(1898)	Revised and renumbered	24	(1917)
16	(1898)	Revised and renumbered	26	(1917)
17	(1898)	Revised and renumbered	25	(1917)

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Former Chapters.			Revised and Renumbered Chapters.	
18	(1898)	Revised and renumbered	24	(191
19	(1898)	Revised and renumbered	33	(191
20	(1898)	Revised and renumbered	20	(191
20	(1911)	Revised and renumbered	35	(191
21	(1898)	Revised and renumbered	20	(191
22	(1898)	Revised and renumbered	20	(191
23	(1898)	Revised and renumbered	43	(191
24	(1898)	Revised and renumbered	44	(191
25	(1898)	Revised and renumbered	36	(191
26	(1898)	Revised and renumbered	37	(191
27	(1898)	Revised and renumbered	39, 40, 41, 42	(191
28	(1898)	Revised and renumbered	20, 40	(191
29	(1898)	Renumbered	45*e*	(191
30	(1898)	Renumbered	45*f*	(191
30*a*	(1898)	Renumbered	45*g*	(191
30*b*	(1898)	Renumbered	45*h*	(191
31	(1898)	Renumbered	45*i*	(191
32	(1898)	Renumbered	45*j*	(191
33	(1898)	Renumbered	45*k*	(191
34	(1898)	Revised and renumbered	21, 22	(191
35	(1898)	Renumbered	45*l*	(191
36	(1898)	Renumbered	45*m*	(191
37	(1898)	Renumbered	45*n*	(191
38	(1898)	Renumbered	45*o*	(191
39	(1898)	Renumbered	45*p*	(191
40	(1898)	Renumbered	45*q*	(191
40-1	(1911)	Renumbered	45*r*	(191
40-2	(1911)	Renumbered	45*s*	(191
40*a*	(1898)	Renumbered	45*t*	(191
40*b*	(1898)	Renumbered	45*u*	(191
41	(1898)	Renumbered	45*v*	(191
42	(1898)	Revised and renumbered	17	(191
43	(1898)	Revised and renumbered	18	(191
44	(1898)	Revised and renumbered	19	(191
44*a*	(1911)	Revised and renumbered	16	(191
44*b*	(1913)	Revised and renumbered	15	(191
45	(1898)	Repealed (1913).		
45*a*	(1917)	Renumbered	64*a*	(191
45*b*	(1917)	Renumbered	64*aa*	(191
45*c*	(1917)	Revised and renumbered	46	(191
45*f*	(1917)	Revised and renumbered	47	(191
45*g*	(1917)	Revised and renumbered	48	(191
45*h*	(1917)	Revised and renumbered	52	(191
45*i*	(1917)	Revised and renumbered	47	(191
45*j*	(1917)	Revised and renumbered	51	(191
45*k*	(1917)	Revised and renumbered	46	(191
45*l*	(1917)	Revised and renumbered	59	(191
45*m*	(1917)	Revised and renumbered	59	(191
45*n*	(1917)	Revised and renumbered	59	(191
45*o*	(1917)	Revised and renumbered	60	(191
45*p*	(1917)	Revised and renumbered	60	(191
45*q*	(1917)	Revised and renumbered	61	(191
45*r*	(1917)	Revised and renumbered	63	(191
45*s*	(1917)	Renumbered	64*b*	(191
45*t*	(1917)	Renumbered	64*bb*	(191
45*u*	(1917)	Renumbered	64*c*	(191
45*v*	(1898)	Renumbered	64*cc*	(191
46	(1898)	Renumbered	64*d*	(191
46*a*	(1898)	Renumbered	64*dd*	(191
47	(1898)	Renumbered	64*e*	(191
48	(1911)	Renumbered	64*ee*	(191
48*a*			64*f*	(191

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RENUMBERED AND REVISED CHAPTERS.

Former Chapters.			Revised and Renumbered Chapters.	
48*b*	(1911)	Renumbered	64*ff*	(1919)
48*c*	(1911)	Renumbered	64*g*	(1919)
49	(1898)	Renumbered	64*gg*	(1919)
50	(1898)	Renumbered	64*h*	(1919)
51	(1898)	Revised and renumbered	51	(1913)
51	(1913)	Renumbered	64*hh*	(1919)
52	(1898)	Renumbered	64*i*	(1919)
53	(1898)	Revised and renumbered	30	(1919)
54	(1898)	Renumbered	64*ii*	(1919)
55	(1898)	Renumbered	64*j*	(1919)
56	(1898)	Renumbered	64*jj*	(1919)
56*a*	(1898)	Renumbered	64*k*	(1919)
56*a*-1	(1911)	Renumbered	64*kk*	(1919)
56*b*	(1898)	Renumbered	64*l*	(1919)
56*c*	(1898)	Renumbered	64*ll*	(1919)
57	(1898)	Renumbered	64*m*	(1919)
57*a*	(1898)	Renumbered	64*mm*	(1919)
57*b*	(1911)	Revised and renumbered	50	(1919)
58	(1898)	Renumbered	64*n*	(1919)
59	(1898)	Renumbered	64*nn*	(1919)
60	(1898)	Renumbered	64*o*	(1919)
61	(1898)	Renumbered	64*oo*	(1919)
62	(1898)	Revised and renumbered	62	(1915)
62	(1915)	Revised and renumbered	29	(1917)
63	(1898)	Revised and renumbered	49	(1919)
63*a*	(1898)	Revised and renumbered	45	(1917)
64	(1898)	Renumbered	64*pp*	(1919)
64*a*	(1919)	Renumbered	73*b*-2	(1921)
64*aa*	(1919)	Renumbered	73*b*-2	(1921)
64*b*	(1919)	Revised and renumbered	65	(1921)
64*bb*	(1919)	Revised and renumbered	62, 66, 67	(1921)
64*c*	(1919)	Revised and renumbered	62, 66, 67	(1921)
64*cc*	(1919)	Revised and renumbered	62, 66, 67	(1921)
64*d*	(1919)	Revised and renumbered	68	(1921)
64*dd*	(1919)	Repealed (1921).		
64*e*	(1919)	Revised and renumbered	69	(1921)
64*ee*	(1919)	Revised and renumbered	70	(1921)
64*f*	(1919)	Revised and renumbered	71	(1921)
64*ff*	(1919)	Revised and renumbered	72	(1921)
64*g*	(1919)	Revised and renumbered	73	(1921)
64*gg*	(1919)	Revised and renumbered	74	(1921)
64*h*	(1919)	Revised and renumbered	75	(1921)
64*hh*	(1919)	Revised and renumbered	76	(1921)
64*i*	(1919)	Renumbered	76*a*	(1921)
64*ii*	(1919)	Renumbered	76*aa*	(1921)
64*j*	(1919)	Renumbered	76*b*	(1921)
64*jj*	(1919)	Renumbered	76*bb*	(1921)
64*k*	(1919)	Renumbered	76*c*	(1921)
64*kk*	(1919)	Renumbered	76*cc*	(1921)
64*l*	(1919)	Renumbered	76*d*	(1921)
64*ll*	(1919)	Renumbered	76*dd*	(1921)
64*m*	(1919)	Renumbered	76*e*	(1921)
64*mm*	(1919)	Renumbered	76*ee*	(1921)
64*n*	(1919)	Renumbered	76*f*	(1921)
64*nn*	(1919)	Renumbered	76*ff*	(1921)
64*o*	(1919)	Renumbered	76*g*	(1921)
64*oo*	(1919)	Renumbered	76*gg*	(1921)
64*pp*	(1919)	Renumbered	76*h*	(1921)
65	(1898)	Repealed and transferred	185	(1919)
66	(1898)	Renumbered	76*hh*	(1921)
67	(1898)	Renumbered	76*i*	(1921)

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RENUMBERED AND REVISED CHAPTERS.

Former Chapters.			Revised and Renumbered Chapters.	
68	(1898)	Renumbered	76*ii*	(1921)
69	(1898)	Renumbered	76*j*	(1921)
69*m*	(1913)	Revised and renumbered	31	(1917)
70	(1898)	Revised and renumbered	30	(1917)
71	(1898)	Renumbered	76*jj*	(1921)
72	(1898)	Renumbered	76*k*	(1921)
73	(1898)	Renumbered	76*kk*	(1921)
73*a*	(1898)	Renumbered	76*l*	(1921)
73*b*	(1913)	Renumbered	76*ll*	(1921)
73*b*-1	(1919)	Renumbered	76*m*	(1921)
73*b*-2	(1921)	Renumbered	76*mm*	(1921)
73*c*	(1913)	Renumbered	76*n*	(1921)
73*d*	(1915)	Revised and renumbered	34	(1917)
74	(1898)	Renumbered	76*nn*	(1921)
75	(1898)	Renumbered	76*c*	(1921)
76	(1898)	Renumbered	76*oo*	(1921)
113	(1898)	Revised and renumbered	113	(1913)
146	(1898)	Revised and renumbered	31	(1917)
199	(1898)	Revised and renumbered	57	(1919)
201	(1898)	Revised and renumbered	53	(1919)
201*a*	(1898)	Revised and renumbered	54	(1919)
202	(1898)	Revised and renumbered	55	(1919)
203	(1898)	Revised and renumbered	48	(1919)

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RENUMBERED AND SUPERSEDED SECTIONS.

[The foregoing chapters numbered from 1 to 76, inclusive, comprise a revision of all chapters of the Revised Statutes of 1898 from chapter 1 to chapter 51, thereof, inclusive, and also chapters 62, 63, 63a, 65, 70, 146, 199, 201, 201a, 202 and 203, except chapters 13 and 14, of those statutes which have been combined and renumbered to be chapter 73b-2. They also comprise chapters 40—1, 44a, 44b, 57b and 69m found in Wisconsin Statutes of 1915 and 1917 which were never a part of the Statutes of 1898. Many scattered sections have been incorporated in the revised and newly numbered sections without relocating the whole chapter or chapters from which such sections were taken. The tabulation which follows traces each section of the chapters so revised and also each of said scattered sections to its new number and new location, or indicates its repeal wherever that disposition has been made of it.

By renumbering certain chapters which follow the revised part without any change of their section numbers, the statutes as a whole are placed in two major groups, the revised and the unrevised parts; but numerical sequence is preserved in each, both as to chapter numbers and section numbers.

In all unrevised chapters the practice is continued of noting at every vacancy the repeal or removal of each section that once was but no longer is found at such place.]

SECTION 1. [*Renumbered section 1.01 by 1915 c. 382 s. 1*]
SECTION 2. [*Renumbered sections 1.02, 1.03, 1.04 by 1915 c. 382 s. 2*]
SECTION 2—1. [*Renumbered sections 1.02, 1.03, 1.04 by 1915 c. 382 s. 2*]
SECTION 2*a*. [*Renumbered sections 1.02, 1.03, 1.04 by 1915 c. 382 s. 2*]
SECTION 2*b*. [*Renumbered sections 1.02, 1.03, 1.04 by 1915 c. 382 s. 2*]
SECTION 2*c*. [*Renumbered sections 1.02, 1.03, 1.04 by 1915 c. 382 s. 2*]
SECTION 3. [*Renumbered section 1.05 by 1915 c. 382 s. 3*]
SECTION 3*a*. [*Renumbered sections 1.06 and 4441m by 1915 c. 382 s. 4, 5*]
SECTION 4. [*Renumbered sections 1.02, 1.03, 1.04 by 1915 c. 382 s. 2*]
SECTION 5. [*Renumbered section 2.01 by 1915 c. 382 s. 10*]
SECTION 6. [*Renumbered section 2.02 by 1915 c. 382 s. 10*]
SECTION 7. [*Renumbered section 2.03 by 1915 c. 382 s. 10*]
SECTION 8. [*Renumbered section 2.04 by 1915 c. 382 s. 10*]
SECTION 9. [*Renumbered section 3.01 by 1915 c. 382 s. 11*]
SECTION 10. [*Renumbered section 4.01 by 1915 c. 382 s. 12*]
SECTION 11. [*Renumbered section 4.02 by 1915 c. 382 s. 12*]
SECTIONS 11*a* to 11*l*. [*Repealed by 1911 c. 613 s. 2*]
SECTION 11*m*. [*Renumbered section 4.03 by 1915 c. 382 s. 12*]
SECTION 11*n*. [*Renumbered section 4.04 by 1915 c. 382 s. 12*]
SECTION 11—1. [*Renumbered section 5.01 by 1915 c. 381 s. 2*]
SECTION 11—2. [*Renumbered section 5.02 by 1915 c. 381 s. 3*]
SECTION 11—3. [*Renumbered section 5.03 by 1915 c. 381 s. 4*]
SECTION 11—4. [*Renumbered section 5.04 by 1915 c. 381 s. 5*]
SECTION 11—5. [*Renumbered section 5.05 by 1915 c. 381 s. 6*]
SECTION 11—6. [*Renumbered section 5.07 by 1915 c. 381 s. 8*]
SECTION 11—7. [*Renumbered section 5.08 by 1915 c. 381 s. 9*]
SECTION 11—8. [*Renumbered section 5.09 by 1915 c. 381 s. 10*]
SECTION 11—9. [*Renumbered section 5.10 by 1915 c. 381 s. 11*]
SECTION 11—10. [*Renumbered section 5.11 by 1915 c. 381 s. 12*]
SECTION 11—11. [*Renumbered section 5.12 by 1915 c. 381 s. 13*]
SECTION 11—12. [*Renumbered sections 5.13, 5.29 by 1915 c. 381 s. 14, 34; section 6.32 by 1915 c. 383 s. 37 and 1915 c. 604 s. 69; sections 11.15, 11.16, 11.17 by 1915 c. 381 s. 15 and 1915 c. 386 s. 21*]
SECTION 11—13. [*Renumbered section 5.14 by 1915 c. 381 s. 16*]
SECTION 11—14. [*Renumbered sections 5.29, 6.14, 6.16 by 1915 c. 381 s. 34 and 1915 c. 383 s. 15, 17*]
SECTION 11—15. [*Renumbered section 5.29 by 1915 c. 604 s. 63*]
SECTION 11—16. [*Renumbered sections 5.15, 5.29 by 1915 c. 381 s. 17, 34 and 1915 c. 604 s. 60*]
SECTION 11—17. [*Renumbered section 5.16 by 1915 c. 381 s. 18*]
SECTION 11—18. [*Renumbered section 5.17 by 1915 c. 381 s. 19*]
SECTION 11—19. [*Renumbered section 6.19 by 1915 c. 383 s. 21*]
SECTION 11—20. [*Renumbered section 5.18 by 1915 c. 381 s. 20*]
SECTION 11—21. [*Renumbered section 5.19 by 1915 c. 381 s. 21 and 1915 c. 604 s. 83*]
SECTION 11—22. [*Renumbered section 5.20 by 1915 c. 381 s. 22*]
SECTION 11—23. [*Renumbered section 5.21 by 1915 c. 381 s. 23*]
SECTION 11—24. [*Renumbered sections 4479, 4542c by 1915 c. 381 s. 24, 25*]

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RENUMBERED AND SUPERSEDED SECTIONS.

SECTION 11—25. [*Renumbered section 5.29 by 1915 c. 381 s. 34*]
SECTION 11—25*m*. [*Renumbered section 1564m by 1915 c. 381 s. 26*]
SECTION 11—26. [*Renumbered section 5.22 by 1915 c. 381 s. 27*]
SECTION 11—27. [*Renumbered section 5.23 by 1915 c. 381 s. 28*]
SECTION 11—28. [*Renumbered section 5.24 by 1915 c. 381 s. 29*]
SECTION 11—29. [*Repealed by Spl. S. 1912 c. 22*]
SECTION 12. [*Renumbered section 6.01 by 1915 c. 383 s. 2*]
SECTION 13. [*Renumbered section 6.02 by 1915 c. 383 s. 3*]
SECTION 14. [*Renumbered section 6.03 by 1915 c. 383 s. 4*]
SECTION 15. [*Renumbered section 6.04 by 1915 c. 383 s. 5*]
SECTION 16. [*Renumbered section 6.05 by 1915 c. 383 s. 6*]
SECTION 17. [*Renumbered section 6.06 by 1915 c. 383 s. 7*]
SECTION 18. [*Renumbered section 6.08 by 1915 c. 383 s. 9*]
SECTION 19. [*Renumbered section 6.09 by 1915 c. 383 s. 10*]
SECTION 20. [*Renumbered section 6.10 by 1915 c. 383 s. 11*]
SECTION 21. [*Renumbered section 6.11 by 1915 c. 383 s. 12*]
SECTION 22. [*Renumbered section 6.12 by 1915 c. 383 s. 13*]
SECTION 23. [*Renumbered section 6.14 by 1915 c. 383 s. 15*]
SECTION 23*a*. [*Renumbered section 6.15 by 1915 c. 383 s. 16*]
SECTION 24. [*Renumbered section 6.15 by 1915 c. 383 s. 16*]
SECTION 25. [*Renumbered section 6.16 by 1915 c. 383 s. 17*]
SECTION 26. [*Renumbered section 6.16 by 1915 c. 383 s. 17*]
SECTION 26*a*. [*Renumbered section 6.16 by 1915 c. 383 s. 17*]
SECTION 26*b*. [*Repealed by 1915 c. 383 s. 18*]
SECTION 27. [*Renumbered section 6.17 by 1915 c. 383 s. 19*]
SECTION 28. [*Renumbered section 6.18 by 1915 c. 383 s. 20*]
SECTION 29. [*Renumbered sections 5.25, 5.27 by 1915 c. 381 s. 30, 32*]
SECTION 30. [*Renumbered section 5.26 by 1915 c. 381 s. 31*]
SECTION 31. [*Renumbered section 6.24 by 1915 c. 383 s. 26*]
SECTION 32. [*Repealed by 1911 c. 613 s. 2*]
SECTION 33. [*Renumbered section 6.19 by 1915 c. 383 s. 21*]
SECTION 34. [*Renumbered section 5.28 by 1915 c. 381 s. 33*]
SECTION 35. [*Renumbered section 6.20 by 1915 c. 383 s. 22*]
SECTIONS 35—1 to 35—13. [*Repealed by 1913 c. 773 s. 8*]
SECTION 35—20. [*Renumbered section 5.06 by 1915 c. 381 s. 7; section 6.24 by 1915 c. 383 s. 26*]
SECTION 35—21. [*Renumbered section 5.06 by 1915 c. 381 s. 7*]
SECTION 35—22. [*Repealed by 1915 c. 604 s. 64*]
SECTION 35—23. [*Repealed by 1915 c. 604 s. 64*]
SECTION 35—24. [*Renumbered section 5.29 by 1915 c. 381 s. 34*]
SECTION 35—30. [*Renumbered section 5.27 by 1915 c. 381 s. 32; section 10.48 by 1915 c. 385 s. 24*]
SECTION 36. [*Renumbered section 6.21 by 1915 c. 383 s. 23*]
SECTION 37. [*Renumbered section 6.22 by 1915 c. 383 s. 24*]
SECTION 38. [*Renumbered section 6.23 by 1915 c. 383 s. 25*]
SECTION 39. [*Repealed by 1907 c. 583 s. 3*]
SECTION 39*i*. [*Renumbered section 10.43 by 1915 c. 385 s. 14; section 59.02 sub. (2) by 1919 c. 695 s. 5*]
SECTION 39*j*. [*Repealed by 1915 c. 383 s. 27*]
SECTION 39*k*. [*Renumbered section 10.43 by 1915 c. 385 s. 14; section 59.02 sub. (2) by 1919 c. 695 s. 5*]
SECTION 39*l*. [*Renumbered section 10.43 by 1915 c. 385 s. 14; section 59.02 sub. (2) by 1919 c. 695 s. 5*]
SECTION 40. [*Repealed by 1911 c. 633*]
SECTION 40*a*. [*Repealed by 1915 c. 383 s. 28*]
SECTION 41. [*Renumbered section 6.25 by 1915 c. 383 s. 29*]
SECTION 42. [*Renumbered sections 6.26, 6.27 by 1915 c. 383 s. 30*]
SECTION 42*a*. [*Renumbered section 6.28 by 1915 c. 383 s. 31*]
SECTION 43. [*Renumbered section 10.41 by 1915 c. 385 s. 12*]
SECTION 44. [*Renumbered section 6.29 by 1915 c. 383 s. 33*]
SECTION 44—1. [*Renumbered section 11.01 by 1915 c. 386 s. 2*]
SECTION 44—2. [*Renumbered section 11.02 by 1915 c. 386 s. 3*]
SECTION 44—3. [*Renumbered section 11.03 by 1915 c. 386 s. 4*]
SECTION 44—4. [*Renumbered section 11.04 by 1915 c. 386 s. 5*]
SECTION 44—5. [*Renumbered section 11.05 by 1915 c. 386 s. 6*]

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SECTION 44—6. [*Renumbered section 11.06 by 1915 c. 386 s. 7*]
SECTION 44—6*a*. [*Renumbered section 11.07 by 1915 c. 386 s. 8*]
SECTION 44—7. [*Renumbered section 11.08 by 1915 c. 386 s. 9*]
SECTION 44—8. [*Renumbered section 11.09 by 1915 c. 386 s. 10*]
SECTION 44—9. [*Renumbered section 11.10 by 1915 c. 386 s. 11*]
SECTION 44—10. [*Renumbered section 11.11 by 1915 c. 386 s. 12*]
SECTION 44—11. [*Renumbered section 11.12 by 1915 c. 386 s. 13*]
SECTION 44—12. [*Renumbered section 11.13 by 1915 c. 386 s. 14*]
SECTION 44—13. [*Renumbered section 11.08 by 1915 c. 386 s. 9*]
SECTION 44—14. [*Renumbered section 4543r by 1915 c. 386 s. 15*]
SECTION 44—15. [*Renumbered section 4543s by 1915 c. 386 s. 16*]
SECTION 44—16. [*Renumbered section 4543t by 1915 c. 386 s. 17*]
SECTION 44—17. [*Renumbered section 4543u by 1915 c. 386 s. 18*]
SECTION 44—18. [*Renumbered section 11.14 by 1915 c. 386 s. 19*]
SECTION 44—19. [*Repealed by 1915 c. 386 s. 20*]
SECTIONS 44*a*—1 to 44*a*—36. [*Renumbered sections 11.18 to 11.52 by 1915 c. 383 s. 34 and 1915 c. 386 s. 22; repealed by 1921 c. 60*]
SECTION 44*m*—1. [*Renumbered section 11.54 by 1915 c. 604 s. 93*]
SECTION 44*m*—2. [*Renumbered section 11.55 by 1915 c. 604 s. 93*]
SECTION 44*m*—3. [*Renumbered section 11.56 by 1915 c. 604 s. 93*]
SECTION 44*m*—4. [*Renumbered section 11.57 by 1915 c. 604 s. 93*]
SECTION 44*m*—5. [*Renumbered section 11.58 by 1915 c. 604 s. 93*]
SECTION 44*m*—6. [*Renumbered section 11.59 by 1915 c. 604 s. 93*]
SECTION 44*m*—7. [*Renumbered section 11.60 by 1915 c. 604 s. 93*]
SECTION 44*m*—8. [*Renumbered section 11.61 by 1915 c. 604 s. 93*]
SECTION 44*m*—9. [*Renumbered section 11.62 by 1915 c. 604 s. 93*]
SECTION 44*m*—10. [*Renumbered section 11.63 by 1915 c. 604 s. 93*]
SECTION 44*m*—11. [*Renumbered section 11.64 by 1915 c. 604 s. 93*]
SECTION 44*m*—12. [*Renumbered section 11.65 by 1915 c. 604 s. 93*]
SECTION 44*m*—13. [*Renumbered section 11.66 by 1915 c. 604 s. 93*]
SECTION 44*m*—14. [*Renumbered section 11.67 by 1915 c. 604 s. 93*]
SECTION 44*m*—15. [*Renumbered section 11.68 by 1915 c. 604 s. 93*]
SECTION 45. [*Renumbered section 6.30 by 1915 c. 383 s. 35*]
SECTION 45*a*. [*Renumbered section 6.79 by 1915 c. 383 s. 87*]
SECTION 46. [*Renumbered section 6.31 by 1915 c. 383 s. 36*]
SECTION 47. [*Renumbered section 6.32 by 1915 c. 383 s. 37*]
SECTION 47*a*. [*Renumbered sections 6.07, 6.33 by 1915 c. 383 s. 8, 38*]
SECTION 47*b*. [*Renumbered sections 6.07, 6.33 by 1915 c. 383 s. 8, 38*]
SECTION 47*c*. [*Renumbered sections 6.07, 6.33 by 1915 c. 383 s. 8, 38*]
SECTION 47*d*. [*Renumbered sections 6.07, 6.33 by 1915 c. 383 s. 8, 38*]
SECTION 47*e*. [*Renumbered sections 6.07, 6.33 by 1915 c. 383 s. 8, 38*]
SECTION 47*f*. [*Renumbered sections 6.07, 6.33 by 1915 c. 383 s. 8, 38*]
SECTION 47*g*. [*Renumbered sections 6.07, 6.33 by 1915 c. 383 s. 8. 38*]
SECTION 47*h*. [*Renumbered sections 6.07, 6.33 by 1915 c. 383 s. 8, 38*]
SECTION 47*i*. [*Renumbered sections 6.07, 6.33 by 1915 c. 383 s. 8. 38*]
SECTION 48. [*Renumbered section 6.34 by 1915 c. 383 s. 39*]
SECTION 49. [*Renumbered section 6.35 by 1915 c. 383 s. 40*]
SECTION 50. [*Renumbered section 6.36 by 1915 c. 383 s. 41*]
SECTION 51. [*Renumbered section 6.37 by 1915 c. 383 s. 42*]
SECTION 52. [*Repealed by 1907 c. 583 s. 6*]
SECTION 53. [*Renumbered section 6.38 by 1915 c. 383 s. 43*]
SECTION 54. [*Renumbered section 6.39 by 1915 c. 383 s. 44*]
SECTION 55. [*Renumbered section 6.40 by 1915 c. 383 s. 45*]
SECTION 56. [*Renumbered section 6.41 by 1915 c. 383 s. 46*]
SECTION 57. [*Renumbered section 6.42 by 1915 c. 383 s. 47*]
SECTION 58. [*Repealed by 1909 c. 506 s. 4*]
SECTION 59. [*Renumbered section 10.40 by 1915 c. 385 s. 11*]
SECTION 60. [*Renumbered section 6.43 by 1915 c. 383 s. 48*]
SECTION 61. [*Renumbered section 6.44 by 1915 c. 383 s. 49*]
SECTION 62. [*Renumbered section 6.45 by 1915 c. 383 s. 50*]
SECTION 62*m*. [*Renumbered section 6.45 by 1915 c. 383 s. 50*]
SECTION 62*n*. [*Renumbered section 6.45 by 1915 c. 383 s. 50*]
SECTION 63. [*Renumbered section 6.46 by 1915 c. 383 s. 51*]
SECTION 64. [*Renumbered section 6.47 by 1915 c. 383 s. 52*]
SECTION 65. [*Renumbered section 6.48 by 1915 c. 383 s. 53*]

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SECTION 66. [*Renumbered section 6.45 by 1915 c. 383 s. 50*]
SECTION 67. [*Renumbered section 6.49 by 1915 c. 383 s. 54*]
SECTION 68. [*Renumbered section 6.50 by 1915 c. 383 s. 55*]
SECTION 69. [*Renumbered section 6.51 by 1915 c. 383 s. 56*]
SECTION 70. [*Renumbered section 6.52 by 1915 c. 383 s. 57*]
SECTION 71. [*Renumbered section 6.53 by 1915 c. 383 s. 58*]
SECTION 72. [*Renumbered section 6.54 by 1915 c. 383 s. 59*]
SECTION 73. [*Renumbered section 4543m by 1915 c. 383 s. 60*]
SECTION 74. [*Renumbered section 6.55 by 1915 c. 383 s. 61*]
SECTION 75. [*Renumbered section 6.56 by 1915 c. 383 s. 62*]
SECTION 76. [*Renumbered section 6.57 by 1915 c. 383 s. 63*]
SECTION 77. [*Renumbered section 6.58 by 1915 c. 383 s. 64*]
SECTION 78. [*Renumbered section 6.59 by 1915 c. 383 s. 65*]
SECTION 79. [*Renumbered section 4543n by 1915 c. 383 s. 66*]
SECTION 80. [*Renumbered section 6.60 by 1915 c. 383 s. 67*]
SECTION 81. [*Renumbered section 6.61 by 1915 c. 383 s. 68*]
SECTION 82. [*Renumbered section 6.62 by 1915 c. 383 s. 69*]
SECTION 83. [*Renumbered section 6.63 by 1915 c. 383 s. 70*]
SECTION 84. [*Renumbered section 6.64 by 1915 c. 383 s. 71*]
SECTION 85. [*Renumbered section 6.65 by 1915 c. 383 s. 72*]
SECTION 86. [*Renumbered section 6.66 by 1915 c. 383 s. 73*]
SECTION 87. [*Renumbered section 6.67 by 1915 c. 383 s. 74*]
SECTION 87*m*. [*Renumbered sections 6.67, 2394—96 by 1915 c. 383 s. 75*]
SECTION 88. [*Renumbered section 6.68 by 1915 c. 383 s. 76*]
SECTION 89. [*Repealed by 1909 c. 488 s. 2*]
SECTION 90. [*Repealed by 1909 c. 488 s. 2*]
SECTION 91. [*Repealed by 1909 c. 488 s. 2*]
SECTION 92. [*Repealed by 1909 c. 488 s. 2*]
SECTION 93. [*Renumbered section 6.69 by 1915 c. 383 s. 77*]
SECTION 94. [*Renumbered section 6.70 by 1915 c. 383 s. 78*]
SECTION 94*a*. [*Renumbered section 6.71 by 1915 c. 383 s. 79*]
SECTION 94*aa*. [*Renumbered section 9.05 by 1915 c. 384 s. 17*]
SECTION 94*ab*. [*Repealed by 1913 c. 772 s. 99*]
SECTION 94*b*. [*Renumbered section 6.72 by 1915 c. 383 s. 80*]
SECTION 94*c*. [*Repealed by 1909 c. 488 s. 2*]
SECTION 94*d*. [*Repealed by 1909 c. 488 s. 2*]
SECTION 94*e*. [*Renumbered section 6.73 by 1915 c. 383 s. 81*]
SECTION 94*f*. [*Renumbered section 6.74 by 1915 c. 383 s. 82*]
SECTION 94*g*. [*Renumbered section 6.75 by 1915 c. 383 s. 83*]
SECTION 94*h*. [*Renumbered section 6.76 by 1915 c. 383 s. 84*]
SECTION 94*i*. [*Renumbered section 6.77 by 1915 c. 383 s. 85*]
SECTION 94*j*. [*Renumbered section 6.78 by 1915 c. 383 s. 86*]
SECTION 94*jm*. [*Renumbered section 6.81 by 1915 c. 604 s. 71; repealed by 1917 c. 566 s. 7*]
SECTION 94*j*—1. [*Renumbered section 10.44 by 1915 c. 385 s. 15*]
SECTION 94*k*. [*Renumbered section 7.01 by 1915 c. 384 s. 2*]
SECTION 94*l*. [*Renumbered section 7.03 by 1915 c. 384 s. 4*]
SECTION 94*m*. [*Renumbered section 7.02 by 1915 c. 384 s. 3*]
SECTION 94*n*. [*Renumbered section 7.04 by 1915 c. 384 s. 5*]
SECTION 94*n*—1. [*Repealed by 1913 c. 634*]
SECTION 94*o*. [*Renumbered section 7.05 by 1915 c. 384 s. 6*]
SECTION 94*p*. [*Renumbered section 7.06 by 1915 c. 384 s. 7*]
SECTION 94*q*. [*Renumbered section 8.01 by 1915 c. 384 s. 8*]
SECTION 94*r*. [*Renumbered section 8.02 by 1915 c. 384 s. 9*]
SECTION 94*s*. [*Renumbered section 8.03 by 1915 c. 384 s. 10*]
SECTION 94*t*. [*Renumbered section 8.05 by 1915 c. 384 s. 12*]
SECTION 94*t*—1. [*Renumbered section 8.04 by 1915 c. 384 s. 11*]
SECTION 94*u*. [*Repealed by 1913 c. 634*]
SECTION 94*v*. [*Repealed by 1913 c. 634*]
SECTION 94*w*. [*Renumbered section 9.01 by 1915 c. 384 s. 13*]
SECTION 94*w*—1. [*Renumbered section 9.02 by 1915 c. 384 s. 14*]
SECTION 94*x*. [*Renumbered section 9.03 by 1915 c. 384 s. 15*]
SECTION 94*y*. [*Renumbered section 9.04 by 1915 c. 384 s. 16*]
SECTION 94*z*. [*Renumbered section 9.06 by 1915 c. 384 s. 18*]
SECTION 94—1. [*Renumbered section 12.01 by 1915 c. 499 s. 2*]

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SECTION 94—2. [*Renumbered section 12.02 by 1915 c. 499 s. 3*]
SECTION 94—3. [*Renumbered section 12.03 by 1915 c. 499 s. 4*]
SECTION 94—4. [*Renumbered section 12.04 by 1915 c. 499 s. 5*]
SECTION 94—5. [*Renumbered section 12.05 by 1915 c. 499 s. 6*]
SECTION 94—6. [*Renumbered section 12.06 by 1915 c. 499 s. 7*]
SECTION 94—7. [*Renumbered section 12.07 by 1915 c. 499 s. 8*]
SECTION 94—8. [*Renumbered section 12.08 by 1915 c. 499 s. 9*]
SECTION 94—9. [*Renumbered section 12.09 by 1915 c. 499 s. 10*]
SECTION 94—10. [*Renumbered section 12.10 by 1915 c. 499 s. 11*]
SECTION 94—11. [*Renumbered section 12.11 by 1915 c. 499 s. 12*]
SECTION 94—12. [*Renumbered section 12.12 by 1915 c. 499 s. 13*]
SECTION 94—13. [*Renumbered section 12.13 by 1915 c. 499 s. 14*]
SECTION 94—14. [*Renumbered section 12.14 by 1915 c. 499 s. 15*]
SECTION 94—15. [*Renumbered section 12.15 by 1915 c. 499 s. 16*]
SECTION 94—16. [*Renumbered section 12.16 by 1915 c. 499 s. 17*]
SECTION 94—17. [*Renumbered section 12.17 by 1915 c. 499 s. 18*]
SECTION 94—18. [*Renumbered section 12.18 by 1915 c. 499 s. 19*]
SECTION 94—19. [*Renumbered section 12.19 by 1915 c. 499 s. 20*]
SECTION 94—20. [*Repealed by 1915 c. 414*]
SECTION 94—21. [*Repealed by 1915 c. 414*]
SECTION 94—22. [*Repealed by 1915 c. 414*]
SECTION 94—23. [*Repealed by 1915 c. 414*]
SECTION 94—24. [*Repealed by 1915 c. 414*]
SECTION 94—25. [*Repealed by 1915 c. 414*]
SECTION 94—26. [*Repealed by 1915 c. 414*]
SECTION 94—27. [*Repealed by 1915 c. 414*]
SECTION 94—28. [*Renumbered section 12.20 by 1915 c. 499 s. 21*]
SECTION 94—29. [*Renumbered section 12.21 by 1915 c. 499 s. 22*]
SECTION 94—30. [*Renumbered section 12.22 by 1915 c. 499 s. 23*]
SECTION 94—31. [*Renumbered section 12.23 by 1915 c. 499 s. 24*]
SECTION 94—32. [*Renumbered section 12.24 by 1915 c. 499 s. 25*]
SECTION 94—33. [*Renumbered section 12.25 by 1915 c. 499 s. 26*]
SECTION 94—34. [*Renumbered section 12.26 by 1915 c. 499 s. 27*]
SECTION 94—35. [*Renumbered section 12.27 by 1915 c. 499 s. 28*]
SECTION 94—36. [*Renumbered section 12.28 by 1915 c. 499 s. 29*]
SECTION 94—37. [*Renumbered section 12.29 by 1915 c. 499 s. 30*]
SECTION 94—38. [*Renumbered section 4543v by 1915 c. 499 s. 31*]
SECTION 94—39. [*Repealed by 1913 c. 772 s. 7*]
SECTION 98. [*Renumbered section 1.07 by 1915 c. 382 s. 6; section 14.11 by 1917 c. 622 s. 9; section 14.26 by 1915 c. 382 s. 8 and 1917 c. 622 s. 25*]
SECTION 98*m*. [*Renumbered section 1.08 by 1915 c. 382 s. 7*]
SECTION 99. [*Renumbered section 13.02 by 1917 c. 634 s. 4*]
SECTION 100. [*Renumbered section 13.03 by 1917 c. 634 s. 5*]
SECTION 101. [*Renumbered section 13.13 by 1917 c. 634 s. 13*]
SECTION 102. [*Renumbered section 13.19 by 1917 c. 634 s. 19*]
SECTION 103. [*Renumbered section 13.20 by 1917 c. 634 s. 20*]
SECTION 104. [*Renumbered section 13.16 by 1917 c. 634 s. 16*]
SECTION 104*a*. [*Renumbered section 13.18 by 1917 c. 634 s. 18*]
SECTION 105. [*Renumbered section 13.17 by 1917 c. 634 s. 17*]
SECTION 106. [*Renumbered sections 13.05, 13.06 and 13.07 by 1917 c. 634 s. 7*]
SECTION 107. [*Renumbered section 13.21 by 1917 c. 634 s. 21*]
SECTION 108. [*Renumbered section 13.11 by 1917 c. 634 s. 11*]
SECTION 109. [*Renumbered section 13.22 by 1917 c. 634 s. 22*]
SECTION 110. [*Renumbered section 13.04 by 1917 c. 634 s. 6*]
SECTION 111. [*Repealed by 1913 c. 772 s. 82*]
SECTION 111*a*. [*Renumbered sections 13.10 and 13.14 by 1917 c. 634 s. 10, 14*]
SECTION 111*b*. [*Renumbered sections 13.12 and 13.14 by 1917 c. 634 s. 12, 14*]
SECTIONS 111*c* to 111*f*. [*Repealed by 1913 c. 772 s. 82*]
SECTION 111*g*. [*Renumbered sections 13.10 and 13.14 by 1917 c. 634 s. 10, 14*]
SECTION 111*m*. [*Renumbered section 35.87 by 1917 c. 336 s. 89*]
SECTION 111*o*. [*Renumbered section 35.84 subsection (19) by 1917 c. 336 s. 87*]
SECTION 112. [*Repealed by 1905 c. 515*]
SECTION 113. [*Renumbered section 13.15 by 1917 c. 634 s. 15*]
SECTIONS 114 and 115. [*Repealed by 1913 c. 760*]
SECTION 116. [*Renumbered section 43.07 by 1917 c. 453 s. 5*]

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SECTION 117. [*Renumbered section 43.08 by 1917 c. 453 s. 5*]
SECTIONS 119 to 121. [*Revised and renumbered by 1911 c. 657*]
SECTION 122. [*Renumbered section 13.25 by 1917 c. 634 s. 25*]
SECTION 123. [*Renumbered section 13.26 by 1917 c. 634 s. 26*]
SECTION 124. [*Renumbered section 13.27 by 1917 c. 634 s. 27*]
SECTION 125. [*Renumbered section 13.28 by 1917 c. 634 s. 28*]
SECTION 126. [*Renumbered section 13.29 by 1917 c. 634 s. 29*]
SECTION 127. [*Renumbered section 13.30 by 1917 c. 634 s. 30*]
SECTION 127—1. [*Renumbered sections 13.08 and 20.01 by 1917 c. 634 s. 8 and 1917 c. 14 s. 2*]
SECTION 127*a* sub. 1 and 2. [*Renumbered sections 13.31 and 13.32 by 1917 c. 634 s. 31*]
SECTION 127*a* sub. 3 and 4. [*Repealed by 1913 c. 772 s. 133*]
SECTION 127*a* sub. 5. [*Renumbered sections 13.31 and 13.32 by 1917 c. 634 s. 31*]
SECTION 128. [*Renumbered sections 14.01 and 14.02 by 1917 c. 622 s. 2*]
SECTION 129. [*Renumbered sections 14.08, 14.09, 14.10 and 20.02 by 1917 c. 14 s. 3 and 1917 c. 622 s. 7, 8*]
SECTION 129*m*. [*Renumbered section 14.11 by 1917 c. 622 s. 9*]
SECTION 130. [*Renumbered section 14.18 by 1917 c. 622 s. 16*]
SECTION 131. [*Renumbered sections 14.12 and 14.13 by 1917 c. 622 s. 10, 11*]
SECTION 131—1. [*Renumbered sections 14.14 and 20.02 by 1917 c. 14 s. 3 and 1917 c. 622 s. 12*]
SECTION 132. [*Renumbered sections 14.19 and 20.02 by 1917 c. 14 s. 3 and 1917 c. 622 s. 17*]
SECTION 133. [*Renumbered section 14.20 by 1917 c. 622 s. 18*]
SECTION 134. [*Renumbered section 21.03 by 1917 c. 537 s. 1*]
SECTION 134*a*. [*Renumbered section 21.55 by 1917 c. 537 s. 1*]
SECTION 135. [*Repealed by 1917 c. 622 s. 19*]
SECTION 135*a*. [*Renumbered section 14.21 by 1917 c. 622 s. 20*]
SECTION 136. [*Renumbered sections 14.15 and 14.17 by 1917 c. 622 s. 13, 15*]
SECTION 137. [*Renumbered sections 14.17 and 20.02 by 1917 c. 14 s. 3 and 1917 c. 622 s. 15*]
SECTION 137*a*. [*Renumbered section 14.22 by 1917 c. 622 s. 21*]
SECTION 137*b*. [*Renumbered section 14.23 by 1917 c. 622 s. 22*]
SECTION 137*m*. [*Renumbered sections 14.24 and 20.02 by 1917 c. 14 s. 3 and 1917 c. 622 s. 23*]
SECTION 138. [*Renumbered sections 14.03, 14.04, 14.05, 14.07 and 18.01 by 1917 c. 178 and 1917 c. 622 s. 3, 4, 6*]
SECTION 138*m*. [*Renumbered section 14.26 by 1917 c. 622 s. 25*]
SECTION 139. [*Renumbered section 14.25 by 1917 c. 622 s. 24*]
SECTION 140. [*Repealed by 1913 c. 772 s. 109*]
SECTION 141 sub. (1) to (10). [*Renumbered sections 14.08, 14.28, 14.29 and 14.59 by 1917 c. 622 s. 7, 27, 28, 57*]
SECTION 141 sub. (11). [*Repealed by 1911 c. 663 s. 3*]
SECTION 141 sub. (12). [*Renumbered section 14.28 by 1917 c. 622 s. 27*]
SECTION 142. [*Renumbered section 14.27 by 1917 c. 622 s. 26*]
SECTION 143. [*Renumbered section 14.29 by 1917 c. 622 s. 28*]
SECTION 143*a* to 143*c*. [*Renumbered section 143a by 1909 c. 110; repealed by 1911 c. 657*]
SECTION 144. [*Renumbered section 14.30 by 1917 c. 622 s. 29*]
SECTION 145. [*Renumbered sections 14.31 to 14.34 by 1917 c. 622 s. 30*]
SECTION 146. [*Renumbered sections 14.35 and 14.36 by 1917 c. 622 s. 31, 32*]
SECTION 146*m*. [*Renumbered section 14.39 by 1917 c. 622 s. 35*]
SECTION 147. [*Renumbered section 14.38 by 1917 c. 622 s. 34*]
SECTION 148. [*Renumbered sections 14.31 to 14.34 by 1917 c. 622 s. 30*]
SECTION 148*a*. [*1917 c. 238; renumbered section 14.31 sub. (4) by 1917 c. 622 s. 30*]
SECTION 149. [*Renumbered section 14.40 by 1917 c. 622 s. 36*]
SECTION 150. [*Repealed by 1915 c. 604 s. 10*]
SECTION 151. [*Repealed by 1917 c. 622 s. 37*]
SECTION 152. [*Renumbered sections 14.08 and 14.42 by 1917 c. 622 s. 7, 39*]
SECTION 153. [*Renumbered sections 14.03, 14.04, 14.05, 14.07 and 18.01 by 1917 c. 178 and 1917 c. 622 s. 3, 4, 6*]
SECTION 154. [*Renumbered sections 14.04, 14.05, 14.06 and 14.16 by 1917 c. 622 s. 4, 5, 14*]

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SECTION 155. [*Renumbered section 14.41 by 1917 c. 622 s. 38*]
SECTION 156. [*Repealed by 1913 c. 772 s. 131*]
SECTION 157 sub. (1) to (5). [*Renumbered section 14.42 by 1917 c. 622 s. 39*]
SECTION 157 sub. (6). [*Renumbered section 18.01 by 1917 c. 178 s. 2*]
SECTION 157 sub. (7) to (9*m*). [*Renumbered section 14.42 by 1917 c. 622 s. 39*]
SECTION 157 sub. (10). [*Repealed by 1917 c. 622 s. 39*]
SECTION 157 sub. (11) to (13). [*Renumbered section 14.42 by 1917 c. 622 s. 39*]
SECTION 157 sub. (14). [*Renumbered section 20.06 by 1917 c. 14 s. 11*]
SECTION 158. [*Renumbered section 14.58 by 1917 c. 622 s. 56*]
SECTION 159. [*Renumbered section 14.66 by 1917 c. 622 s. 65*]
SECTION 160. [*Renumbered section 14.67 by 1917 c. 622 s. 66*]
SECTION 160*a*. [*Renumbered section 14.43 by 1917 c. 622 s. 40*]
SECTION 160*b*. [*Renumbered section 14.44 by 1917 c. 622 s. 41*]
SECTION 160*c*. [*Renumbered section 14.45 by 1917 c. 622 s. 42*]
SECTION 160*d*. [*Renumbered section 14.46 by 1917 c. 622 s. 43*]
SECTION 160*e*. [*Renumbered section 14.47 by 1917 c. 622 s. 44*]
SECTION 160*f*. [*Renumbered sections 14.48 and 14.49 by 1917 c. 622 s. 45*]
SECTION 160*g*. [*Renumbered section 14.50 by 1917 c. 622 s. 46*]
SECTION 160*h*. [*Renumbered section 14.50 by 1917 c. 622 s. 46*]
SECTION 160*i*. [*Renumbered section 14.50 by 1917 c. 622 s. 46*]
SECTION 160*j*. [*Renumbered section 14.51 by 1917 c. 622 s. 47*]
SECTION 160*k*. [*Renumbered section 14.42 by 1917 c. 622 s. 39*]
SECTIONS 160*l* and 160*m*. [*Repealed by 1915 c. 604 s. 11*]
SECTION 161. [*Renumbered sections 14.03, 14.04, 14.05, 14.06, 14.07 by 1917 c. 622 s. 3, 4, 5, 6*]
SECTION 162. [*Renumbered section 14.52 by 1917 c. 622 s. 48*]
SECTION 163 sub. (1) to (7). [*Renumbered section 14.53 by 1917 c. 622 s. 49*]
SECTION 163 sub. (8). [*Renumbered section 18.01 by 1917 c. 178 s. 2*]
SECTION 163 sub. (9) and (10). [*Renumbered section 14.53 by 1917 c. 622 s. 49*]
SECTIONS 163*a* to 163*c*. [*Repealed by 1911 c. 657*]
SECTION 163*d*. [*Repealed by 1913 c. 773 s. 12*]
SECTION 163*e*. [*Renumbered section 20.08 by 1917 c. 14 s. 13*]
SECTION 164. [*Renumbered sections 14.03, 14.07 and 14.54 by 1917 c. 622 s. 3, 6, 50*]
SECTION 165. [*Renumbered section 14.55 by 1917 c. 622 s. 51*]
SECTION 165*a*. [*Repealed by 1917 c. 622 s. 52*]
SECTION 165*b*. [*Renumbered section 14.57 sub. (14) by 1917 c. 622 s. 54*]
SECTION 165*c*. [*Renumbered section 14.56 by 1917 c. 622 s. 53*]
SECTION 166. [*Renumbered section 14.57 by 1917 c. 622 s. 54*]
SECTION 167. [*Renumbered section 14.08 by 1917 c. 622 s. 7*]
SECTION 167*a*. [*Renumbered section 14.57 sub. (15) by 1917 c. 622 s. 54*]
SECTION 167*b*. [*Repealed by 1917 c. 622 s. 55*]
SECTION 168. [*Renumbered section 14.60 by 1917 c. 622 s. 58*]
SECTION 168*a*. [*Renumbered section 14.64 by 1917 c. 622 s. 62*]
SECTION 169. [*Repealed by 1913 c. 760*]
SECTION 169*a*. [*Stats. 1898 s. 169a; repealed by 1901 c. 418 s. 4*]
SECTION 169*a*. [*Stats. 1915 s. 169a; renumbered section 20.73 by 1917 c. 14 s. 116*]
SECTION 169*b* sub. 1. [*Repealed by 1913 c. 772 s. 43*]
SECTION 169*b* sub. 2. [*Repealed by 1917 c. 622 s. 63*]
SECTION 169*c*. [*Renumbered section 14.59 by 1917 c. 622 s. 57*]
SECTION 169*d*. [*Renumbered section 14.61 by 1917 c. 622 s. 59*]
SECTION 169*e*. [*Renumbered section 14.62 by 1917 c. 622 s. 60*]
SECTION 169*e*—1. [*Renumbered section 14.63 by 1917 c. 622 s. 61*]
SECTION 169*f*. [*Repealed by 1915 c. 609 s. 25*]
SECTION 169*g*. [*Repealed by 1917 c. 622 s. 67*]
SECTION 169*h*. [*Repealed by 1917 c. 622 s. 68*]
SECTION 169*i* sub. (1). [*Renumbered section 14.68 sub. (1) by 1917 c. 622 s. 69*]
SECTION 169*i* sub. (2) and (3). [*Repealed by 1917 c. 622 s. 69*]
SECTION 169*i* sub. (4). [*Renumbered section 14.68 sub. (2) by 1917 c. 622 s. 69*]
SECTION 169*j*. [*Renumbered section 14.37 by 1917 c. 622 s. 33*]
SECTION 169*k*. [*Renumbered section 14.68 sub. (3) by 1917 c. 622 s. 70*]
SECTION 169*l*. [*Renumbered section 14.68 sub. (4) by 1917 c. 622 s. 71*]
SECTION 169*m*. [*Renumbered section 20.72 by 1917 c. 14 s. 114*]
SECTION 169*s*. [*Renumbered section 14.65 by 1917 c. 622 s. 64*]
SECTION 170 sub. 1. [*Renumbered section 20.02 by 1917 c. 14 s. 3*]

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SECTION 170 sub. 2. [*Renumbered section 20.04 by 1917 c. 14 s. 8*]
SECTION 170 sub. 3. [*Renumbered section 20.05 by 1917 c. 14 s. 9*]
SECTION 170 sub. 4. [*Renumbered sections 20.08 and 20.55 by 1917 c. 14 s. 13, 89*]
SECTION 170 sub. 5. [*Renumbered section 20.21 by 1917 c. 14 s. 37*]
SECTION 170 sub. 6. [*Renumbered section 20.58 by 1917 c. 14 s. 92*]
SECTION 170 sub. 7. [*Repealed by 1907 c. 466*]
SECTION 170 sub. 8. [*Renumbered section 20.41 by 1915 c. 14 s. 71*]
SECTION 170 sub. 9. [*Renumbered section 20.38 by 1917 c. 14 s. 64*]
SECTION 170 sub. 10. [*Renumbered section 20.10 by 1917 c. 14 s. 15*]
SECTION 170 sub. 11. [*Renumbered section 20.62 by 1917 c. 14 s. 101*]
SECTION 170 sub. 12. [*Renumbered section 20.66 by 1917 c. 14 s. 106*]
SECTION 170 sub. 13. [*Renumbered section 20.51 by 1917 c. 14 s. 85*]
SECTION 170 sub. 14. [*Renumbered section 20.55 by 1917 c. 14 s. 89*]
SECTION 170 sub. 15. [*Repealed by 1913 c. 772 s. 118*]
SECTION 170 sub. 16. [*Renumbered section 20.59 by 1917 c. 14 s. 94*]
SECTION 170 sub. 17. [*Renumbered section 20.60 by 1917 c. 14 s. 95*]
SECTION 170 sub. 18. [*Repealed by 1911 c. 485 s. 2*]
SECTION 170 sub. 19. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 170 sub. 20. [*Renumbered section 20.53 by 1917 c. 14 s. 87*]
SECTION 170 sub. 21. [*Repealed by 1917 c. 14 s. 35*]
SECTION 170 sub. 22. [*Renumbered section 20.17 by 1917 c. 14 s. 25*]
SECTION 170 sub. 23 and 24. [*Repealed by 1915 c. 598*]
SECTION 170 sub. 25. [*Renumbered section 20.14 by 1917 c. 14 s. 20*]
SECTION 170 sub. 26. [*Renumbered section 20.57 by 1917 c. 14 s. 91*]
SECTION 170 sub. 27. [*Renumbered section 20.15 by 1917 c. 14 s. 21*]
SECTION 170 sub. 28. [*Renumbered section 20.52 by 1917 c. 14 s. 86*]
SECTION 170 sub. 29. [*Renumbered section 20.71 by 1917 c. 14 s. 113*]
SECTION 170 sub. 30. [*Renumbered section 20.09 by 1917 c. 14 s. 14*]
SECTION 170 sub. 31. [*Renumbered section 20.43 by 1917 c. 14 s. 74*]
SECTION 170 sub. 32. [*Repealed by 1917 c. 14 s. 29*]
SECTION 170 sub. 33. [*Repealed by 1913 c. 39*]
SECTION 170 sub. 34. [*Repealed by 1917 c. 14 s. 99*]
SECTION 170 sub. 35. [*Repealed by 1915 c. 598*]
SECTION 170 sub. 36. [*Renumbered section 20.42 by 1917 c. 14 s. 73*]
SECTION 170 sub. 37. [*Renumbered section 20.02 by 1917 c. 14 s. 3*]
SECTION 170 sub. 38. [*Renumbered section 20.23 by 1917 c. 14 s. 39*]
SECTION 170 sub. 39. [*Renumbered section 20.65 by 1917 c. 14 s. 105*]
SECTION 170 sub. 40. [*Renumbered section 20.69 by 1917 c. 14 s. 111*]
SECTION 170 sub. 41. [*Renumbered section 20.49 by 1917 c. 14 s. 83*]
SECTION 170 sub. 42. [*Repealed by 1915 c. 598*]
SECTION 170 sub. 43. [*Renumbered section 20.45 by 1917 c. 14 s. 78*]
SECTION 170 sub. 44. [*Repealed by 1915 c. 504*]
SECTION 170 sub. 46. [*Renumbered section 20.46 by 1917 c. 14 s. 79*]
SECTION 170 sub. 47. [*Renumbered section 20.44 by 1917 c. 14 s. 77*]
SECTION 170 sub. 48. [*Renumbered section 20.64 by 1917 c. 14 s. 104*]
SECTION 170 sub. 49. [*Renumbered section 20.70 by 1917 c. 14 s. 112*]
SECTION 170 sub. 50. [*Renumbered section 20.63 by 1917 c. 14 s. 103*]
SECTION 170 sub. 51 to 58. [*Renumbered section 20.01 by 1917 c. 14 s. 2*]
SECTION 170 sub. 59. [*Renumbered section 20.33 by 1917 c. 14 s. 58*]
SECTION 170 sub. 60. [*Renumbered section 20.07 by 1917 c. 14 s. 12*]
SECTION 170 sub. 61. [*Renumbered section 20.11 by 1917 c. 14 s. 16*]
SECTION 170 sub. 62 and 63. [*Repealed by 1915 c. 413*]
SECTION 170 sub. 64. [*Renumbered section 20.48 by 1917 c. 14 s. 82*]
SECTION 170*a*. [*Repealed by 1913 c. 772 s. 7*]
SECTION 170*m*. [*Renumbered section 20.73 by 1917 c. 14 s. 116*]
SECTION 171. [*Renumbered section 20.73 by 1917 c. 14 s. 116*]
SECTION 172. [*Repealed by 1915 c. 609 s. 25*]
SECTION 172*a*. [*Renumbered section 20.74 by 1917 c. 14 s. 117*]
SECTION 172—1. [*Renumbered section 20.01 by 1917 c. 14 s. 2*]
SECTION 172—2. [*Renumbered section 20.02 by 1917 c. 14 s. 3*]
SECTION 172—3. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 172—4. [*Renumbered section 20.05 by 1917 c. 14 s. 9*]
SECTION 172—5. [*Renumbered section 20.62 by 1917 c. 14 s. 101*]
SECTION 172—6. [*Renumbered section 20.66 by 1917 c. 14 s. 106*]

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SECTION 172—7. [*Renumbered section 20.08 by 1917 c. 14 s. 13*]
SECTION 172—8. [*Renumbered section 20.63 by 1917 c. 14 s. 103*]
SECTION 172—9. [*Renumbered section 20.64 by 1917 c. 14 s. 104*]
SECTION 172—10. [*Renumbered sections 20.04 and 20.49 by 1917 c. 14 s. 8, 83*]
SECTION 172—11. [*Renumbered sections 20.05 and 20.06 by 1917 c. 14 s. 9, 11*]
SECTION 172—12. [*Renumbered section 20.07 by 1917 c. 14 s. 12*]
SECTION 172—13. [*Renumbered section 20.53 by 1917 c. 14 s. 87*]
SECTION 172—14. [*Renumbered section 20.55 by 1917 c. 14 s. 89*]
SECTION 172—15. [*Renumbered section 20.57 by 1917 c. 14 s. 91*]
SECTION 172—16. [*Renumbered section 20.09 by 1917 c. 14 s. 14*]
SECTION 172—17. [*Renumbered section 20.51 by 1917 c. 14 s. 85*]
SECTION 172—18. [*Renumbered section 20.10 by 1917 c. 14 s. 15*]
SECTION 172—19. [*Renumbered section 20.71 by 1917 c. 14 s. 113*]
SECTION 172—20. [*Renumbered section 20.21 by 1917 c. 14 s. 37*]
SECTION 172—21. [*Renumbered section 20.20 by 1917 c. 14 s. 36*]
SECTION 172—22. [*Repealed by 1915 c. 598; 1915 c. 609 s. 22*]
SECTION 172—23. [*Renumbered section 20.14 by 1917 c. 14 s. 20*]
SECTION 172—24. [*Renumbered section 20.42 by 1917 c. 14 s. 73*]
SECTION 172—25. [*Renumbered section 20.44 by 1917 c. 14 s. 77*]
SECTION 172—26. [*Repealed by 1915 c. 609 s. 4*]
SECTION 172—27. [*Sub. 1 to 9 renumbered section 20.43 by 1917 c. 14 s. 74; sub. 10 repealed by 1917 c. 14 s. 75*]
SECTION 172—28. [*Renumbered section 20.16 by 1917 c. 14 s. 23*]
SECTION 172—29. [*Renumbered section 20.60 by 1917 c. 14 s. 95*]
SECTION 172—30. [*Renumbered section 20.59 by 1917 c. 14 s. 94*]
SECTION 172—31. [*Renumbered section 20.72 by 1917 c. 14 s. 114*]
SECTION 172—32. [*Repealed by 1915 c. 535*]
SECTION 172—33. [*Repealed by 1915 c. 609 s. 4*]
SECTION 172—34. [*Renumbered section 20.52 by 1917 c. 14 s. 86*]
SECTION 172—35. [*Renumbered section 20.11 by 1917 c. 14 s. 16*]
SECTION 172—36. [*Renumbered section 20.49 by 1917 c. 14 s. 83*]
SECTION 172—37. [*Sub. 1 repealed by 1917 c. 14 s. 35; sub. 2 renumbered section 20.19 by 1917 c. 14 s. 34*]
SECTION 172—38. [*Renumbered section 20.06 by 1917 c. 14 s. 11*]
SECTION 172—39. [*Renumbered subsection 3 of section 172—14 by 1915 c. 504 s. 3*]
SECTION 172—40. [*Repealed by 1915 c. 598*]
SECTION 172—41. [*1917 c. 668 s. 7; renumbered 20.205 by 1917 c. 676*]
SECTION 172—42. [*Renumbered section 20.20 by 1917 c. 14 s. 36*]
SECTION 172—44. [*Renumbered section 20.69 by 1917 c. 14 s. 111*]
SECTION 172—46. [*Renumbered section 20.16 by 1917 c. 14 s. 23*]
SECTION 172—47. [*Renumbered section 20.16 by 1917 c. 14 s. 23*]
SECTION 172—48. [*Repealed by 1917 c. 14 s. 24*]
SECTION 172—49. [*Renumbered sections 20.33 and 20.34 by 1917 c. 14 s. 58, 59*]
SECTION 172—50. [*Renumbered section 20.02 by 1917 c. 14 s. 3*]
SECTION 172—51. [*Renumbered section 20.65 by 1917 c. 14 s. 105*]
SECTION 172—52. [*Renumbered section 20.23 by 1917 c. 14 s. 39*]
SECTION 172—53. [*Sub. 6, 9 and 36 repealed by 1917 c. 14 s. 68, 72; balance of section renumbered sections 20.39 and 20.41 by 1917 c. 14 s. 66, 71*]
SECTION 172—54. [*Sub. 29a repealed by 1917 c. 14 s. 65; balance of section renumbered sections 20.22, 20.36, 20.37 and 20.38 by 1917 c. 14 s. 38, 61, 63, 64*]
SECTION 172—55. [*Renumbered section 20.25 by 1917 c. 14 s. 43*]
SECTION 172—56. [*Renumbered section 20.26 by 1917 c. 14 s. 44*]
SECTION 172—57. [*Renumbered section 20.27 by 1917 c. 14 s. 45*]
SECTION 172—59. [*Renumbered section 20.31 by 1917 c. 14 s. 51*]
SECTION 172—60. [*Repealed by 677 s. 51*]
SECTION 172—61. [*Renumbered section 20.31 by 1917 c. 14 s. 51*]
SECTION 172—63. [*Sub. 1 renumbered section 20.31 by 1917 c. 14 s. 51; sub. 2 repealed by 1917 c. 14 s. 54*]
SECTION 172—64. [*Renumbered section 20.35 by 1917 c. 14 s. 60*]
SECTION 172—65. [*Renumbered section 20.18 by 1917 c. 14 s. 32*]
SECTION 172—66. [*Renumbered section 20.22 by 1917 c. 14 s. 38*]
SECTION 172—67. [*Renumbered sections 20.17 and 561em by 1917 c. 14 s. 25, 26*]
SECTION 172—68. [*Renumbered section 20.17 by 1917 c. 14 s. 25*]
SECTION 172—69. [*Renumbered section 20.17 by 1917 c. 14 s. 25*]

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SECTION 172—71. [*Renumbered section 20.56 by 1917 c. 14 s. 90*]
SECTION 172—72. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—73. [*Renumbered sections 20.25 and 20.30 by 1917 c. 14 s. 43, 50*]
SECTION 172—76. [*Renumbered section 20.15 by 1917 c. 14 s. 21*]
SECTION 172—77. [*Renumbered section 20.15 by 1917 c. 14 s. 21*]
SECTION 172—85. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—88. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—89. [*Repealed by 1915 c. 609 s. 4*]
SECTION 172—91. [*Renumbered subsections 9 and 10 of section 172—27 by 1915 c. 580 s. 2*]
SECTION 172—92. [*Renumbered section 20.45 by 1917 c. 14 s. 78*]
SECTION 172—93. [*Renumbered section 20.46 by 1917 c. 14 s. 79*]
SECTION 172—94. [*Renumbered section 20.44 by 1917 c. 14 s. 77*]
SECTION 172—98. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—99. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—101. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—102. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—103. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—105. [*Renumbered section 20.32 by 1917 c. 14 s. 55*]
SECTION 172—106. [*Renumbered section 20.32 by 1917 c. 14 s. 55*]
SECTION 172—108. [*Renumbered section 20.29 by 1917 c. 14 s. 47*]
SECTION 172—112. [*Renumbered section 20.26 by 1917 c. 14 s. 44*]
SECTION 172—114. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—115. [*Renumbered section 20.70 by 1917 c. 14 s. 112*]
SECTION 172—116. [*Renumbered section 20.28 by 1917 c. 14 s. 46*]
SECTION 172—118. [*Renumbered section 20.56 by 1917 c. 14 s. 90*]
SECTION 172—120. [*Renumbered section 20.17 by 1917 c. 14 s. 25*]
SECTION 172—121. [*Renumbered section 20.50 by 1917 c. 14 s. 84*]
SECTION 172—122. [*Renumbered section 20.49 by 1917 c. 14 s. 83*]
SECTION 172—123. [*Renumbered section 20.49 by 1917 c. 14 s. 83*]
SECTION 172—124. [*Renumbered section 20.48 by 1917 c 14 s. 82*]
SECTION 172—125. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—126. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]
SECTION 172—127. [*Renumbered section 20.20 by 1917 c. 14 s. 36*]
SECTION 172—128. [*Renumbered section 20.57 by 1917 c. 14 s. 91*]
SECTION 172—129. [*Renumbered section 20.12 by 1917 c. 14 s. 17*]
SECTION 172—130. [*Renumbered section 20.77 by 1917 c. 14 s. 120*]
SECTION 172—131. [*Renumbered section 20.75 by 1917 c. 14 s. 118*]
SECTION 172—132. [*Renumbered section 20.76 by 1917 c. 14 s. 119*]
SECTION 172—133. [*Renumbered section 20.78 by 1917 c. 14 s. 121*]
SECTION 173. [*Renumbered section 1636—226 sub. (1) by 1921 c. 13 s. 2*]
SECTION 174. [*Renumbered section 1636—226 sub. (2) by 1921 c. 13 s. 3*]
SECTION 175. [*Renumbered section 1636—226 sub. (3) by 1921 c. 13 s. 3*]
SECTION 175*m*. [*Transferred to Session Laws by 1921 c. 13 s. 8*]
SECTION 176. [*Repealed by 1899 c. 356 and 1901 c. 361. See section 1681—9*]
SECTION 176*a*. [*Renumbered section 1636—226 sub. (4) by 1921 c. 13 s. 3*]
SECTION 176*b*. [*Renumbered section 1636—226 sub. (5) by 1921 c. 13 s. 4*]
SECTION 177. [*Renumbered section 1636—226 sub. (6) by 1921 c. 13 s. 5*]
SECTION 178. [*Renumbered section 17.04 by 1919 c. 362 s. 16*]
SECTION 179. [*Renumbered section 1636—226 sub. (7) by 1921 c. 13 s. 6*]
SECTION 180. [*Renumbered section 1636—226 sub. (8) by 1921 c. 13 s. 6*]
SECTION 181. [*Renumbered section 1636—226 sub. (9) by 1921 c. 13 s. 7*]
SECTION 182. [*Renumbered section 1636—227 sub. (1) by 1921 c. 13 s. 9*]
SECTION 183. [*Renumbered section 1636—227 sub. (2) by 1921 c. 13 s. 9*]
SECTION 184. [*Renumbered section 24.01 by 1917 c. 454 s. 2*]
SECTION 185. [*Renumbered section 23.03 by 1917 c. 456 s. 4*]
SECTION 186. [*Renumbered sections 18.01 and 23.04 by 1917 c. 178 and 1917 c. 456 s. 5*]
SECTION 187. [*Renumbered section 23.05 by 1917 c. 456 s. 6*]
SECTION 188. [*Renumbered section 23.06 by 1917 c. 456 s. 7*]
SECTION 189. [*Renumbered section 24.04 by 1917 c. 454 s. 5*]
SECTION 190. [*Repealed by 1917 c. 14 s. 35*]
SECTION 191. [*Renumbered section 23.07 by 1917 c. 456 s. 8*]
SECTION 192. [*Renumbered section 24.05 by 1917 c. 454 s. 6*]

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SECTION 193. [*Renumbered section 24.06 by 1917 c. 454 s. 7*]
SECTION 194. [*Renumbered section 26.08 by 1917 c. 282 s. 10*]
SECTION 195. [*Renumbered section 24.07 by 1917 c. 454 s. 8*]
SECTIONS 202 to 206. [*Renumbered section 24.08 by 1917 c. 454 s. 9*]
SECTION 206*a*. [*Renumbered section 24.14 by 1917 c. 454 s. 17*]
SECTION 207. [*Renumbered section 24.09 by 1917 c. 454 s. 10*]
SECTION 207*m*. [*Repealed by 1913 c. 773 s. 13*]
SECTION 208. [*Renumbered section 24.10 by 1917 c. 454 s. 11*]
SECTION 209. [*Renumbered section 24.11 sub. (1), (2), (3) by 1917 c. 454 s. 12*]
SECTION 210. [*Renumbered sections 24.12 and 24.13 by 1917 c. 454 s. 14, 15*]
SECTION 210*b*. [*Renumbered section 26.22 by 1917 c. 282 s. 26a*]
SECTION 211. [*Renumbered section 24.15 by 1917 c. 454 s. 18*]
SECTION 212. [*Renumbered section 24.16 by 1917 c. 454 s. 19*]
SECTION 213. [*Renumbered section 24.17 by 1917 c. 454 s. 20*]
SECTION 214. [*Renumbered section 24.18 by 1917 c. 454 s. 21*]
SECTION 215. [*Renumbered section 24.19 by 1917 c. 454 s. 22*]
SECTION 216. [*Renumbered section 24.20 by 1917 c. 454 s. 23*]
SECTION 217. [*Renumbered section 24.21 by 1917 c. 454 s. 24*]
SECTION 218. [*Renumbered section 24.22 by 1917 c. 454 s. 25*]
SECTION 219. [*Renumbered section 24.23 by 1917 c. 454 s. 26*]
SECTION 220. [*Renumbered section 24.24 by 1917 c. 454 s. 27*]
SECTION 221. [*Renumbered section 24.25 by 1917 c. 454 s. 28*]
SECTION 222. [*Renumbered section 24.26 by 1917 c. 454 s. 29*]
SECTION 223. [*Renumbered section 24.27 by 1917 c. 454 s. 30*]
SECTION 224. [*Renumbered section 24.28 by 1917 c. 454 s. 31*]
SECTION 225. [*Renumbered section 24.29 by 1917 c. 454 s. 32*]
SECTION 226. [*Renumbered section 24.30 by 1917 c. 454 s. 33*]
SECTION 227. [*Renumbered section 24.31 by 1917 c. 454 s. 34*]
SECTION 228. [*Renumbered section 24.32 by 1917 c. 454 s. 35*]
SECTION 229. [*Renumbered section 24.33 by 1917 c. 454 s. 36*]
SECTION 230. [*Renumbered section 24.34 by 1917 c. 454 s. 37*]
SECTION 231. [*Renumbered section 24.35 by 1917 c. 454 s. 38*]
SECTION 232. [*Repealed by 1917 c. 454 s. 39*]
SECTION 233. [*Renumbered section 24.36 by 1917 c. 454 s. 40*]
SECTION 234. [*Repealed by 1917 c. 454 s. 41*]
SECTION 235. [*Renumbered section 24.37 by 1917 c. 454 s. 42*]
SECTION 236. [*Renumbered section 24.38 by 1917 c. 454 s. 43*]
SECTION 237. [*Repealed by 1913 c. 772 s. 79*]
SECTIONS 237*h* to 237*l*. [*Repealed by 1915 c. 413*]
SECTION 237*m*. [*Repealed by 1917 c. 454 s. 44*]
SECTION 237*n*. [*Repealed by 1913 c. 772 s. 68*]
SECTION 238. [*Repealed by 1905 c. 264 s. 23*]
SECTION 239. [*Repealed by 1913 c. 773 s. 14*]
SECTION 240. [*Renumbered section 26.02 by 1917 c. 282 s. 3*]
SECTION 241. [*Renumbered sections 26.03 and 26.04 by 1917 c. 282 s. 4, 5*]
SECTION 242. [*Renumbered section 26.05 by 1917 c. 282 s. 6*]
SECTION 243. [*Renumbered section 26.06 by 1917 c. 282 s. 7*]
SECTION 244. [*Renumbered section 4152a by 1917 c. 282 s. 8*]
SECTION 245. [*Renumbered section 26.07 by 1917 c. 282 s. 9*]
SECTION 246. [*Renumbered section 20.24 by 1917 c. 14 s. 40*]
SECTION 248. [*Renumbered section 20.39 by 1917 c. 14 s. 66*]
SECTION 249. [*Renumbered section 20.39 by 1917 c. 14 s. 66*]
SECTION 250. [*Renumbered section 20.36 by 1917 c. 14 s. 61*]
SECTION 251. [*Renumbered section 20.36 by 1917 c. 14 s. 61*]
SECTION 251*a*. [*Renumbered section 20.36 by 1917 c. 14 s. 61*]
SECTION 252. [*Renumbered sections 24.04 and 24.20 by 1917 c. 454 s. 5, 23*]
SECTIONS 253 to 256. [*Repealed by 1917 c. 536 s. 2*]
SECTION 257. [*Repealed by 1917 c. 282 s. 11; 1917 c. 536 s. 2*]
SECTION 258. [*Renumbered section 25.01 by 1917 c. 536 s. 3*]
SECTION 258*a*. [*Renumbered section 25.02 by 1917 c. 536 s. 4*]
SECTION 258*am*. [*Renumbered section 25.03 by 1917 c. 536 s. 5*]
SECTION 258*a*—1. [*Renumbered section 25.04 by 1917 c. 536 s. 6*]
SECTION 258*b*. [*Renumbered section 25.05 by 1917 c. 536 s. 7*]
SECTION 258*c*. [*Renumbered section 25.06 by 1917 c. 536 s. 8*]

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SECTION 258*d*. [*Renumbered section 25.07 by 1917 c. 536 s. 9*]
SECTION 258*e*. [*Renumbered section 25.08 by 1917 c. 536 s. 10*]
SECTION 258*f*. [*Renumbered sections 25.10 and 4550m by 1917 c. 536 s. 12, 13*]
SECTION 258*g*. [*Renumbered section 25.11 by 1917 c. 536 s. 14*]
SECTION 258*h*. [*Renumbered section 25.05 by 1917 c. 536 s. 7*]
SECTION 258*i*. [*Renumbered section 25.01 by 1917 c. 536 s. 3*]
SECTION 258*m*. [*Repealed by 1917 c. 536 s. 15*]
SECTION 259. [*Repealed by 1917 c. 14 s. 10; 1917 c. 536 s. 16*]
SECTION 260. [*Renumbered section 20.05 by 1917 c. 14 s. 9*]
SECTION 261. [*Renumbered section 25.02 by 1917 c. 536 s. 4*]
SECTION 262. [*Renumbered section 25.05 by 1917 c. 536 s. 7*]
SECTION 262*a*. [*Repealed by 1917 c. 536 s. 17*]
SECTION 263. [*Repealed by 1917 c. 536 s. 11; 1917 c. 546*]
SECTION 264. [*Renumbered section 25.12 by 1917 c. 536 s. 18*]
SECTIONS 278 to 282*a*. [*Repealed by 1917 c. 536 s. 19*]
SECTION 283. [*Renumbered section 24.03 by 1917 c. 454 s. 4*]
SECTION 284. [*Renumbered sections 24.08 and 24.11 sub. (4) by 1917 c. 454 s. 9, 13*]
SECTION 285. [*Renumbered section 24.08 by 1917 c. 454 s. 9*]
SECTION 286. [*Renumbered section 33.02 by 1917 c. 177 s. 4*]
SECTION 287. [*Renumbered section 33.03 by 1917 c. 177 s. 5, 7*]
SECTION 288. [*Renumbered sections 20.10, 33.01 and 33.03 by 1917 c. 14 s. 15 and 1917 c. 177 s. 3, 5, 7*]
SECTION 288*a*. [*Repealed by 1913 c. 760*]
SECTION 288*b*. [*Renumbered section 33.03 by 1917 c. 177 s. 5*]
SECTION 289. [*Renumbered section 33.01 by 1917 c. 177 s. 3*]
SECTION 290. [*Renumbered sections 33.01 and 33.03 by 1917 c. 177 s. 3, 5*]
SECTION 291. [*Renumbered section 33.04 by 1917 c. 177 s. 6*]
SECTION 292. [*Renumbered sections 20.10 and 33.03 by 1917 c. 14 s. 15 and 1917 c. 177 s. 5*]
SECTION 292*a*. [*Renumbered section 33.03 by 1917 c. 177 s. 5*]
SECTION 293. [*Renumbered sections 20.10 and 33.03 by 1917 c. 14 s. 15 and 1917 c. 177 s. 5, 7*]
SECTION 294. [*Renumbered sections 20.10 and 33.03 by 1917 c. 14 s. 15 and 1917 c. 177 s. 5, 7*]
SECTION 295. [*Renumbered sections 20.10 and 33.03 by 1917 c. 14 s. 15 and 1917 c. 177 s. 5*]
SECTION 296. [*Stats. 1898 s. 296; repealed by 1911 c. 657*]
SECTION 296. [*Stats. 1915; renumbered sections 20.10, 33.01 and 33.03 by 1917 c. 14 s. 15 and 1917 c. 177 s. 3, 5, 7*]
SECTIONS 296 to 366. [*Superseded by sections 20.01 to 20.91 by 1911 c. 657; renumbered sections 35.01 to 35.92 by 1917 c. 336*]
SECTION 367. [*Renumbered section 43.01 by 1917 c. 453 s. 5*]
SECTION 368. [*Renumbered section 43.02 by 1917 c. 453 s. 5*]
SECTION 369. [*Renumbered section 43.03 by 1917 c. 453 s. 5*]
SECTION 370. [*Renumbered section 43.04 by 1917 c. 453 s. 5*]
SECTION 371. [*Renumbered section 20.63 by 1917 c. 14 s. 103*]
SECTION 372. [*Renumbered section 43.05 by 1917 c. 453 s. 5*]
SECTION 373. [*Renumbered section 43.06 by 1917 c. 453 s. 5*]
SECTION 373*a*. [*Renumbered section 43.09 by 1917 c. 453 s. 5*]
SECTION 373*am*. [*Renumbered sections 20.41 and 43.10 by 1917 c. 14 s. 71 and 1917 c. 453 s. 5*]
SECTION 373*b*. [*Renumbered section 43.11 by 1917 c. 453 s. 5*]
SECTION 373*c*. [*Renumbered section 43.12 by 1917 c. 453 s. 5*]
SECTION 373*d*. [*Renumbered section 43.13 by 1917 c. 453 s. 5*]
SECTION 373*e*. [*Renumbered section 43.14 by 1917 c. 453 s. 5*]
SECTION 373*f*. [*Renumbered section 43.15 by 1917 c. 453 s. 5*]
SECTION 373*g*. [*Repealed by 1915 c. 520 s. 5*]
SECTION 373*h*. [*Renumbered section 43.16 by 1917 c. 453 s. 5*]
SECTIONS 373*i* and 373*m*. [*Repealed by 1913 c. 772 s. 56*]
SECTION 374. [*Renumbered section 44.01 by 1917 c. 453 s. 6*]
SECTION 375. [*Repealed by 1913 c. 772 s. 65*]
SECTION 376. [*Renumbered section 44.02 by 1917 c. 453 s. 6*]
SECTION 376*a*. [*Renumbered section 44.03 by 1917 c. 453 s. 6*]
SECTION 376*b*. [*Renumbered section 44.04 by 1917 c. 453 s. 6*]

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SECTION 376*c*. [*Renumbered section 44.05 by 1917 c. 453 s. 6*]
SECTION 376*d*. [*Renumbered section 44.06 by 1917 c. 453 s. 6*]
SECTION 376*e*. [*Renumbered section 44.07 by 1917 c. 453 s. 6*]
SECTION 376*m*. [*Renumbered section 44.08 by 1917 c. 453 s. 6*]
SECTION 376*n*. [*Renumbered section 44.09 by 1917 c. 453 s. 6*]
SECTION 376*p*. [*1913 c. 86; stricken out by 1915 c. 604 s. 96*]
SECTION 376—1. [*Renumbered section 45.01 by 1917 c. 453 s. 7*]
SECTION 376—2. [*Renumbered section 45.02 by 1917 c. 453 s. 7*]
SECTION 376—3. [*Repealed by 1913 c. 772 s. 88*]
SECTION 376—4. [*Renumbered section 45.03 by 1917 c. 453 s. 7*]
SECTION 376—5. [*Renumbered section 45.04 by 1917 c. 453 s. 7*]
SECTION 376—6. [*Repealed by 1913 c. 772 s. 88*]
SECTION 376—7. [*Repealed by 1911 c. 663 s. 10*]
SECTION 376—8. [*Repealed by 1913 c. 772 s. 88*]
SECTION 376—50. [*Renumbered sections 20.22 and 38.01 by 1917 c. 14 s. 38 and 1917 c. 453 s. 4*]
SECTION 377. [*Renumbered section 36.01 by 1917 c. 453 s. 2*]
SECTION 378. [*Renumbered section 36.02 by 1917 c. 453 s. 2*]
SECTION 379. [*Renumbered section 36.03 by 1917 c. 453 s. 2*]
SECTION 380. [*Renumbered section 36.04 by 1917 c. 453 s. 2*]
SECTION 380*a*. [*Renumbered section 36.05 by 1917 c. 453 s. 2*]
SECTION 381. [*Renumbered section 36.06 by 1917 c. 453 s. 2*]
SECTION 381*m*. [*Renumbered section 36.07 by 1917 c. 453 s. 2*]
SECTION 382. [*Renumbered section 36.08 by 1917 c. 453 s. 2*]
SECTION 382*a*. [*Renumbered section 20.39 by 1917 c. 14 s. 66*]
SECTION 383. [*Renumbered section 36.09 by 1917 c. 453 s. 2*]
SECTION 383*a*. [*Renumbered section 36.10 by 1917 c. 453 s. 2*]
SECTION 383*m*. [*Renumbered section 36.11 by 1917 c. 453 s. 2*]
SECTION 384. [*Renumbered section 36.12 by 1917 c. 453 s. 2*]
SECTION 385. [*Renumbered section 36.13 by 1917 c. 453 s. 2*]
SECTION 386. [*Renumbered section 36.14 by 1917 c. 453 s. 2*]
SECTION 387. [*Renumbered section 36.15 by 1917 c. 453 s. 2*]
SECTION 388. [*Renumbered section 36.16 by 1917 c. 453 s. 2*]
SECTION 389. [*Renumbered section 20.39 by 1917 c. 14 s. 66*]
SECTION 390. [*Renumbered sections 20.39 and 385 sub. (7) by 1917 c. 14 s. 66, 69*]
SECTION 390*a*. [*Repealed by 1907 c. 428 s. 3*]
SECTION 391. [*Stats. 1911 s. 391; repealed by 1913 c. 758 s. 5*]
SECTION 391. [*1917 c. 412; renumbered section 36.13 sub. (8) by 1917 c. 671 s. 17*]
SECTION 391*n*. [*1911 c. 631; repealed by 1911 c. 663 s. 12*]
SECTION 392. [*Repealed by 1913 c. 758 s. 5*]
SECTION 392*a*. [*Renumbered section 36.17 by 1917 c. 453 s. 2*]
SECTIONS 392*b* to 392*d*. [*Repealed by 1913 c. 772 s. 44*]
SECTION 392*e*. [*Renumbered section 36.18 by 1917 c. 453 s. 2*]
SECTION 392*em*. [*Repealed by 1913 c. 758 s. 5*]
SECTIONS 392*em*—1 to 392*em*—7. [*Repealed by 1913 c. 758 s. 5*]
SECTION 392*em*—8. [*Renumbered section 36.19 by 1917 c. 453 s. 2*]
SECTION 392*em*—8*a*. [*Renumbered section 36.20 by 1917 c. 453 s. 2*]
SECTION 392*em*—9. [*Repealed by 1913 c. 758 s. 5*]
SECTION 392*em*—10. [*Renumbered sections 20.41 and 36.21 by 1917 c. 14 s. 71 and 1917 c. 453 s. 2*]
SECTION 392*em*—12. [*Renumbered section 36.22 by 1917 c. 453 s. 2*]
SECTION 392*f*. [*Repealed by 1913 c. 758 s. 5*]
SECTION 392*f*—5. [*Repealed by 1915 c. 14 s. 72*]
SECTIONS 392*g* to 392*j*. [*Repealed by 1913 c. 758 s. 5*]
SECTION 392*j*—1. [*Renumbered section 36.23 by 1917 c. 453 s. 2*]
SECTION 392*j*—2. [*Renumbered section 36.24 by 1917 c. 453 s. 2*]
SECTION 392*j*—3. [*Renumbered section 36.25 by 1917 c. 453 s. 2*]
SECTION 392*j*—4. [*Renumbered section 36.26 by 1917 c. 453 s. 2*]
SECTION 392*j*—5. [*Renumbered section 36.27 by 1917 c. 453 s. 2*]
SECTION 392*k*. [*Repealed by 1913 c. 772 s. 59*]
SECTION 392*k*—1. [*Renumbered section 36.28 by 1917 c. 453 s. 2*]
SECTION 392*l*. [*Renumbered section 36.29 by 1917 c. 453 s. 2*]
SECTION 392*l*—1. [*Renumbered section 36.30 by 1917 c. 453 s. 2*]
SECTION 392*m*. [*Renumbered section 41.26 by 1917 c. 578 s. 3*]

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SECTION 392*n*. [*Renumbered section 41.27 by 1917 c. 578 s. 3*]
SECTION 392*o*. [*Renumbered section 41.28 by 1917 c. 578 s. 3*]
SECTION 392*p*. [*Renumbered section 41.29 by 1917 c. 578 s. 3*]
SECTION 392*q*. [*Renumbered section 41.30 by 1917 c. 578 s. 3*]
SECTION 392*r*. [*Renumbered section 41.31 by 1917 c. 578 s. 3*]
SECTION 392*s*. [*Renumbered section 41.32 by 1917 c. 578 s. 3*]
SECTION 392*t*. [*Renumbered section 41.33 by 1917 c. 578 s. 3*]
SECTION 392*u*. [*Repealed by 1913 c. 758 s. 9*]
SECTION 392*v*. [*Repealed by 1911 c. 663 s. 15*]
SECTION 392*w*. [*Renumbered section 41.34 by 1917 c. 578 s. 3*]
SECTION 392*x*. [*Repealed by 1915 c. 560 s. 2*]
SECTION 392*y*. [*Renumbered section 41.35 by 1917 c. 578 s. 3*]
SECTION 392*z*. [*Repealed by 1913 c. 758 s. 9*]
SECTION 393. [*Renumbered section 37.01 by 1917 c. 453 s. 3*]
SECTION 394. [*Renumbered section 37.02 by 1917 c. 453 s. 3*]
SECTION 395. [*Renumbered section 37.03 by 1917 c. 453 s. 3*]
SECTION 396. [*Renumbered section 37.04 by 1917 c. 453 s. 3*]
SECTION 396*a*. [*Renumbered section 37.05 by 1917 c. 453 s. 3*]
SECTION 397. [*Renumbered section 37.06 by 1917 c. 453 s. 3*]
SECTION 398. [*Repealed by 1913 c. 758 s. 2*]
SECTION 399. [*Renumbered section 20.36 by 1917 c. 14 s. 61*]
SECTION 400. [*Renumbered section 20.36 by 1917 c. 14 s. 61*]
SECTION 401. [*Renumbered section 37.07 by 1917 c. 453 s. 3*]
SECTION 401*m*. [*Renumbered section 37.08 by 1917 c. 453 s. 3*]
SECTION 402. [*Renumbered section 37.09 by 1917 c. 453 s. 3*]
SECTION 403. [*Renumbered section 37.10 by 1917 c. 453 s. 3*]
SECTION 404. [*Renumbered section 37.11 by 1917 c. 453 s. 3*]
SECTION 404*a*. [*1917 c. 14 s. 62; renumbered section 37.12 by 1917 c. 453 s. 3*]
SECTION 405. [*Renumbered section 37.13 by 1917 c. 453 s. 3*]
SECTION 406. [*Repealed by 1913 c. 758 s. 2*]
SECTION 406*a*. [*Renumbered sections 20.36, 20.37, 20.38 and 404a by 1917 c. 14 s. 61, 62, 63, 64*]
SECTION 407. [*Renumbered section 37.14 by 1917 c. 453 s. 3*]
SECTION 408. [*Repealed by 1913 c. 758 s. 2*]
SECTION 409. [*Renumbered section 20.36 by 1917 c. 14 s. 61*]
SECTION 410. [*Renumbered section 37.15 by 1917 c. 453 s. 3*]
SECTION 411. [*Renumbered section 37.16 by 1917 c. 453 s. 3*]
SECTION 411*a*. [*Renumbered section 37.17 by 1917 c. 453 s. 3*]
SECTION 411*b*. [*Renumbered section 37.18 by 1917 c. 453 s. 3*]
SECTION 411*c*. [*Renumbered section 37.19 by 1917 c. 453 s. 3*]
SECTION 411*d*. [*Renumbered section 37.20 by 1917 c. 453 s. 3*]
SECTION 411—1. [*Renumbered section 41.36 sub. (1) by 1917 c. 578 s. 3*]
SECTION 411—1*a*. [*1917 c. 232; renumbered section 41.36 sub. (2) by 1917 c. 578 s. 3*]
SECTION 411—2. [*Renumbered section 41.37 by 1917 c. 578 s. 3*]
SECTION 411—3. [*Renumbered section 41.38 by 1917 c. 578 s. 3*]
SECTION 411—4. [*Renumbered section 41.39 by 1917 c. 578 s. 3*]
SECTION 411—5. [*Renumbered section 20.31 by 1917 c. 14 s. 51*]
SECTION 411—6. [*Renumbered section 41.40 by 1917 c. 578 s. 3*]
SECTION 411—6*a*. [*Renumbered section 41.41 by 1917 c. 578 s. 3*]
SECTION 411—7. [*Renumbered section 41.42 by 1917 c. 578 s. 3*]
SECTION 411—8. [*Renumbered section 41.43 by 1917 c. 578 s. 3*]
SECTION 411—9. [*Renumbered section 41.44 by 1917 c. 578 s. 3*]
SECTION 411—10. [*Renumbered section 41.45 by 1917 c. 578 s. 3*]
SECTION 411—11. [*Renumbered section 41.46 by 1917 c. 578 s. 3*]
SECTION 411—12. [*Repealed by 1913 c. 772 s. 124*]
SECTION 412. [*Stats. 1915 s. 412; repealed by 1917 c. 497 s. 1*]
SECTION 412. [*1917 c. 497; renumbered section 40.01 by 1917 c. 578 s. 3*]
SECTION 412*a*. [*Repealed by 1917 c. 497 s. 1*]
SECTION 413. [*Stats. 1915 s. 413; repealed by 1917 c. 497 s. 1*]
SECTION 413. [*1917 c. 497; renumbered section 40.02 by 1917 c. 578 s. 3*]
SECTION 414. [*Repealed by 1917 c. 497 s. 1*]
SECTION 415. [*Repealed by 1917 c. 497 s. 1*]
SECTION 416. [*Stats. 1915 s. 416; repealed by 1917 c. 497 s. 1*]
SECTION 416. [*1917 c. 497; renumbered section 40.03 sub. (1) by 1917 c. 578 s. 3*]

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SECTION 417. [*Renumbered section 40.03 sub. (2) by 1917 c. 578 s. 2*]
SECTION 417*a*. [*Renumbered section 40.03 sub. (3) by 1917 c. 578 s. 2*]
SECTION 418. [*Stats. 1915 s. 418; repealed by 1917 c. 497 s. 1*]
SECTION 418. [*1917 c. 497; renumbered section 40.04 sub. (1) by 1917 c. 578 s. 2*]
SECTION 419. [*Stats. 1915 s. 419; repealed by 1917 c. 497 s. 1*]
SECTION 419. [*1917 c. 497; renumbered section 40.04 sub. (2) by 1917 c. 578 s. 2*]
SECTIONS 419*a* to 419*d*. [*Repealed by 1917 c. 497 s. 1*]
SECTIONS 419*e* to 419*g*. [*Repealed by 1917 c. 441 s. 1 and 1917 c. 497 s. 1*]
SECTION 419*h*. [*Renumbered section 20.25 by 1917 c. 14 s. 43*]
SECTION 420. [*Stats. 1915 s. 420; repealed by 1917 c. 497 s. 1*]
SECTION 420. [*1917 c. 497; renumbered section 40.04 sub. (3) by 1917 c. 578 s. 2*]
SECTION 421. [*Renumbered section 40.05 by 1917 c. 578 s. 2*]
SECTION 422. [*Repealed by 1917 c. 497 s. 1*]
SECTION 423. [*Renumbered section 40.06 sub. (1) by 1917 c. 578 s. 2*]
SECTION 424. [*Renumbered section 40.06 sub. (2) by 1917 c. 578 s. 2*]
SECTION 424*a*. [*1917 c. 442; transferred to session laws by 1917 c. 578 s. 7*]
SECTION 425. [*Stats. 1915; repealed by 1917 c. 135*]
SECTION 425. [*1917 c. 135; renumbered section 40.08 sub. (1) and (2) by 1917 c. 578 s. 2*]
SECTION 426. [*Renumbered section 40.08 sub. (3) by 1917 c. 578 s. 2*]
SECTION 427. [*Renumbered section 40.08 sub. (4) by 1917 c. 578 s. 2*]
SECTION 428. [*Renumbered section 40.08 sub. (5) by 1917 c. 578 s. 2*]
SECTION 428*a*. [*Renumbered section 40.08 sub. (6) and (7) by 1917 c. 578 s. 2*]
SECTION 429. [*Renumbered section 40.08 sub. (8) by 1917 c. 578 s. 2*]
SECTION 430. [*Renumbered section 40.09 by 1917 c. 578 s. 2*]
SECTION 430—1. [*Stats. 1915 s. 430—1; repealed by 1917 c. 441 s. 1*]
SECTION 430—1. [*1917 c. 441 s. 2; renumbered section 40.16 sub. (1) by 1917 c. 578 s. 2*]
SECTION 430—2. [*Stats. 1915 s. 430—2; repealed by 1917 c. 441 s. 1*]
SECTION 430—2. [*1917 c. 441 s. 2; renumbered section 40.16 sub. (2) by 1917 c. 578 s. 2*]
SECTION 430—3. [*Stats. 1915 s. 430—3; repealed by 1917 c. 441 s. 1*]
SECTION 430—3. [*1917 c. 441 s. 2; renumbered section 40.16 sub. (3) by 1917 c. 578 s. 2*]
SECTION 430—4. [*Stats. 1915 s. 430—4; repealed by 1917 c. 441 s. 1*]
SECTION 430—4. [*1917 c. 441 s. 2; renumbered section 40.16 sub. (4) by 1917 c. 578 s. 2*]
SECTION 430—5. [*Stats. 1915; in part renumbered 20.25 by 1917 c. 14 s. 43 and remainder repealed by 1917 c. 671 s. 38*]
SECTION 430—5. [*1917 c. 441 s. 2; renumbered section 40.16 sub. (5) by 1917 c. 578 s. 2*]
SECTION 430—6. [*Stats. 1915 s. 430—6; repealed by 1917 c. 441 s. 1*]
SECTION 430—6. [*1917 c. 441 s. 2; renumbered section 40.16 sub. (6) by 1917 c. 578 s. 2*]
SECTION 430—7. [*Stats. 1915 s. 430—7; repealed by 1917 c. 441 s. 1*]
SECTION 430—7. [*1917 c. 441 s. 2; renumbered section 40.16 sub. (7) by 1917 c. 578 s. 2*]
SECTION 430—8. [*Stats. 1915 s. 430—8; repealed by 1917 c. 441 s. 1*]
SECTION 430—8. [*1917 c. 441 s. 2; renumbered section 40.16 sub. (8) by 1917 c. 578 s. 2*]
SECTION 430—9. [*1917 c. 441; renumbered section 40.16 sub. (9) by 1917 c. 578 s. 2*]
SECTION 430*a*. [*Renumbered section 40.09 sub. (10a) by 1917 c. 677 s. 73*]
SECTION 430*a*—1. [*Renumbered section 431a by 1913 c. 773 s. 20*]
SECTION 430*b*. [*Renumbered section 40.09 sub. (23) by 1917 c. 578 s. 2*]
SECTION 430*c*. [*Renumbered section 40.10 sub. (1) by 1917 c. 578 s. 2*]
SECTION 430*d*. [*Renumbered section 40.10 sub. (2) by 1917 c. 578 s. 2*]
SECTION 430*e*. [*Renumbered section 40.09 sub. (20) by 1917 c. 578 s. 2*]
SECTION 430*f*. [*Renumbered section 40.09 sub. (21) by 1917 c. 578 s. 2*]
SECTION 430*n*. [*Renumbered section 40.17 sub. (4) by 1917 c. 578 s. 2*]
SECTION 431. [*Renumbered section 40.17 sub. (1) by 1917 c. 578 s. 2*]
SECTION 431*a*. [*Renumbered section 40.17 sub. (3) by 1917 c. 578 s. 2*]
SECTION 432. [*Renumbered section 40.24 sub. (1) by 1917 c. 578 s. 2*]
SECTION 433. [*Renumbered section 40.24 sub. (2) by 1917 c. 578 s. 2*]
SECTION 433*a*. [*Renumbered section 40.24 sub. (3) by 1917 c. 578 s. 2*]

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SECTION 434. [*Renumbered section 40.26 sub. (1) by 1917 c. 578 s. 2*]
SECTION 435. [*Renumbered section 40.26 sub. (2) by 1917 c. 578 s. 2*]
SECTION 435*a*. [*Renumbered section 40.27 sub. (1) by 1917 c. 578 s. 2*]
SECTION 435*d*. [*Renumbered section 40.26 sub. (3) by 1917 c. 578 s. 2*]
SECTION 435*e*. [*Renumbered section 40.69 by 1917 c. 578 s. 2*]
SECTION 435*m*. [*Repealed by 1911 c. 543*]
SECTION 435*o*. [*Renumbered section 40.29 sub. (4) by 1917 c. 578 s. 2*]
SECTION 436. [*Renumbered section 40.27 sub. (2) by 1917 c. 578 s. 2*]
SECTION 436*a*. [*Renumbered section 40.27 sub. (3) by 1917 c. 578 s. 2*]
SECTION 437. [*Renumbered sections 20.24 and 40.25 by 1917 c. 14 s. 40 and 1917 c. 578 s. 2*]
SECTION 438. [*Renumbered section 40.28 sub. (1) by 1917 c. 578 s. 2*]
SECTION 439. [*Renumbered section 40.29 sub. (3) by 1917 c. 578 s. 2*]
SECTION 439*a*. [*Renumbered section 40.73 sub. (1) and (2) by 1917 c. 578 s. 2*]
SECTION 439*a*—1. [*Renumbered section 40.73 sub. (3) by 1917 c. 578 s. 2*]
SECTION 439*b*. [*Renumbered section 40.74 sub. (1) by 1917 c. 578 s. 2*]
SECTION 439*c*. [*Repealed by 1903 c. 189 s. 3*]
SECTION 439*ca*. [*Renumbered section 40.74 sub. (2) by 1917 c. 578 s. 2*]
SECTION 439*cb*. [*Renumbered section 40.74 sub. (3) by 1917 c. 578 s. 2*]
SECTION 439*cc*. [*Renumbered section 40.74 sub. (4) by 1917 c. 578 s. 2*]
SECTION 439*cd*. [*Renumbered section 40.74 sub. (5) by 1917 c. 578 s. 2*]
SECTION 439*ce*. [*Renumbered section 40.74 sub. (6) by 1917 c. 578 s. 2*]
SECTION 439*cf*. [*Renumbered section 40.74 sub. (7) by 1917 c. 578 s. 2*]
SECTION 439*d*. [*Repealed by 1917 c. 578 s. 5*]
SECTION 439*e*. [*Repealed by 1917 c. 578 s. 5*]
SECTION 439*f*. [*Renumbered section 40.73 sub. (4) by 1917 c. 578 s. 2*]
SECTION 439*g*. [*Renumbered section 40.73 sub. (5) by 1917 c. 578 s. 2*]
SECTION 439*h*. [*Renumbered section 40.73 sub. (6) by 1917 c. 578 s. 2*]
SECTION 439*i*. [*Renumbered section 40.73 sub. (7) by 1917 c. 578 s. 2*]
SECTION 440. [*Renumbered section 40.28 sub. (5) by 1917 c. 578 s. 2*]
SECTION 440*a*. [*Renumbered section 40.67 sub. (1) by 1917 c. 578 s. 2*]
SECTION 440*b*. [*Renumbered section 40.23 sub. (3) by 1917 c. 578 s. 2*]
SECTION 441. [*Renumbered section 40.28 sub. (4) by 1917 c. 578 s. 2*]
SECTION 441*a*. [*Renumbered section 40.27 sub. (4) by 1917 c. 671 s. 38*]
SECTION 442. [*Renumbered section 40.18 by 1917 c. 578 s. 2*]
SECTION 443. [*Renumbered section 40.19 sub. (1) by 1917 c. 578 s. 2*]
SECTION 444. [*Renumbered sections 18.01 and 40.19 sub. (2) by 1917 c. 178 and 1917 c. 578 s. 2*]
SECTION 445. [*Renumbered section 40.19 sub. (3) by 1917 c. 578 s. 2*]
SECTION 446. [*Renumbered section 40.20 by 1917 c. 578 s. 2*]
SECTION 446*a*. [*Renumbered section 40.28 sub. (2) by 1917 c. 578 s. 2*]
SECTION 447. [*Renumbered section 40.30 sub. (1) by 1917 c. 578 s. 2*]
SECTION 447*a*. [*Renumbered section 40.30 sub. (2) by 1917 c. 578 s. 2*]
SECTION 447*g*. [*Renumbered section 40.30 sub. (4) by 1917 c. 578 s. 2*]
SECTION 447*h*. [*1917 c. 102; renumbered section 40.30 sub. (6) by 1917 c. 578 s. 2*]
SECTION 448. [*Renumbered section 39.15 by 1917 c. 578 s. 1*]
SECTION 449. [*Renumbered section 39.16 sub. (1) by 1917 c. 578 s. 1*]
SECTION 450. [*Repealed by 1913 c. 129*]
SECTION 450*a*. [*Renumbered section 39.20 by 1917 c. 578 s. 1*]
SECTION 450*b*. [*Renumbered section 39.21 by 1917 c. 578 s. 1*]
SECTION 450*c*. [*Renumbered section 39.20 sub. (3) by 1917 c. 578 s. 1*]
SECTION 450*d*. [*Renumbered section 39.18 by 1917 c. 578 s. 1*]
SECTION 450*e*. [*1917 c. 269; renumbered section 39.18 sub. (4) by 1917 c. 578 s. 1*]
SECTION 450—1. [*Renumbered section 39.16 sub (2) par. (a) to (c) by 1917 c. 578 s. 1*]
SECTION 450—2. [*Renumbered section 39.16 sub. (3) by 1917 c. 578 s. 1*]
SECTION 450—3. [*Renumbered section 39.16 sub. (4) by 1917 c. 578 s. 1*]
SECTION 450—4. [*Renumbered section 39.16 sub. (2) par. (d) by 1917 c. 578 s. 1*]
SECTION 450—5. [*Repealed by 1917 c. 578 s. 5*]
SECTION 450—6. [*Renumbered section 39.19 sub. (1) by 1917 c. 578 s. 1*]
SECTION 451. [*Renumbered section 39.17 by 1917 c. 578 s. 1*]
SECTION 452. [*Renumbered section 39.22 by 1917 c. 578 s. 1*]
SECTION 452*a*. [*Renumbered section 39.19 sub. (2) by 1917 c. 578 s. 1*]
SECTION 452*b*. [*Renumbered section 39.19 sub. (3) by 1917 c. 578 s. 1*]

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SECTION 452c. [*Repealed by 1915 c. 229*]
SECTION 453. [*Renumbered section 39.09 by 1917 c. 578 s. 1*]
SECTION 454. [*Renumbered section 39.23 by 1917 c. 578 s. 1*]
SECTION 454a. [*1917 c. 403; renumbered section 39.26 sub. (2) by 1917 c. 578 s. 1*]
SECTION 455. [*Renumbered section 39.24 by 1917 c. 578 s. 1*]
SECTION 456. [*Renumbered section 39.31 by 1917 c. 578 s. 1*]
SECTION 457. [*Renumbered section 39.32 by 1917 c. 578 s. 1*]
SECTION 458. [*Repealed by 1913 c. 772 s. 125*]
SECTION 458a. [*Renumbered section 39.27 by 1917 c. 578 s. 1*]
SECTION 458b. [*Renumbered section 39.29 sub. (5) by 1917 c. 578 s. 1*]
SECTION 458b—1. [*Renumbered section 39.30 sub. (2) by 1917 c. 578 s. 1*]
SECTION 458b—2. [*Renumbered section 39.25 by 1917 c. 578 s. 1*]
SECTION 458c. [*Renumbered section 39.26 sub. (1) by 1917 c. 578 s. 1*]
SECTION 458d. [*Repealed by 1907 c. 579*]
SECTION 458e. [*Repealed by 1917 c. 578 s. 5*]
SECTION 458f. [*Repealed by 1911 c. 182*]
SECTION 458g. [*Repealed by 1907 c. 579*]
SECTION 458h. [*Repealed by 1907 c. 579*]
SECTION 458ha. [*Renumbered section 39.26 sub. (3) by 1917 c. 578 s. 1*]
SECTION 458i. [*Renumbered section 39.28 sub. (4) by 1917 c. 578 s. 1*]
SECTION 458j. [*Renumbered section 39.28 sub. (1) by 1917 c. 578 s. 1*]
SECTION 458k. [*Renumbered section 39.28 sub. (2) by 1917 c. 578 s. 1*]
SECTION 458l. [*Renumbered section 39.28 sub. (3) by 1917 c. 578 s. 1*]
SECTION 458m. [*Repealed by 1907 c. 579*]
SECTION 458n. [*Renumbered section 39.30 sub. (1) by 1917 c. 578 s. 1*]
SECTION 458o. [*Renumbered section 40.65 sub. (1) by 1917 c. 578 s. 2*]
SECTION 458p. [*Renumbered section 40.65 sub. (2) by 1917 c. 578 s. 2*]
SECTION 458q. [*Renumbered section 39.29 sub. (1) by 1917 c. 578 s. 1*]
SECTION 458r. [*Renumbered section 39.29 sub. (2) by 1917 c. 578 s. 1*]
SECTION 458s. [*Renumbered section 39.29 sub. (3) by 1917 c. 578 s. 1*]
SECTION 458t. [*Renumbered section 39.29 sub. (4) by 1917 c. 578 s. 1*]
SECTION 459. [*Renumbered section 40.28 sub. (3) by 1917 c. 578 s. 2*]
SECTION 460. [*Renumbered section 40.29 sub. (1) by 1917 c. 578 s. 2*]
SECTION 460—1. [*Renumbered section 42.01 by 1917 c. 578 s. 4*]
SECTION 460—2. [*Renumbered section 42.02 by 1917 c. 578 s. 4*]
SECTION 460—3. [*Renumbered section 42.03 by 1917 c. 578 s. 4*]
SECTION 460—4. [*Renumbered section 42.04 by 1917 c. 578 s. 4*]
SECTION 460—5. [*Renumbered section 42.05 by 1917 c. 578 s. 4*]
SECTION 460—6. [*Renumbered section 42.06 by 1917 c. 578 s. 4*]
SECTION 460—7. [*Renumbered section 42.07 by 1917 c. 578 s. 4*]
SECTION 460—8. [*Renumbered section 42.08 by 1917 c. 578 s. 4*]
SECTION 460—9 sub. 1 to 8. [*Renumbered section 42.09 by 1917 c. 578 s. 4*]
SECTION 460—9 sub. 9. [*Stats. 1913; repealed by 1915 c. 609 s. 17*]
SECTION 460—9 sub. 9. [*1911 c. 323; renumbered section 20.24 by 1917 c. 14 s. 40*]
SECTION 460—10. [*Repealed by 1915 c. 609 s. 17*]
SECTION 460—11. [*Repealed by 1915 c. 609 s. 17*]
SECTION 460—12. [*Renumbered section 42.10 by 1917 c. 578 s. 4*]
SECTION 460—13. [*Renumbered section 42.11 by 1917 c. 578 s. 4*]
SECTION 460—14. [*Renumbered section 42.12 by 1917 c. 578 s. 4*]
SECTION 460—15. [*Renumbered section 42.13 by 1917 c. 578 s. 4*]
SECTION 460—16. [*Renumbered section 42.14 by 1917 c. 578 s. 4*]
SECTION 460—17. [*Renumbered section 42.15 by 1917 c. 578 s. 4*]
SECTION 460—18. [*Renumbered section 42.16 by 1917 c. 578 s. 4*]
SECTION 460—19. [*Renumbered section 42.17 by 1917 c. 578 s. 4*]
SECTION 460—20. [*Renumbered section 42.18 by 1917 c. 578 s. 4*]
SECTION 461. [*Renumbered sections 461m and 39.07 by 1917 c. 14 s. 53 and 1917 c. 578 s. 1*]
SECTION 461a. [*Renumbered section 39.08 by 1917 c. 578 s. 1*]
SECTION 461b. [*Repealed by 1915 c. 531*]
SECTION 461c. [*Renumbered section 39.06 by 1917 c. 578 s. 1*]
SECTION 461cc. [*Renumbered section 39.03 sub. (2) by 1917 c. 578 s. 1*]
SECTION 461d. [*Repealed by 1915 c. 531*]
SECTION 461e. [*Renumbered section 39.11 sub. (5) by 1917 c. 578 s. 1*]
SECTION 461f. [*Renumbered section 39.33 sub. (2) by 1917 c. 578 s. 1*]

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SECTION 461*g*. [*Renumbered section 39.10 by 1917 c. 578 s. 1*]
SECTION 461*h*. [*Repealed by 1913 c. 773 s. 21*]
SECTION 461*i*. [*Repealed by 1905 c. 52*]
SECTION 461*j*. [*Repealed by 1905 c. 52*]
SECTION 461*k*. [*Repealed by 1905 c. 52*]
SECTION 461*l*. [*Renumbered section 39.23 sub. (2) by 1917 c. 677 s. 74*]
SECTION 461*m*. [*Renumbered section 39.33 sub. (1) by 1917 c. 578 s. 1*]
SECTION 461*n*. [*Renumbered section 461m by 1917 c. 14 s. 53*]
SECTION 461*o*. [*Renumbered section 20.31 by 1917 c. 14 s. 51*]
SECTION 461*p*. [*Renumbered section 20.31 by 1917 c. 14 s. 51*]
SECTION 461*q*. [*Renumbered section 20.31 by 1917 c. 14 s. 51*]
SECTION 461*r*. [*Repealed by 1915 c. 531*]
SECTION 461*s*. [*Repealed by 1917 c. 677 s. 26*]
SECTION 462. [*Renumbered section 40.21 sub. (1) by 1917 c. 578 s. 2*]
SECTION 462*a*. [*Repealed by 1917 c. 74*]
SECTION 463. [*Renumbered section 832m sub. (6) by 1917 c. 578 s. 5*]
SECTION 464. [*Renumbered section 39.11 by 1917 c. 578 s. 1*]
SECTION 465. [*Renumbered section 40.64 by 1917 c. 578 s. 2*]
SECTION 466. [*Renumbered section 14.57 sub. (16) by 1917 c. 578 s. 5*]
SECTION 467. [*Renumbered section 832m by 1917 c. 578 s. 5*]
SECTION 468. [*Renumbered section 836m by 1917 c. 578 s. 5*]
SECTION 469. [*Renumbered section 832n sub. (1) by 1917 c. 578 s. 5*]
SECTION 470. [*Renumbered section 832n sub. (2) by 1917 c. 578 s. 5*]
SECTION 471. [*Renumbered section 40.07 by 1917 c. 578 s. 2*]
SECTION 472. [*Renumbered section 40.20 sub. (9) by 1917 c. 578 s. 2*]
SECTION 473. [*Renumbered section 832n sub. (3) by 1917 c. 578 s. 5*]
SECTION 474. [*Renumbered section 40.11 sub. (1) by 1917 c. 578 s. 2*]
SECTION 474*a*. [*Renumbered section 40.11 sub. (2) by 1917 c. 578 s. 2*]
SECTION 474*b*. [*Renumbered section 40.11 sub. (3) by 1917 c. 578 s. 2*]
SECTION 475. [*Renumbered section 40.11 sub. (4) by 1917 c. 578 s. 2*]
SECTION 476. [*Renumbered section 40.11 sub. (5) by 1917 c. 578 s. 2*]
SECTION 476*a*. [*Renumbered section 40.11 sub. (6) and (7) by 1917 c. 578 s. 2*]
SECTION 477. [*Renumbered section 40.12 sub. (1) by 1917 c. 578 s. 2*]
SECTION 478. [*Renumbered section 40.12 sub. (2) by 1917 c. 578 s. 2*]
SECTION 479. [*Renumbered section 40.12 sub. (3) by 1917 c. 578 s. 2*]
SECTION 480. [*Renumbered section 40.12 sub. (4) by 1917 c. 578 s. 2*]
SECTION 481. [*Renumbered section 40.12 sub. (5) by 1917 c. 578 s. 2*]
SECTION 482. [*Renumbered section 40.12 sub. (6) by 1917 c. 578 s. 2*]
SECTION 483. [*Renumbered section 40.12 sub. (7) by 1917 c. 578 s. 2*]
SECTION 484. [*Renumbered section 40.12 sub. (8) by 1917 c. 578 s. 2*]
SECTION 485. [*Renumbered section 40.22 sub. (1) by 1917 c. 578 s. 2*]
SECTION 486. [*Renumbered section 40.09 sub. (22) by 1917 c. 578 s. 2*]
SECTION 486—1. [*Renumbered section 40.40 by 1917 c. 578 s. 2*]
SECTION 486*a* sub. 1 and 2. [*Renumbered section 20.24 by 1917 c. 14 s. 40*]
SECTION 486*a* sub. 3 to 7. [*Renumbered section 40.36 sub. (1) to (9) by 1917 c. 578 s. 2*]
SECTION 486*a* sub. 8. [*Repealed by 1913 c. 149*]
SECTION 486*a* sub. 9 to 12. [*Renumbered section 40.36 sub. (1) to (9) by 1917 c. 578 s. 2*]
SECTION 486*b*. [*Renumbered section 40.22 sub. (2) by 1917 c. 578 s. 2*]
SECTION 486*c*. [*Renumbered section 40.38 by 1917 c. 578 s. 2*]
SECTION 486*d*. [*Repealed by 1917 c. 578 s. 5*]
SECTIONS 486*e* to 486*j*. [*Renumbered section 40.37 sub. (1) to (6) by 1917 c. 578 s. 2*]
SECTION 486*k*. [*Renumbered section 40.39 by 1917 c. 578 s. 2*]
SECTION 486*m*. [*Renumbered sections 18.01 and 39.12 by 1917 c. 178 and 1917 c. 578 s. 1*]
SECTION 486*t*. [*1917 c. 427; renumbered section 40.67 sub. (3) by 1917 c. 578 s. 2*]
SECTIONS 487 to 489. [*Renumbered section 2965m sub. (1) to (3) by 1917 c. 578 s. 5*]
SECTION 490. [*Repealed by 1917 c. 563 s. 1*]
SECTION 490*a*. [*Repealed by 1917 c. 563 s. 1*]
SECTION 490*b*. [*Repealed by 1917 c. 563 s. 1*]
SECTION 490*g*. [*Repealed by 1917 c. 563 s. 1*]

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SECTION 490m. [*Renumbered section 40.68 by 1917 c. 578 s. 2*]
SECTION 490t. [*Transferred to session laws by 1917 c. 578 s. 7*]
SECTION 490—1. [*1917 c. 563 s. 2; renumbered section 40.43 by 1917 c. 578 s. 2*]
SECTION 490—2. [*1917 c. 563 s. 2; renumbered section 40.43 sub. (5) by 1917 c. 578 s. 2*]
SECTION 490—3. [*1917 c. 563 s. 2; renumbered section 40.43 sub. (6) by 1917 c. 578 s. 2*]
SECTION 490—4. [*1917 c. 563 s. 2; renumbered section 40.44 by 1917 c. 578 s. 2*]
SECTION 490—5. [*1917 c. 563 s. 2; renumbered section 40.45 by 1917 c. 578 s. 2*]
SECTION 490—6. [*1917 c. 563 s. 2; renumbered section 40.46 by 1917 c. 578 s. 2*]
SECTION 490—7. [*1917 c. 563 s. 2; renumbered section 40.47 sub. (1) by 1917 c. 578 s. 2*]
SECTION 490—8. [*1917 c. 563 s. 2; renumbered section 40.47 sub. (2) to (6) by 1917 c. 578 s. 2*]
SECTION 490—9. [*1917 c. 563 s. 2; renumbered section 40.47 sub. (7) by 1917 c. 578 s. 2*]
SECTION 490—10. [*1917 c. 563 s. 2; renumbered section 40.48 by 1917 c. 578 s. 2*]
SECTION 490—11. [*1917 c. 563 s. 2; renumbered section 40.49 by 1917 c. 578 s. 2*]
SECTION 490—12. [*1917 c. 563 s. 2; renumbered section 40.50 sub. (1) by 1917 c. 578 s. 2*]
SECTION 490—13. [*1917 c. 563 s. 2; renumbered section 40.50 sub. (3) by 1917 c. 578 s. 2; 1917 c. 671 s. 38*]
SECTION 490—14. [*1917 c. 563 s. 2; renumbered section 40.50 sub. (4) by 1917 c. 578 s. 2; 1917 c. 671 s. 38*]
SECTION 490—15. [*1917 c. 563 s. 2; renumbered section 40.47 sub. (8) by 1917 c. 578 s. 2*]
SECTION 490—16. [*1917 c. 563 s. 2; renumbered section 40.47 sub. (9) by 1917 c. 578 s. 2*]
SECTION 490—17. [*1917 c. 563 s. 2; renumbered section 40.51 by 1917 c. 578 s. 2*]
SECTION 490—18. [*1917 c. 563 s. 2; renumbered section 40.47 sub. (10) by 1917 c. 578 s. 2*]
SECTION 490—19. [*1917 c. 563 s. 2; renumbered section 40.47 sub. (11) by 1917 c. 578 s. 2*]
SECTION 490—20. [*1917 c. 563 s. 2; renumbered section 40.52 by 1917 c. 578 s. 2*]
SECTION 490—21. [*1917 c. 563 s. 2; renumbered section 40.52 sub. (4) by 1917 c. 578 s. 2*]
SECTION 490—22. [*1917 c. 563 s. 2; renumbered section 40.52 sub. (5) by 1917 c. 578 s. 2*]
SECTION 490—23. [*1917 c. 563 s. 2; renumbered section 40.53 sub. (1) by 1917 c. 578 s. 2*]
SECTION 490—24. [*1917 c. 563 s. 2; renumbered section 40.54 by 1917 c. 578 s. 2*]
SECTION 490—25. [*1917 c. 563 s. 2; renumbered section 40.55 by 1917 c. 578 s. 2*]
SECTION 490—26. [*1917 c. 563 s. 2; renumbered section 40.56 by 1917 c. 578 s. 2*]
SECTION 490—27. [*1917 c. 563 s. 2; renumbered section 40.57 by 1917 c. 578 s. 2*]
SECTION 490—28. [*1917 c. 563 s. 2; renumbered section 40.58 by 1917 c. 578 s. 2*]
SECTION 490—29. [*1917 c. 563 s. 2; renumbered section 40.59 by 1917 c. 578 s. 2*]
SECTION 490—30. [*1917 c. 563 s. 2; renumbered section 40.59 sub. (3) by 1917 c. 578 s. 2*]
SECTION 490—31. [*1917 c. 563 s. 2; renumbered section 40.53 sub. (2) by 1917 c. 578 s. 2*]
SECTION 490—32. [*1917 c. 563 s. 2; renumbered section 40.53 sub. (3) to (5) by 1917 c. 578 s. 2*]
SECTION 490—33. [*1917 c. 563 s. 2; renumbered section 40.53 sub. (6) to (8) by 1917 c. 578 s. 2*]
SECTION 491. [*Repealed by 1917 c. 563 s. 1*]
SECTIONS 491*a* and 491*b*. [*Repealed by 1913 c. 558*]
SECTION 491*c*. [*Repealed by 1917 c. 563 s. 1*]
SECTION 492. [*Repealed by 1917 c. 563 s. 1*]
SECTION 492*a*. [*Repealed by 1917 c. 563 s. 1*]
SECTION 493. [*Repealed by 1917 c. 563 s. 1*]
SECTION 493*a*. [*Repealed by 1917 c. 563 s. 1*]
SECTION 493*b*. [*Repealed by 1917 c. 578 s. 5*]
SECTION 493*c*. [*Renumbered section 40.60 by 1917 c. 578 s. 2*]
SECTION 494. [*Repealed by 1917 c. 563 s. 1*]

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SECTION 494*a*. [*Renumbered sections 20.28 and 40.61 by 1917 c. 14 s. 46 and 1917 c. 578 s. 2*]
SECTION 495. [*Repealed by 1917 c. 563 s. 1*]
SECTION 495*a*. [*Repealed by 1917 c. 563 s. 1*]
SECTIONS 495—1 to 495—6. [*Repealed by 1917 c. 563 s. 1*]
SECTION 495—6*m*. [*Repealed by 1915 c. 138 s. 2*]
SECTIONS 495—7 to 495—20. [*Repealed by 1917 c. 563 s. 1*]
SECTION 496. [*Renumbered section 20.27 by 1917 c. 14 s. 45*]
SECTION 496*a*. [*Repealed by 1917 c. 563 s. 1*]
SECTION 496*b*. [*Renumbered section 40.62 by 1917 c. 578 s. 2*]
SECTION 496*c* sub. 1 and 2. [*Renumbered section 496b sub. 1 by 1917 c. 14 s. 48*]
SECTION 496*c* sub. 2 and 3. [*Renumbered section 20.29 by 1917 c. 14 s. 47*]
SECTION 496*c* sub. 4. [*Renumbered section 40.63 sub. (1) by 1917 c. 578 s. 2*]
SECTION 496*c* sub. 5. [*Renumbered section 20.29 by 1917 c. 14 s. 47*]
SECTION 496*c* sub. 6 and 7. [*Renumbered section 40.63 sub. (2) and (3) by 1917 c. 578 s. 2*]
SECTION 496*c*—1. [*Repealed by 1917 c. 563 s. 1; 1917 c. 578 s. 5*]
SECTION 496*c*—2. [*Renumbered section 40.50 sub. (2) by 1917 c. 671 s. 38*]
SECTION 496*c*—3. [*Renumbered section 496b sub. 1 by 1917 c. 14 s. 48*]
SECTION 496*c*—4. [*Repealed by 1917 c. 14 s. 54*]
SECTION 496*d*. [*Renumbered section 40.41 by 1917 c. 578 s. 2*]
SECTION 496*e*. [*Renumbered section 20.26 by 1917 c. 14 s. 44*]
SECTION 496*f*. [*Renumbered section 40.41 sub. (8) by 1917 c. 578 s. 2*]
SECTION 496*g*. [*Renumbered section 40.41 sub. (9) by 1917 c. 578 s. 2*]
SECTION 496*h*. [*Renumbered section 40.41 sub. (10) by 1917 c. 578 s. 2*]
SECTION 496*h*—1. [*Renumbered section 40.42 sub. (1) by 1917 c. 578 s. 2*]
SECTION 496*i*. [*Repealed by 1913 c. 513 s. 2*]
SECTION 496*j*. [*Repealed by 1917 c. 563 s. 1*]
SECTION 496*j*—1. [*Renumbered section 40.42 sub. (2) by 1917 c. 578 s. 2*]
SECTIONS 496*k* to 496*p*—2. [*Repealed by 1917 c. 563 s. 1*]
SECTION 496*q*. [*Part renumbered 20.25 by 1917 c. 14 s. 43 and remainder repealed by 1917 c. 441*]
SECTION 496*r*. [*Repealed by 1917 c. 441*]
SECTION 496*s*. [*Renumbered section 20.25 by 1917 c. 14 s. 43*]
SECTION 496*t*. [*Repealed by 1917 c. 441*]
SECTIONS 496—1 to 496—5. [*Renumbered section 40.15 sub. (1) to (5) by 1917 c. 578 s. 2*]
SECTION 496—6. [*Renumbered section 20.26 by 1917 c. 14 s. 44*]
SECTION 496—7. [*Renumbered section 40.15 sub. (6) by 1917 c. 578 s. 2*]
SECTION 496—8. [*Renumbered section 40.15 sub. (7) by 1917 c. 578 s. 2*]
SECTION 496—9. [*Repealed by 1917 c. 441*]
SECTION 496—10. [*Repealed by 1917 c. 441*]
SECTION 496—11. [*Repealed by 1915 c. 371*]
SECTION 496—12. [*Repealed by 1917 c. 441*]
SECTION 497. [*Renumbered section 39.01 sub. (1) by 1917 c. 578 s. 1*]
SECTION 497*a*. [*Renumbered section 39.01 sub. (2) by 1917 c. 578 s. 1*]
SECTION 498. [*Renumbered section 40.21 sub. (2) by 1917 c. 578 s. 2*]
SECTION 499. [*Renumbered section 39.11 sub. (6) by 1917 c. 578 s. 1*]
SECTION 500. [*Renumbered section 40.23 sub. (4) by 1917 c. 578 s. 2*]
SECTION 501. [*Renumbered section 40.23 sub. (2) by 1917 c. 578 s. 2*]
SECTION 502. [*Renumbered section 40.23 sub. (1) by 1917 c. 578 s. 2*]
SECTION 504. [*Renumbered section 39.01 sub. (3) by 1917 c. 578 s. 1*]
SECTION 505. [*Renumbered section 40.18 sub. (4) by 1917 c. 578 s. 2*]
SECTION 506. [*Renumbered section 40.18 sub. (5) by 1917 c. 578 s. 2*]
SECTION 507. [*Renumbered section 40.23 sub. (5) by 1917 c. 578 s. 2*]
SECTION 508. [*Repealed by 1911 c. 355*]
SECTION 509. [*Repealed by 1915 c. 426*]
SECTION 510. [*Repealed by 1917 c. 578 s. 5*]
SECTION 511. [*Repealed by 1917 c. 578 s. 5*]
SECTION 512. [*Renumbered section 40.29 sub. (2) by 1917 c. 578 s. 2*]
SECTION 513. [*Renumbered section 40.17 sub. (2) by 1917 c. 578 s. 2*]
SECTION 515. [*Renumbered section 40.67 sub. (2) by 1917 c. 578 s. 2*]
SECTIONS 515*a* to 515*d*. [*Renumbered section 40.30 sub. (7) (a) to (d) by 1917 c. 578 s. 2*]

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SECTION 515*g*. [*1917 c. 340; renumbered section 40.28 sub. (6) by 1917 c. 578 s. 2*]
SECTION 515*m*. [*Repealed by 1917 c. 563 s. 1*]
SECTION 516. [*Repealed by 1917 c. 578 s. 6*]
SECTION 516*m*. [*1917 c. 189; renumbered section 709m by 1917 c. 578 s. 5; 1917 c. 677 s. 58*]
SECTION 517 sub. 1 to 5. [*Renumbered section 39.02 by 1917 c. 578 s. 1*]
SECTION 517 sub. 6. [*Renumbered section 20.24 by 1917 c. 14 s. 40*]
SECTION 517 sub. 7. [*Renumbered section 39.02 sub. (6) by 1917 c. 578 s. 1*]
SECTIONS 518 to 553. [*Repealed by 1911 c. 388*]
SECTION 553—1. [*Repealed by 1917 c. 578 s. 5*]
SECTION 553—2. [*Repealed by 1917 c. 578 s. 5*]
SECTION 553*a*. [*Renumbered section 40.30 sub. (3) by 1917 c. 578 s. 2*]
SECTION 553*a*—1. [*Renumbered section 40.30 sub. (5) by 1917 c. 578 s. 2*]
SECTION 553*a*—2. [*1917 c. 63; renumbered section 40.30 sub. (6) by 1917 c. 671 s. 38*]
SECTION 553*b*. [*Renumbered section 40.66 by 1917 c. 578 s. 2*]
SECTION 553*c*. [*Renumbered section 41.47 by 1917 c. 578 s. 3*]
SECTION 553*d*. [*Renumbered section 41.48 by 1917 c. 578 s. 3*]
SECTION 553*e*. [*Renumbered section 41.49 by 1917 c. 578 s. 3*]
SECTION 553*f*. [*Renumbered section 41.50 by 1917 c. 578 s. 3*]
SECTION 553*g*. [*Renumbered section 41.51 by 1917 c. 578 s. 3*]
SECTION 553*h*. [*Renumbered section 41.52 by 1917 c. 578 s. 3*]
SECTION 553*i*. [*Renumbered section 41.53 by 1917 c. 578 s. 3*]
SECTION 553*j*. [*Renumbered section 41.54 by 1917 c. 578 s. 3*]
SECTION 553*k*. [*Renumbered section 41.55 by 1917 c. 578 s. 3*]
SECTION 553*l*. [*Renumbered section 20.31 by 1917 c. 14 s. 51*]
SECTION 553*l*—1. [*Renumbered section 20.29, 20.31, 496b sub. 1 by 1917 c. 14 s. 47, 48, 51*]
SECTION 553*l*—2. [*Repealed by 1915 c. 482*]
SECTION 553*m*. [*Repealed by 1913 c. 772 s. 2*]
SECTIONS 553*m*—1 to 553*m*—10. [*Renumbered section 40.31 sub. (1) to (10) by 1917 c. 578 s. 2*]
SECTIONS 553*m*—11 to 553*m*—18. [*Renumbered section 40.32 sub. (1) to (8) by 1917 c. 578 s. 2*]
SECTIONS 553*m*—19 to 553*m*—22. [*Renumbered section 40.33 sub. (1) to (4) by 1917 c. 578 s. 2*]
SECTION 553*m*—23. [*Renumbered section 40.34 sub. (1) by 1917 c. 578 s. 2*]
SECTION 553*m*—24. [*Renumbered section 40.34 sub. (2) by 1917 c. 578 s. 2*]
SECTION 553*m*—25. [*Renumbered section 40.31 sub. (11) by 1917 c. 578 s. 2*]
SECTION 553*m*—101 sub. (1). [*Renumbered section 40.35 sub. (1) par. (a) by 1917 c. 578 s. 2*]
SECTION 553*m*—101 sub. (2). [*Renumbered section 40.35 sub. (2) by 1917 c. 578 s. 2*]
SECTION 553*m*—102. [*Renumbered section 40.35 sub. (3) by 1917 c. 578 s. 2*]
SECTION 553*m*—103. [*Renumbered section 40.35 sub. (1) par. (b) by 1917 c. 578 s. 2*]
SECTION 553*m*—104. [*Renumbered section 40.35 sub. (4) by 1917 c. 578 s. 2*]
SECTION 553*m*—105. [*Renumbered section 40.35 sub. (5) by 1917 c. 578 s. 2*]
SECTION 553*m*—106. [*Renumbered section 40.35 sub. (1) par. (c) by 1917 c. 578 s. 2*]
SECTION 553*m*—107. [*Renumbered section 40.35 sub. (6) by 1917 c. 578 s. 2*]
SECTION 553*m*—108. [*Renumbered section 40.35 sub. (7) by 1917 c. 578 s. 2*]
SECTIONS 553*m*—109 to 553*m*—112. [*1917 c. 499; renumbered section 40.355 sub. (1) to (4) by 1917 c. 677 s. 71*]
SECTION 553*n*. [*Renumbered section 41.56 by 1917 c. 578 s. 3*]
SECTION 553*o*. [*Renumbered section 41.57 by 1917 c. 578 s. 3*]
SECTION 553*p*—1. [*Renumbered section 41.13 by 1917 c. 578 s. 3*]
SECTION 553*p*—2. *Renumbered section 41.14 by 1917 c. 578 s. 3*]
SECTION 553*p*—3. [*Renumbered section 41.15 by 1917 c. 578 s. 3*]
SECTION 553*p*—4. [*Renumbered section 41.16 by 1917 c. 578 s. 3*]
SECTION 553*p*—5. [*Renumbered section 41.17 by 1917 c. 578 s. 3*]
SECTION 553*p*—6. [*Renumbered section 20.33 by 1917 c. 14 s. 58*]
SECTION 553*p*—7. [*Renumbered section 41.18 by 1917 c. 578 s. 3*]
SECTION 553*p*—8. [*Renumbered section 41.19 by 1917 c. 578 s. 3*]

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SECTION 553*p*—9. [*Renumbered section 41.20 by 1917 c. 578 s. 3*]
SECTION 553*p*—10. [*Renumbered section 41.22 by 1917 c. 578 s. 3*]
SECTION 553*p*—11. [*Renumbered section 41.23 by 1917 c. 578 s. 3*]
SECTION 553*p*—12. [*Renumbered section 41.24 by 1917 c. 578 s. 3*]
SECTION 553*p*—13. [*Renumbered section 41.25 by 1917 c. 578 s. 3*]
SECTION 553*p*—14. [*Stats. 1911 s. 553p—14; repealed by 1913 c. 677 s. 2*]
SECTION 553*p*—14. [*1917 c. 416; renumbered section 41.25 sub. (6) by 1917 c. 578 s. 3*]
SECTION 553*p*—15. [*Renumbered section 41.21 by 1917 c. 578 s. 3*]
SECTION 553*q*—1. [*Renumbered section 697—61 sub. (1) by 1917 c. 578 s. 5*]
SECTION 553*q*—2. [*Renumbered section 697—61 sub. (2) by 1917 c. 578 s. 5*]
SECTION 553*q*—3. [*Renumbered section 697—61 sub. (3) by 1917 c. 578 s. 5*]
SECTION 553*q*—4. [*Renumbered section 697—61 sub. (4) by 1917 c. 578 s. 5*]
SECTION 553*q*—5. [*Renumbered section 697—61 sub. (5) by 1917 c. 578 s. 5*]
SECTION 553*q*—6. [*Renumbered section 697—61 sub. (6) by 1917 c. 578 s. 5*]
SECTION 553*q*—6*m*. [*1917 c. 224; renumbered section 697—61 sub. (9) by 1917 c. 578 s. 5*]
SECTION 553*q*—7. [*Renumbered section 697—61 sub. (7) by 1917 c. 578 s. 5*]
SECTION 553*q*—8. [*Renumbered section 697—61 sub. (8) by 1917 c. 578 s. 5*]
SECTIONS 554 to 599. [*Renumbered section 20.24 by 1917 c. 14 s. 40*]
SECTION 560. [*Repealed by 1917 c. 578 s. 5*]
SECTION 560*f*. [*Renumbered section 40.13 sub. (1) by 1917 c. 578 s. 2*]
SECTION 560*g*. [*Renumbered section 40.13 sub. (2) by 1917 c. 578 s. 2*]
SECTION 560*g*—1 sub. 1 to 7. [*Renumbered section 40.14 by 1917 c. 578 s. 2*]
SECTION 560*g*—1 sub. 8. [*Renumbered section 20.25 by 1917 c. 14 s. 43*]
SECTION 560*h*. [*Renumbered section 40.13 sub. (3) by 1917 c. 578 s. 2*]
SECTION 560*i*. [*Renumbered section 40.13 sub. (4) by 1917 c. 578 s. 2*]
SECTION 560*j*. [*Renumbered section 40.13 sub. (5) by 1917 c. 578 s. 2*]
SECTION 560*k*. [*Renumbered section 40.13 sub. (6) by 1917 c. 578 s. 2*]
SECTION 560*l*. [*Renumbered section 40.13 sub. (7) by 1917 c. 578 s. 2*]
SECTION 560*m*. [*Stats. 1913 s. 560m; renumbered section 172—55 by 1915 c. 609 s. 35*]
SECTION 560*m*. [*1917 c. 652; repealed by 1919 c. 671 s. 15*]
SECTION 560*n*. [*Repealed by 1917 c. 317; 1917 c. 578 s. 5*]
SECTION 561. [*Renumbered section 46.01 sub. (1) by 1919 c. 328 s. 4*]
SECTION 561*a*. [*Renumbered sections 17.20 and 46.01 sub. (2), (3), (4) by 1919 c. 328 s. 5 and 1919 c. 362 s. 32*]
SECTION 561*b*. [*Renumbered section 46.02 by 1919 c. 328 s. 6*]
SECTION 561*c*. [*Repealed by 1913 c. 772 s. 16*]
SECTION 561*d*. [*Renumbered section 46.15 by 1919 c. 328 s. 22*]
SECTION 561*dn*. [*Renumbered section 46.03 by 1919 c. 328 s. 7*]
SECTION 561*e*. [*Renumbered section 46.10 by 1919 c. 328 s. 15*]
SECTION 561*em*. [*Renumbered section 46.07 sub. (1) by 1919 c. 328 s. 12*]
SECTION 561*f*. [*Repealed by 1919 c. 347 s. 15*]
SECTION 561*g*. [*Renumbered section 46.05 sub. (6) by 1919 c. 328 s. 9*]
SECTION 561*h*. [*Renumbered section 46.06 sub. (2) by 1919 c. 328 s. 11*]
SECTION 561*i*. [*Repealed by 1917 c. 14 s. 30*]
SECTION 561*j*. [*Renumbered sections 46.03, 46.05, 47.02 and 48.05 by 1919 c. 81 s. 4; 1919 c. 328 s. 7, 9; 1919 c. 614 s. 11*]
SECTION 561*jj*. [*Renumbered section 46.11 by 1919 c. 328 s. 17*]
SECTION 561*jm*. [*Renumbered section 46.12 by 1919 c. 328 s. 19*]
SECTION 561*jn*. [*Renumbered section 46.13 by 1919 c. 328 s. 20*]
SECTION 561*k*. [*Renumbered section 46.04 sub. (1) by 1919 c. 328 s. 8*]
SECTION 561*l*. [*Renumbered section 46.05 sub. (2) by 1919 c. 328 s. 9*]
SECTION 561*m*. [*Renumbered section 46.09 sub. (1), (2), (3) by 1919 c. 328 s. 14*]
SECTION 561*n*. [*Renumbered section 46.08 by 1919 c. 328 s. 13*]
SECTION 561*o*. [*Renumbered section 46.09 sub. (4) by 1919 c. 328 s. 14*]
SECTION 561*p*. [*Renumbered section 46.07 sub. (2) by 1919 c. 328 s. 12*]
SECTION 561*q*. [*Renumbered section 51.20 by 1919 c. 347 s. 25*]
SECTION 561*t*. [*Renumbered section 46.06 sub. (3) by 1919 c. 328 s. 11*]
SECTION 562. [*Renumbered section 46.14 by 1919 c. 328 s. 21*]
SECTION 562*a*. [*Renumbered section 14.15 by 1917 c. 622 s. 13*]
SECTION 562*b*. [*Renumbered section 13.05 sub. (2) by 1919 c. 328 s. 35; 1919 c. 628 s. 7; 1919 c. 679 s. 10*]

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SECTION 563. [*Repealed by 1915 c. 609 s. 25*]
SECTION 563*a*. [*Renumbered section 20.17 sub. (28) by 1919 c. 649 s. 5*]
SECTION 564. [*Renumbered section 46.04 sub. (2), 46.05 sub. (4), 46.16 sub. (1), 46.17 by 1919 c. 328 s. 8, 9, 23, 24*]
SECTION 565. [*Renumbered section 46.16 sub. (2) by 1919 c. 328 s. 23*]
SECTION 566. [*Renumbered section 51.12 by 1919 c. 347 s. 16*]
SECTION 566*a*. [*Renumbered section 46.17 by 1917 c. 328 s. 24*]
SECTION 566*b*. [*Renumbered section 46.17 by 1919 c. 328 s. 24*]
SECTION 566*m*. [*Renumbered section 55.02 by 1919 c. 78 s. 3*]
SECTION 567. [*Repealed by 1919 c. 328 s. 36*]
SECTION 567*a*. [*Renumbered section 15.17 by 1917 c. 300 s. 20*]
SECTION 567*b*. [*Renumbered section 15.18 by 1917 c. 300 s. 21*]
SECTION 567*c*. [*Renumbered section 15.19 by 1917 c. 300 s. 22*]
SECTION 567*d*. [*Renumbered section 15.20 by 1917 c. 300 s. 23*]
SECTION 567*e*. [*Renumbered section 46.06 sub. (4) by 1919 c. 328 s. 11*]
SECTION 568. [*Renumbered section 47.01 by 1919 c. 81 s. 3*]
SECTION 569. [*Renumbered section 47.02 by 1919 c. 81 s. 4*]
SECTION 570. [*Renumbered section 47.04 by 1919 c. 81 s. 6*]
SECTION 571. [*Renumbered section 47.03 by 1919 c. 81 s. 5*]
SECTION 572. [*Repealed by 1913 c. 773 s. 22*]
SECTION 572*a*. [*Renumbered section 47.05 by 1919 c. 81 s. 7*]
SECTION 572*b*. [*Renumbered section 47.06 by 1919 c. 81 s. 8*]
SECTION 572*c*. [*Repealed by 1919 c. 81 s. 9*]
SECTION 572*d*. [*Temporary, 1903 c. 432 s. 4; 1905 c. 345 s. 4; 1907 c. 506*]
SECTION 572*i*. [*Renumbered section 47.08 by 1919 c. 81 s. 11*]
SECTION 572*j*. [*Renumbered section 47.09 by 1919 c. 81 s. 12*]
SECTION 572*k*. [*Renumbered section 47.10 by 1919 c. 81 s. 13*]
SECTION 572*l*. [*Renumbered section 47.10 by 1919 c. 81 s. 13*]
SECTION 572*m*. [*Renumbered section 47.10 by 1919 c. 81 s. 13*]
SECTION 572*n*. [*Renumbered section 47.10 by 1919 c. 81 s. 13*]
SECTION 572*o*. [*Repealed by 1919 c. 81 s. 14*]
SECTION 572*x*. [*Renumbered section 47.07 by 1919 c. 81 s. 10*]
SECTION 573. [*Renumbered section 48.19 by 1919 c. 614 s. 29*]
SECTION 573—1. [*Renumbered section 48.01 by 1919 c. 614 s. 2*]
SECTION 573—2. [*Renumbered sections 48.01 and 48.02 by 1919 c. 614 s. 2, 8*]
SECTION 573—3. [*Renumbered sections 48.03 and 48.04 by 1919 c. 614 s. 9, 10*]
SECTION 573—4. [*Renumbered section 48.06 by 1919 c. 614 s. 12*]
SECTION 573—5. [*Renumbered sections 48.06 and 48.07 by 1919 c. 614 s. 12, 13*]
SECTION 573—6. [*Renumbered sections 48.08 and 48.10 by 1919 c. 614 s. 14, 16*]
SECTION 573—7. [*Renumbered section 48.11 by 1919 c. 614 s. 17*]
SECTION 573—8. [*Renumbered section 48.11 by 1919 c. 614 s. 17*]
SECTION 573—9. [*Renumbered section 48.12 by 1919 c. 614 s. 18*]
SECTION 573—10. [*Renumbered section 48.13 by 1919 c. 614 s. 19*]
SECTION 573*a*. [*Renumbered section 48.20 by 1919 c. 614 s. 30*]
SECTION 573*aa*. [*Renumbered section 48.21 by 1919 c. 614 s. 31*]
SECTION 573*ab*. [*Renumbered section 48.21 by 1919 c. 614 s. 31*]
SECTION 573*b*. [*Renumbered section 48.09 by 1919 c. 614 s. 15*]
SECTION 573*c*. [*Renumbered section 48.22 sub. (1) by 1919 c. 614 s. 33*]
SECTION 573*d*. [*Renumbered section 48.22 sub. (2) by 1919 c. 614 s. 33*]
SECTION 573*e*. [*Repealed by 1919 c. 614 s. 32*]
SECTION 573*f*. [*Renumbered section 48.33 by 1919 c. 614 s. 45*]
SECTION 573*g*. [*Renumbered section 48.23 by 1919 c. 614 s. 34*]
SECTION 573*h*. [*Renumbered section 48.22 sub. (4) by 1919 c. 614 s. 33*]
SECTION 573*i*. [*Repealed by 1919 c. 614 s. 35*]
SECTION 573*j*. [*Renumbered section 48.22 sub. (3) by 1919 c. 614 s. 33*]
SECTION 573*j*—1. [*Renumbered section 52.03 by 1919 c. 85 s. 6*]
SECTION 573*j*—2. [*Renumbered section 52.03 by 1919 c. 85 s. 6*]
SECTION 573*k*. [*Renumbered section 52.01 by 1919 c. 85 s. 2*]
SECTION 573*l*. [*Repealed by 1919 c. 85 s. 5*]
SECTION 573*m*. [*Repealed by 1917 c. 14 s. 30*]
SECTION 573*n*. [*Repealed by 1919 c. 85 s. 5*]
SECTION 573*o*. [*Renumbered section 52.01 by 1919 c. 85 s. 2*]
SECTION 573*p*. [*Renumbered section 52.02 by 1919 c. 85 s. 4*]
SECTION 573*q*. [*Renumbered section 52.04 by 1919 c. 85 s. 7*]

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SECTION 573*r*. [*Renumbered section 52.03 by 1919 c. 85 s. 6*]
SECTION 573*s*. [*Renumbered section 52.02 by 1919 c. 85 s. 4*]
SECTION 573*t*. [*Repealed by 1919 c. 85 s. 5*]
SECTION 573*u*. [*Renumbered section 46.10 by 1919 c. 328 s. 15*]
SECTION 573*v*. [*Renumbered section 46.10 by 1919 c. 328 s. 15*]
SECTION 573*w*. [*Repealed by 1919 c. 85 s. 5*]
SECTION 573*w*—1. [*Repealed by 1919 c. 85 s. 3*]
SECTION 573*w*—2. [*Repealed by 1919 c. 85 s. 3*]
SECTION 573*w*—3. [*Repealed by 1919 c. 85 s. 3*]
SECTION 574. [*Renumbered section 47.01 by 1919 c. 81 s. 3*]
SECTION 575. [*Renumbered section 47.02 by 1919 c. 81 s. 4*]
SECTION 576. [*Renumbered section 47.03 by 1919 c. 81 s. 5*]
SECTION 577. [*Repealed by 1913 c. 773 s. 22*]
SECTION 578. [*Renumbered sections 20.32 and 41.01 by 1917 c. 14 s. 55, 56 and 1917 c. 578 s. 3*]
SECTION 579. [*Renumbered sections 20.32 and 578 by 1917 c. 14 s. 55 and 1917 c. 14 s. 56*]
SECTION 579*a*. [*Repealed by 1913 c. 772 s. 39*]
SECTION 579*m*. [*Renumbered section 41.02 by 1917 c. 578 s. 3*]
SECTION 579*n*. [*Renumbered section 579m sub. 4 by 1917 c. 14 s. 57*]
SECTION 579*o*. [*Renumbered sections 20.32 and 578 by 1917 c. 14 s. 55, 56*]
SECTION 579*p*. [*Renumbered section 41.03 by 1917 c. 578 s. 3*]
SECTION 579*t*. [*1917 c. 580; renumbered section 41.035 by 1917 c. 677 s. 76*]
SECTION 580. [*Renumbered section 51.15 sub. (1) by 1919 c. 347 s. 20*]
SECTION 581. [*Renumbered section 51.15 sub. (2) by 1919 c. 347 s. 20*]
SECTION 582. [*Renumbered section 51.16 by 1919 c. 347 s. 21*]
SECTION 583. [*Renumbered section 51.17 by 1919 c. 347 s. 22*]
SECTION 584. [*Renumbered sections 51.05, 51.12 and 4700 by 1919 c. 347 s. 8, 16, 30*]
SECTION 584*a*. [*Renumbered section 46.10 by 1919 c. 328 s. 15*]
SECTION 585. [*Renumbered section 51.01 by 1919 c. 347 s. 2, 3*]
SECTION 585*a*. [*Renumbered section 51.02 by 1919 c. 347 s. 5*]
SECTION 585*b*. [*Renumbered sections 51.01 and 51.03 by 1919 c. 347 s. 4, 6*]
SECTION 585*c*. [*Renumbered section 51.05 by 1919 c. 347 s. 8*]
SECTION 585*d*. [*Renumbered section 51.07 by 1919 c. 347 s. 10*]
SECTION 585*e*. [*Repealed by 1919 c. 347 s. 36*]
SECTION 586. [*Renumbered section 51.04 by 1919 c. 347 s. 7*]
SECTION 587. [*Renumbered section 51.11 by 1919 c. 347 s. 14*]
SECTION 587*a*. [*Renumbered section 51.10 by 1919 c. 347 s. 13*]
SECTION 587*b*. [*Renumbered section 51.05 by 1919 c. 347 s. 8*]
SECTION 587*c*. [*Renumbered section 51.13 by 1919 c. 347 s. 17*]
SECTION 587*d*. [*Renumbered section 51.12 by 1919 c. 347 s. 16*]
SECTION 588. [*Renumbered section 51.17 by 1919 c. 347 s. 22*]
SECTION 589. [*Renumbered section 51.08 by 1919 c. 347 s. 11*]
SECTION 590. [*Renumbered section 51.19 by 1919 c. 347 s. 24*]
SECTION 591. [*Renumbered section 46.10 by 1919 c. 328 s. 15*]
SECTION 592. [*Renumbered section 46.10 by 1919 c. 328 s. 15*]
SECTION 593. [*Renumbered section 46.10 by 1919 c. 328 s. 15*]
SECTION 594. [*Renumbered section 51.12 by 1919 c. 347 s. 16*]
SECTION 595. [*Renumbered section 3407 sub. (2) by 1919 c. 347 s. 19*]
SECTION 596. [*Renumbered section 51.12 by 1919 c. 347 s. 16*]
SECTION 597. [*Repealed by 1919 c. 328 s. 18*]
SECTION 598. [*Renumbered section 51.18 by 1919 c. 347 s. 23*]
SECTION 599. [*Renumbered section 51.12 by 1919 c. 347 s. 16*]
SECTION 600. [*Repealed by 1919 c. 345 s. 11*]
SECTION 601. [*Renumbered section 51.06 sub. (1) by 1919 c. 347 s. 9*]
SECTION 602. [*Renumbered section 51.06 sub. (2) by 1919 c. 347 s. 9*]
SECTION 603. [*Renumbered section 51.25 by 1919 c. 347 s. 34*]
SECTION 604. [*Renumbered section 51.25 by 1919 c. 347 s. 34*]
SECTION 604*a*. [*Renumbered sections 17.22 and 51.25 by 1919 c. 347 s. 34 and 1919 c. 362 s. 34*]
SECTION 604*b*. [*Renumbered section 51.26 by 1919 c. 347 s. 35*]
SECTION 604*c*. [*Renumbered section 51.26 by 1919 c. 347 s. 35*]
SECTION 604*d*. [*Renumbered section 51.26 by 1919 c. 347 s. 35*]
SECTION 604*e*. [*Renumbered section 46.10 by 1919 c. 328 s. 15*]

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SECTION 604*f*. [*Renumbered section 51.12 by 1919 c. 347 s. 16*]
SECTION 604*g*. [*Renumbered section 46.18 by 1919 c. 328 s. 25*]
SECTION 604*h*. [*Renumbered section 51.25 by 1919 c. 347 s. 34*]
SECTION 604*ha*. [*Renumbered section 46.18 by 1919 c. 328 s. 25*]
SECTION 604*i*. [*Renumbered section 46.20 by 1919 c. 328 s. 29*]
SECTION 604*j*. [*Renumbered sections 17.27 and 46.20 by 1919 c. 328 s. 29 and 1919 c. 362 s. 39*]
SECTION 604*k*. [*Renumbered section 46.20 by 1919 c. 328 s. 29*]
SECTION 604*l*. [*Renumbered section 46.20 by 1919 c. 328 s. 29*]
SECTION 604*m*. [*Renumbered section 46.20 by 1919 c. 328 s. 29*]
SECTION 604*n*. [*Repealed by 1919 c. 328 s. 18*]
SECTION 604*o*. [*Repealed by 1919 c. 328 s. 18*]
SECTION 604*p*. [*Renumbered sections 51.13 and 51.14 by 1919 c. 347 s. 17, 18*]
SECTION 604*q*. [*Repealed by 1919 c. 345 s. 11*]
SECTION 604*r*. [*Renumbered section 51.23 by 1919 c. 347 s. 32*]
SECTION 604*s*. [*Repealed by 1915 c. 402*]
SECTION 604*t*. [*Repealed by 1915 c. 402*]
SECTION 604*u*. [*Renumbered section 51.01 by 1919 c. 347 s. 2*]
SECTION 604*v*. [*Renumbered section 51.24 by 1919 c. 347 s. 33*]
SECTION 604*w*. [*Repealed by 1917 c. 14 s. 30*]
SECTION 604*x*. [*Renumbered section 51.28 by 1919 c. 347 s. 38*]
SECTION 604*x*—1. [*Renumbered section 51.25 by 1919 c. 347 s. 34*]
SECTION 604*x*—2. [*Renumbered section 51.25 by 1919 c. 347 s. 34*]
SECTION 604*x*—3. [*Renumbered section 51.27 by 1919 c. 347 s. 37*]
SECTION 604*x*—4. [*Renumbered section 51.27 by 1919 c. 347 s. 37*]
SECTION 604*x*—5. [*Renumbered section 51.27 by 1919 c. 347 s. 37*]
SECTION 604—1. [*Renumbered section 51.21 by 1919 c. 347 s. 26*]
SECTION 604—2. [*Repealed by 1919 c. 347 s. 27*]
SECTION 604—3. [*Renumbered section 51.21 by 1919 c. 347 s. 26*]
SECTION 604—4. [*Renumbered section 51.22 by 1919 c. 347 s. 31*]
SECTION 604—5. [*Repealed by 1919 c. 347 s. 28*]
SECTION 604—6. [*Renumbered section 51.23 by 1919 c. 347 s. 32*]
SECTION 605. [*Repealed by 1919 c. 571 s. 3*]
SECTION 606. [*Repealed by 1919 c. 571 s. 3*]
SECTION 607. [*Repealed by 1919 c. 571 s. 3*]
SECTION 608. [*Repealed by 1919 c. 328 s. 16*]
SECTION 609. [*Renumbered sections 46.05 sub. (5) and 4444n by 1919 c. 328 s. 9, 10*]
SECTION 610. [*Renumbered section 21.01 by 1917 c. 537 s. 1*]
SECTION 610*a*. [*Renumbered section 21.02 by 1917 c. 537 s. 1*]
SECTION 611. [*Renumbered section 21.18 by 1917 c. 537 s. 1*]
SECTION 611*a*. [*Renumbered section 21.18 sub. (3) by 1917 c. 537 s. 1*]
SECTION 612. [*Renumbered section 21.18 sub. (2) by 1917 c. 537 s. 1*]
SECTION 613. [*Renumbered section 21.19 by 1917 c. 537 s. 1*]
SECTION 614. [*Renumbered section 21.20 by 1917 c. 537 s. 1*]
SECTION 615. [*Renumbered section 21.21 by 1917 c. 537 s. 1*]
SECTION 616. [*Renumbered section 21.22 by 1917 c. 537 s. 1*]
SECTION 617. [*Repealed by 1917 c. 537 s. 7*]
SECTION 618. [*Renumbered section 21.23 by 1917 c. 537 s. 1*]
SECTION 619. [*Renumbered section 21.24 by 1917 c. 537 s. 1*]
SECTION 620. [*Renumbered section 21.25 by 1917 c. 537 s. 1*]
SECTION 621. [*Renumbered section 21.26 by 1917 c. 537 s. 1*]
SECTION 622. [*Renumbered section 21.27 by 1917 c. 537 s. 1*]
SECTION 623. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 624. [*Repealed by 1917 c. 537 s. 7*]
SECTION 625. [*Renumbered section 21.59 by 1917 c. 537 s. 1*]
SECTION 626. [*Renumbered section 21.28 by 1917 c. 537 s. 1*]
SECTION 627. [*Renumbered section 21.29 by 1917 c. 537 s. 1*]
SECTION 628. [*Repealed by 1917 c. 537 s. 7*]
SECTION 629. [*Renumbered section 21.30 by 1917 c. 537 s. 1*]
SECTION 630. [*Renumbered section 21.31 by 1917 c. 537 s. 1*]
SECTION 631. [*Renumbered section 21.32 by 1917 c. 537 s. 1*]
SECTION 632. [*Renumbered section 21.33 by 1917 c. 537 s. 1*]
SECTION 633. [*Renumbered section 21.34 by 1917 c. 537 s. 1*]
SECTION 633*m*. [*Renumbered section 21.35 by 1917 c. 537 s. 1*]

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SECTION 634. [*Renumbered section 21.39 by 1917 c. 537 s. 1*]
SECTION 635. [*Repealed by 1917 c. 537 s. 7*]
SECTION 635*a*. [*Renumbered section 21.44 by 1917 c. 537 s. 1*]
SECTION 636. [*Repealed by 1917 c. 537 s. 7*]
SECTION 636*a*. [*Renumbered section 21.45 by 1917 c. 537 s. 1*]
SECTION 637. [*Renumbered section 21.41 by 1917 c. 537 s. 1*]
SECTION 637*m*. [*Renumbered section 21.42 by 1917 c. 537 s. 1*]
SECTION 638. [*Repealed by 1917 c. 537 s. 7*]
SECTION 639. [*Renumbered sections 20.03 and 21.43 by 1917 c. 14 s. 6 and 1917 c. 537 s. 1*]
SECTION 639*a*. [*Renumbered sections 20.03 and 21.46 by 1917 c. 14 s. 6 and 1917 c. 537 s. 1*]
SECTION 640. [*Renumbered section 21.47 by 1917 c. 537 s. 1*]
SECTION 641. [*Renumbered section 21.48 sub. (1) by 1917 c. 537 s. 1*]
SECTION 641*m*. [*Renumbered sections 20.03 and 21.08 by 1917 c. 14 s. 6 and 1917 c. 537 s. 1*]
SECTION 642. [*Renumbered section 21.48 sub. (2) by 1917 c. 537 s. 1*]
SECTION 643. [*Renumbered section 21.48 sub. (3) by 1917 c. 537 s. 1*]
SECTION 644. [*Renumbered section 21.49 by 1917 c. 537 s. 1*]
SECTION 645. [*Renumbered section 21.50 by 1917 c. 537 s. 1*]
SECTION 645*a*. [*Repealed by 1899 c. 200 s. 45*]
SECTION 645—1. [*Renumbered section 21.04 sub. (2) by 1917 c. 537 s. 1*]
SECTION 646. [*Renumbered section 21.56 by 1917 c. 537 s. 1*]
SECTION 647. [*Renumbered section 21.57 by 1917 c. 537 s. 1*]
SECTION 648. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 649. [*Renumbered section 21.11 sub. (1) by 1917 c. 537 s. 1*]
SECTION 649—1. [*Renumbered section 21.11 sub. (2) by 1917 c. 537 s. 1*]
SECTION 649—2. [*Renumbered section 21.17 by 1917 c. 537 s. 1*]
SECTION 649—3. [*Renumbered section 21.51 by 1917 c. 537 s. 1*]
SECTION 649—4. [*Renumbered section 21.48 sub. (4) by 1917 c. 537 s. 1*]
SECTION 649—5. [*Renumbered section 21.52 by 1917 c. 537 s. 1*]
SECTION 649—6. [*Renumbered section 21.53 by 1917 c. 537 s. 1*]
SECTION 649—7. [*Renumbered section 21.54 by 1917 c. 537 s. 1*]
SECTION 649—8. [*Renumbered section 21.05 by 1917 c. 537 s. 1*]
SECTION 649—9. [*Renumbered section 21.06 by 1917 c. 537 s. 1*]
SECTION 649—10. [*Renumbered section 21.60 by 1917 c. 537 s. 1*]
SECTION 649—11. [*Renumbered section 21.58 by 1917 c. 537 s. 1*]
SECTION 649—12. [*Renumbered section 21.40 by 1917 c. 537 s. 1*]
SECTION 649—13. [*Renumbered section 21.64 by 1917 c. 537 s. 1*]
SECTION 649—14. [*Renumbered section 21.36 sub. (3) by 1917 c. 537 s. 1*]
SECTION 649—15. [*Renumbered section 21.67 by 1917 c. 537 s. 1*]
SECTION 649—16. [*Renumbered section 21.65 by 1917 c. 537 s. 1*]
SECTION 649—17. [*Renumbered section 21.66 by 1917 c. 537 s. 1*]
SECTION 649—18. [*Renumbered section 20.03 sub. (1) par. (fm) by 1917 c. 537 s. 3*]
SECTION 649—19. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 649—19*a*. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 649—19*aa*. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 649—19*ab*. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 649—19*b*. [*Renumbered section 21.61 sub. (1) by 1917 c. 537 s. 1*]
SECTION 649—19*c*. [*Renumbered section 21.61 sub. (2) by 1917 c. 537 s. 1*]
SECTION 649—19*d*. [*Renumbered section 21.61 sub. (3) by 1917 c. 537 s. 1*]
SECTION 649—19*e*. [*Renumbered section 21.61 sub. (4) by 1917 c. 537 s. 1*]
SECTION 649—19*m*. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 949—19*n*. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 649—20. [*Renumbered section 20.03 sub. (1) par. (fn) by 1917 c. 537 s. 4*]
SECTION 649—21. [*Renumbered section 21.62 by 1917 c. 537 s. 1*]
SECTION 649—22. [*Renumbered section 21.09 by 1917 c. 537 s. 1*]
SECTION 649—23. [*Renumbered section 21.10 by 1917 c. 537 s. 1*]
SECTION 649—24. [*Renumbered section 21.63 by 1917 c. 537 s. 1*]
SECTION 649—25. [*Renumbered sections 20.03 and 21.04 sub. (1) by 1917 c. 14 s. 6 and 1917 c. 537 s. 1*]
SECTION 649—26. [*Renumbered section 21.36 sub. (1) by 1917 c. 537 s. 1*]
SECTION 649—26*a*. [*Renumbered section 21.37 by 1917 c. 537 s. 1*]
SECTION 649—27. [*Renumbered section 21.36 sub. (2) by 1917 c. 537 s. 1*]

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SECTION 649—28. [*Renumbered section 21.15 by 1917 c. 537 s. 1*]
SECTION 649—29. [*Renumbered section 21.12 by 1917 c. 537 s. 1*]
SECTION 649—29*a*. [*Repealed by 1917 c. 537 s. 7*]
SECTION 649—30. [*Renumbered section 21.13 by 1917 c. 537 s. 1*]
SECTION 649—31. [*Renumbered section 21.38 by 1917 c. 537 s. 1*]
SECTION 649—31*a*. [*Renumbered section 21.07 by 1917 c. 537 s. 1*]
SECTION 649—32. [*Repealed by 1917 c. 537 s. 7*]
SECTION 649—34. [*Renumbered section 20.03 sub. (1) par. (fo) by 1917 c. 537 s. 5*]
SECTION 649—35. [*Renumbered section 21.68 by 1917 c. 537 s. 1*]
SECTION 649—36. [*Renumbered section 21.68 sub. (4) by 1917 c. 537 s. 1*]
SECTION 649—37. [*Repealed by 1917 c. 537 s. 7*]
SECTIONS 649*a* to 649*c*. [*Repealed by 1899 c. 200 s. 45*]
SECTION 649*m*. [*Renumbered section 22.01 by 1917 c. 537 s. 2*]
SECTION 649*n*. [*Renumbered section 22.02 by 1917 c. 537 s. 2*]
SECTION 649*o*. [*Renumbered section 22.03 by 1917 c. 537 s. 2*]
SECTION 649*p*. [*Renumbered section 22.04 by 1917 c. 537 s. 2*]
SECTION 649*q*. [*Renumbered section 22.05 by 1917 c. 537 s. 2*]
SECTION 649*r*. [*Renumbered section 22.06 by 1917 c. 537 s. 2*]
SECTION 649*s*. [*Renumbered section 22.07 by 1917 c. 537 s. 2*]
SECTION 649*t*. [*Renumbered section 22.08 by 1917 c. 537 s. 2*]
SECTION 649*u*. [*Renumbered section 20.03 by 1917 c. 14 s. 6*]
SECTION 650. [*Renumbered section 59.01 by 1919 c. 695 s. 3*]
SECTION 651. [*Renumbered section 59.67 sub. (1) by 1919 c. 695 s. 131*]
SECTION 652. [*Renumbered section 59.02 sub. (1) by 1919 c. 695 s. 4*]
SECTION 653. [*Renumbered section 59.67 sub. (2) by 1919 c. 695 s. 132*]
SECTION 654. [*Renumbered section 59.11 sub. (1) by 1919 c. 695 s. 47*]
SECTION 655. [*Renumbered section 59.11 sub. (2), (3) and (4) by 1919 c. 695 s. 48*]
SECTION 655*a*. [*Renumbered section 4223 sub. (3) by 1919 c. 695 s. 6*]
SECTION 656. [*Renumbered section 59.68 by 1919 c. 695 s. 133*]
SECTION 657. [*Renumbered section 4326a by 1919 c. 78 s. 14*]
SECTION 658. [*Renumbered section 59.90 by 1919 c. 695 s. 172*]
SECTION 659. [*Renumbered section 59.90 sub. (6) by 1919 c. 695 s. 173*]
SECTION 660. [*Renumbered sections 2618a and 2940a by 1919 c. 695 s. 7, 8*]
SECTION 661. [*Renumbered section 3038m by 1919 c. 695 s. 9*]
SECTION 661*a*. [*Renumbered section 4151c by 1919 c. 695 s. 10*]
SECTION 661*b*. [*Renumbered section 4151d by 1919 c. 695 s. 10*]
SECTION 661*c*. [*Renumbered section 4151e by 1919 c. 695 s. 10*]
SECTION 661*d*. [*Renumbered section 4151f by 1919 c. 695 s. 10*]
SECTION 661*e*. [*Renumbered section 4151g by 1919 c. 695 s. 10*]
SECTION 661*f*. [*Renumbered section 4151h by 1919 c. 695 s. 10*]
SECTION 661*g*. [*Renumbered section 4151i by 1919 c. 695 s. 10*]
SECTION 661*h*. [*Renumbered section 4151j by 1919 c. 695 s. 10*]
SECTION 661*i*. [*Renumbered section 4151k by 1919 c. 695 s. 10*]
SECTION 661*j*. [*Renumbered section 4151l by 1919 c. 695 s. 10*]
SECTION 661*k*. [*Renumbered section 4151m by 1919 c. 695 s. 10*]
SECTION 661*l*. [*Renumbered section 4151n by 1919 c. 695 s. 10*]
SECTION 661*m*. [*Renumbered section 4151o by 1919 c. 695 s. 10*]
SECTION 661*n*. [*Renumbered section 4151p by 1919 c. 695 s. 10*]
SECTION 661*o*. [*Renumbered section 4151q by 1919 c. 695 s. 10*]
SECTION 662. [*Renumbered section 59.03 sub. (2) by 1919 c. 695 s. 12*]
SECTION 662*a*. [*Repealed by 1919 c. 695 s. 15*]
SECTION 663. [*Renumbered section 59.03 sub. (2) by 1919 c. 695 s. 12*]
SECTION 663*a*. [*Renumbered section 59.03 sub. (1) by 1919 c. 695 s. 11*]
SECTION 664. [*Renumbered section 59.04 sub. (1) and (2) by 1919 c. 695 s. 16*]
SECTION 665. [*Renumbered section 59.04 sub. (3) by 1919 c. 695 s. 17*]
SECTION 666. [*Renumbered section 59.04 sub. (4) by 1919 c. 695 s. 18*]
SECTION 667. [*Renumbered section 59.05 by 1919 c. 695 s. 19*]
SECTION 667*a*. [*Renumbered section 59.05 by 1919 c. 695 s. 19*]
SECTION 668. [*Renumbered section 59.06 by 1919 c. 695 s. 20*]
SECTION 669. [*Renumbered sections 59.07, 59.69 sub. (1) and (2), 59.86 by 1919 c. 695 s. 21, 134, 135, 168*]
SECTION 670. [*Partly renumbered sections 29.60, 45.23, 59.07, 59.08, 59.70, 59.80; partly repealed by 1919 c. 695 s. 22 to 40a, 136, 158; 1919 c. 702 s. 41; 1921 c. 422 s. 9, 19*]
SECTION 670*a*. [*Renumbered section 59.72 sub. (2) by 1919 c. 695 s. 141*]

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SECTION 670*m*. [*Renumbered section 59.02 sub. (2) by 1919 c. 695 s. 5*]
SECTION 670—1. [*Repealed by 1917 c. 507 s. 1*]
SECTION 671. [*Renumbered section 60.05 by 1919 c. 551 s. 4*]
SECTION 671*a*. [*Renumbered section 60.05 by 1919 c. 551 s. 4*]
SECTION 672. [*Repealed by 1919 c. 276; renumbered section 60.05 by 1919 c. 551 s. 4*]
SECTION 673. [*Renumbered section 60.05 by 1919 c. 551 s. 4*]
SECTION 674. [*Renumbered section 59.09 sub. (1) by 1919 c. 695 s. 41*]
SECTION 674*a*. [*Renumbered section 59.09 sub. (2) by 1919 c. 695 s. 42*]
SECTION 674*b*. [*Repealed by 1919 c. 695 s. 43*]
SECTION 674*c*. [*Renumbered section 59.09 sub. (3) by 1919 c. 695 s. 44*]
SECTION 675. [*Renumbered section 59.09 sub. (4) by 1919 c. 695 s. 45*]
SECTION 676. [*Renumbered section 59.76 sub. (1) by 1919 c. 695 s. 148*]
SECTION 677. [*Renumbered section 59.77 sub. (1) and (2) by 1919 c. 695 s. 151*]
SECTION 678. [*Renumbered section 59.79 by 1919 c. 695 s. 157*]
SECTION 678*m*. [*Renumbered section 59.78 by 1919 c. 695 s. 156*]
SECTION 679. [*Renumbered section 59.77 sub. (3) by 1919 c. 695 s. 152*]
SECTION 680. [*Renumbered section 59.77 sub. (4) by 1919 c. 695 s. 153*]
SECTION 681. [*Renumbered section 59.77 sub. (5) by 1919 c. 695 s. 154*]
SECTION 682. [*Renumbered section 59.76 sub. (2) by 1919 c. 695 s. 149*]
SECTION 683. [*Stats. 1915 s. 683; repealed by 1917 c. 553 s. 1*]
SECTION 683. [*Stats. 1917 s. 683; renumbered section 59.76 sub. (3) by 1919 c. 695 s. 150*]
SECTIONS 684 and 685. [*Repealed by 1917 c. 553 s. 1*]
SECTION 686. [*Renumbered section 59.81 sub. (1) by 1919 c. 695 s. 159*]
SECTION 687. [*Renumbered section 59.81 sub. (3) by 1919 c. 695 s. 161*]
SECTION 688. [*Renumbered section 59.81 sub. (4) by 1919 c. 695 s. 162*]
SECTION 689. [*Renumbered section 59.83 by 1919 c. 695 s. 164*]
SECTION 690. [*Renumbered section 59.71 sub. (2) by 1919 c. 695 s. 138*]
SECTION 691. [*Renumbered section 59.71 sub. (1) by 1919 c. 695 s. 137*]
SECTION 692. [*Repealed by 1919 c. 695 s. 139*]
SECTION 693. [*Renumbered section 59.74 by 1919 c. 695 s. 145*]
SECTION 694. [*Renumbered sections 59.15, 59.23, 59.73, 59.80 sub. (2) by 1919 c. 695 s. 53, 73, 144, 158a*]
SECTION 694*a*. [*Stats. 1898 s. 694a; repealed by 1915 c. 242*]
SECTION 694*a*. [*1901 c. 217; repealed by 1915 c. 242*]
SECTION 694*b*. [*Renumbered section 59.82 by 1919 c. 695 s. 163*]
SECTION 694*c*. [*Repealed by 1919 c. 571 s. 3*]
SECTION 694*d*. [*Repealed by 1919 c. 571 s. 3*]
SECTION 694*e*. [*Repealed by 1919 c. 571 s. 3*]
SECTION 694*f*. [*Renumbered section 4151b by 1919 c. 695 s. 166*]
SECTION 694*m*. [*Renumbered section 59.88 by 1919 c. 695 s. 170*]
SECTION 695. [*Renumbered section 59.03 sub. (2) par. (f) by 1919 c. 695 s. 13*]
SECTION 696. [*Renumbered section 59.77 sub. (6) by 1919 c. 695 s. 155*]
SECTION 697. [*Renumbered section 59.10 by 1919 c. 695 s. 46*]
SECTION 697*a*. [*Renumbered section 56.10 by 1919 c. 350 s. 15*]
SECTION 697*b*. [*Renumbered sections 17.10, 17.22 and 46.19 by 1919 c. 328 s. 26 and 1919 c. 362 s. 22, 34*]
SECTION 697*c*. [*Renumbered sections 56.08 and 56.11 by 1919 c. 350 s. 10, 16*]
SECTION 697*d*. [*Renumbered section 56.13 by 1919 c. 350 s. 18*]
SECTION 697*e*. [*Renumbered section 56.11 by 1919 c. 350 s. 16*]
SECTIONS 697*f* to 697*k*. [*Renumbered section 46.20 by 1919 c. 328 s. 29*]
SECTION 697*l*. [*Repealed by 1919 c. 328 s. 28*]
SECTION 697*m*. [*Partly repealed by 1919 c. 328 s. 28; partly renumbered section 17.22 by 1919 c. 362 s. 34*]
SECTIONS 697*n* to 697*w*. [*Repealed by 1919 c. 328 s. 28*]
SECTION 697*y*—1. [*Renumbered section 46.18 by 1919 c. 328 s. 25*]
SECTION 697*y*—2. [*Renumbered sections 17.22 and 46.18 by 1919 c. 328 s. 25 and 1919 c. 362 s. 34*]
SECTION 697*y*—3. [*Renumbered sections 17.10, 17.16 and 46.18 by 1919 c. 328 s. 25 and 1919 c. 362 s. 22, 28*]
SECTION 697*y*—4. [*Renumbered section 46.18 by 1919 c. 328 s. 25*]
SECTION 697*y*—5. [*Renumbered sections 46.18 and 46.19 by 1919 c. 328 s. 25, 26*]
SECTION 697—1. [*Renumbered section 56.16 by 1919 c. 351 s. 1*]

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SECTION 697—2. [*Renumbered section 48.27 by 1919 c. 614 s. 39*]
SECTION 697—3. [*Renumbered section 48.27 by 1919 c. 614 s. 39*]
SECTION 697—4. [*Renumbered section 48.27 by 1919 c. 614 s. 39*]
SECTION 697—5. [*Renumbered section 48.27 by 1919 c. 614 s. 39*]
SECTION 697—6. [*Renumbered section 48.29 by 1919 c. 614 s. 41*]
SECTION 697—7. [*Renumbered section 48.28 by 1919 c. 614 s. 40*]
SECTION 697—8. [*Renumbered section 48.29 by 1919 c. 614 s. 41*]
SECTION 697—9. [*Renumbered section 48.29 by 1919 c. 614 s. 41*]
SECTION 697—10. [*Renumbered section 48.29 by 1919 c. 614 s. 41*]
SECTION 697—10*m*. [*Renumbered section 1411n by 1919 c. 679 s. 55*]
SECTION 697—11. [*Renumbered section 43.17 by 1917 c. 453 s. 5*]
SECTION 697—12. [*Renumbered section 43.18 by 1917 c. 453 s. 5*]
SECTION 697—13. [*Renumbered section 43.19 by 1917 c. 453 s. 5*]
SECTION 697—14. [*Renumbered section 43.20 by 1917 c. 453 s. 5*]
SECTION 697—15. [*Renumbered section 43.21 by 1917 c. 453 s. 5*]
SECTION 697—16. [*Renumbered section 43.22 by 1917 c. 453 s. 5*]
SECTION 697—17. [*Renumbered section 43.23 by 1917 c. 453 s. 5*]
SECTION 697—18. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—19. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—20. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—21. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—22. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—23. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—24. [*Renumbered section 48.31 by 1919 c. 614 s. 43*]
SECTION 697—26. [*Renumbered section 48.32 by 1919 c. 614 s. 44*]
SECTION 697—27. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—28. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—29. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—30. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—31. [*Renumbered section 48.30 by 1919 c. 614 s. 42*]
SECTION 697—32. [*Renumbered section 59.91 sub. (1) by 1919 c. 695 s. 174*]
SECTION 697—33. [*Renumbered section 59.91 sub. (2) by 1919 c. 695 s. 175*]
SECTION 697—34. [*Renumbered section 59.91 sub. (3) by 1919 c. 695 s. 176*]
SECTION 697—35. [*Renumbered section 59.91 sub. (4) by 1919 c. 695 s. 177*]
SECTION 697—36. [*Renumbered section 59.91 sub. (5) by 1919 c. 695 s. 178*]
SECTION 697—37. [*Renumbered section 59.91 sub. (6) by 1919 c. 695 s. 179*]
SECTION 697—38. [*Renumbered section 59.91 sub. (7) by 1919 c. 695 s. 180*]
SECTION 697—39. [*Renumbered section 59.91 sub. (8) by 1919 c. 695 s. 181*]
SECTION 697—40. [*Renumbered section 59.91 sub. (9) by 1919 c. 695 s. 182*]
SECTION 697—41. [*Renumbered section 59.91 sub. (10) by 1919 c. 695 s. 183*]
SECTION 697—42. [*Renumbered section 59.91 sub. (11) by 1919 c. 695 s. 184*]
SECTION 697—43. [*Renumbered section 59.91 sub. (12) by 1919 c. 695 s. 185*]
SECTION 697—44. [*Renumbered section 59.91 sub. (13) by 1919 c. 695 s. 186*]
SECTION 697—45. [*Renumbered sections 17.10, 17.16, 17.22 and 46.21 sub. (1) by 1919 c. 328 s. 30 and 1919 c. 362 s. 22, 28, 34*]
SECTION 697—46. [*Renumbered section 46.21 sub. (2) by 1919 c. 328 s. 30*]
SECTION 697—47. [*Renumbered section 46.21 sub. (3) by 1919 c. 328 s. 30*]
SECTION 697—47*a*. [*Renumbered section 46.21 sub. (4) by 1919 c. 328 s. 30*]
SECTION 697—48. [*Renumbered section 46.21 sub. (5) by 1919 c. 328 s. 30*]
SECTION 697—49. [*Renumbered section 46.21 by 1919 c. 328 s. 30*]
SECTION 697—49*b*. [*Repealed by 1919 c. 328 s. 32*]
SECTION 697—49*m*. [*Renumbered section 46.21 by 1919 c. 328 s. 30*]
SECTION 697—49*n*. [*Renumbered section 46.21 by 1919 c. 328 s. 30*]
SECTION 697—50. [*Repealed by 1919 c. 695 s. 101*]
SECTION 697—51. [*Repealed by 1919 c. 695 s. 102*]
SECTION 697—52. [*Renumbered section 59.85 by 1919 c. 695 s. 167*]
SECTION 697—53. [*Renumbered section 59.85 by 1919 c. 695 s. 167*]
SECTION 697—54. [*Renumbered section 59.85 by 1919 c. 695 s. 167*]
SECTION 697—60. [*Renumbered section 59.92 by 1919 c. 695 s. 187*]
SECTION 697—61. [*Renumbered section 59.87 by 1919 c. 695 s. 169*]
SECTIONS 697—62 to 697—66. [*Repealed by 1913 c. 647, 774*]
SECTION 697—67. [*Renumbered section 59.93 by 1919 c. 695 s. 188*]
SECTION 697—68. [*Renumbered section 27.02 by 1917 c. 262 s. 3*]
SECTION 697—69. [*Renumbered section 27.03 by 1917 c. 262 s. 4*]

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SECTION 697—70. [*Renumbered section 27.04 by 1917 c. 262 s. 5*]
SECTION 697—71. [*Renumbered section 27.05 by 1917 c. 262 s. 6*]
SECTION 697—72. [*Renumbered section 27.06 by 1917 c. 262 s. 7*]
SECTION 697—73. [*Renumbered section 27.07 by 1917 c. 262 s. 8*]
SECTION 698. [*Renumbered section 59.12 by 1919 c. 695 s. 49*]
SECTION 698*a*. [*Repealed by 1915 c. 531*]
SECTION 698—1. [*Repealed by 1919 c. 695 s. 50*]
SECTION 699. [*Renumbered sections 17.21 and 17.28 by 1919 c. 362 s. 33, 40*]
SECTION 700. [*Renumbered section 59.14 by 1919 c. 695 s. 52*]
SECTION 701. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTION 702. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTIONS 702—1 to 702—13, inclusive. [*Repealed by 1915 c. 531*]
SECTION 702*a*. [*Renumbered section 39.03 sub. (1) by 1917 c. 578 s. 1*]
SECTION 703. [*Renumbered section 39.05 by 1917 c. 578 s. 1*]
SECTION 704. [*Stats. 1913 s. 704; repealed by 1915 c. 531*]
SECTION 704. [*Stats. 1915 s. 704; renumbered section 39.13 by 1917 c. 578 s. 1*]
SECTION 705. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTION 706. [*Renumbered section 59.16 sub. (1) and (2) by 1919 c. 695 s. 54*]
SECTION 707. [*Renumbered section 59.16 sub. (3) by 1919 c. 695 s. 55*]
SECTION 708. [*Renumbered sections 59.15, 59.17 sub. (14) and 59.73 by 1919 c. 695 s. 53, 60, 144*]
SECTION 709. [*Renumbered sections 59.17 sub. (1) to (20), 59.72 sub. (1), (3), (4), 59.84 by 1919 c. 695 s. 56 to 60, 140, 142, 143, 165*]
SECTION 709*m*. [*Transferred to 1917 c. 189 s. 1 by 1919 c. 695 s. 61*]
SECTION 710. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTION 711. [*Renumbered section 59.19 sub. (1) by 1919 c. 695 s. 63*]
SECTION 712. [*Renumbered section 59.19 sub. (2) by 1919 c. 695 s. 64*]
SECTION 713. [*Renumbered section 59.18 by 1919 c. 695 s. 62*]
SECTION 714. [*Renumbered sections 59.15 and 59.73 by 1919 c. 695 s. 53, 144*]
SECTION 715. [*Renumbered sections 59.20 and 59.81 sub. (2) by 1919 c. 695 s. 67, 68, 69, 160*]
SECTION 716. [*Renumbered section 18.01 by 1917 c. 178 s. 2*]
SECTION 717. [*Renumbered section 59.75 by 1919 c. 695 s. 146*]
SECTION 718. [*Renumbered section 59.75 sub. (4) by 1919 c. 695 s. 147*]
SECTION 719. [*Renumbered section 59.20 sub. (8) by 1919 c. 695 s. 66*]
SECTION 720. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTION 720*a*. [*1919 c. 220; renumbered section 59.22 sub. (3) by 1919 c. 702 s. 36*]
SECTION 721. [*Renumbered section 59.22 sub. (1) by 1919 c. 695 s. 72; 1919 c. 702 s. 35*]
SECTION 722. [*Renumbered section 59.21 by 1919 c. 695 s. 71*]
SECTION 723. [*Renumbered section 59.21 by 1919 c. 695 s. 71*]
SECTION 724. [*Renumbered sections 59.21 and 59.22 by 1919 c. 695 s. 71, 72*]
SECTION 725. [*Renumbered section 59.23 by 1919 c. 695 s. 73*]
SECTION 725*a*. [*Renumbered section 59.25 sub. (2) by 1919 c. 695 s. 75a*]
SECTION 726. [*Renumbered section 59.33 by 1919 c. 695 s. 84*]
SECTION 727. [*Renumbered section 59.24 by 1919 c. 695 s. 74*]
SECTION 728. [*Renumbered section 59.25 sub. (1) by 1919 c. 695 s. 75*]
SECTION 729. [*Renumbered section 59.26 by 1919 c. 695 s. 76*]
SECTION 730. [*Renumbered section 59.27 by 1919 c. 695 s. 77*]
SECTION 731. [*Renumbered section 59.28 by 1919 c. 695 s. 78*]
SECTION 731*a*. [*Renumbered section 59.29 sub. (1) by 1919 c. 695 s. 79*]
SECTION 731*b*. [*Renumbered section 59.29 sub. (2) by 1919 c. 695 s. 80*]
SECTION 732. [*Renumbered section 59.30 by 1919 c. 695 s. 81*]
SECTION 733. [*Renumbered section 59.31 by 1919 c. 695 s. 82*]
SECTION 734. [*Renumbered section 59.32 by 1919 c. 695 s. 83*]
SECTION 735. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTION 735*a*. [*Renumbered section 59.35 by 1919 c. 695 s. 86*]
SECTION 736. [*Renumbered section 59.34 by 1919 c. 695 s. 85*]
SECTION 737. [*Renumbered section 59.34 by 1919 c. 695 s. 85*]
SECTION 738. [*Renumbered section 59.37 by 1919 c. 695 s. 88*]
SECTION 739. [*Renumbered section 59.36 by 1919 c. 695 s. 87*]
SECTION 740. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTION 741. [*Renumbered section 59.38 by 1919 c. 695 s. 89*]
SECTION 742. [*Renumbered section 59.39 by 1919 c. 695 s. 90*]

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SECTION 743. [*Renumbered section 59.37 sub. (11) by 1919 c. 695 s. 91*]
SECTION 744. [*Renumbered section 14.405 by 1919 c. 695 s. 93*]
SECTION 745. [*Renumbered section 59.40 by 1919 c. 695 s. 94*]
SECTION 746. [*Renumbered section 59.41 by 1919 c. 695 s. 95*]
SECTION 747. [*Renumbered section 59.42 by 1919 c. 695 s. 96, 97, 98*]
SECTION 747*a*. [*Repealed by 1915 c. 242*]
SECTION 748. [*Renumbered section 59.43 by 1919 c. 695 s. 99*]
SECTION 748*m*. [*Renumbered section 59.89 by 1919 c. 695 s. 171*]
SECTION 749. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTION 750. [*Renumbered section 59.44 by 1919 c. 695 s. 100*]
SECTION 750*a* [1901]. [*Renumbered section 59.45 by 1919 c. 695 s. 103*]
SECTION 750*a* [1907]. [*Renumbered section 17.11 by 1919 c. 362 s. 23*]
SECTION 750*b*. [*Renumbered section 59.48 by 1919 c. 695 s. 110*]
SECTION 751. [*Renumbered sections 59.15 and 59.73 by 1919 c. 695 s. 53, 144*]
SECTION 751*a*. [*Repealed by 1919 c. 695 s. 104*]
SECTION 751*b*. [*Repealed by 1919 c. 695 s. 105*]
SECTION 751*c*. [*Repealed by 1919 c. 695 s. 106*]
SECTION 751*d*. [*Renumbered section 59.46 by 1919 c. 695 s. 107*]
SECTION 752. [*Renumbered section 59.47 by 1919 c. 695 s. 108*]
SECTION 752*m*. [*Renumbered section 59.47 sub. (7) by 1919 c. 695 s. 109*]
SECTION 753. [*Renumbered section 59.73 by 1919 c. 695 s. 144*]
SECTION 754. [*Renumbered section 59.49 by 1919 c. 695 s. 111*]
SECTION 755. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTION 756. [*Renumbered section 59.50 by 1919 c. 695 s. 112*]
SECTION 757. [*Repealed by 1919 c. 695 s. 113*]
SECTION 758. [*Renumbered section 59.51 by 1919 c. 695 s. 114*]
SECTION 759. [*Renumbered section 59.52 by 1919 c. 695 s. 115*]
SECTION 760. [*Renumbered section 59.53 by 1919 c. 695 s. 116*]
SECTION 761. [*Renumbered section 59.54 by 1919 c. 695 s. 117*]
SECTION 762. [*Renumbered section 59.55 by 1919 c. 695 s. 118*]
SECTION 762*m*. [*Renumbered sections 59.13 and 59.58 by 1919 c. 695 s. 51, 122*]
SECTION 763. [*Renumbered section 59.51 sub. (10) by 1919 c. 695 s. 119*]
SECTION 763*a*. [*Renumbered section 59.56 by 1919 c. 695 s. 120*]
SECTION 764. [*Renumbered section 59.57 by 1919 c. 695 s. 121*]
SECTION 764*a*. [*1919 c. 584; renumbered section 2314a by 1919 c. 702 s. 55*]
SECTION 764*b*. [*Partly renumbered section 59.15 by 1919 c. 695 s. 53; partly repealed by 1921 c. 422 s. 21*]
SECTION 764*c*. [*1919 c. 181; renumbered section 4551m by 1919 c. 695 s. 121a*]
SECTION 765. [*Renumbered section 59.13 by 1919 c. 695 s. 51*]
SECTION 766. [*Renumbered section 59.59 by 1919 c. 695 s. 123*]
SECTION 767. [*Renumbered section 17.21 by 1919 c. 362 s. 33*]
SECTION 768. [*Renumbered section 59.60 by 1919 c. 695 s. 124*]
SECTION 769. [*Renumbered section 59.61 by 1919 c. 695 s. 125*]
SECTION 770. [*Renumbered section 59.62 by 1919 c. 695 s. 126*]
SECTION 771. [*Renumbered section 59.64 by 1919 c. 695 s. 128*]
SECTION 772. [*Renumbered section 59.65 by 1919 c. 695 s. 129*]
SECTIONS 772*a* to 772*c*, inclusive. [*Repealed by 1913 c. 443*]
SECTIONS 772*d* to 772*j*, inclusive. [*Renumbered section 1087b by 1913 c. 443*]
SECTION 772*k*. [*Repealed by 1907 c. 509*]
SECTION 772*l*. [*Repealed by 1913 c. 443*]
SECTION 772*m*. [*Renumbered section 59.66 by 1919 c. 695 s. 130*]
SECTION 772—1. [*Renumbered section 16.31 by 1919 c. 365 s. 6*]
SECTION 772—2. [*Renumbered section 16.31 sub. (3) and (4) by 1919 c. 365 s. 7*]
SECTION 772—3. [*Renumbered section 16.32 by 1919 c. 365 s. 8*]
SECTION 772—4. [*Renumbered section 16.33 by 1919 c. 365 s. 9*]
SECTION 772—5. [*Renumbered section 16.34 by 1919 c. 365 s. 10*]
SECTION 772—6. [*Renumbered section 16.35 by 1919 c. 365 s. 11*]
SECTION 772—7. [*Renumbered section 16.36 by 1919 c. 365 s. 12*]
SECTION 772—8. [*Renumbered section 16.37 by 1919 c. 365 s. 13*]
SECTION 772—9. [*Renumbered section 16.38 by 1919 c. 365 s. 14*]
SECTION 772—10. [*Renumbered section 16.39 by 1919 c. 365 s. 15*]
SECTION 772—11. [*Renumbered section 16.40 by 1919 c. 365 s. 16*]
SECTION 772—12. [*Renumbered section 16.41 by 1919 c. 365 s. 17*]
SECTION 772—13. [*Renumbered section 16.42 by 1919 c. 365 s. 18*]

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SECTION 772—14. [*Renumbered section 4548r by 1919 c. 365 s. 19*]
SECTION 772—15. [*Renumbered section 16.43 by 1919 c. 365 s. 20*]
SECTION 772—16. [*Renumbered section 16.44 by 1919 c. 365 s. 21*]
SECTION 772—17. [*Repealed by 1919 c. 365 s. 22*]
SECTION 773. [*Renumbered section 60.01 by 1919 c. 551 s. 2*]
SECTION 774. [*Renumbered section 60.03 by 1919 c. 551 s. 3*]
SECTION 775. [*Renumbered section 60.04 by 1919 c. 551 s. 3*]
SECTION 775*a*. [*Renumbered section 60.06 by 1919 c. 551 s. 5*]
SECTION 775*b*. [*Renumbered section 60.06 by 1919 c. 551 s. 5*]
SECTION 775*c*. [*Renumbered section 60.06 by 1919 c. 551 s. 5*]
SECTION 775*d*. [*Renumbered section 60.06 by 1919 c. 551 s. 5*]
SECTION 775*e*. [*Renumbered section 60.06 by 1919 c. 551 s. 5*]
SECTION 775*f*. [*Renumbered section 60.06 by 1919 c. 551 s. 5*]
SECTION 776. [*Renumbered section 60.18 by 1919 c. 551 s. 9*]
SECTIONS 776*a* to 776*c*. [*Repealed by 1915 c. 25*]
SECTION 776*g*. [*Renumbered section 59.94 under 1921 c. 9 s. 2*]
SECTION 776*m*. [*Renumbered section 927—5 by 1915 c. 154*]
SECTION 776*n*. [*Repealed by 1909 c. 526*]
SECTION 776*o*. [*Repealed by 1919 c. 551 s. 46*]
SECTION 777. [*Renumbered section 60.63 by 1919 c. 551 s. 44*]
SECTION 778. [*Renumbered section 60.64 by 1919 c. 551 s. 44*]
SECTION 778*a*. [*1919 c. 511; renumbered section 60.63 sub. (2) by 1919 c. 702 s. 52*]
SECTION 779. [*Renumbered section 60.62 by 1919 c. 551 s. 43*]
SECTION 780. [*Renumbered section 60.02 by 1919 c. 551 s. 3*]
SECTION 781. [*Renumbered section 60.65 by 1919 c. 551 s. 47*]
SECTION 782. [*Renumbered section 60.07 by 1919 c. 551 s. 6*]
SECTION 783. [*Repealed by 1919 c. 551 s. 13*]
SECTION 783*a*. [*Renumbered section 10.53 by 1915 c. 385 s. 33*]
SECTION 783*b*. [*Renumbered section 10.53 by 1915 c. 385 s. 33*]
SECTION 784. [*Renumbered section 60.08 by 1919 c. 551 s. 6*]
SECTION 785. [*Renumbered section 60.09 by 1919 c. 551 s. 6*]
SECTION 786. [*Renumbered section 60.10 by 1919 c. 551 s. 6*]
SECTION 787. [*Renumbered section 60.11 by 1919 c. 551 s. 6*]
SECTION 788. [*Renumbered section 60.12 by 1919 c. 551 s. 6*]
SECTION 789. [*Renumbered section 60.13 by 1919 c. 551 s. 6*]
SECTION 790. [*Renumbered section 60.14 by 1919 c. 551 s. 6*]
SECTION 791. [*Renumbered section 10.55 by 1915 c. 385 s. 35*]
SECTION 792. [*Renumbered section 60.15 by 1919 c. 551 s. 7*]
SECTION 793. [*Renumbered section 60.16 by 1919 c. 551 s. 8*]
SECTION 794. [*Renumbered section 10.55 by 1915 c. 385 s. 35*]
SECTION 795. [*Renumbered section 60.17 by 1919 c. 551 s. 8*]
SECTION 796. [*Renumbered section 10.55 by 1913 c. 385 s. 35*]
SECTION 797. [*Repealed by 1919 c. 551 s. 16*]
SECTIONS 798 to 807*b*. [*Renumbered sections 10.55 to 10.62, inclusive, by 1915 c. 385 s. 35 to 42*]
SECTION 808. [*Renumbered section 60.19 by 1919 c. 551 s. 10*]
SECTION 808*a*. [*Renumbered section 60.19 by 1919 c. 551 s. 10*]
SECTION 809. [*Renumbered section 60.20 by 1919 c. 551 s. 11*]
SECTION 810. [*Renumbered section 60.21 by 1919 c. 551 s. 11*]
SECTION 811. [*Renumbered section 60.22 by 1919 c. 551 s. 11*]
SECTION 812. [*Renumbered section 60.23 by 1919 c. 551 s. 12*]
SECTION 813. [*Renumbered section 60.24 by 1919 c. 551 s. 12*]
SECTION 814. [*Renumbered section 60.25 by 1919 c. 551 s. 12*]
SECTION 815. [*Renumbered section 60.26 by 1919 c. 551 s. 12*]
SECTION 816. [*Renumbered section 60.27 by 1919 c. 551 s. 12*]
SECTION 817. [*Renumbered section 17.01 sub. (9) by 1919 c. 362 s. 7; repealed by 1919 c. 551 s. 13*]
SECTION 818. [*Partly in section 17.25 by 1919 c. 362 s. 37; renumbered section 60.28 by 1919 c. 551 s. 14*]
SECTION 819. [*Renumbered section 60.29 by 1919 c. 551 s. 15*]
SECTION 819*a*. [*Repealed by 1919 c. 551 s. 16*]
SECTION 819*b*. [*Renumbered section 60.30 by 1919 c. 551 s. 17*]
SECTION 819*c*. [*Repealed by 1919 c. 551 s. 16*]
SECTION 819*d*. [*Repealed by 1919 c. 551 s. 16*]

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SECTION 819*e*. [*Renumbered section 60.31 by 1919 c. 551 s. 18*]
SECTION 619*f*. [*Renumbered section 60.31 by 1919 c. 551 s. 18*]
SECTION 819*g*. [*1919 c. 380; renumbered section 60.29 sub. (20) by 1919 c. 702 s. 49*]
SECTION 819*m*. [*Renumbered section 60.30 by 1919 c. 551 s. 17*]
SECTION 820. [*Renumbered section 60.32 by 1919 c. 551 s. 19*]
SECTION 821. [*Renumbered section 60.33 by 1919 c. 551 s. 20*]
SECTION 822. [*Renumbered section 60.34 by 1919 c. 551 s. 20*]
SECTION 822*a*. [*Repealed by 1919 c. 551 s. 16*]
SECTION 823. [*Renumbered section 60.35 by 1919 c. 551 s. 20*]
SECTION 824. [*Renumbered section 60.36 by 1919 c. 551 s. 20*]
SECTION 824*a*. [*Renumbered section 1244—1 by 1919 c. 551 s. 21*]
SECTION 824*b*. [*Renumbered section 1244—2 by 1919 c. 551 s. 21*]
SECTION 824*c*. [*Renumbered section 1244—3 by 1919 c. 551 s. 21*]
SECTION 824*d*. [*Renumbered section 1244—4 by 1919 c. 551 s. 21*]
SECTION 824*e*. [*Renumbered section 1244—5 by 1919 c. 551 s. 21*]
SECTION 824*f*. [*Renumbered section 1244—6 by 1919 c. 551 s. 21*]
SECTION 824*g*. [*Renumbered section 1244—7 by 1919 c. 551 s. 21*]
SECTION 824*m*. [*Transferred to the Session Laws by 1919 c. 247 s. 11*]
SECTION 825. [*Renumbered section 60.37 by 1919 c. 551 s. 22*]
SECTION 825*m*. [*Renumbered section 60.37 by 1919 c. 551 s. 22*]
SECTION 826. [*Renumbered section 60.38 by 1919 c. 551 s. 23*]
SECTION 827. [*Renumbered section 60.39 by 1919 c. 551 s. 23*]
SECTION 827*a*. [*Renumbered section 59.63 by 1919 c. 695 s. 127; renumbered section 60.40 by 1919 c. 551 s. 24, said section 60.40 repealed by 1919 c. 702 s. 51*]
SECTION 828. [*Renumbered section 60.41 by 1919 c. 551 s. 25*]
SECTION 829. [*Renumbered section 60.42 by 1919 c. 551 s. 25*]
SECTION 829*l*. [*Repealed by 1913 c. 102*]
SECTION 829*m*. [*Repealed by 1913 c. 102*]
SECTION 829*n*. [*Repealed by 1913 c. 102*]
SECTION 829*o*. [*Repealed by 1919 c. 551 s. 26*]
SECTION 829*p*. [*Repealed by 1919 c. 551 s. 26*]
SECTION 830. [*Renumbered section 60.43 by 1919 c. 551 s. 27*]
SECTION 831. [*Renumbered section 60.44 by 1919 c. 551 s. 27*]
SECTION 832. [*Renumbered section 60.45 by 1919 c. 551 s. 28*]
SECTION 832*m*. [*Renumbered section 60.45 by 1919 c. 551 s. 28*]
SECTION 832*n*. [*Repealed by 1919 c. 551 s. 29*]
SECTION 833. [*Renumbered section 60.46 by 1919 c. 551 s. 30*]
SECTION 834. [*Renumbered section 60.47 by 1919 c. 551 s. 30*]
SECTION 835. [*Renumbered section 60.48 by 1919 c. 551 s. 31*]
SECTION 836. [*Renumbered section 60.49 by 1919 c. 551 s. 32*]
SECTION 836*m*. [*Renumbered section 60.49 by 1919 c. 551 s. 32*]
SECTION 837. [*Renumbered section 60.50 by 1919 c. 551 s. 33*]
SECTION 838. [*Renumbered section 60.51 by 1919 c. 551 s. 33*]
SECTION 839. [*Renumbered section 60.52 by 1919 c. 551 s. 33*]
SECTION 840. [*Repealed by 1919 c. 551 s. 34*]
SECTION 841. [*Renumbered section 60.53 by 1919 c. 551 s. 35*]
SECTION 842. [*Renumbered section 60.54 by 1919 c. 551 s. 35*]
SECTION 843. [*Renumbered section 60.55 by 1919 c. 551 s. 35*]
SECTION 844. [*Renumbered section 60.56 by 1919 c. 551 s. 36*]
SECTION 645. [*Partly in section 17.25 by 1919 c. 362 s. 37; renumbered section 60.57 by 1919 c. 551 s. 36*]
SECTION 845*m*. [*Repealed by 1919 c. 551 s. 37*]
SECTION 846. [*Renumbered section 60.58 by 1919 c. 551 s. 38*]
SECTION 847. [*Renumbered section 60.59 by 1919 c. 551 s. 39*]
SECTION 848. [*Repealed by 1919 c. 551 s. 40*]
SECTION 849. [*Repealed by 1919 c. 551 s. 40*]
SECTION 850. [*Renumbered section 60.60 by 1919 c. 551 s. 41*]
SECTION 850*a*. [*Renumbered section 60.60 by 1919 c. 551 s. 41*]
SECTION 851. [*Renumbered section 60.61 by 1919 c. 551 s. 42*]
SECTION 851*t*. [*1919 c. 513; transferred to the Session Laws by 1919 c. 702 s. 78*]
SECTION 852. [*Renumbered section 61.59 by 1919 c. 691 s. 73*]
SECTION 852*a*. [*Repealed by 1919 c. 691 s. 77*]
SECTION 852*b*. [*Repealed by 1919 c. 691 s. 77*]
SECTION 852*c*. [*Renumbered section 61.60 by 1919 c. 691 s. 73*]

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SECTION 852*d*. [*Repealed by 1913 c. 773 s. 31*]
SECTION 853. [*Repealed by 1919 c. 691 s. 71*]
SECTION 853*a*. [*Repealed by 1919 c. 691 s. 72*]
SECTION 853*ab*. [*Renumbered section 61.59 sub. (3) by 1919 c. 691 s. 75*]
SECTION 853*b*. [*Renumbered section 61.64 by 1919 c. 691 s. 76*]
SECTION 854. [*Renumbered section 61.01 by 1919 c. 691 s. 2*]
SECTION 855. [*Renumbered section 61.02 by 1919 c. 691 s. 2*]
SECTION 856. [*Renumbered section 61.03 by 1919 c. 691 s. 3*]
SECTION 857. [*Renumbered section 61.04 by 1919 c. 691 s. 3*]
SECTION 858. [*Renumbered section 61.05 by 1919 c. 691 s. 3*]
SECTION 859. [*Renumbered section 61.06 by 1919 c. 691 s. 4*]
SECTION 860. [*Renumbered section 61.07 by 1919 c. 691 s. 5*]
SECTION 861. [*Renumbered section 61.08 by 1919 c. 691 s. 6*]
SECTION 862. [*Renumbered section 61.09 by 1919 c. 691 s. 7*]
SECTION 863. [*Renumbered section 61.09 by 1919 c. 691 s. 7*]
SECTION 864. [*Renumbered section 61.09 by 1919 c. 691 s. 7*]
SECTION 865. [*Renumbered sections 61.09 and 61.10 by 1919 c. 691 s. 7, 8*]
SECTION 866. [*Renumbered section 61.11 by 1919 c. 691 s. 9*]
SECTION 867. [*Renumbered section 61.12 by 1919 c. 691 s. 10*]
SECTION 868. [*Renumbered section 61.13 by 1919 c. 691 s. 10*]
SECTION 869. [*Renumbered section 61.14 by 1919 c. 691 s. 11*]
SECTION 870. [*Repealed by 1919 c. 691 s. 14*]
SECTION 870*a*. [*Renumbered section 61.18 sub. (1) by 1919 c. 691 s. 15*]
SECTION 870*b*. [*Renumbered section 61.18 sub. (2) and (3) by 1919 c. 691 s. 16*]
SECTION 870*c*. [*Renumbered section 61.18 sub. (2) and (3) by 1919 c. 691 s. 16*]
SECTION 870*d*. [*Renumbered section 61.18 sub. (2) and (3) by 1919 c. 691 s. 16*]
SECTION 870*e*. [*Renumbered section 61.18 sub. (2) and (3) by 1919 c. 691 s. 16*]
SECTION 870*f*. [*Renumbered section 61.18 sub. (2) and (3) by 1919 c. 691 s. 16*]
SECTION 870*g*. [*Renumbered section 61.18 sub. (2) and (3) by 1919 c. 691 s. 16*]
SECTION 870*h*. [*Renumbered section 61.18 sub. (2) and (3) by 1919 c. 691 s. 16*]
SECTION 870*i*. [*Renumbered section 61.18 sub. (4), (5) and (6) by 1919 c. 691 s. 17*]
SECTIONS 871 to 873, inclusive. [*Renumbered sections 10.45 to 10.47, inclusive, by 1915 c. 385 s. 21 to 23, inclusive*]
SECTION 874. [*Renumbered section 10.49 by 1915 c. 385 s. 25*]
SECTION 875. [*Renumbered section 61.19 by 1919 c. 691 s. 18*]
SECTION 875*a*. [*Repealed by 1919 c. 691 s. 19*]
SECTION 875*m*. [*Partly renumbered section 61.19 by 1919 c. 691 s. 18; partly repealed by 1919 c. 691 s. 19*]
SECTION 876. [*Renumbered section 61.21 by 1919 c. 691 s. 21*]
SECTION 877. [*Renumbered section 61.22 by 1919 c. 691 s. 21*]
SECTION 878. [*Renumbered section 61.23 by 1919 c. 691 s. 21*]
SECTION 879. [*Renumbered section 61.24 by 1919 c. 691 s. 22*]
SECTION 880. [*Renumbered section 61.25 by 1919 c. 691 s. 23*]
SECTION 881. [*Renumbered section 61.26 by 1919 c. 691 s. 24*]
SECTION 882. [*Renumbered section 61.27 by 1919 c. 691 s. 25*]
SECTION 883 [882]. [*Repealed by 1907 c. 398 s. 4*]
SECTION 884 [883]. [*Renumbered section 61.28 by 1919 c. 691 s. 26*]
SECTION 885 [884]. [*Renumbered section 61.29 by 1919 c. 691 s. 27*]
SECTION 886 [885]. [*Renumbered section 61.30 by 1919 c. 691 s. 28*]
SECTION 887 [886]. [*Repealed by 1919 c. 691 s. 29*]
SECTION 888 [887]. [*Renumbered section 61.31 by 1919 c. 691 s. 30*]
SECTION 889 [888]. [*Renumbered section 18.01 by 1917 c. 178 s. 2*]
SECTION 890 [889]. [*Renumbered section 61.32 by 1919 c. 691 s. 31*]
SECTION 891 [890]. [*Renumbered section 61.33 by 1919 c. 691 s. 32*]
SECTION 892 [891]. [*Renumbered section 61.50 by 1919 c. 691 s. 58*]
SECTION 893 [892]. [*Renumbered sections 56.14 and 61.34 by 1919 c. 350 s. 19 and 1919 c. 691 s. 33*]
SECTION 894 [893]. [*Renumbered section 61.51 by 1919 c. 691 s. 59*]
SECTION 894*a* [894]. [*Renumbered section 61.61 by 1919 c. 691 s. 73*]
SECTION 894*a*. [*Renumbered section 1319n by 1919 c. 691 s. 54*]
SECTION 895. [*Renumbered section 61.36 by 1919 c. 691 s. 35*]
SECTIONS 896 to 902. [*Repealed by 1919 c. 571 s. 3*]
SECTION 903. [*Renumbered section 61.37 by 1919 c. 691 s. 36*]
SECTION 904. [*Renumbered section 61.38 by 1919 c. 691 s. 37*]

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SECTION 904*a*. [*Renumbered section 61.39 by 1919 c. 691 s. 38*]
SECTION 904*b*. [*Renumbered section 61.35 by 1919 c. 691 s. 34*]
SECTION 904*m*. [*Renumbered section 1344m by 1919 c. 691 s. 62*]
SECTION 904*n*. [*Renumbered section 1344n by 1919 c. 691 s. 62*]
SECTION 905. [*Renumbered section 61.40 by 1919 c. 691 s. 40*]
SECTION 905*m*. [*Repealed by 1919 c. 691 s. 39*]
SECTION 906. [*Renumbered section 61.41 sub. (1) and (2) by 1919 c. 691 s. 41*]
SECTION 907. [*Renumbered section 61.41 sub. (3) by 1919 c. 691 s. 41a*]
SECTION 908. [*Repealed by 1919 c. 691 s. 39*]
SECTIONS 908*m* to 908*r*, inclusive. [*Repealed by 1913 c. 604*]
SECTION 909. [*Renumbered section 61.43 sub. (4) by 1919 c. 691 s. 45*]
SECTION 909*a*. [*Renumbered section 61.43 sub. (1) by 1919 c. 691 s. 43*]
SECTION 909*b*. [*Renumbered section 61.43 sub. (2) by 1919 c. 691 s. 44*]
SECTION 909*c*. [*Renumbered section 61.43 sub. (3) by 1919 c. 691 s. 44*]
SECTION 909*d*. [*Renumbered section 61.43 sub. (5) by 1919 c. 691 s. 46*]
SECTION 910. [*Renumbered section 61.42 by 1919 c. 691 s. 42*]
SECTION 911. [*Repealed by 1919 c. 443 s. 2*]
SECTION 912. [*Renumbered section 61.48 by 1919 c. 691 s. 53a*]
SECTION 914. [*Renumbered section 61.46 sub. (1) by 1919 c. 691 s. 51*]
SECTION 914*a*. [*Renumbered section 61.46 sub. (2) by 1919 c. 691 s. 52*]
SECTION 914*b*. [*Renumbered section 61.41 sub. (4) by 1919 c. 691 s. 41b*]
SECTION 915. [*Renumbered section 61.49 by 1919 c. 691 s. 55*]
SECTION 916. [*Renumbered section 61.63 sub. (1) by 1919 c. 691 s. 74*]
SECTION 917. [*Renumbered section 61.63 sub. (2) by 1919 c. 691 s. 74*]
SECTION 918. [*Renumbered section 61.63 sub. (3) by 1919 c. 691 s. 74*]
SECTION 919. [*Renumbered section 61.63 sub. (4) by 1919 c. 691 s. 74*]
SECTION 919*a*. [*Renumbered section 61.45 by 1919 c. 691 s. 50*]
SECTION 919*b*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*c*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*cc*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*d*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*e*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*f*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*g*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*h*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*i*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*j*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*k*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*l*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 919*m*. [*Repealed by 1919 c. 691 s. 70*]
SECTION 920. [*Renumbered section 61.52 by 1919 c. 691 s. 60*]
SECTION 921. [*Renumbered section 61.55 by 1919 c. 691 s. 64*]
SECTION 922. [*Repealed by 1919 c. 691 s. 56*]
SECTION 923. [*Renumbered section 61.62 by 1919 c. 691 s. 73*]
SECTION 924. [*Renumbered section 61.56 by 1919 c. 691 s. 65*]
SECTION 925. [*Renumbered section 61.57 by 1919 c. 691 s. 66*]
SECTION 925*a*. [*Renumbered section 1319o by 1919 c. 691 s. 54*]
SECTION 925*b*. [*Renumbered section 1319p by 1919 c. 691 s. 54*]
SECTION 925*c*. [*Renumbered section 61.15 by 1919 c. 691 s. 13*]
SECTION 925*d*. [*Renumbered section 61.44 sub. (1) by 1919 c. 691 s. 47*]
SECTION 925*d*—1. [*Renumbered section 61.44 sub. (2) by 1919 c. 691 s. 48*]
SECTION 925*d*—2. [*Renumbered section 61.44 sub. (3) by 1919 c. 691 s. 49*]
SECTION 925*e*. [*Renumbered section 61.16 by 1919 c. 691 s. 12*]
SECTION 925*f*. [*Renumbered section 61.53 by 1919 c. 691 s. 61*]
SECTION 925*g*. [*Renumbered section 61.58 by 1919 c. 691 s. 67*]
SECTION 925*h*. [*Repealed by 1919 c. 691 s. 57*]
SECTION 925*i*. [*Renumbered section 61.17 by 1919 c. 691 s. 13*]
SECTION 925*m*—301. [*Renumbered section 63.01 by 1919 c. 226 s. 2*]
SECTION 925*m*—302. [*Renumbered section 63.02 by 1919 c. 226 s. 3*]
SECTION 925*m*—303. [*Renumbered section 63.03 by 1919 c. 226 s. 4*]
SECTION 925*m*—304. [*Renumbered sections 17.23 and 63.04 by 1919 c. 226 s. 5 and 1919 c. 362 s. 35*]
SECTION 925*m*—305. [*Renumbered section 10.32 by 1915 c. 385 s. 3*]
SECTION 925*m*—306. [*Renumbered section 10.32 by 1915 c. 385 s. 3*]

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SECTION 925*m*—307. [*Renumbered section 10.33 by 1915 c. 385 s. 4*]
SECTION 925*m*—308. [*Renumbered sections 17.12 and 63.05 by 1919 c. 226 s. 6 and 1919 c. 362 s. 24*]
SECTION 925*m*—309. [*Renumbered sections 17.12 and 63.06 by 1919 c. 226 s. 7 and 1919 c. 362 s. 24*]
SECTION 925*m*—310. [*Renumbered section 63.07 by 1919 c. 226 s. 8*]
SECTION 925*m*—311. [*Renumbered section 63.08 by 1919 c. 226 s. 9*]
SECTION 925*m*—312. [*Renumbered section 63.09 by 1919 c. 226 s. 10*]
SECTION 925*m*—313. [*Repealed by 1919 c. 226 s. 11*]
SECTION 925*m*—314. [*Renumbered section 63.10 by 1919 c. 226 s. 12*]
SECTION 925*m*—315. [*Renumbered section 63.11 by 1919 c. 226 s. 13*]
SECTION 925*m*—316. [*Renumbered section 10.34 by 1915 c. 385 s. 5*]
SECTION 925*m*—317. [*Renumbered section 63.12 by 1919 c. 226 s. 14*]
SECTION 925*m*—318. [*Renumbered section 63.13 by 1919 c. 226 s. 15*]
SECTION 925*m*—319. [*Repealed by 1919 c. 226 s. 16*]
SECTION 925*m*—320. [*Renumbered section 63.15 by 1919 c. 226 s. 18*]
SECTION 925*q*—160. [*Repealed by 1921 c. 33 s. 3*]
SECTION 925*q*—161. [*Repealed by 1921 c. 33 s. 3*]
SECTION 925*q*—162. [*Repealed by 1921 c. 33 s. 3*]
SECTION 925*q*—163. [*Repealed by 1921 c. 33 s. 3*]
SECTION 925*q*—164. [*Repealed by 1921 c. 33 s. 3*]
SECTION 925*q*—165. [*Repealed by 1921 c. 33 s. 3*]
SECTION 925—1. [*Renumbered section 62.05 by 1921 c. 242 s. 3*]
SECTION 925—1*a*. [*Renumbered section 66.03 by 1921 c. 396 s. 4*]
SECTION 925—2. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—3. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—3*m*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—3*n*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—3*o*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—4. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—5. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—6. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—6*a*. [*1921 c. 272; transferred to Session Laws by 1921 c. 590 s. 65*]
SECTION 925—7. [*Renumbered section 62.06 sub. (1) by 1921 c. 242 s. 4*]
SECTION 925—8. [*Renumbered section 62.06 sub. (2) by 1921 c. 242 s. 5*]
SECTION 925—9. [*Renumbered section 62.06 sub. (3) by 1921 c. 242 s. 6*]
SECTION 925—10. [*Renumbered section 62.06 sub. (4) by 1921 c. 242 s. 7*]
SECTION 925—11. [*Renumbered section 62.06 sub. (5) by 1921 c. 242 s. 8*]
SECTION 925—12. [*Renumbered section 62.06 sub. (6) by 1921 c. 242 s. 9*]
SECTION 925—13. [*Renumbered section 62.06 sub. (7) by 1921 c. 242 s. 10*]
SECTION 925—14. [*Renumbered section 62.08 by 1921 c. 242 s. 18*]
SECTION 925—15. [*Renumbered section 62.06 sub. (9) by 1921 c. 242 s. 11*]
SECTION 925—16. [*Renumbered section 62.06 sub. (10) by 1921 c. 242 s. 12*]
SECTION 925—17. [*Renumbered section 62.07 sub. (1) introductory par. by 1921 c. 242 s. 14*]
SECTION 925—18. [*Renumbered section 62.07 sub. (1) par. (a) by 1921 c. 242 s. 14*]
SECTION 925—19. [*Renumbered section 62.07 sub. (1) par. (b) by 1921 c. 242 s. 14*]
SECTION 925—20. [*Renumbered section 62.07 sub. (1) par. (b) by 1921 c. 242 s. 14; section 66.03 by 1921 c. 396 s. 4*]
SECTION 925—21. [*Renumbered section 62.07 sub. (3) by 1921 c. 242 s. 16*]
SECTION 925—21*a*. [*Renumbered section 62.07 sub. (2) by 1921 c. 242 s. 15; section 66.03 by 1921 c. 396 s. 4*]
SECTION 925—21*ab*. [*Renumbered section 62.07 sub. (3) and (4) by 1921 c. 242 s. 16, 17*]
SECTION 925—21*b*. [*Renumbered section 62.07 sub. (4) by 1921 c. 242 s. 17, 314*]
SECTION 925—22. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—22*a*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—22*d*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—23. [*Renumbered section 62.09 sub. (1) by 1921 c. 242 s. 19*]
SECTION 925—23*a*. [*Renumbered section 926—107 by 1913 c. 773 s. 33*]
SECTION 925—24. [*Renumbered section 10.36 by 1915 c. 385 s. 7*]
SECTION 925—25. [*Renumbered section 62.09 sub. (3) by 1921 c. 242 s. 21*]
SECTION 925—26. [*Renumbered section 62.09 sub. (5) by 1921 c. 242 s. 23*]
SECTION 925—26*a*. [*Renumbered section 62.09 sub. (5) by 1921 c. 242 s. 23*]

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SECTION 925—27. [*Renumbered section 62.09 sub. (2) by 1921 c. 242 s. 20*]
SECTION 925—28. [*Renumbered section 62.09 sub. (5) by 1921 c. 242 s. 23*]
SECTION 925—29. [*Renumbered section 10.37 by 1915 c. 385 s. 8*]
SECTION 925—29*a*. [*Renumbered section 62.09 sub. (4) by 1921 c. 242 s. 22*]
SECTION 925—30. [*Renumbered section 62.09 sub. (5), (6) by 1921 c. 242 s. 24, 264*]
SECTION 925—30*a*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 925—30*b*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 925—31. [*Renumbered sections 17.03 sub. (4), (7) and 17.23 by 1919 c. 362 s. 13, 15, 35*]
SECTION 925—31*b*. [*Renumbered section 17.23 by 1919 c. 362 s. 35*]
SECTION 925—31*c*. [*Renumbered sections 62.09 sub. (6) and 62.26 sub. (5) by 1921 c. 242 s. 24, 264, 314*]
SECTION 925—32. [*Consolidated with section 10.40 by 1915 c. 385 s. 11*]
SECTION 925—33. [*Renumbered section 17.23 by 1919 c. 362 s. 35*]
SECTION 925—34. [*Renumbered section 62.09 sub. (4) by 1921 c. 242 s. 22*]
SECTION 925—35. [*Renumbered section 62.09 sub. (4) by 1921 c. 242 s. 22*]
SECTION 925—36. [*Renumbered sections 17.12 and 17.16 by 1919 c. 362 s. 24, 28*]
SECTION 925—37. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—38. [*Renumbered section 62.09 sub. (8) by 1921 c. 242 s. 30*]
SECTION 925—38*a*. [*Transferred to Session Laws by 1921 c. 242 s. 313*]
SECTION 925—38*b*. [*Renumbered section 62.09 sub. (2), (3) by 1921 c. 242 s. 20, 21*]
SECTION 925—39. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—40. [*Renumbered section 62.09 sub. (8) by 1921 c. 242 s. 30*]
SECTION 925—40*m*. [*Renumbered section 17.23 by 1919 c. 362 s. 35*]
SECTION 925—41. [*Renumbered section 62.09 sub. (11) by 1921 c. 242 s. 33*]
SECTION 925—42. [*Renumbered section 62.09 sub. (12) by 1921 c. 242 s. 34*]
SECTION 925—43. [*Renumbered section 62.09 sub. (9) by 1921 c. 242 s. 31*]
SECTION 925—44. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—45. [*Renumbered section 62.09 sub. (10) by 1921 c. 242 s. 32*]
SECTION 925—46. [*Renumbered section 62.10 by 1921 c. 242 s. 35*]
SECTION 925—46*a*. [*Renumbered section 62.10 by 1921 c. 242 s. 35*]
SECTION 925—46*m*. [*Renumbered section 40.665 by 1921 c. 242 s. 300*]
SECTION 925—46*t*. [*Renumbered section 62.11 sub. (4) by 1921 c. 242 s. 39*]
SECTION 925—47. [*Renumbered section 62.10 by 1921 c. 242 s. 35*]
SECTION 925—48. [*Renumbered section 62.09 sub. (7) par. (b) by 1921 c. 242 s. 26*]
SECTION 925—48*m*. [*Renumbered section 27.08 by 1919 c. 558 s. 8*]
SECTION 925—49. [*Renumbered section 62.11 sub. (1) by 1921 c. 242 s. 36*]
SECTION 925—49*a*. [*Transferred to Session Laws by 1921 c. 242 s. 313*]
SECTION 925—50. [*Renumbered section 62.11 sub. (2) by 1921 c. 242 s. 37*]
SECTION 925—51. [*Renumbered section 62.11 sub. (3) by 1921 c. 242 s. 38*]
SECTION 925—52. [*Subsection (55) repealed by 1921 c. 242 s. 311; sub. (69) transferred to Session Laws by 1921 c. 242 s. 313; sub. (80) repealed by 1921 c. 590 s. 66; balance of section renumbered section 62.11 sub. (4), (5) by 1921 c. 242 s. 39, 40; section 62.23 sub. (4), (10) by 1921 c. 242 s. 225, 231; section 62.26 sub. (2) by 1921 c. 242 s. 261; section 66.05 sub. (7), (8) par. (d) by 1921 c. 396 s. 19, 24; section 66.06 sub. (4) par. (a) by 1921 c. 396 s. 32; section 66.06 sub. (17) by 1921 c. 396 s. 76; section 1636s by 1921 c. 396 s. 12*]
SECTION 925—52*c*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 925—52*h*. [*Renumbered section 62.13 sub. (9) par. (a) subd. 1 by 1921 c. 242 s. 63*]
SECTION 925—52*i*. [*Renumbered section 62.13 sub. (9) par. (a) subd. 1, 2, 4 by 1921 c. 242 s. 63, 64, 66*]
SECTION 925—52*j*. [*Renumbered section 62.13 sub. (9) par. (b) subd. 1, 2 by 1921 c. 242 s. 67, 68*]
SECTION 925—52*k*. [*Renumbered section 62.13 sub. (9) par. (b) subd. 3, 4, 5 by 1921 c. 242 s. 69, 70, 71*]
SECTION 925—52*l*. [*Renumbered section 62.13 sub. (9) par. (a), (b) by 1921 c. 242 s. 63, 69*]
SECTION 925—52*m*. [*Renumbered section 62.13 sub. (9) par. (a) subd. 1, 2, 3 by 1921 c. 242 s. 63, 64, 65*]
SECTION 925—52*n*. [*Renumbered section 62.13 sub. (9) par. (b) subd. 4, 5 by 1921 c. 242 s. 70, 71*]
SECTION 925—52*o*. [*Renumbered section 62.13 sub. (9) par. (b) subd. 3 by 1921 c. 242 s. 69*]

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SECTION 925—52*p*. [*Renumbered section 62.13 sub. (9) par. (c) subd. 1 by 1921 c. 242 s. 73*]
SECTION 925—52*q*. [*Renumbered section 62.13 sub. (9) par. (c) subd. 2 by 1921 c. 242 s. 74*]
SECTION 925—52*r*. [*Renumbered section 62.13 sub. (9) par. (c) subd. 2, 3, 4 by 1921 c. 242 s. 72, 74, 75, 76*]
SECTION 925—52*s*. [*Renumbered section 62.13 sub. (9) par. (d) by 1921 c. 242 s. 77*]
SECTION 925—52*t*. [*Renumbered section 62.13 sub. (9) par. (b) subd. 1, 4, 5 by 1921 c. 242 s. 67, 70, 71*]
SECTION 925—52*u*. [*First sentence repealed by 1921 c. 242 s. 311; balance of section renumbered section 62.13 sub. (9) par. (c) subd. 5 by 1921 c. 242 s. 76a*]
SECTION 925—52*v*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—52*w*. [*Renumbered section 62.13 sub. (9) par. (e) by 1921 c. 242 s. 78*]
SECTION 925—53. [*Renumbered section 62.12 sub. (3) by 1921 c. 242 s. 43*]
SECTION 925—54. [*Renumbered section 62.09 sub. (7) par. (a) by 1921 c. 242 s. 25*]
SECTION 925—55. [*Renumbered section 62.25 sub. (2) par. (c) by 1921 c. 242 s. 257*]
SECTION 925—56. [*Renumbered section 62.25 sub. (2) par. (c) by 1921 c. 242 s. 257*]
SECTION 925—57. [*Renumbered section 62.25 sub. (2) par. (c) by 1921 c. 242 s. 257*]
SECTION 925—58. [*Renumbered section 62.25 sub. (1) par. (a) by 1921 c. 242 s. 250*]
SECTION 925—59. [*Renumbered section 62.25 sub. (1) par. (e) by 1921 c. 242 s. 254*]
SECTION 925—60. [*Renumbered section 62.25 sub. (1) par. (d) by 1921 c. 242 s. 253*]
SECTION 925—61. [*Renumbered section 62.24 sub. (1), (4) par. (a), (c), (5), by 1921 c. 242 s. 234, 246, 248, 249*]
SECTION 925—62. [*Partly renumbered 62.24 sub. (1) by 1921 c. 242 s. 234; remainder repealed by 1921 c. 242 s. 311*]
SECTION 925—62*a*. [*Renumberd section 62.24 sub. (4) par. (b) by 1921 c. 242 s. 247*]
SECTION 925—63. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—64. [*Renumbered section 62.24 sub. (3) par. (a) by 1921 c. 242 s. 240*]
SECTION 925—65. [*Partly renumbered section 62.24 sub. (2) par. (a) by 1921 c. 242 s. 235; remainder repealed by 1921 c. 242 s. 311*]
SECTION 925—66. [*Renumbered section 62.24 sub. (1), (2) par. (b), (c), (d) by 1921 c. 242 s. 234, 236, 237, 238*]
SECTION 925—67. [*Renumbered section 62.24 sub. (2) par. (e) by 1921 c. 242 s. 239*]
SECTION 925—68. [*Renumbered section 62.24 sub. (3) par. (c) by 1921 c. 242 s. 242*]
SECTION 925—69. [*Renumberd section 62.24 sub. (3) par. (f) by 1921 c. 242 s. 245*]
SECTION 925—70. [*Partly renumbered section 62.24 sub. (3) par. (d) by 1921 c. 242 s. 243; remainder repealed by 1921 c. 242 s. 311*]
SECTION 925—71. [*Renumbered section 62.24 sub. (3) par. (e) by 1921 c. 242 s. 244*]
SECTION 925—72. [*Renumbered section 62.13 sub. (8) by 1921 c. 242 s. 62*]
SECTION 925—73. [*Renumbered section 62.23 sub. (7), (8) by 1921 c. 242 s. 228, 229*]
SECTION 925—74. [*Renumbered section 62.13 sub. (8) by 1921 c. 242 s. 62*]
SECTION 925—75. [*Renumbered section 62.13 sub. (8) by 1921 c. 242 s. 62*]
SECTION 925—76. [*Renumbered section 62.12 sub. (3) by 1921 c. 242 s. 43*]
SECTION 925—77. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—78. [*Renumbered section 62.14 sub. (1) by 1921 c. 242 s. 84*]
SECTION 925—79. [*Renumbered section 62.14 sub. (2) by 1921 c. 242 s. 85*]
SECTION 925—80. [*Repealed by 1921 c. 242 s. 93*]
SECTION 925—81. [*Renumbered section 62.14 sub. (7) by 1921 c. 242 s. 95*]
SECTION 925—82. [*Renumbered section 62.14 sub. (3) by 1921 c. 242 s. 86*]
SECTION 925—83. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—84. [*Renumbered section 62.14 sub. (4) by 1921 c. 242 s. 87*]
SECTION 925—85. [*Renumbered section 62.14 sub. (5) by 1921 c. 242 s. 88*]
SECTION 925—86. [*Renumbered section 62.14 sub. (6) par. (a) by 1921 c. 242 s. 89*]
SECTION 925—87. [*Repealed by 1921 c. 242 s. 90*]
SECTION 925—88. [*Renumbered section 62.14 sub. (6) par. (b) by 1921 c. 242 s. 91*]
SECTION 925—89. [*Renumbered section 62.14 sub. (6) par. (c) by 1921 c. 242 s. 92*]
SECTION 925—90. [*Renumbered section 62.15 sub. (1) to (5) by 1921 c. 242 s. 96, 97*]
SECTION 925—90*a*. [*Renumbered section 62.15 sub. (1) to (4) by 1921 c. 242 s. 96*]
SECTION 925—90*b*. [*Renumbered section 62.15 sub. (7) by 1921 c. 242 s. 99, 314*]
SECTION 925—90*c*. [*Renumbered section 62.15 sub. (8) by 1921 c. 242 s. 100, 314*]
SECTION 925—91. [*Renumbered section 62.15 sub. (6) by 1921 c. 242 s. 98*]
SECTION 925—91*a*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—92. [*Renumbered section 62.15 sub. (11) by 1921 c. 242 s. 104*]

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SECTION 925—93. [*Renumbered section 62.15 sub. (12) by 1921 c. 242 s. 105*]
SECTION 925—94. [*Renumbered section 62.15 sub. (10) by 1921 c. 242 s. 102*]
SECTION 925—95. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 925—95*a*. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 925—95*b*. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 925—95*c*. [*Renumbered section 62.12 sub. (3) by 1921 c. 242 s. 43*]
SECTION 925—95*d*. [*Repealed by 1921 c. 396 s. 93*]
SECTION 925—95*e*. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 925—95*f*. [*Renumbered section 66.06 sub. (2), (10) by 1921 c. 396 s. 27, 59*]
SECTION 925—96. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 925—97. [*Renumbered section 62.22 sub. (1) par. (b) by 1921 c. 242 s. 207*]
SECTION 925—97*a*. [*Repealed by 1907 c. 499*]
SECTION 925—98. [*Renumbered section 66.06 sub. (11) par. (a), (b), (c) by 1921 c. 396 s. 60, 61, 62*]
SECTION 925—99. [*Renumbered section 66.06 sub. (11) par. (b) by 1921 c. 396 s. 61*]
SECTION 925—99*a*. [*Repealed by 1921 c. 242 s. 196*]
SECTION 925—99*b*. [*Repealed by 1921 c. 242 s. 196*]
SECTION 925—100. [*Subsections (3), (4) repealed by 1921 c. 242 s. 196; balance of section renumbered section 62.19 sub. (1), (2), (4) by 1921 c. 242 s. 188, 191*]
SECTION 925—101. [*Partly renumbered section 62.19 sub. (1), (2) by 1921 c. 242 s. 188; remainder repealed by 1921 c. 242 s. 189*]
SECTION 925—102. [*Repealed by 1921 c. 242 s. 189*]
SECTION 925—103. [*Renumbered section 62.19 sub. (6) by 1921 c. 242 s. 193*]
SECTION 925—104. [*Renumbered section 62.19 sub. (7) by 1921 c. 242 s. 194*]
SECTION 925—105. [*Renumbered section 62.19 sub. (7) by 1921 c. 242 s. 194*]
SECTION 925—106. [*Renumbered section 62.19 sub. (1), (2), (8) by 1921 c. 242 s. 188, 195*]
SECTION 925—107. [*Renumbered section 1411r sub. (2) by 1921 c. 242 s. 272*]
SECTION 925—108. [*Renumbered section 1411r sub. (3) by 1921 c. 242 s. 273*]
SECTION 925—109. [*Renumbered section 1411r sub. (4) by 1921 c. 242 s. 274*]
SECTION 925—110. [*Renumbered section 1411r sub. (5) by 1921 c. 242 s. 275*]
SECTION 925—111. [*Renumbered section 1411r sub. (6) by 1921 c. 242 s. 276*]
SECTION 925—111*a*. [*Renumbered section 1411r sub. (7) by 1921 c. 242 s. 277*]
SECTION 925—111*b*. *Renumbered section 1411r sub. (8) by 1921 c. 242 s. 278*]
SECTION 925—112. [*Renumbered section 1411r sub. (9) by 1921 c. 242 s. 279*]
SECTION 925—112*a*. [*Renumbered section 1411r sub. (10) by 1921 c. 242 s. 280*]
SECTION 925—112*m*. [*Renumbered section 1411r sub. (11) by 1921 c. 242 s. 281*]
SECTION 925—113. [*Renumbered section 40.64 sub. (1), (2) by 1921 c. 242 s. 282, 283*]
SECTION 925—113*a*. [*Renumbered section 40.645 by 1921 c. 242 s. 297*]
SECTION 925—113*m*. [*Renumbered section 40.64 sub. (3) by 1921 c. 242 s. 284*]
SECTION 925—113*n*. [*Renumbered section 40.64 sub. (3) by 1921 c. 242 s. 284*]
SECTION 925—114. [*Renumbered section 40.64 sub. (7) par. (a), (b) by 1921 c. 242 s. 289, 290*]
SECTION 925—115. [*Renumbered section 40.64 sub. (7) par. (c), (d) by 1921 c. 242 s. 291, 292*]
SECTION 925—116. [*Renumbered section 40.64 sub. (5) by 1921 c. 242 s. 287*]
SECTION 925—116*m*. [*Renumbered section 48.05 sub. (3) by 1921 c. 396 s. 96*]
SECTION 925—117. [*Renumbered section 40.64 sub. (7) par. (a) by 1921 c. 242 s. 289*]
SECTION 925—118. [*Renumbered section 40.64 sub. (4) by 1921 c. 242 s. 286*]
SECTION 925—118*a*. [*Renumbered section 40.64 sub. (6) by 1921 c. 242 s. 288*]
SECTION 925—118*b*. [*1921 c. 290; transferred to Session Laws by 1921 c. 590 s. 80*]
SECTION 925—119. [*Renumbered section 40.64 sub. (8) par. (a), (d) by 1921 c. 242 s. 293, 296*]
SECTION 925—119*m*. [*Renumbered section 40.64 sub. (8) par. (b) by 1921 c. 242 s. 294*]
SECTION 925—120. [*Renumbered section 62.12 sub. (1) by 1921 c. 242 s. 41*]
SECTION 925—121. [*Renumbered section 62.12 sub. (6) by 1921 c. 242 s. 46*]
SECTION 925—121*a*. [*Transferred to Session Laws by 1921 c. 242 s. 313*]
SECTION 925—122. [*Renumbered section 62.12 sub. (6) by 1921 c. 242 s. 46*]
SECTION 925—123. [*Renumbered section 62.12 sub. (6) by 1921 c. 242 s. 46; last clause repealed by 1921 c. 576 s. 5*]
SECTION 925—124. [*Renumbered section 62.12 sub. (6) by 1921 c. 242 s. 46*]

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SECTION 925—125. [*Renumbered section 62.09 sub. (9), (10), (11) by 1921 c. 242 s. 31, 32, 33*]
SECTION 925—126. [*Repealed by 1921 c. 576 s. 5*]
SECTION 925—127. [*Renumbered section 62.12 sub. (7) par. (a) by 1921 c. 242 s. 47*]
SECTION 925—127*a*. [*Renumbered section 926—175m by 1913 c. 773 s. 34*]
SECTION 925—128. [*Renumbered section 62.12 sub. (7) par. (b) by 1921 c. 242 s. 48*]
SECTION 925—129. [*Partly renumbered section 62.12 sub. (7) par. (d) by 1921 c. 242 s. 50; remainder repealed by 1921 c. 242 s. 311*]
SECTION 925—130. [*Repealed by 1921 c. 576 s. 5*]
SECTION 925—130*a*. [*Transferred to Session Laws by 1921 c. 242 s. 313*]
SECTION 925—131. [*Repealed by 1921 c. 576 s. 5*]
SECTION 925—132. [*Partly renumbered section 62.12 sub. (5) by 1921 c. 242 s. 45; remainder repealed by 1921 c. 576 s. 5*]
SECTION 925—132*a*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 925—132*b*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 925—132*c*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 925—133. [*Repealed by 1921 c. 576 s. 5*]
SECTION 925—134. [*Renumbered section 62.12 sub. (8) par. (a) by 1921 c. 242 s. 51*]
SECTION 925—135. [*Renumbered section 62.12 sub. (8) par. (b) by 1921 c. 242 s. 52*]
SECTION 925—135*d*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 925—136. [*Repealed by 1921 c. 69 s. 10*]
SECTION 925—137. [*Repealed by 1921 c. 69 s. 10*]
SECTION 925—138. [*Renumbered section 70.45 by 1921 c. 69 s. 72*]
SECTION 925—139. [*Repealed by 1921 c. 69 s. 74*]
SECTION 925—140. [*Repealed by 1921 c. 69 s. 76*]
SECTION 925—141. [*Repealed by 1921 c. 69 s. 82*]
SECTION 925—142. [*Renumbered section 62.12 sub. (2) by 1921 c. 242 s. 42*]
SECTION 925—142*a*. [*Renumbered section 62.12 sub. (4) by 1921 c. 242 s. 44*]
SECTION 925—142*b*. [*1921 c. 177; transferred to Session Laws by 1921 c. 590 s. 77*]
SECTION 925—143. [*Repealed by 1921 c. 69 s. 115a*]
SECTION 925—144. [*Repealed by 1921 c. 17 s. 24b*]
SECTION 925—145. [*Renumbered section 74.135 by 1921 c. 17 s. 24a*]
SECTION 925—146. [*Renumbered section 70.66 sub. (4) by 1921 c. 69 s. 116*]
SECTION 925—147. [*Renumbered section 70.68 sub. (4) by 1921 c. 69 s. 119*]
SECTION 925—148. [*Renumbered section 70.68 sub. (5) par. (a) by 1921 c. 69 s. 120*]
SECTION 925—149. [*Renumbered section 70.68 sub. (5) par. (b) by 1921 c. 69 s. 120*]
SECTION 925—150. [*Renumbered section 70.68 sub. (5) par. (c) by 1921 c. 69 s. 120*]
SECTION 925—151. [*Renumbered section 74.15 sub. (2) by 1921 c. 17 s. 26a*]
SECTION 925—152. [*Renumbered section 62.09 sub. (9) by 1921 c. 242 s. 31*]
SECTION 925—152*a*. [*Repealed by 1921 c. 17 s. 4a*]
SECTION 925—153. [*Renumbered section 70.555 by 1921 c. 69 s. 87a*]
SECTION 925—153*m*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 925—154. [*Renumbered section 62.22 sub. (1) par. (a) by 1921 c. 242 s. 206*]
SECTION 925—155. [*Renumbered section 62.22 sub. (4) par. (a) by 1921 c. 242 s. 210*]
SECTION 925—156. [*Renumbered section 62.22 sub. (4) par. (c) by 1921 c. 242 s. 212*]
SECTION 925—157. [*Renumbered section 62.22 sub. (4) par. (b), (c) by 1921 c. 242 s. 211, 212*]
SECTION 925—158. [*Renumbered section 62.22 sub. (4) par. (d) by 1921 c. 242 s. 213*]
SECTIONS 925—159 to 925—164, inclusive. [*Repealed by 1919 c. 571 s. 3*]
SECTION 925—165. [*Renumbered section 62.22 sub. (4) par. (e) by 1921 c. 242 s. 214*]
SECTION 925—166. [*Repealed by 1919 c. 571 s. 3*]
SECTION 925—167. [*Repealed by 1919 c. 571 s. 3*]
SECTION 925—168. [*Renumbered section 62.22 sub. (5) par. (a) by 1921 c. 242 s. 215*]
SECTION 925—169. [*Renumbered section 62.22 sub. (5) par. (c) by 1921 c. 242 s. 217*]
SECTION 925—170. [*Renumbered section 62.22 sub. (1) par. (a) by 1921 c. 242 s. 206*]

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SECTION 925—170a. [*Renumbered section 62.22 sub. (2) par. (a) by 1921 c. 242 s. 208*]
SECTION 925—170m. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—171. [*Repealed by 1919 c. 571 s. 3*]
SECTION 925—171a. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—172. [*Renumbered section 62.16 sub. (2) par. (a) by 1921 c. 242 s. 107*]
SECTION 925—173. [*Renumbered section 62.16 sub. (2) par. (b) by 1921 c. 242 s. 108*]
SECTION 925—174. [*Renumbered section 62.17 sub. (1) by 1921 c. 242 s. 143*]
SECTION 925—175. [*Subsection (1) renumbered section 62.16 sub. (4) par. (a) by 1921 c. 242 s. 110; remainder repealed by 1921 c. 242 s. 111*]
SECTION 925—175a. [*Renumbered section 27.12 by 1917 c. 557 s. 1*]
SECTION 925—176. [*Renumbered section 62.16 sub. (4) par. (a) by 1921 c. 242 s. 110*]
SECTION 925—176a. [*Repealed by 1921 c. 242 s. 155*]
SECTION 925—176b. [*Renumbered section 62.16 sub. (4) par. (a), (b) by 1921 c. 242 s. 110, 112*]
SECTION 925—177. [*Renumbered section 62.16 sub. (3) by 1921 c. 242 s. 109*]
SECTION 925—178. [*Renumbered section 62.16 sub. (6) par. (a) by 1921 c. 242 s. 118*]
SECTION 925—179. [*Renumbered section 62.16 sub. (6) par. (b) by 1921 c. 242 s. 119*]
SECTION 925—180. [*Renumbered section 62.16 sub. (6) par. (c), (d), (e), (f), (g) by 1921 c. 242 s. 120*]
SECTION 925—181. [*Renumbered section 62.16 sub. (6) par. (h) by 1921 c. 242 s. 121*]
SECTION 925—182. [*Renumbered section 62.16 sub. (6) par. (i) by 1921 c. 242 s. 122*]
SECTION 925—183. [*Renumbered section 62.16 sub. (6) par. (j) by 1921 c. 242 s. 123*]
SECTION 925—184. [*Renumbered section 62.16 sub. (6) par. (k) by 1921 c. 242 s. 124*]
SECTION 925—185. [*Renumbered section 62.16 sub. (6) par. (l) by 1921 c. 242 s. 125*]
SECTION 925—186. [*Renumbered section 62.15 sub. (1) to (4) by 1921 c. 242 s. 96*]
SECTION 925—186a. [*Renumbered section 62.16 sub. (4) par. (e) by 1921 c. 242 s. 115*]
SECTION 925—187. [*Renumbered section 62.15 sub. (5) by 1921 c. 242 s. 97*]
SECTION 925—188. [*Renumbered section 62.20 sub. (2) by 1921 c. 242 s. 199*]
SECTION 925—189. [*Renumbered section 62.20 sub. (3) by 1921 c. 242 s. 200*]
SECTION 925—190. [*Renumbered section 62.20 sub. (1) by 1921 c. 242 s. 198*]
SECTION 925—191. [*Renumbered section 62.21 sub. (1) by 1921 c. 242 s. 202*]
SECTION 925—192. [*Renumbered section 62.21 sub. (2) by 1921 c. 242 s. 203*]
SECTION 925—193. [*Renumbered section 62.21 sub. (3) by 1921 c. 242 s. 203*]
SECTION 925—194. [*Renumbered section 62.21 sub. (4) by 1921 c. 242 s. 203*]
SECTION 925—195. [*Renumbered section 62.21 sub. (5) by 1921 c. 242 s. 203*]
SECTION 925—196. [*Renumbered section 62.21 sub. (6) by 1921 c. 242 s. 203*]
SECTION 925—197. [*Renumbered section 4225b by 1921 c. 242 s. 133a*]
SECTION 925—197a. [*Renumbered section 62.21 sub. (7) by 1921 c. 242 s. 204*]
SECTION 925—199. [*Renumbered section 27.08 sub. (8) by 1919 c. 558 s. 16*]
SECTION 925—200. [*Repealed by 1919 c. 558 s. 30*]
SECTION 925—201. [*Renumbered section 62.17 sub. (2) by 1921 c. 242 s. 143*]
SECTION 925—202. [*Renumbered section 62.17 sub. (3) par. (a) by 1921 c. 242 s. 144*]
SECTION 925—203. [*Renumbered section 62.16 sub. (4) par. (c) by 1921 c. 242 s. 113*]
SECTION 925—204. [*Repealed by 1921 c. 242 s. 146*]
SECTION 925—205. [*Subsections (6), (8) repealed by 1921 c. 242 s. 148, 205; remainder renumbered section 62.17 sub. (3) par. (b) to (f), 62.20 sub. (1) by 1921 c. 242 s. 145, 147, 198*]
SECTION 925—205a. [*Renumbered section 62.17 sub. (6) by 1921 c. 242 s. 153*]
SECTION 925—206. [*Renumbered section 62.17 sub. (5) by 1921 c. 242 s. 151*]
SECTION 925—207. [*Renumbered section 62.17 sub. (7) by 1921 c. 242 s. 154*]

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SECTION 925—207*a*. [*Renumbered section 62.17 sub. (4) par. (a) by 1921 c. 242 s. 149*]
SECTION 925—208. [*Renumbered section 62.18 sub. (1) by 1921 c. 242 s. 156*]
SECTION 925—209. [*Renumbered section 62.18 sub. (2) by 1921 c. 242 s. 157*]
SECTION 925—210. [*Renumbered section 62.18 sub. (3) by 1921 c. 242 s. 158*]
SECTION 925—211. [*Renumbered section 62.18 sub. (4) by 1921 c. 242 s. 159*]
SECTION 925—212. [*Renumbered section 62.18 sub. (5) by 1921 c. 242 s. 160*]
SECTION 925—213. [*Repealed by 1921 c. 242 s. 170*]
SECTION 925—214. [*Repealed by 1921 c. 242 s. 168*]
SECTION 925—215. [*Renumbered section 62.20 sub. (1) by 1921 c. 242 s. 198*]
SECTION 925—216. [*Renumbered section 62.18 sub. (9) by 1921 c. 242 s. 164*]
SECTION 925—217. [*Renumbered section 62.18 sub. (10) by 1921 c. 242 s. 166*]
SECTION 925—218. [*Repealed by 1921 c. 242 s. 165*]
SECTION 925—219. [*Repealed by 1921 c. 242 s. 180*]
SECTION 925—220. [*Renumbered section 62.20 sub. (2) by 1921 c. 242 s. 199*]
SECTION 925—221. [*Renumbered section 62.15 sub. (12) by 1921 c. 242 s. 105*]
SECTION 925—222. [*Repealed by 1921 c. 242 s. 103*]
SECTION 925—223. [*Renumbered section 62.16 sub. (8) by 1921 c. 242 s. 129*]
SECTION 925—224. [*Renumbered section 62.18 sub. (14) par. (a) by 1921 c. 242 s. 173*]
SECTION 925—225. [*Renumbered section 62.18 sub. (14) par. (b) by 1921 c. 242 s. 174*]
SECTION 925—226. [*Renumbered section 62.18 sub. (14) par. (c) by 1921 c. 242 s. 175*]
SECTION 925—227. [*Renumbered section 62.18 sub. (15) par. (b) by 1921 c. 242 s. 177*]
SECTION 925—228. [*Renumbered section 62.18 sub. (15) par. (c) by 1921 c. 242 s. 178*]
SECTION 925—229. [*Renumbered section 4442—1 by 1921 c. 242 s. 179*]
SECTION 925—230. [*Renumbered section 62.18 sub. (13) by 1921 c. 242 s. 172*]
SECTION 925—231. [*Renumbered section 62.18 sub. (6) by 1921 c. 242 s. 161*]
SECTION 925—232. [*Renumbered section 62.18 sub. (7) by 1921 c. 242 s. 162*]
SECTION 925—233. [*Renumbered section 62.18 sub. (8) by 1921 c. 242 s. 163*]
SECTION 925—234. [*Renumbered section 62.20 sub. (2) by 1921 c. 242 s. 199*]
SECTIONS 925—235 to 925—238, inclusive. [*Repealed by 1913 c. 535*]
SECTION 925—239. [*Repealed by 1921 c. 242 s. 171*]
SECTION 925—239*a*. [*Renumbered section 62.18 sub. (17) by 1921 c. 242 s. 183*]
SECTION 925—239*b*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—239*c*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 925—239*d*. [*Repealed by 1921 c. 242 s. 183*]
SECTION 925—240. [*Repealed by 1921 c. 242 s. 138*]
SECTION 925—241. [*Repealed by 1921 c. 242 s. 138*]
SECTION 925—242. [*Repealed by 1921 c. 242 s. 138*]
SECTION 925—243. [*Renumbered section 62.12 sub. (3) by 1921 c. 242 s. 43*]
SECTION 925—244. [*Repealed by 1921 c. 242 s. 138*]
SECTION 925—245. [*Repealed by 1921 c. 242 s. 138*]
SECTION 925—246. [*Repealed by 1921 c. 242 s. 138*]
SECTION 925—247. [*Renumbered section 30.03 sub. (2) by 1919 c. 247 s. 9*]
SECTION 925—248. [*Repealed by 1919 c. 247 s. 10*]
SECTION 925—248*a*. [*Repealed by 1919 c. 247 s. 10*]
SECTION 925—248*b*. [*Repealed by 1919 c. 247 s. 10*]
SECTION 925—249. [*Renumbered section 62.09 sub. (2) by 1921 c. 242 s. 20*]
SECTION 925—250. [*Repealed by 1921 c. 242 s. 310a*]
SECTION 925—251. [*Repealed by 1921 c. 242 s. 2a*]
SECTION 925—252. [*Renumbered section 62.25 sub. (2) par. (d) by 1921 c. 242 s. 258*]
SECTION 925—253. [*Renumbered section 62.26 sub. (1) by 1921 c. 242 s. 260*]
SECTION 925—254. [*Renumbered section 62.09 sub. (7) par. (e) by 1921 c. 242 s. 29*]
SECTION 925—255. [*Renumbered section 976t by 1913 c. 773 s. 48*]
SECTION 925—256. [*Renumbered section 66.11 sub. (3) by 1921 c. 396 s. 86*]
SECTION 925—257. [*Renumbered section 62.26 sub. (3) by 1921 c. 242 s. 262*]
SECTION 925—258. [*Renumbered section 62.25 sub. (1) par. (b) by 1921 c. 242 s. 251*]
SECTION 925—259. [*Renumbered section 62.09 sub. (13) by 1921 c. 242 s. 34a*]

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SECTION 925—260. [*Renumbered section 62.09 sub. (12) by 1921 c. 242 s. 34*]
SECTION 925—260*m*. [*Renumbered section 62.25 sub. (2) par. (a) by 1921 c. 242 s. 255, 314*]
SECTION 925—261. [*Renumbered section 62.09 sub. (11) by 1921 c. 242 s. 33*]
SECTION 925—263. [*Renumbered section 62.06 sub. (8) by 1921 c. 242 s. 10a*]
SECTION 925—264. [*Renumbered section 62.09 sub. (7) par. (b) by 1921 c. 242 s. 26*]
SECTION 925—265. [*Renumbered section 62.26 sub. (4) by 1921 c. 242 s. 263*]
SECTION 925—266. [*Renumbered section 62.16 sub. (7) par. (a) by 1921 c. 242 s. 126*]
SECTION 925—268. [*Renumbered section 10.42 by 1915 c. 385 s. 13*]
SECTION 925—269. [*Renumbered section 62.26 sub. (6) by 1921 c. 242 s. 265*]
SECTION 925—269*m*. [*Renumbered section 62.25 sub. (2) par. (a) by 1921 c. 242 s. 255, 314*]
SECTION 925—270. [*Renumbered section 62.18 sub. (18) par. (a) by 1921 c. 242 s. 184*]
SECTION 925—271. [*Renumbered section 62.18 sub. (18) par. (b) by 1921 c. 242 s. 185*]
SECTION 925—272. [*Repealed by 1921 c. 242 s. 142*]
SECTION 925—273. [*Repealed by 1921 c. 242 s. 142*]
SECTION 925—274. [*Repealed by 1921 c. 242 s. 142*]
SECTION 925—275. [*Repealed by 1921 c. 242 s. 142*]
SECTION 925—276. [*Repealed by 1921 c. 242 s. 142*]
SECTION 925—277. [*Repealed by 1921 c. 242 s. 142*]
SECTION 925—278. [*Repealed by 1921 c. 242 s. 142*]
SECTION 925—279. [*Renumbered section 62.15 sub. (1) to (4) by 1921 c. 242 s. 96*]
SECTION 925—280. [*Renumbered section 62.15 sub. (1) to (4) by 1921 c. 242 s. 96*]
SECTION 925—281. [*Renumbered section 62.15 sub. (9) by 1921 c. 242 s. 101*]
SECTION 925—282. [*Renumbered section 62.15 sub. (5) by 1921 c. 242 s. 97*]
SECTION 925—283. [*Renumbered section 62.20 sub. (2) by 1921 c. 242 s. 199*]
SECTION 925—284. [*Repealed by 1921 c. 242 s. 201*]
SECTION 925—285. [*Renumbered section 62.20 sub. (1) by 1921 c. 242 s. 198*]
SECTION 925—286. [*Repealed by 1921 c. 242 s. 205*]
SECTION 925—287. [*Repealed by 1921 c. 242 s. 205*]
SECTION 925—288. [*Repealed by 1921 c. 242 s. 205*]
SECTION 925—289. [*Renumbered section 62.18 sub. (18) par. (d) by 1921 c. 242 s. 187*]
SECTION 925—290. [*Repealed by 1921 c. 242 s. 205*]
SECTION 925—291. [*Repealed by 1921 c. 242 s. 205*]
SECTION 925—292. [*Repealed by 1921 c. 242 s. 205*]
SECTION 925—293. [*Repealed by 1921 c. 242 s. 205*]
SECTION 925—294. [*Repealed by 1921 c. 242 s. 205*]
SECTION 925—*xx*. [*Renumbered section 42.18 sub. (2) to (19) by 1921 c. 242 s. 310*]
SECTION 926. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926*a*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTIONS 926*l* to 926*s*, inclusive. [*Repealed by 1919 c. 571 s. 3*]
SECTION 926—1. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—2. [*Partly repealed by 1921 c. 242 s. 311; balance transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—3. [*Renumbered section 62.18 sub. (16) by 1921 c. 242 s. 181, 314*]
SECTION 926—3*m*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—4. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—5. [*Repealed by 1915 c. 11*]
SECTION 926—6. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—7. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—8. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—9. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—10. [*Renumbered section 62.16 sub. (9) par. (c) by 1921 c. 242 s. 132*]
SECTION 926—11. [*Repealed by 1921 c. 576 s. 5*]
SECTION 926—11*a*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 926—11*f*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 926—11*g*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 926—11*h*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 926—11*l*. [*Transferred to Session Laws by 1921 c. 396 s. 69*]
SECTION 926—11*m*. [*Repealed by 1921 c. 576 s. 4*]

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SECTION 926—12. [*Repealed by 1921 c. 576 s. 5*]
SECTION 926—12*a*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 926—13. [*Repealed by 1921 c. 576 s. 5*]
SECTION 926—14. [*Transferred to Session Laws by 1921 c. 242 s. 152*]
SECTION 926—15. [*Renumbered section 61.41 sub. (6) by 1921 c. 242 s. 139*]
SECTION 926—16. [*1921 c. 387; transferred to Session Laws by 1921 c. 590 s. 67*]
SECTION 926—17. [*Renumbered section 27.08 sub. (1) by 1917 c. 557 s. 1*]
SECTION 926—18. [*Renumbered section 27.08 sub. (2) by 1917 c. 557 s. 1*]
SECTION 926—19. [*Renumbered section 27.08 sub. (3) by 1917 c. 557 s. 1*]
SECTION 926—20. [*Renumbered section 27.08 sub. (4) by 1917 c. 557 s. 1*]
SECTION 926—21. [*Renumbered section 62.09 sub. (6) and 62.26 sub. (5) by 1921 c. 242 s. 24, 264, 314*]
SECTION 926—22. [*Renumbered section 41.04 by 1917 c. 578 s. 3*]
SECTION 926—23. [*Renumbered section 41.05 by 1917 c. 578 s. 3*]
SECTION 926—24. [*Renumbered section 41.06 by 1917 c. 578 s. 3*]
SECTION 926—25. [*Renumbered section 41.07 by 1917 c. 578 s. 3*]
SECTION 926—26. [*Renumbered section 41.08 by 1917 c. 578 s. 3*]
SECTION 926—27. [*Renumbered section 41.09 by 1917 c. 578 s. 3*]
SECTION 926—28. [*Renumbered section 41.10 by 1917 c. 578 s. 3*]
SECTION 926—29. [*Renumbered section 41.11 by 1917 c. 578 s. 3*]
SECTION 926—30. [*Renumbered section 41.12 by 1917 c. 578 s. 3*]
SECTION 926—31. [*Renumbered section 10.40 by 1915 c. 385 s. 11*]
SECTION 926—32. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—41. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—42. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—100. [*Partly renumbered section 62.25 sub. (1) par. (c), (e) by 1921 c. 242 s. 252, 254, 314; remainder repealed by 1921 c. 242 s. 311*]
SECTION 926—101. [*Renumbered section 66.06 sub. (12) by 1921 c. 396 s. 64*]
SECTION 926—101*j* [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 926—101*k*. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 926—101*l*. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 926—101*m*. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 926—101*n*. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 926—102. [*Renumbered section 66.05 sub. (2) by 1921 c. 396 s. 14*]
SECTION 926—103. [*Repealed by 1913 c. 773 s. 37*]
SECTION 926—104. [*Repealed by 1913 c. 773 s. 38*]
SECTION 926—104*m*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—105. [*Renumbered section 62.15 sub. (9) and 62.16 sub. (4) par. (d) by 1921 c. 242 s. 101, 114, 314*]
SECTION 926—106. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—107. [*Renumbered section 62.09 sub. (1) by 1921 c. 242 s. 19*]
SECTIONS 926—108 to 926—113, inclusive. [*Renumbered section 30.04 by 1917 c. 335 s. 11*]
SECTION 926—114. [*Renumbered section 62.17 sub. (4) par. (b) by 1921 c. 242 s. 150*]
SECTION 926—115. [*Renumbered section 40.695 sub. (2) by 1921 c. 242 s. 303*]
SECTION 926—116. [*Renumbered section 40.695 sub. (3) by 1921 c. 242 s. 304*]
SECTION 926—117. [*Renumbered section 40.695 sub. (4) by 1921 c. 242 s. 305*]
SECTION 926—117*m*. [*Renumbered section 40.695 sub. (5) by 1921 c. 242 s. 306*]
SECTION 926—117*o*. [*Renumbered section 40.695 sub. (6) by 1921 c. 242 s. 307*]
SECTION 926—117*p*. [*Renumbered section 40.695 sub. (7) by 1921 c. 242 s. 308*]
SECTION 926—118. [*Renumbered section 62.20 sub. (1) by 1921 c. 242 s. 198, 314*]
SECTION 926—119. [*Repealed by 1921 c. 242 s. 205, 314*]
SECTION 926—120. [*Repealed by 1921 c. 242 s. 205, 314*]
SECTION 926—121. [*Repealed by 1921 c. 242 s. 205, 314*]
SECTION 926—122. [*Repealed by 1921 c. 242 s. 205, 314*]
SECTION 926—123. [*Repealed by 1921 c. 242 s. 205, 314*]
SECTION 926—124. [*Repealed by 1921 c. 242 s. 205, 314*]
SECTION 926—125. [*Repealed by 1919 c. 489*]
SECTION 926—125*k*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—125*l*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—125*m*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—125*n*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—125*o*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—125*p*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

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SECTION 926—125q. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—125r. [*1915 c. 372; repealed by 1915 c. 543*]
SECTION 926—126. [*Renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38*]
SECTION 926—127. [*Renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38*]
SECTION 926—128. [*Renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38*]
SECTION 926—129. [*Renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38*]
SECTION 926—130. [*Repealed by 1921 c. 396 s. 93*]
SECTION 926—131. [*Repealed by 1921 c. 396 s. 93*]
SECTION 926—132. [*Renumbered section 10.39 by 1915 c. 385 s. 10*]
SECTION 926—133. [*Renumbered section 10.39 by 1915 c. 385 s. 10*]
SECTION 926—134. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—135. [*Repealed by 1921 c. 242 s. 200a*]
SECTION 926—136. [*Repealed by 1921 c. 242 s. 200a*]
SECTION 926—137. [*Repealed by 1921 c. 242 s. 200a*]
SECTION 926—138. [*Repealed by 1921 c. 242 s. 200a*]
SECTION 926—139. [*Renumbered section 66.06 sub. (3) par. (c) by 1921 c. 396 s. 30*]
SECTIONS 926—140 to 926—143, inclusive. [*Renumbered section 926—139 by 1915 c. 385 s. 17*]
SECTION 926—145. [*Renumbered section 40.64 sub. (8) par. (c) by 1921 c. 242 s. 295*]
SECTION 926—146. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—146m. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—146n. [*Renumbered section 62.09 sub. (7) par. (b) by 1921 c. 242 s. 26*]
SECTION 926—147. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—148. [*Repealed by 1921 c. 242 s. 311*]
SECTIONS 926—149 to 926—156, inclusive. [*Repealed by 1913 c. 773 s. 39*]
SECTION 926—157. [*Renumbered section 62.15 sub. (5) by 1921 c. 242 s. 97, 314*]
SECTION 926—158. [*1921 c. 276; transferred to Session Laws by 1921 c. 590 s. 68*]
SECTION 926—158. [*Renumbered section 61.54 sub. (2) by 1919 c. 691 s. 63*]
SECTION 926—159. [*Renumbered section 61.54 sub. (3) by 1919 c. 691 s. 63*]
SECTION 926—160. [*Renumbered section 62.09 sub. (12) by 1921 c. 242 s. 34, 314*]
SECTION 926—161. [*Renumbered section 62.09 sub. (2) by 1921 c. 242 s. 20*]
SECTIONS 926—162 to 926—166, inclusive. [*1903 c. 434; repealed by 1911 c. 485 s. 2*]
SECTION 926—167. [*Repealed by 1913 c. 663*]
SECTION 926—168. [*1903 c. 434; repealed by 1911 c. 485 s. 2*]
SECTION 926—169. [*Repealed by 1913 c. 663*]
SECTION 926—170. [*Renumbered section 62.09 sub. (2) by 1921 c. 242 s. 20*]
SECTION 926—171. [*Transferred to Session Laws by 1921 c. 242 s. 94*]
SECTION 926—175. [*Repealed by 1921 c. 242 s. 311*]
SECTION 926—175m. [*Renumbered section 62.12 sub. (7) par. (c) by 1921 c. 242 s. 49, 314*]
SECTION 926—176. [*Repealed by 1921 c. 33 s. 3*]
SECTION 926—177. [*Repealed by 1921 c. 33 s. 3*]
SECTION 926—178. [*Repealed by 1921 c. 33 s. 3*]
SECTION 926—179. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—180. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—181. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 926—190. [*1921 c. 367; transferred to Session Laws by 1921 c. 590 s. 69*]
SECTION 926—195. [*1921 c. 589; transferred to Session Laws by 1921 c. 590 s. 98*]
SECTION 927. [*Repealed by 1921 c. 242 s. 267*]
SECTION 927—1. [*Subsection (2) repealed by 1921 c. 396 s. 93; balance renumbered sections 32.02 sub. (8) by 1921 c. 396 s. 96; 62.12 sub. (3) by 1921 c. 242 s. 43; 66.06 sub. (2), (8) par. (a) to (c), (9) par. (a), (10), (11) par. (c) by 1921 c. 396 s. 27, 38, 40, 59, 62*]
SECTION 927—1a. [*Renumbered section 66.06 sub. (8) par. (d) by 1921 c. 396 s. 39*]
SECTION 927—1m. [*Renumbered section 66.06 sub. (12) by 1921 c. 396 s. 64*]
SECTION 927—2. [*Renumbered section 66.06 sub. (4) par. (b) by 1921 c. 396 s. 33*]
SECTION 927—3. [*Renumbered section 66.06 sub. (3) par. (a) by 1921 c. 396 s. 28*]
SECTION 927—4. [*Repealed by 1921 c. 396 s. 31*]

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SECTION 927—5. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 927—6. [*Renumbered section 66.06 sub. (14) par. (a) by 1921 c. 396 s. 67*]
SECTION 927—9. [*Renumbered section 66.06 sub. (14) par. (a), subd. 1 to 10 by 1921 c. 396 s. 67 to 67f*]
SECTION 927—11. [*Renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38*]
SECTION 927—12. [*Renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38*]
SECTION 927—13. [*Renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38*]
SECTION 927—13*a*. [*1915 c. 390, 591; renumbered section 927—1a by 1915 c. 635 s. 5*]
SECTION 927—14. [*Renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38*]
SECTION 927—15. [*Renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38*]
SECTION 927—16. [*Renumbered section 66.06 sub. (9) introductory par. of par. (b), par. (b) subd. 1 to 12 by 1921 c. 396 s. 41 to 53*]
SECTION 927—16*a*. [*Renumbered section 66.06 sub. (9) par. (b) subd. 13 by 1921 c. 396 s. 54*]
SECTION 927—16*b*. [*Renumbered section 66.06 sub. (9) introductory par. of par. (b) by 1921 c. 396 s. 41*]
SECTION 927—16*c*. [*Renumbered section 66.06 sub. (2) by 1921 c. 396 s. 27*]
SECTION 927—16*d*. [*Renumbered section 66.06 sub. (14) par. (b) by 1921 c. 396 s. 68*]
SECTION 927—17. [*Renumbered section 66.06 sub. (9) introductory par. of par. (c) subd. 1 by 1921 c. 396 s. 55*]
SECTION 927—18. [*Renumbered section 66.06 sub. (9) par. (c) subd. 2 by 1921 c. 396 s. 56*]
SECTION 927—19. [*Renumbered section 66.06 sub. (9) par. (c) subd. 3 to 5 by 1921 c. 396 s. 57*]
SECTION 927—19*a*. [*Repealed by 1921 c. 576 s. 4*]
SECTION 927—19*b*. [*Repealed by 1921 c. 396 s. 58*]
SECTION 927—19*m*. [*Repealed by 1921 c. 396 s. 94*]
SECTION 927—20. [*Renumbered section 66.06 sub. (10) by 1921 c. 396 s. 59*]
SECTION 927—21. [*Renumbered section 66.06 sub. (13) by 1921 c. 396 s. 65*]
SECTION 927—22. [*Renumbered section 66.06 sub. (13) by 1921 c. 396 s. 65*]
SECTION 927—23. [*Renumbered section 66.06 sub. (13) by 1921 c. 396 s. 65*]
SECTION 927—24. [*Renumbered section 66.06 sub. (13) by 1921 c. 396 s. 65*]
SECTION 927—25. [*Renumbered section 66.06 sub. (13) by 1921 c. 396 s. 65*]
SECTION 927—26. [*Renumbered section 66.06 sub. (7) by 1921 c. 396 s. 37*]
SECTION 927—*m*. [*Renumbered section 62.06 sub. (11) by 1921 c. 242 s. 13*]
SECTION 927*p*. [*Renumbered section 66.05 sub. (4) by 1921 c. 396 s. 16*]
SECTION 928. [*Renumbered section 66.02 by 1921 c. 396 s. 3*]
SECTION 929. [*Renumbered section 66.09 by 1921 c. 396 s. 82*]
SECTION 929—1. [*Renumbered section 66.11 sub. (4) by 1921 c. 396 s. 87*]
SECTION 929—2. [*Repealed by 1911 c. 329 s. 2*]
SECTION 930. [*Renumbered section 66.05 sub. (8) par. (a) by 1921 c. 396 s. 20*]
SECTION 931. [*Renumbered section 43.24 by 1917 c. 453 s. 5*]
SECTION 931*a*. [*Renumbered section 43.25 by 1917 c. 453 s. 5*]
SECTION 931*b*. [*Renumbered section 43.26 by 1917 c. 453 s. 5*]
SECTION 932. [*Renumbered section 43.27 by 1917 c. 453 s. 5*]
SECTION 932*a*. [*Renumbered section 43.28 by 1917 c. 453 s. 5*]
SECTION 933. [*Renumbered section 43.29 by 1917 c. 453 s. 5*]
SECTION 933*a*. [*Renumbered section 43.30 by 1917 c. 453 s. 5*]
SECTION 934. [*Renumbered section 43.31 by 1917 c. 453 s. 5*]
SECTION 935. [*Renumbered section 43.32 by 1917 c. 453 s. 5*]
SECTION 936. [*Renumbered section 43.33 by 1917 c. 453 s. 5*]
SECTION 936*a*. [*Renumbered section 43.34 by 1917 c. 453 s. 5*]
SECTION 936*m*. [*1917 c. 104; renumbered section 43.35 by 1917 c. 453 s. 5*]
SECTION 937. [*Renumbered section 45.05 by 1917 c. 453 s. 7*]
SECTION 937*a*. [*Repealed by 1921 c. 396 s. 25*]
SECTION 937*b*. [*Renumbered section 1551m by 1921 c. 242 s. 270*]
SECTION 937*c*. [*Renumbered section 49.015 by 1921 c. 396 s. 90*]
SECTION 937*d*. [*Renumbered section 43.49 sub. (1) by 1921 c. 452 s. 39*]

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SECTION 937*e*. [*Renumbered section 43.49 sub. (2) by 1921 c. 452 s. 39a*]
SECTION 937*f*. [*Renumbered section 43.49 sub. (3) by 1921 c. 452 s. 39b; section 43.49 sub. (4) by 1921 c. 590 s. 70*]
SECTION 937*g*. [*Renumbered section 27.115 by 1921 c. 396 s. 89*]
SECTION 937—1. [*Renumbered section 43.51 sub. (1) par. (a) to (d) by 1921 c. 452 s. 41 to 41c*]
SECTION 937—2. [*Renumbered section 43.51 sub. (1) par. (d) to (f) by 1921 c. 452 s. 41c to 41e*]
SECTION 937—3. [*Renumbered section 43.51 sub. (2) par. (a), (b) by 1921 c. 452 s. 41f, 41g*]
SECTION 937—4. [*Renumbered section 43.51 sub. (3) par. (a), (b) by 1921 c. 452 s. 41i, 41j*]
SECTION 937—5. [*Renumbered section 43.51 sub. (6) by 1921 c. 452 s. 41m*]
SECTION 937—6. [*Renumbered section 43.51 sub. (3) par. (a) by 1921 c. 452 s. 41i*]
SECTION 937—7. [*Renumbered section 43.51 sub. (4) by 1921 c. 452 s. 41k*]
SECTION 937—8. [*Renumbered section 43.51 sub. (3) par. (a) by 1921 c. 452 s. 41i*]
SECTION 937—9. [*Renumbered section 43.51 sub. (5) by 1921 c. 452 s. 41l*]
SECTION 937—10. [*Renumbered section 43.51 sub. (2) par. (c) by 1921 c. 452 s. 41h*]
SECTION 937—11. [*Renumbered section 43.51 sub. (7) by 1921 c. 452 s. 41n*]
SECTION 937—12. [*Renumbered section 43.51 sub. (1) par. (e) by 1921 c. 452 s. 41d*]
SECTION 937—13. [*Renumbered section 43.51 sub. (8) by 1921 c. 452 s. 41o*]
SECTION 937—14. [*Renumbered section 43.51 sub. (9) by 1921 c. 452 s. 41p*]
SECTION 937—15. [*Renumbered section 43.51 sub. (10) par. (a) to (c) by 1921 c. 452 s. 41q, 41r*]
SECTION 938. [*Renumbered section 66.07 by 1921 c. 396 s. 80*]
SECTION 939. [*Renumbered section 66.07 by 1921 c. 396 s. 80*]
SECTION 940. [*Renumbered section 66.07 by 1921 c. 396 s. 80*]
SECTION 940*a*. [*Renumbered section 1414m by 1921 c. 396 s. 88*]
SECTION 940*b*. [*Renumbered section 66.06 sub. (3) par. (a) by 1921 c. 396 s. 28*]
SECTIONS 940*c* to 940*j*, inclusive. [*Repealed by 1915 c. 254*]
SECTION 940*j*—41. [*Renumbered section 66.06 sub. (5) by 1921 c. 396 s. 35*]
SECTION 940*j*—42. [*Renumbered section 66.06 sub. (5) by 1921 c. 396 s. 35*]
SECTION 940*j*—43. [*Renumbered section 66.06 sub. (5) by 1921 c. 396 s. 35*]
SECTION 940*j*—44. [*Renumbered section 66.06 sub. (5) by 1921 c. 396 s. 35*]
SECTION 940*k*. [*Renumbered section 66.04 sub. (4) by 1921 c. 396 s. 9*]
SECTION 941. [*Repealed by 1921 c. 576 s. 4, 5*]
SECTION 941*m*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 942. [*Repealed by 1921 c. 576 s. 5*]
SECTION 942*a*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 942*c*. [*Repealed by 1921 c. 576 s. 4*]
SECTION 943. [*Repealed by 1921 c. 576 s. 5*]
SECTION 943*d*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 943*e*. [*Repealed by 1921 c. 576 s. 5*]
SECTION 943*f*. [*Repealed by 1921 c. 576 s. 4*]
SECTION 943*f*—1. [*Renumbered section 66.04 sub. (6) by 1921 c. 396 s. 11*]
SECTION 943*f*—2. [*Repealed by 1921 c. 396 s. 94*]
SECTION 943*g*. [*Repealed by 1921 c. 576 s. 4*]
SECTION 943*i*. [*Repealed by 1921 c. 576 s. 4*]
SECTION 943*k*. [*Repealed by 1921 c. 576 s. 4*]
SECTION 943*m*. [*Repealed by 1921 c. 576 s. 4*]
SECTION 943*t*. [*Repealed by 1921 c. 576 s. 4*]
SECTION 944. [*Renumbered section 66.03 sub. (1) to (8) by 1921 c. 396 s. 4*]
SECTION 945. [*Repealed by 1921 c. 576 s. 5*]
SECTION 946. [*Repealed by 1921 c. 576 s. 5*]
SECTION 946*m*. [*Repealed by 1921 c. 576 s. 4*]
SECTION 947. [*Repealed by 1921 c. 576 s. 5*]
SECTION 948. [*Repealed by 1921 c. 576 s. 4, 5*]
SECTION 949. [*Repealed by 1921 c. 576 s. 5*]
SECTION 949—46*x*. [*1921 c. 236; renumbered section 62.13 sub. (8) by 1921 c. 590 s. 58, 59*]
SECTION 950. [*Repealed by 1921 c. 576 s. 5*]
SECTION 951. [*Repealed by 1921 c. 576 s. 5*]
SECTION 952. [*Repealed by 1921 c. 576 s. 5*]
SECTION 953. [*Repealed by 1921 c. 576 s. 5*]

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SECTION 954. [*Repealed by 1921 c. 576 s. 5*]
SECTION 955. [*Repealed by 1921 c. 576 s. 4*]
SECTION 956. [*Repealed by 1921 c. 576 s. 5*]
SECTION 957. [*Renumbered section 10.40 by 1915 c. 385 s. 11*]
SECTION 958. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—1. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—2. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—3. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—4. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—5. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—6. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—7. [*Renumbered section 66.08 by 1921 c. 396 s. 81*]
SECTION 959—8. [*Renumbered section 66.03 sub. (9) by 1921 c. 396 s. 5*]
SECTION 959—8*m*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 959—8*p*. [*Repealed by 1919 c. 679 s. 45*]
SECTION 959—9. [*Renumbered section 27.09 sub. (1) by 1917 c. 557 s. 1*]
SECTION 959—10. [*Renumbered section 27.09 sub. (2) by 1917 c. 557 s. 1*]
SECTION 959—11. [*Renumbered section 27.09 sub. (3) by 1917 c. 557 s. 1*]
SECTION 959—12. [*Renumbered section 27.09 sub. (4) by 1917 c. 557 s. 1*]
SECTION 959—13. [*Renumbered section 27.09 sub. (5) by 1917 c. 557 s. 1*]
SECTION 959—14. [*Renumbered section 27.09 sub. (6) by 1917 c. 557 s. 1*]
SECTION 959—14*a*. [*1917 c. 392; renumbered section 27.10 sub. (14) by 1917 c. 671 s. 23*]
SECTION 959—15. [*Renumbered section 27.09 sub. (7) by 1917 c. 557 s. 1*]
SECTION 959—16. [*Renumbered section 27.09 sub. (8) by 1917 c. 557 s. 1*]
SECTION 959—17. [*Renumbered section 27.09 sub. (9) by 1917 c. 557 s. 1*]
SECTION 959—17*a*. [*Renumbered section 62.23 sub. (1) by 1921 c. 242 s. 218, 314*]
SECTION 959—17*b*. [*Renumbered section 62.23 sub. (1) by 1921 c. 242 s. 218, 314*]
SECTION 959—17*c*. [*Renumbered section 62.23 sub. (1) by 1921 c. 242 s. 218, 314*]
SECTION 959—17*d*. [*Renumbered section 62.23 sub. (1) by 1921 c. 242 s. 218, 314*]
SECTION 959—17*e*. [*Renumbered section 62.23 sub. (1) by 1921 c. 242 s. 218, 314*]
SECTION 959—17*f*. [*Renumbered section 62.23 sub. (2) par. (a) by 1921 c. 242 s. 219, 314*]
SECTION 959—17*g*. [*Renumbered section 62.23 sub. (2) par. (b) by 1921 c. 242 s. 220, 314*]
SECTION 959—17*h*. [*Renumbered section 62.23 sub. (2) par. (c) by 1921 c. 242 s. 221, 314*]
SECTION 959—17*i*. [*Renumbered section 62.33 sub. (3) par. (a), (b) by 1921 c. 242 s. 222, 223, 314*]
SECTION 959—17*j*. [*Renumbered section 62.23 sub. (3) par. (c), (12) by 1921 c. 242 s. 224, 233, 314*]
SECTION 959—17*m*. [*Renumbered section 62.23 sub. (11) by 1921 c. 242 s. 232, 314*]
SECTION 959—17*n*. [*Renumbered section 62.23 sub. (5) by 1921 c. 242 s. 226, 314*]
SECTION 959—17*p*. [*Renumbered section 62.23 sub. (6) by 1921 c. 242 s. 227, 314*]
SECTION 959—17*q*. [*Renumbered section 62.23 sub. (8) by 1921 c. 590 s. 104, 105, 106*]
SECTION 959—18. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—19. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—20. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—21. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—22. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—23. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—24. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—25. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—26. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—27. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—28. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—29. [*Repealed by 1921 c. 576 s. 5*]
SECTION 959—30. [*Repealed by 1921 c. 242 s. 141, 314*]
SECTION 959—30*a*. [*Repealed by 1921 c. 242 s. 140, 314*]
SECTION 959—30*b*. [*Renumbered section 62.16 sub. (4) par. (a) by 1921 c. 242 s. 110, 314*]

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SECTION 959—30c. [*Renumbered section 62.16 sub. (5) par. (a) by 1921 c. 242 s. 116, 314*]

SECTION 959—30d. [*Partly repealed by 1921 c. 242 s. 311; balance renumbered section 62.15 sub. (1) to (4), (9) by 1921 c. 242 s. 96, 101, 314*]

SECTION 959—30e. [*Renumbered section 62.16 sub. (5) par. (b) by 1921 c. 242 s. 117, 314*]

SECTION 959—30f. [*Repealed by 1921 c. 242 s. 140, 314*]

SECTION 959—30g. [*Repealed by 1921 c. 242 s. 140, 314*]

SECTION 959—30h. [*Renumbered section 62.20 sub. (1), (2) by 1921 c. 242 s. 198, 199, 314*]

SECTION 959—30i. [*Renumbered section 62.20 sub. (2) by 1921 c. 242 s. 199, 314*]

SECTION 959—30j. [*Repealed by 1921 c. 242 s. 140, 314*]

SECTION 959—30k. [*Renumbered section 62.16 sub. (4) par. (e) by 1921 c. 242 s. 115, 314*]

SECTION 959—30l. [*Renumbered section 66.06 sub. (6) by 1921 c. 396 s. 36*]

SECTION 959—30m. [*Renumbered section 66.06 sub. (6) by 1921 c. 396 s. 36*]

SECTION 959—30n. [*Renumbered section 66.06 sub. (6) by 1921 c. 396 s. 36*]

SECTION 959—30o. [*Renumbered section 66.05 sub. (3) by 1921 c. 396 s. 15*]

SECTION 959—31. [*Repealed by 1921 c. 242 s. 141, 314*]

SECTION 959—32. [*Stats. 1917 s. 959—32; repealed by 1919 c. 520 s. 1*]

SECTION 959—32. [*Spl. S. 1920 c. 24; repealed by 1921 c. 242 s. 141*]

SECTION 959—33. [*Repealed by 1921 c. 242 s. 141, 314*]

SECTION 959—34. [*Repealed by 1921 c. 242 s. 311*]

SECTION 959—35. [*Renumbered section 62.16 sub. (7) par. (b) by 1921 c. 242 s. 127, 314*]

SECTION 959—35a. [*Renumbered section 62.16 sub. (7) par. (b) by 1921 c. 242 s. 127*]

SECTION 959—35b. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—35c. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—35d. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—35e. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—35f. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—35g. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—35h. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—35i. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—35j. [*1921 c. 435; transferred to Session Laws by 1921 c. 590 s. 72*]

SECTION 959—35m. [*Renumbered section 62.23 sub. (10) by 1921 c. 242 s. 231, 314*]

SECTION 959—35n. [*Renumbered section 62.23 sub. (9) by 1921 c. 242 s. 230, 314*]

SECTION 959—35r. [*Repealed by 1921 c. 242 s. 311*]

SECTION 959—35t. [*Repealed by 1921 c. 242 s. 311*]

SECTION 959—35w. [*Renumbered section 66.05 sub. (1) par. (a) to (i) by 1921 c. 396 s. 13*]

SECTION 959—35x. [*Repealed by 1921 c. 242 s. 311*]

SECTION 959—35y. [*Renumbered section 62.25 sub. (2) par. (b) by 1921 c. 242 s. 256, 314*]

SECTION 959—36. [*Renumbered section 62.26 sub. (7) by 1921 c. 242 s. 266*]

SECTION 959—37. [*Renumbered section 62.26 sub. (7) by 1921 c. 242 s. 266*]

SECTION 959—38. [*Renumbered section 62.16 sub. (7) par. (c) by 1921 c. 242 s. 128, 314*]

SECTION 959—39. [*Renumbered section 62.22 sub. (3) by 1921 c. 242 s. 209, 314*]

SECTION 959—39m. [*Renumbered section 66.11 sub. (1) by 1921 c. 396 s. 84*]

SECTION 959—39t. [*Renumbered section 62.13 sub. (4) par. (d) by 1921 c. 590 s. 108*]

SECTION 959—40. [*Renumbered section 62.13 sub. (1) by 1921 c. 242 s. 53*]

SECTION 959—40m. [*Renumbered section 62.13 sub. (6) by 1921 c. 242 s. 60*]

SECTION 959—41. [*Renumbered section 62.13 sub. (1), (3), (4) par. (a) by 1921 c. 242 s. 53, 55, 56*]

SECTION 959—41l. [*Renumbered section 62.13 sub. (1) by 1921 c. 242 s. 53*]

SECTION 959—41m. [*Renumbered section 62.13 sub. (1) by 1921 c. 242 s. 53*]

SECTION 959—41n. [*Repealed by 1913 c. 744*]

SECTION 959—41o. [*Renumbered section 62.13 sub. (2) by 1921 c. 242 s. 54*]

SECTION 959—41p. [*Repealed by 1921 c. 242 s. 19a*]

SECTION 959—42. [*Renumbered section 62.13 sub. (4) par. (b) by 1921 c. 242 s. 57*]

SECTION 959—43. [*Renumbered section 62.13 sub. (4) par. (b) by 1921 c. 242 s. 57*]

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SECTION 959—44. [*Renumbered section 62.13 sub. (4) par. (c), (7) by 1921 c. 242 s. 58, 61*]

SECTION 959—45. [*Renumbered section 62.13 sub. (3); (5) by 1921 c. 242 s. 55, 59*]

SECTION 959—46. [*Renumbered section 62.13 sub. (4) par. (a) by 1921 c. 242 s. 56*]

SECTION 959—46*d*. [*Transferred to Session Laws by 1921 c. 242 s. 312 and 1921 c. 590 s. 73*]

SECTION 959—46*e*. [*Renumbered section 62.13 sub. (10) par. (a), (e) by 1921 c. 242 s. 79, 83*]

SECTION 959—46*f*. [*Renumbered section 62.13 sub. (10) par. (a) by 1921 c. 242 s. 79*]

SECTION 959—46*g*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*h*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*i*. [*Renumbered section 62.13 sub. (10) par. (a) to (c) by 1921 c. 242 s. 79 to 81*]

SECTION 959—46*j*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*k*. [*Renumbered section 62.13 sub. (9) par. (a) subd. 3, (10) par. (a), (c), (d) by 1921 c. 242 s. 65, 79, 81, 82*]

SECTION 959—46*l*. [*Renumbered section 62.13 sub. (9) par. (c) subd. 1 by 1921 c. 242 s. 73*]

SECTION 959—46*m*. [*Renumbered section 62.13 sub. (9) par. (c) subd. 2 by 1921 c. 242 s. 74*]

SECTION 959—46*n*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*o*. [*Renumbered section 62.13 sub. (9) par. (c) introductory par. by 1921 c. 242 s. 72*]

SECTION 959—46*p*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*q*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*r*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*s*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*t*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*u*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—46*ua*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*ub*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*uc*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*ud*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*ue*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*uf*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*ug*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*uh*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*ui*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*uj*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*uk*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*ul*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*um*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*un*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*uo*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]

SECTION 959—46*v*. [*Renumbered section 62.13 sub. (10) par. (e) by 1921 c. 242 s. 83*]

SECTION 959—47. [*Renumbered section 66.06 sub. (12) by 1921 c. 396 s. 64*]

SECTION 959—48. [*Renumbered section 66.06 sub. (4) par. (b) by 1921 c. 396 s. 33*]

SECTION 959—49. [*Renumbered section 66.06 sub. (3) par. (a), (4) par. (c) by 1921 c. 396 s. 28, 34*]

SECTION 959—50. [*Renumbered section 66.06 sub. (4) par. (c) by 1921 c. 396 s. 34*]

SECTION 959—51. [*Partly renumbered section 66.06 sub. (8) par. (a) to (c) by 1921 c. 396 s. 38; partly repealed by 1921 c. 576 s. 5*]

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SECTION 959—52. [*Renumbered section 66.06 sub. (3) par. (b) by 1921 c. 396 s. 29*]
SECTION 959—52*m*. [*Renumbered section 66.06 sub. (16) by 1921 c. 396 s. 75*].
SECTION 959—52*n*. [*Renumbered section 66.06 sub. (11) par. (d) by 1921 c. 396 s. 63*]
SECTION 959—52*x*. [*Renumbered section 66.06 sub. (20) by 1921 c. 396 s. 79*]
SECTION 959—53. [*Renumbered section 1409a—5 by 1921 c. 396 s. 91*]
SECTION 959—54. [*Renumbered section 1409a—6 by 1921 c. 396 s. 91*]
SECTION 959—55. [*Renumbered section 1409a—7 by 1921 c. 396 s. 91*]
SECTION 959—55*a*. [*Renumbered section 1409a—8 by 1921 c. 396 s. 91*]
SECTION 959—55*b*. [*Renumbered section 1409a—9 by 1921 c. 396 s. 91*]
SECTION 959—56. [*Renumbered section 1409a—10 by 1921 c. 396 s. 91*]
SECTION 959—57. [*Renumbered section 1409a—11 by 1921 c. 396 s. 91*]
SECTION 959—58. [*Renumbered section 1409a—12 by 1921 c. 396 s. 91*]
SECTION 959—58*a*. [*Renumbered section 66.05 sub. (8) par. (c) by 1921 c. 396 s. 22*]
SECTION 959—59. [*Renumbered section 66.05 sub. (5) by 1921 c. 396 s. 17*]
SECTION 959—59*m*. [*Repealed by 1913 c. 731*]
SECTION 959—60. [*Repealed by 1921 c. 242 s. 311*]
SECTION 959—60*m*. [*Repealed by 1921 c. 396 s. 23*]
SECTION 959—61. [*Renumbered section 62.22 sub. (2) par. (c) subd. 1 by 1921 c. 242 s. 208, 314*]
SECTION 959—62. [*Renumbered section 62.22 sub. (2) par. (c) subd. 2 by 1921 c. 242 s. 208, 314*]
SECTION 959—63. [*Repealed by 1919 c. 571 s. 3*]
SECTION 959—64. [*Renumbered section 62.22 sub. (5) par. (b) by 1921 c. 242 s. 216, 314*]
SECTIONS 959—65 to 959—68, inclusive. [*Repealed by 1919 c. 571 s. 3*]
SECTION 959—69. [*Renumbered section 62.22 sub. (5) par. (c) by 1921 c. 242 s. 217, 314*]
SECTION 959—69*h*. [*Renumbered section 40.685 by 1921 c. 242 s. 301*]
SECTION 959—70. [*Renumbered section 66.05 sub. (6) by 1921 c. 396 s. 18*]
SECTION 959—70*g*. [*Repealed by 1921 c. 242 s. 311, 314*]
SECTION 959—70*m*. [*Renumbered section 66.03 sub. (1) to (8) by 1921 c. 396 s. 4*]
SECTION 959—70*o*. [*Renumbered section 74.03 sub. (2) by 1921 c. 17 s. 5*]
SECTIONS 959—71 to 959—77, inclusive. [*Renumbered section 30.05 by 1917 c. 335 s. 13*]
SECTION 959—78. [*Repealed by 1911 c. 663 s. 119*]
SECTIONS 959—78*k* to 959—78*m*, inclusive. [*Transferred to Session Laws by 1917 c. 335 s. 12*]
SECTION 959—80. [*Renumbered section 66.05 sub. (8) par. (b) by 1921 c. 396 s. 21*]
SECTION 959—81. [*Renumbered section 66.04 sub. (1) by 1921 c. 396 s. 6*]
SECTION 959—81*m*. [*Renumbered section 66.04 sub. (2) by 1921 c. 396 s. 7*]
SECTION 959—81*n*. [*1921 c. 317; renumbered section 66.04 sub. (6) by 1921 c. 590 s. 74*]
SECTION 959—81*o*. [*Renumbered section 66.04 sub. (3) by 1921 c. 396 s. 8*]
SECTION 959—81*p*. [*Renumbered section 66.04 sub. (3) by 1921 c. 396 s. 8*]
SECTION 959—81*r*. [*Renumbered section 43.47 by 1921 c. 452 s. 37*]
SECTION 959—81*s*. [*Renumbered section 43.47 by 1921 c. 452 s. 37*]
SECTION 959—81*t*. [*1921 c. 234; renumbered section 66.06 sub. (21) by 1921 c. 590 s. 76*]
SECTION 959—82. [*Renumbered section 1441a by 1921 c. 396 s. 92*]
SECTION 959—83. [*Renumbered section 1441b by 1921 c. 396 s. 92*]
SECTION 959—84. [*Renumbered section 1441c by 1921 c. 396 s. 92*]
SECTIONS 959—85 to 959—87, inclusive. [*Repealed by 1907 c. 469*]
SECTION 959—87. [*Renumbered section 1441d by 1921 c. 396 s. 92*]
SECTION 959—88. [*Repealed by 1907 c. 469*]
SECTION 959—89. [*Repealed by 1919 c. 571 s. 3*]
SECTION 959—90. [*Renumbered section 30.02 sub. (4) by 1917 c. 335 s. 9*]
SECTION 959—91. [*Renumbered section 30.02 sub. (5) by 1917 c. 335 s. 9*]
SECTIONS 959—92 to 959—94, inclusive. [*Renumbered section 30.03 by 1917 c. 335 s. 10*]
SECTIONS 959—95 to 959—101, inclusive. [*Repealed by 1907 c. 499 s. 2*]
SECTION 959—111. [*Repealed by 1921 c. 242 s. 311, 314*]
SECTION 959—112. [*Repealed by 1921 c. 242 s. 311*]
SECTION 959—113. [*Renumbered section 62.22 sub. (2) par. (b) by 1921 c. 242 s. 208*]

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SECTION 959—114. [*Renumbered section 66.04 sub. (5) by 1921 c. 396 s. 10*]
SECTION 959—115. [*1915 c. 416; renumbered section 56.14 by 1919 c. 350 s. 19*]
SECTION 959—115. [*1915 c. 604 s. 22; renumbered section 959—117 by 1915 c. 636*]
SECTION 959—116. [*Renumbered section 66.06 sub. (18) by 1921 c. 396 s. 77*]
SECTION 959—116*a*. [*Renumbered section 66.06 sub. (19) by 1921 c. 396 s. 78*]
SECTION 959—116*e*. [*Transferred to Session Laws by 1921 c. 396 s. 78a*]
SECTION 959—117. [*Renumbered section 43.49 sub. (4) by 1921 c. 452 s. 39c*]
SECTION 959—118. [*Renumbered section 45.05 by 1919 c. 544 s. 1*]
SECTION 959—130. [*Renumbered section 46.22 by 1919 c. 328 s. 34*]
SECTION 959—131. [*Renumbered section 1347u by 1921 c. 422 s. 33*]
SECTION 959—133. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 959—140. [*Renumbered section 62.09 sub. (7) par. (f) by 1921 c. 242 s. 29a, 314*]
SECTION 959—145. [*Renumbered section 27.11 sub. (1) by 1917 c. 557 s. 1*]
SECTION 959—146. [*Renumbered section 27.11 sub. (2) by 1917 c. 557 s. 1*]
SECTION 959—147. [*Renumbered section 27.11 sub. (3) by 1917 c. 557 s. 1*]
SECTION 959—148. [*Renumbered section 27.11 sub. (4) by 1917 c. 557 s. 1*]
SECTION 959—149. [*Renumbered section 27.11 sub. (5) by 1917 c. 557 s. 1*]
SECTION 959—150. [*Renumbered section 27.11 sub. (6) by 1917 c. 557 s. 1*]
SECTION 959—151. [*Renumbered section 27.11 sub. (7) by 1917 c. 557 s. 1*]
SECTION 959—152. [*Renumbered section 27.11 sub. (8) by 1917 c. 557 s. 1*]
SECTION 959—153. [*Renumbered section 27.11 sub. (9) by 1917 c. 557 s. 1*]
SECTION 959—154. [*Renumbered section 27.11 sub. (10) by 1917 c. 557 s. 1*]
SECTION 959—155. [*Renumbered section 27.11 sub. (11) by 1917 c. 557 s. 1*]
SECTION 959—156. [*Renumbered section 27.11 sub. (12) by 1917 c. 557 s. 1*]
SECTION 959—157. [*Renumbered section 27.11 sub. (13) by 1917 c. 557 s. 1*]
SECTION 959*g*. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 959*m*—1. [*Repealed by 1921 c. 242 s. 134*]
SECTION 959*m*—2. [*Repealed by 1921 c. 242 s. 134*]
SECTION 959*m*—3. [*Repealed by 1921 c. 242 s. 134*]
SECTION 959*p*. [*Renumbered section 62.16 sub. (9) par. (a), (b), (d) by 1921 c. 242 s. 130, 131, 133*]
SECTIONS 959*s*—1 to 959*s*—20, inclusive. [*Repealed by 1913 c. 773 s. 41*]
SECTION 959*w*. [*Repealed by 1921 c. 242 s. 311*]
SECTION 959*x*—1. [*Renumbered section 66.06 sub. (15) par. (a) by 1921 c. 396 s. 70*]
SECTION 959*x*—2. [*Renumbered section 66.06 sub. (15) par. (b) by 1921 c. 396 s. 71*]
SECTION 959*x*—3. [*Renumbered section 66.06 sub. (15) par. (c), (d) by 1921 c. 396 s. 72, 73*]
SECTION 959*x*—4. [*Renumbered section 66.06 sub. (15) par. (a) by 1921 c. 396 s. 70*]
SECTION 959*x*—5. [*Renumbered section 66.06 sub. (15) par. (a) by 1921 c. 396 s. 70*]
SECTION 959*z*. [*Repealed by 1919 c. 679 s. 49*]
SECTION 960. [*Renumbered section 66.11 sub. (2) by 1921 c. 396 s. 85*]
SECTION 961. [*Renumbered section 62.09 sub. (2) by 1921 c. 242 s. 20, 314*]
SECTION 961. [*Stats. 1915 s. 961; renumbered section 17.01 by 1917 c. 408 s. 1*]
SECTION 962. [*Renumbered section 62.09 sub. (7) par. (d) by 1921 c. 242 s. 28, 314*]
SECTION 962. [*Stats. 1915 s. 962; renumbered section 17.02 by 1917 c. 408 s. 1*]
SECTION 963. [*Transferred to Session Laws by 1921 c. 242 s. 312*]
SECTION 963. [*Stats. 1915 s. 963; renumbered section 17.03 by 1917 c. 408 s. 1*]
SECTION 964. [*Renumbered section 17.04 by 1917 c. 408 s. 1*]
SECTION 965. [*Renumbered section 17.05 by 1917 c. 408 s. 1*]
SECTION 966. [*Renumbered section 17.06 by 1917 c. 408 s. 1*]
SECTION 967. [*Renumbered section 17.07 by 1917 c. 408 s. 1*]
SECTION 968. [*Renumbered section 17.08 by 1917 c. 408 s. 1*]
SECTION 968*a*. [*Renumbered section 17.09 by 1917 c. 408 s. 1*]
SECTION 969. [*Renumbered section 17.10 by 1917 c. 408 s. 1*]
SECTION 970. [*Renumbered section 17.11 by 1917 c. 408 s. 1*]
SECTION 971. [*Renumbered section 17.12 by 1917 c. 408 s. 1*]
SECTION 972. [*Renumbered section 17.13 by 1917 c. 408 s. 1*]
SECTION 973. [*Renumbered section 17.14 by 1917 c. 408 s. 1*]
SECTION 974. [*Renumbered section 17.15 by 1917 c. 408 s. 1*]
SECTION 975. [*Renumbered section 17.16 by 1917 c. 408 s. 1*]
SECTION 976. [*Renumbered section 17.17 by 1917 c. 408 s. 1*]
SECTION 976*a*. [*Renumbered section 17.18 by 1917 c. 408 s. 1*]
SECTION 976*m*. [*Renumbered section 17.19 by 1917 c. 408 s. 1*]

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RENUMBERED AND SUPERSEDED SECTIONS.

SECTION 976*s*. [*Renumbered section 17.20 by 1917 c. 408 s. 1*]
SECTION 976*t*. [*Renumbered section 17.21 by 1917 c. 408 s. 1*]
SECTION 977. [*Renumbered section 18.01 by 1917 c. 178 s. 2*]
SECTIONS 978 to 983, inclusive. [*Renumbered section 18.02 by 1917 c. 178 s. 3*]
SECTION 984. [*Renumbered sections 19.01 and 4223 by 1917 c. 152 s. 2, 3*]
SECTION 985. [*Renumbered section 19.02 by 1917 c. 152 s. 4*]
SECTION 986. [*Renumbered section 19.03 by 1917 c. 152 s. 6*]
SECTION 987. [*Renumbered section 19.03 by 1917 c. 152 s. 6*]
SECTION 988. [*Renumbered section 19.04 by 1917 c. 152 s. 7*]
SECTION 989. [*Renumbered section 19.05 by 1917 c. 152 s. 8*]
SECTION 990. [*Renumbered section 19.06 by 1917 c. 152 s. 9*]
SECTION 990*a*. [*Repealed by 1917 c. 152 s. 10*]
SECTION 990—1. [*Renumbered section 16.01 by 1917 c. 306 s. 2*]
SECTION 990—2. [*Renumbered section 16.10 by 1917 c. 306 s. 10*]
SECTION 990—3. [*Renumbered section 16.02 by 1917 c. 306 s. 3*]
SECTION 990—4. [*Renumbered section 16.02 by 1917 c. 306 s. 3*]
SECTION 990—5. [*Renumbered sections 16.02 and 16.03 by 1917 c. 306 s. 3, 4*]
SECTION 990—6. [*Renumbered section 16.30 by 1917 c. 306 s. 28*]
SECTION 990—7. [*Renumbered sections 16.04, 16.05 and 16.06 by 1917 c. 306 s. 5, 6*]
SECTION 990—8. [*Renumbered section 16.07 by 1917 c. 306 s. 7*]
SECTION 990—9. [*Renumbered section 16.23 by 1917 c. 306 s. 22*]
SECTION 990—10. [*Renumbered section 16.11 by 1917 c. 306 s. 11*]
SECTION 990—11. [*Renumbered sections 16.12 and 16.13 by 1917 c. 306 s. 12*]
SECTION 990—12. [*Renumbered section 16.08 by 1917 c. 306 s. 8*]
SECTION 990—13. [*Renumbered section 16.09 by 1917 c. 306 s. 9*]
SECTION 990—14. [*Renumbered sections 16.08 and 16.16 by 1917 c. 306 s. 8, 15*]
SECTION 990—15. [*Renumbered sections 16.08 and 16.17 by 1917 c. 306 s. 8, 16*]
SECTION 990—16. [*Renumbered section 16.18 by 1917 c. 306 s. 17*]
SECTION 990—17. [*Renumbered section 16.20 by 1917 c. 306 s. 19*]
SECTION 990—18. [*Renumbered section 16.19 by 1917 c. 306 s. 18*]
SECTION 990—19. [*Renumbered section 16.24 by 1917 c. 306 s. 23*]
SECTION 990—20. [*Renumbered sections 16.08 and 16.21 by 1917 c. 306 s. 8, 20*]
SECTION 990—21. [*Renumbered sections 16.08 and 16.22 by 1917 c. 306 s. 8, 21*]
SECTION 990—22. [*Renumbered section 16.25 by 1917 c. 306 s. 24*]
SECTION 990—23. [*Renumbered sections 16.26 and 16.27 by 1917 c. 306 s. 25*]
SECTION 990—24. [*Renumbered section 16.28 by 1917 c. 306 s. 26*]
SECTION 990—25. [*Renumbered section 16.15 by 1917 c. 306 s. 14*]
SECTION 990—26. [*Renumbered section 16.14 by 1917 c. 306 s. 13*]
SECTION 990—27. [*Renumbered section 4548m by 1917 c. 306 s. 30*]
SECTION 990—28. [*Renumbered section 4548n by 1917 c. 306 s. 31*]
SECTION 990—29. [*Renumbered section 4548q by 1917 c. 306 s. 34*]
SECTION 990—30. [*Renumbered section 4548o by 1917 c. 306 s. 32*]
SECTION 990—31. [*Renumbered section 4548p by 1917 c. 306 s. 33*]
SECTION 990—32. [*Renumbered section 16.29 by 1917 c. 306 s. 27*]
SECTION 990—33. [*Repealed by 1917 c. 306 s. 29*]
SECTION 990—40. [*Renumbered section 15.01 by 1917 c. 300 s. 2*]
SECTION 990—41. [*Renumbered section 15.02 by 1917 c. 300 s. 3*]
SECTION 990—42. [*Renumbered section 15.03 by 1917 c. 300 s. 4*]
SECTION 990—43. [*Renumbered section 20.72 by 1917 c. 14 s. 114*]
SECTION 990—44. [*Renumbered section 20.72 by 1917 c. 14 s. 114*]
SECTION 990—45. [*Renumbered section 15.04 by 1917 c. 300 s. 5*]
SECTION 990—46 sub 1. [*Renumbered section 15.05 by 1917 c. 300 s. 6*]
SECTION 990—46 sub. 2. [*Renumbered section 20.72 by 1917 c. 14 s. 114*]
SECTION 990—46 sub. 3. [*Renumbered section 15.05 by 1917 c. 300 s. 6*]
SECTION 990—47. [*Repealed by 1917 c. 300 s. 7*]
SECTION 990—48. [*Renumbered section 15.08 by 1917 c. 300 s. 10*]
SECTION 990—49. [*Renumbered section 15.06 by 1917 c. 300 s. 8*]
SECTION 990—50. [*Renumbered section 15.07 by 1917 c. 300 s. 9*]
SECTION 990—51. [*Renumbered section 15.06 by 1917 c. 300 s. 8*]
SECTIÓN 990—52. [*Renumbered section 15.08 by 1917 c. 300 s. 10*]
SECTION 990—53. [*Renumbered section 15.09 by 1917 c. 300 s. 11*]
SECTION 990—54. [*Renumbered section 15.10 by 1917 c. 300 s. 12*]
SECTION 990—55. [*Renumbered sections 15.11 and 15.12 by 1917 c. 300 s. 13, 14*]
SECTION 990—56 sub 1 to 7, inclusive. [*Repealed by 1917 c. 300 s. 15*]

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SECTION 990—56 sub. 8. [*Renumbered section 15.13 by 1917 c. 300 s. 16*]
SECTION 990—57. [*Repealed by 1915 c. 606*]
SECTION 990—58. [*Renumbered section 15.14 by 1917 c. 300 s. 17*]
SECTION 990—59. [*Renumbered section 15.15 by 1917 c. 300 s. 18*]
SECTION 990—60. [*Renumbered section 15.16 by 1917 c. 300 s. 19*]
SECTIONS 991 to 1003, inclusive. [*Repealed by 1913 c. 179*]
SECTION 1004. [*Renumbered section 68.01 by 1921 c. 25 s. 2*]
SECTION 1004*a*. [*Renumbered section 68.02 by 1921 c. 25 s. 3*]
SECTION 1005. [*Renumbered section 68.03 by 1921 c. 25 s. 4*]
SECTION 1006. [*Repealed by 1917 c. 515 s. 1*]
SECTION 1007. [*Renumbered section 68.04 by 1921 c. 25 s. 5*]
SECTION 1007*a*. [*Repealed by 1907 c. 522*]
SECTION 1008. [*Renumbered section 68.05 by 1921 c. 25 s. 6*]
SECTION 1009. [*Renumbered section 68.06 by 1921 c. 25 s. 7*]
SECTION 1010. [*Renumbered section 68.07 by 1921 c. 25 s. 8*]
SECTIONS 1010*a* to 1013, inclusive. [*Repealed by 1917 c. 515 s. 1*]
SECTION 1014. [*Renumbered section 68.08 by 1921 c. 25 s. 9*]
SECTION 1015. [*Renumbered section 68.09 by 1921 c. 25 s. 10*]
SECTION 1016. [*Repealed by 1913 c. 773 s. 94*]
SECTION 1017. [*Renumbered section 68.10 by 1921 c. 25 s. 11*]
SECTION 1018. [*Repealed by 1917 c. 515 s. 1*]
SECTION 1019. [*Renumbered section 68.11 by 1921 c. 25 s. 12*]
SECTION 1019*a*. [*Renumbered section 68.12 by 1921 c. 25 s. 13*]
SECTION 1020. [*Renumbered section 68.13 by 1921 c. 25 s. 14*]
SECTION 1021. [*Renumbered section 68.14 by 1921 c. 25 s. 15*]
SECTION 1021*a*. [*Renumbered section 68.15 by 1921 c. 25 s. 16*]
SECTION 1021*b*. [*Repealed by 1913 c. 223*]
SECTIONS 1021*b*—1 to 1021*b*—31, inclusive. [*1911 c. 485; renumbered sections 2394—41 to 2394—71, inclusive, by 1911 c. 664 s. 105*]
SECTION 1021*c*. [*Repealed by 1911 c. 485 s. 2*]
SECTION 1021*d*. [*Repealed by 1913 c. 223 and 1913 c. 772 s. 71*]
SECTION 1021*d*—1. [*Repealed by 1921 c. 8 s. 2*]
SECTIONS 1021*e* and 1021*f*. [*Repealed by 1911 c. 485 s. 2*]
SECTION 1021*g*. [*Repealed by 1913 c. 588 s. 4*]
SECTION 1021*h*. [*Repealed by 1913 c. 223*]
SECTIONS 1021*i* to 1021*l*, inclusive. [*Repealed by 1911 c. 485 s. 2*]
SECTION 1021*m*. [*Repealed by 1921 c. 8 s. 2*]
SECTION 1021*m*—9. [*Repealed by 1921 c. 8 s. 2*]
SECTION 1021*n*. [*Repealed by 1921 c. 8 s. 2*]
SECTION 1021*o*. [*Repealed by 1921 c. 8 s. 2*]
SECTION 1021*p*. [*Repealed by 1921 c. 8 s. 2*]
SECTION 1021*q*. [*Repealed by 1921 c. 8 s. 2*]
SECTION 1021*r*. [*Repealed by 1921 c. 8 s. 2*]
SECTION 1021*s*. [*Repealed by 1913 c. 772 s. 71*]
SECTION 1021*t*. [*Repealed by 1913 c. 223 and 1913 c. 772 s. 71*]
SECTION 1022. [*Repealed by 1907 c. 469*]
SECTION 1022—1. [*Renumbered section 69.01 by 1921 c. 12 s. 2*]
SECTION 1022—2. [*Renumbered section 69.02 by 1921 c. 12 s. 2*]
SECTION 1022—3. [*Renumbered section 69.03 by 1921 c. 12 s. 2*]
SECTION 1022—4. [*Renumbered section 69.04 by 1921 c. 12 s. 2*]
SECTION 1022—5. [*Renumbered section 1406 sub. (2) by 1921 c. 12 s. 3*]
SECTION 1022—6. [*Renumbered section 69.05 by 1921 c. 12 s. 2*]
SECTION 1022—7. [*Renumbered section 69.06 by 1921 c. 12 s. 2*]
SECTION 1022—8. [*Renumbered section 69.07 by 1921 c. 12 s. 2*]
SECTION 1022—9. [*Renumbered section 69.08 by 1921 c. 12 s. 2*]
SECTION 1022—10. [*Renumbered section 69.09 by 1921 c. 12 s. 2*]
SECTION 1022—11. [*Renumbered section 69.10 by 1921 c. 12 s. 2*]
SECTION 1022—12. [*Renumbered section 69.11 by 1921 c. 12 s. 2*]
SECTION 1022—13. [*Renumbered section 69.12 by 1921 c. 12 s. 2*]
SECTION 1022—14. [*Renumbered section 69.13 by 1921 c. 12 s. 2*]
SECTION 1022—15. [*Renumbered section 69.14 by 1921 c. 12 s. 2*]
SECTION 1022—16. [*Renumbered section 69.15 by 1921 c. 12 s. 2*]
SECTION 1022—17. [*Repealed by 1911 c. 636 s. 2*]
SECTION 1022—18. [*Renumbered section 69.16 by 1921 c. 12 s. 2*]

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SECTION 1022—19. [*Renumbered section 69.17 by 1921 c. 12 s. 2*]
SECTION 1022—20. [*Renumbered section 69.18 by 1921 c. 12 s. 2*]
SECTION 1022—21. [*Renumbered section 69.19 by 1921 c. 12 s. 2*]
SECTION 1022—22. [*Renumbered section 69.20 by 1921 c. 12 s. 2*]
SECTION 1022—23. [*Renumbered section 69.21 by 1921 c. 12 s. 2*]
SECTION 1022—24. [*Renumbered section 69.22 by 1921 c. 12 s. 2*]
SECTION 1022—25. [*Renumbered section 69.23 by 1921 c. 12 s. 2*]
SECTION 1022—26. [*Renumbered section 69.24 by 1921 c. 12 s. 2*]
SECTION 1022—27. [*Renumbered section 69.25 by 1921 c. 12 s. 2*]
SECTION 1022—28. [*Renumbered section 69.26 by 1921 c. 12 s. 2*]
SECTION 1022—29. [*Renumbered section 69.27 by 1921 c. 12 s. 2*]
SECTION 1022—30. [*Renumbered section 69.28 by 1921 c. 12 s. 2*]
SECTION 1022—30*m*. [*Renumbered section 69.29 by 1921 c. 12 s. 2*]
SECTION 1022—31. [*Renumbered section 69.30 by 1921 c. 12 s. 2*]
SECTION 1022—32. [*Renumbered section 69.31 by 1921 c. 12 s. 2*]
SECTION 1022—33. [*Renumbered section 69.32 by 1921 c. 12 s. 2*]
SECTION 1022—34. [*Renumbered section 69.33 by 1921 c. 12 s. 2*]
SECTION 1022—35. [*Renumbered section 69.34 by 1921 c. 12 s. 2*]
SECTION 1022—36. [*Renumbered section 69.35 by 1921 c. 12 s. 2*]
SECTION 1022—37. [*Renumbered section 69.36 by 1921 c. 12 s. 2*]
SECTION 1022—38. [*Renumbered section 69.37 by 1921 c. 12 s. 2*]
SECTION 1022—39. [*Renumbered section 69.38 by 1921 c. 12 s. 2*]
SECTION 1022—40. [*Renumbered section 69.39 by 1921 c. 12 s. 2*]
SECTION 1022—41. [*Renumbered section 69.40 by 1921 c. 12 s. 2*]
SECTION 1022—42. [*Renumbered section 69.41 by 1921 c. 12 s. 2*]
SECTION 1022—43. [*Renumbered section 69.42 by 1921 c. 12 s. 2*]
SECTION 1022—44. [*Renumbered section 69.43 by 1921 c. 12 s. 2*]
SECTION 1022—45. [*Renumbered section 69.44 by 1921 c. 12 s. 2*]
SECTION 1022—46. [*Renumbered section 69.45 by 1921 c. 12 s. 2*]
SECTION 1022—47. [*Repealed by 1917 c. 218 s. 1*]
SECTION 1022—48. [*Repealed by 1917 c. 218 s. 1*]
SECTION 1022—49. [*Repealed by 1917 c. 218 s. 1*]
SECTION 1022—50. [*Renumbered section 69.46 by 1921 c. 12 s. 2*]
SECTION 1022—51. [*Renumbered section 69.47 by 1921 c. 12 s. 2*]
SECTION 1022—52. [*Renumbered section 69.48 by 1921 c. 12 s. 2*]
SECTION 1022—53. [*Repealed by 1915 c. 38*]
SECTION 1022—53*m*. [*Renumbered section 69.49 by 1921 c. 12 s. 2*]
SECTION 1022—54. [*Renumbered section 69.50 by 1921 c. 12 s. 2*]
SECTION 1022—55. [*Renumbered section 69.51 by 1921 c. 12 s. 2*]
SECTION 1022—56. [*Renumbered section 69.52 by 1921 c. 12 s. 2*]
SECTION 1022—57. [*Renumbered section 69.53 by 1921 c. 12 s. 2*]
SECTION 1022—58. [*Renumbered section 69.54 by 1921 c. 12 s. 2*]
SECTION 1022—59. [*Repealed by 1913 c. 772 s. 63*]
SECTION 1022—60. [*Renumbered section 69.55 by 1921 c. 12 s. 2*]
SECTION 1022—61. [*Renumbered section 69.56 by 1921 c. 12 s. 2*]
SECTION 1022—62. [*Renumbered section 69.57 by 1921 c. 12 s. 2*]
SECTION 1022—63. [*Renumbered section 69.58 by 1921 c. 12 s. 2*]
SECTIONS 1023 to 1027, inclusive. [*Repealed by 1907 c. 469*]
SECTION 1027*a*. [*Renumbered section 69.59 by 1921 c. 12 s. 2*]
SECTIONS 1028 to 1029*b*, inclusive. [*Repealed by 1907 c. 469*]
SECTION 1030. [*Renumbered section 70.01 by 1921 c. 69 s. 3*]
SECTION 1030*a*. [*Renumbered section 70.02 by 1921 c. 69 s. 4*]
SECTION 1030*m*. [*Renumbered section 70.03 by 1921 c. 69 s. 5*]
SECTION 1031. [*Renumbered section 70.04 by 1921 c. 69 s. 6*]
SECTION 1032. [*Renumbered section 70.05 by 1921 c. 69 s. 7*]
SECTION 1033. [*Renumbered section 70.06 by 1921 c. 69 s. 8*]
SECTION 1034. [*Renumbered section 70.07 by 1921 c. 69 s. 9*]
SECTION 1035. [*Renumbered section 70.08 by 1921 c. 69 s. 11*]
SECTION 1036. [*Renumbered section 70.09 by 1921 c. 69 s. 12*]
SECTION 1037. [*Renumbered section 70.10 by 1921 c. 69 s. 12*]
SECTION 1037*a*. [*Renumbered section 51.43 by 1913 c. 768 s. 52*]
SECTION 1037*b*. [*Renumbered section 51.43 by 1913 c. 768 s. 52*]
SECTIONS 1037*c* to 1037*g*, inclusive. [*Renumbered sections 51.44 to 51.48, inclusive, by 1913 c. 768 s. 53 to 57*]

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SECTION 1037*h*. [*Repealed by 1913 c. 768 s. 51*]
SECTION 1037*i*. [*Repealed by 1913 c. 768 s. 51*]
SECTION 1037*j*. [*Renumbered section 51.49 by 1913 c. 768 s. 58*]
SECTION 1038. [*Subsection 34 repealed by 1921 c. 69 s. 25; balance of section renumbered section 70.11 by 1921 c. 69 s. 13 to 29*]
SECTION 1039. [*Renumbered section 70.12 by 1921 c. 69 s. 30*]
SECTION 1040. [*Subsections 2, 3, 9 repealed by 1921 c. 69 s. 32, 36; balance of section renumbered section 70.13 by 1921 c. 69 s. 31, 33 to 35*]
SECTION 1041. [*Renumbered section 70.14 by 1921 c. 69 s. 37*]
SECTION 1042. [*Renumbered section 1051 by 1913 c. 769 s. 4*]
SECTION 1042*a*. [*Renumbered section 70.15 by 1921 c. 69 s. 38*]
SECTION 1042*b*. [*Renumbered section 70.16 by 1921 c. 69 s. 39*]
SECTION 1042*c*. [*Repealed by 1915 c. 284*]
SECTION 1042*d*. [*Repealed by 1915 c. 284*]
SECTION 1042*e*. [*Repealed by 1915 c. 284*]
SECTION 1042*f*. [*Repealed by 1915 c. 284*]
SECTION 1042*g*. [*Repealed by 1915 c. 284*]
SECTION 1042*h*. [*Repealed by 1915 c. 284*]
SECTION 1042*i*. [*Repealed by 1915 c. 284*]
SECTION 1042*j*. [*Repealed by 1915 c. 604 s. 49*]
SECTION 1043. [*Renumbered section 70.17 by 1921 c. 69 s. 40*]
SECTION 1044. [*Renumbered section 70.18 by 1921 c. 69 s. 41*]
SECTION 1044*a*. [*Renumbered section 70.19 by 1921 c. 69 s. 42*]
SECTION 1044*b*. [*Renumbered section 70.20 by 1921 c. 69 s. 43*]
SECTION 1044*c*. [*Renumbered section 70.21 by 1921 c. 69 s. 44*]
SECTION 1044*d*. [*Renumbered section 70.22 by 1921 c. 69 s. 45*]
SECTION 1045. [*Renumbered section 70.23 by 1921 c. 69 s. 46*]
SECTION 1046. [*Renumbered section 70.24 by 1921 c. 69 s. 47*]
SECTION 1047. [*Renumbered section 70.25 by 1921 c. 69 s. 48*]
SECTION 1047*a*. [*Renumbered section 70.26 by 1921 c. 69 s. 49*]
SECTION 1047*b*. [*Renumbered section 70.27 by 1921 c. 69 s. 50*]
SECTION 1048. [*Renumbered section 70.28 by 1921 c. 69 s. 51*]
SECTION 1049. [*Renumbered section 70.29 by 1921 c. 69 s. 52*]
SECTION 1050. [*Renumbered section 70.30 by 1921 c. 69 s. 53*]
SECTION 1051. [*Renumbered section 70.31 by 1921 c. 69 s. 54*]
SECTION 1052. [*Renumbered section 70.32 by 1921 c. 69 s. 55*]
SECTION 1053. [*Renumbered section 70.33 by 1921 c. 69 s. 56*]
SECTION 1055. [*Renumbered section 70.34 by 1921 c. 69 s. 57*]
SECTION 1056. [*Renumbered section 70.35 by 1921 c. 69 s. 58*]
SECTION 1056*a*. [*Renumbered section 70.36 by 1921 c. 69 s. 59*]
SECTION 1057. [*Renumbered section 70.37 by 1921 c. 69 s. 60*]
SECTION 1057*a*. [*Renumbered section 70.38 by 1921 c. 69 s. 61*]
SECTION 1057*b*. [*Renumbered section 70.39 by 1921 c. 69 s. 62*]
SECTION 1057*c*. [*Renumbered section 70.40 by 1921 c. 69 s. 63*]
SECTION 1057*m*. [*Renumbered section 70.41 sub. (1) by 1921 c. 69 s. 64*]
SECTION 1057*n*. [*Renumbered section 70.41 sub. (2) by 1921 c. 69 s. 65*]
SECTION 1057*o*. [*Renumbered section 70.41 sub. (3) by 1921 c. 69 s. 66*]
SECTION 1057*p*. [*Renumbered section 70.41 sub. (4) by 1921 c. 69 s. 67*]
SECTION 1057*q*. [*Renumbered section 70.41 sub. (5) by 1921 c. 69 s. 68*]
SECTION 1057*t*. [*Renumbered section 70.42 by 1921 c. 69 s. 69*]
SECTION 1058. [*Renumbered section 70.43 by 1921 c. 69 s. 70*]
SECTION 1058*a*. [*Repealed by 1913 c. 769 s. 35*]
SECTION 1059. [*Renumbered section 70.44 by 1921 c. 69 s. 71*]
SECTION 1059*a*. [*Renumbered section 17.14 by 1919 c. 362 s. 26*]
SECTION 1059*b*. [*Renumbered section 17.14 by 1919 c. 362 s. 26*]
SECTION 1059*c*. [*Renumbered section 17.14 by 1919 c. 362 s. 26*]
SECTION 1059*d*. [*Renumbered section 17.14 by 1919 c. 362 s. 26*]
SECTION 1060. [*Renumbered section 70.46 by 1921 c. 69 s. 73, 75, 77*]
SECTION 1061. [*Renumbered section 70.47 by 1921 c. 69 s. 78*]
SECTION 1062. [*Renumbered section 70.48 by 1921 c. 69 s. 79*]
SECTION 1063. [*Renumbered section 70.49 by 1921 c. 69 s. 80*]
SECTION 1064. [*Renumbered section 70.50 by 1921 c. 69 s. 81*]
SECTION 1064*a*. [*Renumbered section 70.51 by 1921 c. 69 s. 83*]
SECTION 1065. [*Renumbered section 70.52 by 1921 c. 69 s. 84*]

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SECTION 1066. [*Renumbered section 70.53 by 1921 c. 69 s. 85*]
SECTION 1067. [*Renumbered section 70.54 by 1921 c. 69 s. 86*]
SECTION 1068. [*Renumbered section 70.55 by 1921 c. 69 s. 87*]
SECTION 1068*a*. [*Renumbered section 70.56 sub. (1) by 1921 c. 69 s. 88*]
SECTION 1068*b*. [*Renumbered section 70.56 sub. (2) by 1921 c. 69 s. 89*]
SECTION 1069. [*Renumbered section 70.57 by 1921 c. 69 s. 90*]
SECTION 1069*a*. [*Renumbered section 70.58 by 1921 c. 69 s. 91*]
SECTION 1070. [*Renumbered section 70.59 sub. (1) by 1921 c. 69 s. 92*]
SECTION 1071. [*Renumbered section 70.59 sub. (2) by 1921 c. 69 s. 93*]
SECTION 1071*m*. [*Repealed by 1921 c. 69 s. 94*]
SECTION 1072. [*Renumbered section 70.60 by 1921 c. 69 s. 95*]
SECTION 1072*a*. [*Renumbered section 20.25 by 1917 c. 14 s. 43*]
SECTION 1072*b*. [*Renumbered section 20.24 by 1917 c. 14 s. 40*]
SECTION 1072—1. [*Repealed by 1915 c. 598 and 1915 c. 604 s. 25*]
SECTION 1073. [*Renumbered section 70.61 by 1921 c. 69 s. 96*]
SECTION 1074. [*Renumbered section 70.62 sub. (1), (2) by 1921 c. 69 s. 97*]
SECTION 1075. [*Renumbered section 70.62 sub. (3) by 1921 c. 69 s. 98*]
SECTION 1076. [*Renumbered section 70.63 sub. (1), (2) by 1921 c. 69 s. 99*]
SECTION 1077. [*Renumbered section 70.63 sub. (3), (4) by 1921 c. 69 s. 100*]
SECTION 1077*a*. [*Renumbered section 70.64 sub. (1) by 1921 c. 69 s. 101*]
SECTION 1077*aa*. [*Repealed by 1905 c. 474 s. 13*]
SECTION 1077*b*. [*Renumbered section 70.64 sub. (2) by 1921 c. 69 s. 102*]
SECTION 1077*c*. [*Renumbered section 70.64 sub. (3) by 1921 c. 69 s. 103*]
SECTION 1077*d*. [*Renumbered section 70.64 sub. (4) by 1921 c. 69 s. 104*]
SECTION 1077*e*. [*Renumbered section 70.64 sub. (5) by 1921 c. 69 s. 105*]
SECTION 1077*f*. [*Renumbered section 70.64 sub. (6) by 1921 c. 69 s. 106*]
SECTION 1077*g*. [*Renumbered section 70.64 sub. (7) by 1921 c. 69 s. 107*]
SECTION 1077*h*. [*Renumbered section 70.64 sub. (8) by 1921 c. 69 s. 108*]
SECTION 1077*i*. [*Renumbered section 70.64 sub. (9) by 1921 c. 69 s. 109*]
SECTION 1077*j*. [*Renumbered section 70.64 sub. (10) by 1921 c. 69 s. 110*]
SECTION 1077*k*. [*Renumbered section 70.64 sub. (11) by 1921 c. 69 s. 111*]
SECTION 1077*l*. [*Renumbered section 70.64 sub. (12) by 1921 c. 69 s. 112*]
SECTION 1077*m*. [*Repealed by 1913 c. 769 s. 34*]
SECTION 1078. [*Renumbered section 70.65 by 1921 c. 69 s. 113*]
SECTION 1079. [*Renumbered section 70.66 sub. (1), (2) by 1921 c. 69 s. 114*]
SECTION 1079*a*. [*Renumbered section 70.66 sub. (3) by 1921 c. 69 s. 115*]
SECTION 1080. [*Renumbered section 70.67 by 1921 c. 69 s. 117*]
SECTION 1081. [*Renumbered section 70.68 sub. (1), (2), (3) by 1921 c. 69 s. 118*]
SECTION 1082. [*Renumbered section 70.69 by 1921 c. 69 s. 121*]
SECTION 1083. [*Renumbered section 70.70 by 1921 c. 69 s. 122*]
SECTION 1084. [*Renumbered section 70.71 by 1921 c. 69 s. 123*]
SECTION 1084*a*. [*Renumbered section 70.72 by 1921 c. 69 s. 124*]
SECTION 1085. [*Renumbered section 70.73 sub. (1) by 1921 c. 69 s. 125*]
SECTION 1085*a*. [*Renumbered section 70.73 sub. (2) by 1921 c. 69 s. 126*]
SECTION 1086. [*Renumbered section 70.73 sub. (3) by 1921 c. 69 s. 127*]
SECTION 1087. [*Renumbered section 70.74 by 1921 c. 69 s. 128*]
SECTION 1087*a*. [*Repealed by 1919 c. 679 s. 54*]
SECTION 1087*b*. [*Renumbered section 70.75 by 1921 c. 69 s. 129*]
SECTION 1087*m*—1. [*Renumbered section 71.01 by 1921 c. 65 s. 2*]
SECTION 1087*m*—2. [*Renumbered section 71.02 by 1921 c. 65 s. 3*]
SECTION 1087*m*—3. [*Renumbered sections 71.03 and 71.05 sub. (1) by 1921 c. 65 s. 4, 6*]
SECTION 1087*m*—4. [*Renumbered sections 71.04 and 71.05 sub. (1) by 1921 c. 65 s. 5, 6*]
SECTION 1087*m*—5. [*Renumbered section 71.05 by 1921 c. 65 s. 6, 7*]
SECTION 1087*m*—6. [*Renumbered section 71.06 by 1921 c. 65 s. 8*]
SECTION 1087*m*—7. [*Repealed by 1913 c. 720*]
SECTION 1087*m*—8. [*Renumbered section 71.07 by 1921 c. 65 s. 9*]
SECTION 1087*m*—9. [*Renumbered section 71.08 by 1921 c. 65 s. 10, 11*]
SECTION 1087*m*—10. [*Subsection 6 repealed by 1921 c. 65 s. 17; balance of section renumbered section 71.09 by 1921 c. 65 s. 12 to 16*]
SECTION 1087*m*—11. [*Renumbered section 71.10 by 1921 c. 65 s. 18 to 20*]
SECTION 1087*m*—12. [*Renumbered section 71.11 by 1921 c. 65 s. 21 to 23*]
SECTION 1087*m*—13. [*Renumbered section 71.12 by 1921 c. 65 s. 24*]

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SECTION 1087*m*—14. [*Renumbered section 71.13 sub. (1) by 1921 c. 65 s. 25*]
SECTION 1087*m*—15. [*Renumbered section 71.13 sub. (2) by 1921 c. 65 s. 26*]
SECTION 1087*m*—16. [*Renumbered section 71.13 sub. (3) by 1921 c. 65 s. 27*]
SECTION 1087*m*—17. [*Renumbered section 71.13 sub. (4) by 1921 c. 65 s. 28*]
SECTION 1087*m*—18. [*Renumbered section 71.14 by 1921 c. 65 s. 29*]
SECTION 1087*m*—19. [*Renumbered section 71.15 by 1921 c. 65 s. 30*]
SECTION 1087*m*—20. [*Renumbered section 71.16 by 1921 c. 65 s. 31*]
SECTION 1087*m*—21. [*Renumbered section 71.17 by 1921 c. 65 s. 32*]
SECTION 1087*m*—22. [*Renumbered section 71.18 by 1921 c. 65 s. 33*]
SECTION 1087*m*—23. [*Renumbered section 71.19 by 1921 c. 65 s. 34*]
SECTION 1087*m*—24. [*Renumbered section 71.20 by 1921 c. 65 s. 35*]
SECTION 1087*m*—25. [*Repealed by 1913 c. 443*]
SECTION 1087*m*—26. [*Renumbered section 71.21 by 1921 c. 65 s. 36*]
SECTION 1087*m*—27. [*Repealed by 1921 c. 65 s. 37*]
SECTION 1087*m*—28. [*Renumbered section 71.22 sub. (1) by 1921 c. 65 s. 38*]
SECTION 1087*m*—29. [*Renumbered section 71.22 sub. (2) by 1921 c. 65 s. 39*]
SECTION 1087*m*—30. [*Renumbered section 71.23 by 1921 c. 65 s. 40*]
SECTION 1087—1. [*Renumbered section 72.01 by 1921 c. 7 s. 2*]
SECTION 1087—2. [*Renumbered section 72.02 by 1921 c. 7 s. 3*]
SECTION 1087—3. [*Renumbered section 72.03 by 1921 c. 7 s. 4*]
SECTION 1087—4. [*Renumbered section 72.04 by 1921 c. 7 s. 5*]
SECTION 1087—5. [*Renumbered section 72.05 by 1921 c. 7 s. 6*]
SECTION 1087—6. [*Renumbered section 72.06 by 1921 c. 7 s. 7*]
SECTION 1087—7. [*Renumbered section 72.07 by 1921 c. 7 s. 8*]
SECTION 1087—8. [*Renumbered section 72.08 by 1921 c. 7 s. 9*]
SECTION 1087—9. [*Renumbered section 72.09 by 1921 c. 7 s. 10*]
SECTION 1087—10. [*Renumbered section 72.10 by 1921 c. 7 s. 11*]
SECTION 1087—11. [*Renumbered section 72.11 by 1921 c. 7 s. 12*]
SECTION 1087—11*m*. [*Repealed by 1913 c. 627 s. 7*]
SECTION 1087—12. [*Renumbered section 72.12 by 1921 c. 7 s. 13*]
SECTION 1087—13. [*Renumbered section 72.13 by 1921 c. 7 s. 14*]
SECTION 1087—14. [*Renumbered section 72.14 by 1921 c. 7 s. 15*]
SECTION 1087—15. [*Renumbered section 72.15 by 1921 c. 7 s. 16*]
SECTION 1087—16. [*Renumbered section 72.16 by 1921 c. 7 s. 17*]
SECTION 1087—17. [*Renumbered section 72.17 by 1921 c. 7 s. 18*]
SECTION 1087—18. [*Renumbered section 72.18 by 1921 c. 7 s. 19*]
SECTION 1087—19. [*Renumbered section 72.19 by 1921 c. 7 s. 20*]
SECTION 1087—20. [*Renumbered section 72.20 by 1921 c. 7 s. 21*]
SECTION 1087—21. [*Renumbered section 72.21 by 1921 c. 7 s. 22*]
SECTION 1087—22. [*Renumbered section 72.22 by 1921 c. 7 s. 23*]
SECTION 1087—23. [*Renumbered section 72.23 by 1921 c. 7 s. 24*]
SECTION 1087—24. [*Renumbered section 72.24 by 1921 c. 7 s. 25*]
SECTION 1087—31. [*Renumbered section 73.01 sub. (1) by 1921 c. 11 s. 2*]
SECTION 1087—32. [*Renumbered section 73.01 sub. (2) by 1921 c. 11 s. 3*]
SECTION 1087—33. [*Renumbered section 73.01 sub. (3) by 1921 c. 11 s. 4*]
SECTION 1087—34. [*Renumbered section 73.01 sub. (4) by 1921 c. 11 s. 5*]
SECTION 1087—35. [*Renumbered section 73.01 sub. (5) by 1921 c. 11 s. 6*]
SECTION 1087—36. [*Renumbered section 73.02 sub. (1) by 1921 c. 11 s. 7*]
SECTION 1087—37. [*Renumbered section 73.02 sub. (2) by 1921 c. 11 s. 8*]
SECTION 1087—38. [*Repealed by 1921 c. 11 s. 9*]
SECTION 1087—39. [*Renumbered section 73.03 by 1921 c. 11 s. 10*]
SECTION 1087—40. [*Renumbered section 73.04 sub. (1) by 1921 c. 11 s. 11*]
SECTION 1087—40*a*. [*Renumbered section 73.04 sub. (2) by 1921 c. 11 s. 12*]
SECTION 1087—41. [*Repealed by 1913 c. 769 s. 24*]
SECTION 1087—41*m*. [*Repealed by 1913 c. 769 s. 24*]
SECTION 1087—42. [*Repealed by 1913 c. 769 s. 24*]
SECTION 1087—43. [*Repealed by 1913 c. 772 s. 121*]
SECTION 1087—44. [*Renumbered section 73.05 sub. (1) by 1921 c. 11 s. 13*]
SECTION 1087—45. [*Renumbered section 73.05 sub. (2) by 1921 c. 11 s. 14*]
SECTION 1087—46. [*Renumbered section 73.05 sub. (3) by 1921 c. 11 s. 15*]
SECTION 1087—47. [*Renumbered section 73.06 sub. (1) by 1921 c. 11 s. 16*]
SECTION 1087—48. [*Renumbered section 73.06 sub. (2) by 1921 c. 11 s. 17*]
SECTION 1087—49. [*Renumbered section 73.06 sub. (3) by 1921 c. 11 s. 18*]
SECTION 1087—50. [*Renumbered section 73.07 by 1921 c. 11 s. 19*]

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SECTION 1087—51. [*Renumbered section 73.08 by 1921 c. 11 s. 20*]
SECTION 1087—52. [*Renumbered section 73.09 by 1921 c. 11 s. 21*]
SECTION 1087—53. [*Renumbered section 73.10 by 1921 c. 11 s. 22*]
SECTION 1087—54. [*Renumbered section 73.11 by 1921 c. 11 s. 23*]
SECTION 1087—55. [*Renumbered section 73.12 by 1921 c. 11 s. 24*]
SECTION 1087—56. [*Renumbered section 73.13 by 1921 c. 11 s. 25*]
SECTION 1087—57. [*Renumbered section 73.14 by 1921 c. 11 s. 26*]
SECTION 1088. [*Renumbered section 74.01 by 1921 c. 17 s. 2*]
SECTION 1089. [*Renumbered section 74.02 by 1921 c. 17 s. 3*]
SECTION 1090. [*Renumbered section 74.03 sub. (1) by 1921 c. 17 s. 4*]
SECTION 1091. [*Renumbered section 74.04 by 1921 c. 17 s. 6*]
SECTION 1092. [*Renumbered section 74.05 by 1921 c. 17 s. 7*]
SECTION 1092*m*. [*Repealed by 1915 c. 598 and 1915 c. 604 s. 25*]
SECTION 1093. [*Renumbered section 74.06 by 1921 c. 17 s. 8*]
SECTION 1094. [*Renumbered section 74.07 by 1921 c. 17 s. 9*]
SECTION 1095. [*Renumbered section 74.08 by 1921 c. 17 s. 10*]
SECTION 1096. [*Renumbered section 74.09 by 1921 c. 17 s. 11*]
SECTION 1097. [*Renumbered section 74.10 sub. (1) by 1921 c. 17 s. 12*]
SECTION 1098. [*Renumbered section 74.10 sub. (2) by 1921 c. 17 s. 13*]
SECTION 1099. [*Renumbered section 74.10 sub. (3) by 1921 c. 17 s. 14*]
SECTION 1100. [*Renumbered section 74.11 sub. (1) by 1921 c. 17 s. 15*]
SECTION 1101. [*Renumbered section 74.11 sub. (2) by 1921 c. 17 s. 16*]
SECTION 1102. [*Renumbered section 74.11 sub. (3) by 1921 c. 17 s. 17*]
SECTION 1103. [*Renumbered section 74.11 sub. (4) by 1921 c. 17 s. 18*]
SECTION 1104. [*Renumbered section 74.11 sub. (5) by 1921 c. 17 s. 19*]
SECTION 1105. [*Renumbered section 74.11 sub. (6) by 1921 c. 17 s. 20*]
SECTION 1106. [*Renumbered section 74.11 sub. (7) by 1921 c. 17 s. 21*]
SECTION 1107. [*Renumbered section 74.11 sub. (8) by 1921 c. 17 s. 22*]
SECTION 1107*a*. [*Renumbered section 74.12 by 1921 c. 17 s. 23*]
SECTION 1107*b*. [*Renumbered section 74.13 by 1921 c. 17 s. 24*]
SECTION 1107*c*. [*Renumbered section 74.14 by 1921 c. 17 s. 25*]
SECTION 1108. [*Repealed by 1899 c. 335 s. 6*]
SECTION 1109. [*Repealed by 1899 c. 335 s. 6*]
SECTION 1110. [*Renumbered section 74.15 sub. (1) by 1921 c. 17 s. 26*]
SECTION 1111. [*Renumbered section 74.16 by 1921 c. 17 s. 27*]
SECTION 1112. [*Renumbered section 74.17 by 1921 c. 17 s. 28*]
SECTION 1113. [*Renumbered section 74.18 by 1921 c. 17 s. 29*]
SECTION 1114. [*Renumbered section 74.19 by 1921 c. 17 s. 30*]
SECTION 1115. [*Renumbered section 74.20 by 1921 c. 17 s. 31*]
SECTION 1116. [*Renumbered section 74.21 by 1921 c. 17 s. 32*]
SECTION 1117. [*Renumbered section 74.22 by 1921 c. 17 s. 33*]
SECTION 1118. [*Renumbered section 74.23 by 1921 c. 17 s. 34*]
SECTION 1119. [*Renumbered section 74.24 by 1921 c. 17 s. 35*]
SECTION 1120. [*Renumbered section 74.25 by 1921 c. 17 s. 36*]
SECTION 1121. [*Renumbered section 74.26 sub. (1) by 1921 c. 17 s. 37*]
SECTION 1122. [*Renumbered section 74.26 sub. (2) by 1921 c. 17 s. 38*]
SECTION 1123. [*Renumbered section 74.26 sub. (3) by 1921 c. 17 s. 39*]
SECTION 1124. [*Renumbered section 74.27 by 1921 c. 17 s. 40*]
SECTION 1125. [*Renumbered section 74.28 by 1921 c. 17 s. 41*]
SECTION 1126. [*Renumbered section 74.29 by 1921 c. 17 s. 42*]
SECTION 1127. [*Renumbered section 74.30 by 1921 c. 17 s. 43*]
SECTION 1128. [*Renumbered section 74.31 by 1921 c. 17 s. 44*]
SECTION 1129. [*Renumbered section 74.32 by 1921 c. 17 s. 45*]
SECTION 1130. [*Renumbered section 74.33 by 1921 c. 17 s. 46*]
SECTION 1131. [*Renumbered section 74.34 by 1921 c. 17 s. 47*]
SECTION 1131*a*. [*Renumbered section 74.35 by 1921 c. 17 s. 48; repealed by 1921 c. 485 s. 2 and 1921 c. 590 s. 101*]
SECTION 1131—1. [*1921 c. 508; renumbered section 74.345 by 1921 c. 590 s. 99*]
SECTION 1132. [*Renumbered section 74.36 by 1921 c. 17 s. 49*]
SECTION 1132*a*. [*Repealed by 1919 c. 679 s. 56*]
SECTION 1133. [*Renumbered section 74.37 by 1921 c. 17 s. 50*]
SECTION 1134. [*Renumbered section 74.38 by 1921 c. 17 s. 51*]
SECTION 1135. [*Renumbered section 74.39 by 1921 c. 17 s. 52*]
SECTION 1136. [*Renumbered section 74.40 by 1921 c. 17 s. 53*]

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SECTION 1137. [*Renumbered section 74.41 by 1921 c. 17 s. 54*]
SECTION 1138. [*Renumbered section 74.42 by 1921 c. 17 s. 55*]
SECTION 1138*a*. [*Renumbered section 74.43 by 1921 c. 17 s. 56*]
SECTION 1138*m*. [*Renumbered section 74.44 by 1921 c. 17 s. 57*]
SECTION 1139. [*Renumbered section 74.45 by 1921 c. 17 s. 58*]
SECTION 1140. [*Renumbered section 74.46 by 1921 c. 17 s. 59*]
SECTION 1141. [*Renumbered section 74.47 by 1921 c. 17 s. 60*]
SECTION 1141*a*. [*Renumbered section 74.48 by 1921 c. 17 s. 61*]
SECTION 1142. [*Renumbered section 74.49 by 1921 c. 17 s. 62*]
SECTION 1143. [*Renumbered section 74.50 by 1921 c. 17 s. 63*]
SECTION 1144. [*Renumbered section 74.51 by 1921 c. 17 s. 64*]
SECTION 1145. [*Renumbered section 74.52 by 1921 c. 17 s. 65*]
SECTION 1146. [*Renumbered section 74.53 by 1921 c. 17 s. 66*]
SECTION 1147. [*Renumbered section 74.54 by 1921 c. 17 s. 67*]
SECTION 1148. [*Renumbered section 74.55 by 1921 c. 17 s. 68*]
SECTION 1149. [*Renumbered section 74.56 by 1921 c. 17 s. 69*]
SECTION 1149*a*. [*Renumbered section 74.57 by 1921 c. 17 s. 70*]
SECTION 1150. [*Renumbered section 74.58 by 1921 c. 17 s. 71*]
SECTION 1151. [*Renumbered section 74.59 by 1921 c. 17 s. 72*]
SECTION 1152. [*Renumbered section 74.60 by 1921 c. 17 s. 73*]
SECTION 1152*a*. [*Renumbered section 74.61 by 1921 c. 17 s. 74*]
SECTION 1153. [*Renumbered section 74.62 by 1921 c. 17 s. 75*]
SECTION 1154. [*Renumbered section 74.63 by 1921 c. 17 s. 76*]
SECTION 1155. [*Renumbered section 74.64 by 1921 c. 17 s. 77*]
SECTION 1156. [*Renumbered section 74.65 by 1921 c. 17 s. 78*]
SECTION 1157. [*Renumbered section 74.66 by 1921 c. 17 s. 79*]
SECTION 1158. [*Renumbered section 74.67 by 1921 c. 17 s. 80*]
SECTION 1159. [*Renumbered section 74.68 by 1921 c. 17 s. 81*]
SECTION 1160. [*Renumbered section 74.69 by 1921 c. 17 s. 82*]
SECTION 1161. [*Renumbered section 74.70 by 1921 c. 17 s. 83*]
SECTION 1162. [*Renumbered section 74.71 by 1921 c. 17 s. 84*]
SECTION 1163. [*Renumbered section 74.72 by 1921 c. 17 s. 85*]
SECTION 1164. [*Renumbered section 74.73 by 1921 c. 17 s. 86*]
SECTION 1164*a*. [*Renumbered section 74.74 by 1921 c. 17 s. 87*]
SECTION 1164*c*. [*Renumbered section 74.75 sub. (1) by 1921 c. 17 s. 88*]
SECTION 1164*d*. [*Renumbered section 74.75 sub. (2) by 1921 c. 17 s. 89*]
SECTION 1164*e*. [*Renumbered section 74.75 sub. (3) by 1921 c. 17 s. 90*]
SECTION 1164*f*. [*Renumbered section 74.75 sub. (4) by 1921 c. 91*]
SECTION 1164*g*. [*Repealed by 1921 c. 17 s. 92*]
SECTION 1165. [*Renumbered section 75.01 by 1921 c. 18 s. 2*]
SECTION 1165*a*. [*Renumbered section 75.02 by 1921 c. 18 s. 3*]
SECTION 1166. [*Renumbered section 75.03 by 1921 c. 18 s. 4*]
SECTION 1167. [*Renumbered section 75.04 by 1921 c. 18 s. 5*]
SECTION 1168. [*Renumbered section 75.05 by 1921 c. 18 s. 6*]
SECTION 1169. [*Renumbered section 75.06 by 1921 c. 18 s. 7*]
SECTION 1170. [*Renumbered section 75.07 by 1921 c. 18 s. 8*]
SECTION 1170*a*. [*Renumbered section 75.08 by 1921 c. 18 s. 9; repealed by 1921 c. 485 s. 2 and 1921 c. 590 s. 101*]
SECTION 1171. [*Renumbered section 75.09 by 1921 c. 18 s. 10*]
SECTION 1172. [*Renumbered section 75.10 by 1921 c. 18 s. 11*]
SECTION 1174. [*Renumbered section 75.11 by 1921 c. 18 s. 12*]
SECTION 1175. [*Renumbered section 75.12 by 1921 c. 18 s. 13*]
SECTION 1175*m*. [*Renumbered section 75.13 by 1921 c. 18 s. 14*]
SECTION 1176. [*Renumbered section 75.14 by 1921 c. 18 s. 15*]
SECTION 1177. [*Renumbered section 75.15 by 1921 c. 18 s. 16*]
SECTION 1178. [*Renumbered section 75.16 by 1921 c. 18 s. 17*]
SECTION 1179. [*Renumbered section 75.17 by 1921 c. 18 s. 18*]
SECTION 1180. [*Renumbered section 75.18 by 1921 c. 18 s. 19*]
SECTION 1181. [*Renumbered section 75.19 by 1921 c. 18 s. 20*]
SECTION 1182. [*Renumbered section 75.20 by 1921 c. 18 s. 21*]
SECTION 1183. [*Renumbered section 75.21 by 1921 c. 18 s. 22*]
SECTION 1184. [*Renumbered section 75.22 by 1921 c. 18 s. 23*]
SECTION 1184*a*. [*Renumbered section 75.23 by 1921 c. 18 s. 24*]
SECTION 1185. [*Renumbered section 75.24 by 1921 c. 18 s. 25*]

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SECTION 1186. [*Renumbered section 75.25 by 1921 c. 18 s. 26*]
SECTION 1187. [*Renumbered section 75.26 by 1921 c. 18 s. 27*]
SECTION 1188. [*Renumbered section 75.27 by 1921 c. 18 s. 28*]
SECTION 1189. [*Renumbered section 75.28 by 1921 c. 18 s. 29*]
SECTION 1189*a*. [*Renumbered section 75.29 by 1921 c. 18 s. 30*]
SECTION 1189*b*. [*Renumbered section 75.30 by 1921 c. 18 s. 31*]
SECTION 1189—1. [*1921 c. 485; renumbered section 75.285 by 1921 c. 590 s. 100*]
SECTION 1190. [*Renumbered section 75.31 by 1921 c. 18 s. 32*]
SECTION 1191. [*Renumbered section 75.32 by 1921 c. 18 s. 33*]
SECTION 1191*a*. [*Renumbered section 75.33 by 1921 c. 18 s. 34*]
SECTION 1192. [*Renumbered section 75.34 by 1921 c. 18 s. 35*]
SECTION 1193. [*Renumbered section 75.35 by 1921 c. 18 s. 36*]
SECTION 1194. [*Renumbered section 75.36 by 1921 c. 18 s. 37*]
SECTION 1195. [*Renumbered section 75.37 by 1921 c. 18 s. 38*]
SECTION 1196. [*Renumbered section 75.38 by 1921 c. 18 s. 39*]
SECTION 1197. [*Renumbered section 75.39 by 1921 c. 18 s. 40*]
SECTION 1198. [*Renumbered section 75.40 by 1921 c. 18 s. 41*]
SECTION 1199. [*Renumbered section 75.41 by 1921 c. 18 s. 42*]
SECTION 1200. [*Renumbered section 75.42 by 1921 c. 18 s. 43*]
SECTION 1201. [*Renumbered section 75.43 by 1921 c. 18 s. 44*]
SECTION 1202. [*Renumbered section 75.44 by 1921 c. 18 s. 45*]
SECTION 1203. [*Renumbered section 75.45 by 1921 c. 18 s. 46*]
SECTION 1204. [*Renumbered section 75.46 by 1921 c. 18 s. 47*]
SECTION 1205. [*Renumbered section 75.47 by 1921 c. 18 s. 48*]
SECTION 1206. [*Renumbered section 75.48 by 1921 c. 18 s. 49*]
SECTION 1207. [*Renumbered section 75.49 by 1921 c. 18 s. 50*]
SECTION 1208. [*Renumbered section 75.50 by 1921 c. 18 s. 51*]
SECTION 1209. [*Renumbered section 75.51 by 1921 c. 18 s. 52*]
SECTION 1210. [*Renumbered section 75.52 by 1921 c. 18 s. 53*]
SECTION 1210*a*. [*Renumbered section 75.53 by 1921 c. 18 s. 54*]
SECTION 1210*b*. [*Renumbered section 75.54 by 1921 c. 18 s. 55*]
SECTION 1210*c*. [*Renumbered section 75.55 by 1921 c. 18 s. 56*]
SECTION 1210*d*. [*Renumbered section 75.56 by 1921 c. 18 s. 57*]
SECTION 1210*e*. [*Renumbered section 75.57 by 1921 c. 18 s. 58*]
SECTION 1210*ee*. [*Renumbered section 75.58 by 1921 c. 18 s. 59*]
SECTION 1210*f*. [*Renumbered section 75.59 by 1921 c. 18 s. 60*]
SECTION 1210*g*. [*Renumbered section 75.60 by 1921 c. 18 s. 61*]
SECTION 1210*h*. [*Renumbered section 75.61 by 1921 c. 18 s. 62*]
SECTION 1210*h*—1. [*Renumbered section 75.62 sub. (1) by 1921 c. 18 s. 63*]
SECTION 1210*h*—2. [*Renumbered section 75.62 sub. (2) by 1921 c. 18 s. 64*]
SECTION 1210*h*—3. [*Renumbered section 75.62 sub. (3) by 1921 c. 18 s. 65*]
SECTION 1210*h*—4. [*Renumbered section 75.62 sub. (4) by 1921 c. 18 s. 66*]
SECTION 1210*i*. [*Renumbered section 75.63 by 1921 c. 18 s. 67*]
SECTION 1210*j*. [*Renumbered section 75.64 by 1921 c. 18 s. 68*]
SECTION 1210*k*. [*Renumbered section 75.65 by 1921 c. 18 s. 69*]
SECTION 1210*l*. [*Renumbered section 75.66 by 1921 c. 18 s. 70*]
SECTION 1211—1. [*Renumbered section 76.01 by 1921 c. 59 s. 2*]
SECTION 1211—2. [*Renumbered section 76.02 by 1921 c. 59 s. 3*]
SECTION 1211—3. [*Renumbered section 76.03 by 1921 c. 59 s. 4*]
SECTION 1211—4. [*Renumbered section 76.04 by 1921 c. 59 s. 5*]
SECTION 1211—5. [*Renumbered section 76.05 by 1921 c. 59 s. 6*]
SECTION 1211—6. [*Renumbered section 76.06 by 1921 c. 59 s. 7*]
SECTION 1211—7. [*Renumbered section 76.07 by 1921 c. 59 s. 8*]
SECTION 1211—8. [*Renumbered section 76.08 by 1921 c. 59 s. 9*]
SECTION 1211—9. [*Renumbered section 76.09 by 1921 c. 59 s. 10*]
SECTION 1211—10. [*Renumbered section 76.10 by 1921 c. 59 s. 11*]
SECTION 1211—11. [*Renumbered section 76.11 by 1921 c. 59 s. 12*]
SECTION 1211—12. [*Renumbered section 76.12 by 1921 c. 59 s. 13*]
SECTION 1211—13. [*Renumbered section 76.13 by 1921 c. 59 s. 14*]
SECTION 1211—14. [*Renumbered section 76.14 by 1921 c. 59 s. 15*]
SECTION 1211—15. [*Renumbered section 76.15 by 1921 c. 59 s. 16*]
SECTION 1211—16. [*Renumbered section 76.16 by 1921 c. 59 s. 17*]
SECTION 1211—17. [*Renumbered section 76.17 by 1921 c. 59 s. 18*]
SECTION 1211—18. [*Renumbered section 76.18 by 1921 c. 59 s. 19*]

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SECTION 1211—19. [*Renumbered section 76.19 by 1921 c. 59 s. 20*]
SECTION 1211—20. [*Renumbered section 76.20 by 1921 c. 59 s. 21*]
SECTION 1211—21. [*Renumbered section 76.21 by 1921 c. 59 s. 22*]
SECTION 1211—22. [*Renumbered section 76.22 by 1921 c. 59 s. 23*]
SECTION 1211—23. [*Repealed by 1921 c. 59 s. 24*]
SECTION 1211—24. [*Renumbered section 76.23 by 1921 c. 59 s. 25*]
SECTION 1211—25. [*Renumbered section 76.24 by 1921 c. 59 s. 26*]
SECTION 1211—26. [*Renumbered section 76.25 by 1921 c. 59 s. 27*]
SECTION 1211—27. [*Renumbered section 76.26 by 1921 c. 59 s. 28*]
SECTION 1211—28. [*Renumbered section 76.27 by 1921 c. 59 s. 29*]
SECTION 1211—29. [*Renumbered section 76.28 by 1921 c. 59 s. 30*]
SECTION 1211—30. [*Renumbered section 76.29 by 1921 c. 59 s. 31*]
SECTION 1211—31. [*Renumbered section 76.30 by 1921 c. 59 s. 33*]
SECTION 1211—32. [*Renumbered section 76.31 by 1921 c. 59 s. 34*]
SECTION 1211—33. [*Renumbered section 76.32 by 1921 c. 59 s. 35*]
SECTION 1211—34. [*Renumbered section 76.33 by 1921 c. 59 s. 36*]
SECTION 1211—35. [*Renumbered section 76.34 by 1921 c. 59 s. 37*]
SECTION 1211—36. [*Renumbered section 76.35 by 1921 c. 59 s. 38*]
SECTION 1211—37. [*Renumbered section 76.36 by 1921 c. 59 s. 39*]
SECTION 1211—38. [*Renumbered section 76.37 by 1921 c. 59 s. 40*]
SECTION 1211—39. [*Renumbered section 76.38 by 1921 c. 59 s. 41*]
SECTION 1211—40. [*Renumbered section 76.39 by 1921 c. 59 s. 42*]
SECTION 1211—41. [*Renumbered section 76.40 by 1921 c. 59 s. 43*]
SECTION 1211—42. [*Renumbered section 76.41 by 1921 c. 59 s. 44*]
SECTION 1211—43. [*Renumbered section 76.42 by 1921 c. 59 s. 45*]
SECTION 1211—44. [*Renumbered section 76.43 by 1921 c. 59 s. 46*]
SECTION 1211—45. [*Renumbered section 76.44 by 1921 c. 59 s. 47*]
SECTION 1211—46. [*Renumbered section 76.45 by 1921 c. 59 s. 48*]
SECTION 1211—46*m*. [*Renumbered section 76.46 by 1921 c. 59 s. 49*]
SECTION 1211—47. [*Renumbered section 76.47 by 1921 c. 59 s. 50*]
SECTION 1211—48. [*Renumbered section 76.48 by 1921 c. 59 s. 51*]
SECTION 1211—49. [*Renumbered section 76.49 by 1921 c. 59 s. 52*]
SECTION 1211—50. [*Renumbered section 76.50 by 1921 c. 59 s. 53*]
SECTION 1211—51. [*Renumbered section 76.51 by 1921 c. 59 s. 54*]
SECTION 1211—52. [*Renumbered section 76.52 sub. (1) by 1921 c. 59 s. 55*]
SECTION 1211—53. [*Renumbered section 76.53 by 1921 c. 59 s. 57*]

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TITLE XIV.

Highways and Bridges, Ferries, Drains and Fences.

CHAPTER 76*a*.

HIGHWAYS AND BRIDGES.

Supervisors' duties. SECTION 1223. The supervisors of the several towns shall have the care and supervision of all highways and bridges therein (except as is otherwise provided by law), including all state roads laid out and established before the tenth day of April, one thousand eight hundred and ninety-five, in so far as such roads were then opened and traveled, and as to such roads or any portion of them situated in any town the supervisors thereof shall have and exercise the same care and supervision as is provided in this chapter as to other highways. It shall be the duty of each board of supervisors:

(1) To appoint some competent person to superintend, under their direction, the construction and repair of highways and bridges within the town and cause to be removed all obstructions therefrom.

(2) To provide machinery, implements, stone, gravel and other material on such terms as may seem proper, and hire such machinery, laborers and animals as may be required to make, build, pave and repair highways and bridges; and for these purposes they shall have the power to purchase gravel pits and stone quarries and take the title thereto in the name of the town; and if such pits and quarries cannot be purchased, title thereto may be acquired in the manner provided in chapter 32, but the total sum spent under the provisions of this subdivision shall not exceed one thousand dollars in any one year, unless a greater sum be authorized at an annual or special town meeting, excepting in counties having a population of one hundred thousand or over.

(3) To cause bridges which are or may be erected over streams intersecting highways to be kept in repair.

(4) To require the superintendent of highways from time to time, and as often as they shall deem necessary, to perform any of the duties required of him by law.

(5) To assess the highway taxes in their town in each year as provided by law.

(7) To cause all legal highways not fully and sufficiently described or recorded, and such of the roads used as highways as have been laid out but not so described or recorded, to be ascertained, described and entered of record in the town clerk's office.

(8) To lay out and establish upon actual survey, as hereinafter provided, such new roads in their town as they may deem necessary and proper; to discontinue such roads as shall appear to them to have become unnecessary; to widen or alter such roads when they shall deem necessary for the public convenience, and perform all other duties respecting highways and bridges directed by this chapter.

(10) It shall be the duty of each board of supervisors to establish rules and regulations prohibiting the placing, throwing, or depositing in, on, about, or along any public highway and to require the removal therefrom, of any bodies of dead animals, carrion, meat, fish, rubbish, ashes, paper, brick, tin cans, old iron, junk, boxes, barrels, machinery, and to establish rules and regulations to provide for the safety of travel along any public highway.

(11) Any town at its annual meeting may establish rules and regulations prohibiting the propelling, moving or otherwise using of any steam or traction engine or other traction vehicles upon or along any public highway at or in such seasons or times of the year when the propelling, moving or otherwise using of any such engine or other traction vehicles thereon will cause or result in damage to such highway. [*R. S. 1849 c. 16 s. 1, 2; R. S. 1858 c. 19 s. 1, 2; 1869 c. 152 s. 1, 2; R. S. 1878 s. 1223; 1885 c. 103; Ann. Stats. 1889 s. 1223; 1893 c. 284; 1895 c. 145; Stats. 1898 s. 1223; 1899 c. 83 s. 1; Supl. 1906 s. 1223;*

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1907 c. 118; 1909 c. 149; 1913 c. 509; 1919 c. 404; 1919 c. 518 s. 1, 2; 1919 c. 702 s. 60; 1921 c. 140]

SECTION 1223*a*. [*Repealed by 1919 c. 518 s. 1*]

Changing streets into highways. SECTION 1224. The town board of any town within which may be situated any village or other plat duly certified and recorded and not included within the limits of any incorporated village, may make an order to be recorded by the town clerk declaring such streets and alleys in such village or other plat as they may deem necessary for the public use to be public highways, without any other survey or description than that made in such recorded plat; provided, that when any six or more freeholders residing within the limits of such village or other plat shall wish any street or streets in such plat to be so declared public highways and opened to public use, such freeholders may apply to the town board of the town for that purpose in the manner provided in section 1265, upon which application such town board shall make and file an order, within ten days, declaring such streets to be public highways or refusing so to do; and in either case any person considering himself aggrieved by such order may appeal to the circuit court for the same county by filing with the town clerk of such town a notice of appeal, specifying the grounds of appeal, within twenty days from the filing of the aforesaid order, together with a written undertaking of the appellant, with one or more sufficient sureties, to be approved by said town clerk, for the payment of all costs that may be awarded against the appellant, and paying to such clerk one dollar for state tax and one dollar for making return to the appeal. Within twenty days thereafter such town clerk shall deliver to the clerk of the circuit court of the same county all the papers in the case, together with the notice of appeal, with the date of service indorsed thereon, and pay to him one dollar state tax; whereupon such clerk of the circuit court shall enter an action in his court record in which the appellant shall be plaintiff and the town shall be defendant. The issues as shown by the papers and the appeal aforesaid shall be tried without further pleading, the same as in personal actions in such circuit court, and judgment rendered and enforced as in other actions in which persons and municipal corporations are parties. [*R. S. 1858 c. 19 s. 2, 74; 1861 c. 173 s. 1; 1864 c. 310 s. 1; 1868 c. 122 s. 1; 1869 c. 152 s. 147; 1871 c. 8; R. S. 1878 s. 1224; 1887 c. 210; Ann. Stats. 1889 s. 1224; Stats. 1898 s. 1224*]

Town waterways; maintenance by towns. SECTION 1224*a*. The town board of any town in which is situated any waterway suitable for general and useful navigation by boats and launches may, by order to be recorded by the town clerk, adopt the same as a public waterway of the town and may thereupon expend highway funds in the improvement and maintenance of the navigability thereof. But no amount in excess of two hundred dollars shall be expended on any such waterway in any year except in pursuance of a special appropriation therefor, voted at the annual town meeting. No town shall become liable in damages by reason of any defect or insufficiency of such a water highway. [*1915 c. 116*]

SECTION 1225. [*Repealed by 1919 c. 518 s. 1*]

Supervisors' statement. SECTION 1226. The supervisors of each town shall render to the board of audit authorized by law to settle their accounts at each annual meeting of such board a statement in writing containing:

(1) The amount of highway taxes assessed and the amount which has been collected in their town.

(3) The manner in which any moneys raised by the town for the improvement or building of roads or bridges therein have been disbursed and the particular items of such disbursements; and

(4) An estimate of the sum necessary to be raised by the town for the improvement of roads and bridges therein for the ensuing year, specifying the improvements required; and such board of audit shall cause such statement to be presented at the next annual town meeting. [*R. S. 1858 c. 19 s. 3; 1869 c. 152 s. 3, 4; R. S. 1878 s. 1226; Ann. Stats. 1889 s. 1226; Stats. 1898 s. 1226; 1919 c. 518 s. 1*]

Establishment of lost records. SECTION 1226*a*. Whenever the record of the laying out of any highway has been or shall be lost or destroyed the supervisors of the town in which such highway is situated may make a new record thereof by a written order, which shall be entered on the town records. Whenever the supervisors shall contemplate making such new record they shall make a notice and fix therein a time and place at which they will meet and decide upon the same, which notice shall specify as near as may be the highway as to which they propose to make such record. Such notice shall be served and posted in the manner provided by section 1267; but notice need not be given to such persons as waive the same or consent to the making of the order either before or after it is entered. The supervisors shall meet pursuant to the notice given and hear any arguments or evidence that may be offered for or against

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the proposed new record, and thereupon decide as they deem proper. They may adjourn from time to time, and an entry of each adjournment shall be made in the record by the town clerk. If they find that the highway is a legal one the record whereof is lost or destroyed, they shall make an order determining such facts and specifying the course, width and other pertinent description of the highway, and such order shall be filed and recorded in the office of the town clerk, who shall note the time of recording it in the record. Any number of highways may be included in one such notice or order, and a failure or refusal to make a new record for any highway shall not preclude a subsequent proceeding for that purpose. Any person through whose land such highway shall pass may appeal from such order on the ground that the highway described therein was not theretofore a legal highway in fact in the time and manner provided for appealing from orders laying out highways, and like proceedings, as near as may be, shall be had thereon as in case of appeals from such orders. Such order of the supervisors, if there be no appeal, or the decision of commissioners affirming the same upon appeal, and the record or a certified copy thereof shall be presumptive evidence of the regularity of the proceedings prior to the making of such order and of the correctness of the findings, determinations and matters therein stated, and the regularity of such proceedings shall not be called in question by any person except owners of land on whom such notice should have been served but on whom it was not in fact served, and persons claiming under such owners. [*1889 c. 106; Ann. Stats. 1889 s. 1269a; Stats. 1898 s. 1226a*]

SECTION 1226*b*. [*Repealed by 1919 c. 702 s. 60*]

SECTION 1226*c*. [*Repealed by 1921 c. 576 s. 5*]

GUIDEBOARDS.

Guideboards. SECTION 1227. 1. The town board of each town in the state of Wisconsin shall cause to be erected before the first day of December, 1913, and to be kept in good repair suitable and appropriate guideboards on and along all main traveled public highways where the same intersect with other main public highways within their respective towns. The expense of the erection and keeping in repair of all such guideboards shall be paid out of the treasury of such town.

Placing. 2. Such guideboards shall be securely attached at the upper end of a post set in the ground, and shall when firmly set project seven feet and six inches above the ground.

Lettering. 3. There shall be painted upon such guideboards in plain black Roman letters not less than two and one-half inches high, the names of adjoining or important towns, villages or cities to and through which said public highway leads, the distance in miles of such town, village or city from such guide post, and any indication of direction which will be helpful to the traveler.

Injuring; penalty. 4. Any person who shall deface, injure or destroy any such guideboard shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars.

District attorney to enforce. 5. It shall be the duty of the district attorney of any county, upon receipt of a written complaint signed by any resident of such county, alleging that the town board of any town has failed or refused or fails or refuses to carry out the provisions of this section, to make such investigation as may be necessary, and if he shall find the allegations of such complaint to be true, he shall forthwith notify the town board in default to comply with the provisions of this section, and if said town board shall thereafter fail within a reasonable time to comply with such notice and with the provisions of this section, the district attorney shall institute proper proceedings in a court of competent jurisdiction against such town board to enforce compliance with this section. [*1869 c. 152 s. 7–9, 11, 12; R. S. 1878 s. 1227, 1228; Ann. Stats. 1889 s. 1227, 1228; Stats. 1898 s. 1227, 1228; 1909 c. 405; 1913 c. 402*]

SECTION 1228. [*Repealed by 1913 c. 402 s. 2*]

SUPERINTENDENT OF HIGHWAYS.

Town superintendent of highways. SECTION 1229. 1. The town supervisors shall appoint and fix the compensation of a competent person, or more than one, to superintend the construction and repair of all highways and bridges in the town, under their general supervision and direction. Such person shall be designated as superintendent of highways of the town; if more than one person is so appointed the town shall be divided by the supervisors into as many districts as there are superintendents; each such district shall be numbered and each superintendent shall have charge, subject to the

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town supervisors, of the highways and bridges in his district, and shall be designated as superintendent of highways of district No. .... of such town. Such superintendent or superintendents shall be appointed in writing for a term of one year from the date of appointment, and such writing shall be filed with the town clerk. Any superintendent may be removed for cause by the supervisors. Any vacancy occurring by removal or otherwise shall be filled by them for the unexpired term.

2. The superintendent of highways may be paid in lieu of all other compensation an annual salary, payable monthly, either out of the bridge and road fund or out of the general fund of the town. In addition to his salary, the superintendent of highways may be paid an amount per month for the maintenance and upkeep of a horse and vehicle or automobile or motor truck, such payment to be made in addition to the payment for salary and such allowance to be paid monthly out of the road and bridge fund or out of the general fund of the town. Such allowance for the use of a horse and vehicle or automobile or motor truck shall be fixed by the town board at any regular or special meeting and may be discontinued by them. The right to receive payment for the upkeep of a horse and vehicle or automobile or motor truck shall not be incidental to or inseparable from the office of superintendent of highways but may be allowed or discontinued by the supervisors at their discretion at any meeting of said supervisors.

3. Each superintendent of highways shall, before he enters upon the duties of his office, execute to the town a bond in such amount as shall be required by the town board of supervisors, and with such sureties as shall be approved by said board, and file the same with the town clerk, conditioned upon the faithful discharge of the duties of his office and upon the proper application and payment of all moneys that may come into his hands.

4. Each superintendent of highways shall make a complete and full report of all funds received and disbursed by him whenever requested so to do by the town board, and shall also make a complete and full report to each annual town meeting. [*1919 c. 518 s. 3; 1921 c. 274*]

SECTION 1229*m*. [*Repealed by 1919 c. 518 s. 1*]

Duties of town superintendent of highways. SECTION 1230. 1. It shall be the duty of the town superintendent of highways

(a) To supervise the construction and maintenance of all roads, bridges, and culverts together with their appertaining structures on all highways, required by law to be maintained by the town.

(b) To keep the said highways passable at all seasons.

(c) To perform such other duties in connection with highways as the town supervisors may designate him to perform.

(d) To keep a full account of all receipts and disbursements.

2. The town superintendent may make such arrangements for the prosecution of his work as he may deem necessary and may appoint such foremen under him as the necessities of his various work may require.

3. The town supervisors shall provide the town superintendent of highways at the time he enters upon his duties with the necessary forms and books so that he may properly record all receipts and disbursements therein. The state highway commission is directed to devise a standard set of forms and books for the use of town superintendents and to furnish each town board with a description thereof on or before April 1, 1920.

4. All payments for work performed and for materials furnished on town highways shall be made by town highway order drawn upon the town treasurer, and each order shall be signed by the town superintendent of highways and countersigned by the town chairman and each order shall be recorded upon the books of the town superintendent showing the date, amount and purpose thereof.

5. All formal contracts for the performance of road, bridge and culvert construction shall be approved by the majority of the town board before being binding upon the town. [*1919 c. 518 s. 3*]

SECTION 1231. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1232. [*Repealed by 1919 c. 518 s. 1*]

Special repairs. SECTION 1233. Whenever any highway shall become impassable by reason of any casual interruption from the falling of timber, the destruction of any bridge or the washing away or injury of any part of such highway it shall be the duty of the superintendent to cause such highway to be put in passable repair as soon as practicable. [*1869 c. 152 s. 16; R. S. 1878 s. 1233; Ann. Stats. 1889 s. 1233; Stats. 1898 s. 1233*]

SECTION 1234. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1235. [*Repealed by 1919 c. 518 s. 1*]

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One-man road superintendent in populous counties may procure road machinery. SECTION 1235*a*. In any town situated in any county having a population of two hundred thousand or over, wherein the county board at any annual meeting, shall by a majority vote of all members thereof, have adopted a resolution determining that the provisions of chapter 599, laws of 1911, shall apply to such county and in any town in any such county where the one-man road superintendent system is in effect, such superintendent may, if he shall deem it necessary, procure and purchase a good and sufficient steam roller, or roller propelled by gasoline, kerosene, or other fuel; a scarifier; one heavy auto truck; a light auto truck, or more than one of such machines and all necessary equipment therefor, and all necessary small and other tools to equip said road superintendent's force for road work with such equipment as road contractors ordinarily use; and also a water sprinkler, either horse drawn or motor driven, for sprinkling highways of said town; a road oiler, for the purpose of putting oil on roads and also oil or other compounds, or material in such quantities and amounts to be put on highways in said town as may be necessary in the judgment of said superintendent of highways; but all such purchases shall be made and only with the advice and consent of the supervisors of said town and the orders for said machines shall be signed by at least two of said supervisors, in order to make such orders valid. Such machines when thus purchased shall be paid for, either out of the highway tax fund, bridge and road fund, or the general fund of said town, and the supervisors shall determine whether or not the machines purchased on such orders meet the specifications and requirements of said town. [*1919 c. 356; 1921 c. 140*]

Entry on lands. SECTION 1236. It shall be lawful for any superintendent of highways or any person acting under his direction to enter upon any lands adjoining to or near any highway in his town and construct such drains or ditches as may be necessary for the improvement or preservation of such highways; and any such superintendent or person may enter upon any unimproved lands adjoining to or near any highway in his town and gather or dig stones, gravel, sand, clay or loam and cut any wood or trees, and take away the same for the purpose of making or improving any highway; but such superintendent or other person shall carefully avoid doing any unnecessary injury upon the same; and in case there shall be within the limits of any highway in any town any stone, gravel or sand suitable for any highway the same may be taken to improve any highway therein; but no such material shall be removed from such town without the previous consent of the supervisors of the town in which it is located, unless the highway on which the same occurs is maintained by the county, in which case the county may use the same for any highway purpose. Whenever any highway shall be constructed or maintained by a county, the county highway commissioner or his agent shall have all the rights and powers conferred in this section upon town superintendents of highways. [*1869 c. 152 s. 14; R. S. 1878 s. 1236; 1883 c. 148; Ann. Stats. 1889 s. 1236; 1897 c. 76; Stats. 1898 s. 1236; 1919 c. 518 s. 2*]

Appraisement of damages. SECTION 1237. If any owner or occupant of lands so entered upon or used for any of the purposes mentioned in the preceding section shall feel himself aggrieved he may apply to the supervisors of the town, who shall appoint three disinterested electors of such town to appraise the damages; and such electors, being first duly sworn justly and impartially to appraise the damages done upon such lands, shall proceed to estimate the same, and the damages, if any, allowed by them shall be certified under their hands and the same shall be audited by the town board and paid out of the town treasury; said appraisers shall take into consideration the special advantages, if any, as well as the damages done to said lands by reason of any improvement made on said road by such materials so taken. The appraisement of damages so made or the determination not to allow any shall be filed by the appraisers with the town clerk, to be laid before the town board of audit, within ten days after such oath is taken; and in default of such filing the town shall be liable to an action for damages as a trespasser without the presentation of any claim to the supervisors on account of the damage done. [*1868 c. 152 s. 15; R. S. 1878 s. 1237; 1885 c. 46; Ann. Stats. 1889 s. 1237; Ann. Stats. 1889 s. 1237a sub. 1; Stats. 1898 s. 1237*]

Appeal. SECTION 1237*a*. Any person aggrieved by the determination of such appraisers may appeal therefrom to the circuit court of the county in which such town is situated by serving a written notice of appeal upon the town clerk within thirty days after such determination shall be filed as provided in the preceding section; the town may also appeal in like manner, the notice thereof being signed by the supervisors. Within ten days after notice of appeal has been so served the town clerk shall transmit to the clerk of such circuit court all the papers on file in his office relating to such determination, with a certificate reciting that all such papers are returned; provided, that if such notice is filed by any person or party other than the town it shall be ac-

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companied by a written undertaking, signed by the appellant and one or more sureties, to be approved by the town clerk, conditioned for the payment of all costs that may be awarded against him. Upon receipt of such notice, papers and undertaking (where the latter is required) the clerk of the circuit court shall enter an action in his court record with the landowner or occupant as plaintiff and the town as defendant, and thereafter the appeal shall be considered to be an action, which shall be subject to the general rules governing other actions and be tried by a jury unless the parties otherwise stipulate. The plaintiff shall be allowed costs if the judgment is for a larger sum, excluding interest, than the appraisement; if it is not, costs shall be allowed the defendant. [*1885 c. 46; Ann. Stats. 1889 s. 1237a; Stats. 1898 s. 1237a*]

SECTION 1238. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1238*f*. [*Repealed by 1919 c. 518 s. 1*]

ASSESSMENT AND COLLECTION OF HIGHWAY TAXES.

Supervisors' duties. SECTION 1239. The supervisors of each town shall meet within eighteen days after the annual town meeting, and shall then, or at some subsequent meeting on or before the second Monday of May, assess the highway tax in their respective towns for the ensuing year. [*1869 c. 152 s. 23, 24; R. S. 1878 s. 1239; Ann. Stats. 1889 s. 1239; Stats. 1898 s. 1239; 1919 c. 443 s. 2, 3; 1919 c. 518 s. 2*]

Highway taxes, how assessed. SECTION 1240. In making an assessment of highway taxes the supervisors shall proceed as follows:

(1) The highway taxes, to an amount of not less than one nor more than seven mills on the dollar, shall be assessed on the valuation of the real and personal property in each town; provided, that in addition to such amount there may be assessed any additional amount which shall have been authorized by the last preceding annual town meeting, not exceeding in all ten mills on the dollar of such valuation; provided further, that no town containing less than five hundred inhabitants shall levy or collect in any year a highway tax of more than three thousand dollars, including the amount voted by any town meeting and the amount levied by the supervisors, not including the amount voted and levied under sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes; and that no town containing two congressional townships or more and more than five hundred inhabitants shall levy or collect a highway tax, exclusive of that first authorized herein, not including any amount raised under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes, of more than four thousand dollars in any year. No further tax levy mentioned in this subsection shall be made if the total levy of taxes for all town purposes has reached the limit of one and one-fourth per cent of the assessed valuation of the town for the preceding year, as fixed by subsection (1) of section 60.18.

(2) The supervisors of every town shall levy such taxes for the current year and certify the amount thereof to the town clerk who shall apportion and enter them in the next town tax roll for collection as directed by section 1252*m*. Provided, that in towns having income taxes in its treasury, the supervisors may expend the same for highway purposes, regardless of the foregoing limitation. [*1869 c. 152 s. 22, 25; 1878 c. 250; R. S. 1878 s. 1240, 4885; 1880 c. 60; 1883 c. 163; Ann. Stats. 1889 s. 1240, 4885; 1893 c. 284; 1893 c. 292 s. 18; Stats. 1898 s. 1240, 4885; 1907 c. 331; 1909 c. 170; 1913 c. 432, 697; 1915 c. 409 s. 2; 1917 c. 173; 1919 c. 443 s. 1; 1919 c. 518 s. 2; 1919 c. 702 s. 61; 1921 c. 384*]

SECTION 1241. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1241 [1911]. [*Repealed by 1913 c. 697*]

SECTION 1242. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1242*m*. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1243. [*Repealed by 1919 c. 518 s. 1*]

Town highway tax; six hundred dollars additional levy. SECTION 1244. 1. Whenever the amount of highway tax assessed by the supervisors shall be deemed insufficient to keep the highways in repair it shall be lawful for them, upon the written application of the superintendent of highways to assess an additional tax upon the taxable property of the town, not to exceed seven mills to the dollar on the valuation of the same as fixed in the highway tax list; and the taxes so further assessed shall be collected and expended in like manner as other highway taxes assessed by the supervisors are required to be collected and expended.

2. It shall also be lawful for the supervisors of any town to levy a tax on all the taxable property therein, which shall be levied and collected as other highway taxes are, for the purpose of opening or repairing highways therein, whenever they shall deem it necessary for the public convenience; but the tax last mentioned shall not be levied unless all the supervisors agree thereto, nor shall it exceed six hundred dollars

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in any year, nor shall more than one such tax be levied and collected in any year; provided, however, that no levy or levies mentioned in this section shall be made if the total levy of taxes for highway purposes has reached the limit fixed by section 1240, and in no event shall the levy of taxes for highway purposes exceed the limitations of section 1240. [*1869 c. 152 s. 6; 1872 c. 74; R. S. 1878 s. 1244; 1882 c. 215; 1885 c. 243; Ann. Stats. 1889 s. 1244, 1244a; Stats. 1898 s. 1244; 1907 c. 240; 1915 c. 409 s. 3; 1919 c. 518 s. 2*]

Petition and proposals for. SECTION 1244—1. Whenever a petition signed by the owners of a majority of the lineal feet of land fronting or abutting upon any public road or part thereof in any town, praying that such road or part thereof be sprinkled, is presented to the clerk of the town in which such road or part thereof is situated and is accompanied with an undertaking, signed by at least three of such petitioners, and which said clerk shall approve as to its form and sufficiency, indemnifying the town against liability for all expense that may be incurred by reason of complying with the prayer of such petition, the supervisors of such town may, if they think the public interest requires it, advertise for sealed proposals for doing such sprinkling during the time specified in such petition, which time shall not extend beyond the end of the year in which such petition is dated. For the purpose of signing such petition every person in the actual possession of any parcel of land fronting upon the road or part thereof mentioned therein under a contract of any kind for the purchase thereof shall be deemed to be the owner of such land. Every person who signs such a petition shall write after his signature thereto a brief description of the real estate situated on such road or part thereof so owned by him, and annex to the petition an affidavit stating that he is the owner thereof; thereupon he shall be taken to be such owner, and such petition shall have the same effect as if he were in fact the owner of the property so described, regardless of whether he is such owner or not. [*1887 c. 276 s. 1, 2; Ann. Stats. 1889 s. 824a, 824b; Stats. 1898 s. 824a; Stats. 1917 s. 824a; 1919 c. 551 s. 21*]

Advertisement; contract. SECTION 1244—2. If the supervisors of such town shall grant the prayer of such petition they shall advertise for sealed proposals for doing the sprinkling in accordance therewith by publishing notice of the conditions under which the work must be done and of the time and place at which proposals for doing the same will be opened. Such notice shall be published at least once, and not less than six days before the time so fixed, in some newspaper printed in the town, if there be one; otherwise in some newspaper published at the county seat of the county in which such town is situated. The doing of such sprinkling shall be let by the supervisors to the lowest and best bidder who will enter into a contract with them to do the same according to the conditions which they may prescribe and as prayed for in the petition; the performance of the contract for doing the same shall be guarantied by a bond executed by one or more sureties and approved by said supervisors. Said contract shall provide that the town represented by the supervisors shall in no event be liable to pay for such sprinkling or any part thereof; that the contractor shall accept in full payment for his services certificates issued by the supervisors as hereinafter provided; and whether such contract so provide or not, no liability whatever shall attach to any town because of the doing of any such sprinkling. [*1887 c. 276 s. 1; Ann. Stats. 1889 s. 824a; Stats. 1898 s. 824b; Stats. 1917 s. 824b; 1919 c. 551 s. 21*]

Assessment and certificate of cost. SECTION 1244—3. At any meeting of the supervisors after the performance of such contract they may assess upon the land fronting or abutting upon the road or part thereof sprinkled the cost of such sprinkling, including the cost of sprinkling crossings where other roads are intersected by such road. Such assessment shall be equal per lineal foot of frontage of each parcel of such land separately owned, and a separate certificate shall be made for each such parcel. Each certificate shall be signed by the chairman of the supervisors and the town clerk, shall state the sum due for doing the sprinkling, and contain a brief description of the land against which such sum is assessed. Such certificates shall be transferable by indorsement and bear interest at the rate of fifteen per centum per annum from the time of the next tax sale after their date. When such assessment is completed the town clerk shall file in his office a statement of the whole cost of such sprinkling, a brief description of each parcel of land owned separately and fronting or abutting upon the road or part thereof sprinkled and the amount assessed against the same, which description and amount shall be entered upon the next tax roll of such town. [*1887 c. 276 s. 1; Ann. Stats. 1889 s. 824a; Stats. 1898 s. 824c; Stats. 1917 s. 824c; 1919 c. 551 s. 21*]

Certificate a lien. SECTION 1244—4. From the time of filing such statement the amount due on each such certificate shall be a lien upon the land described therein, and shall be collected, and the collection thereof may be enforced, for the benefit of the holder thereof in all respects as taxes assessed against such land are collected, and the same fees

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may be charged for the collection thereof. Such collection may be made notwithstanding the limit fixed by law for the levy of taxes for town or other purposes may be exceeded because thereof. [*1887 c. 276 s. 3, 4; Ann. Stats. 1889 s. 824c, 824d; Stats. 1898 s. 824d; Stats. 1917 s. 824d; 1919 c. 551 s. 21*]

Performance of contract. SECTION 1244—5. The supervisors shall have power to determine whether the sprinkling required to be done under the contract is done in accordance therewith, and if they shall be of opinion that it is not so done may notify the contractor of the fact and indicate in what particular he has failed. If, after receiving such notice, he shall, in their judgment, fail to comply with the terms of his contract they may forbid him to continue such sprinkling, and may employ, by private contract, other parties to do the same; in which event they shall issue separate certificates to the contractor and the parties so employed for such amount as they shall deem each to be entitled to; but the total amount for which certificates shall be issued shall not exceed the sum designated in the original contract. If the whole amount due both parties shall exceed such sum, the original contractor and the sureties on his bond shall be liable in an action brought by the parties who were subsequently contracted with for the excess; in no event shall the town be liable for any amount whatever. [*1887 c. 276 s. 5; Ann. Stats. 1889 s. 824e; Stats. 1898 s. 824e; Stats. 1917 s. 824e; 1919 c. 551 s. 21*]

Incidental expenses. SECTION 1244—6. The supervisors may fix the amount of compensation that the town clerk or any other person who renders services on account of such sprinkling shall be entitled to receive therefor, which amount and the expense of the advertising required and other incidental expenses incurred shall be assessed in the same manner that the expense of the sprinkling is assessed, be regarded as a part of such expense and be collected in the same way. No liability whatever for such expense or any part thereof shall rest upon such town. [*1887 c. 276 s. 6; Ann. Stats. 1889 s. 824f; Stats. 1898 s. 824f; Stats. 1917 s. 824f; 1919 c. 551 s. 21*]

Informality; reassessment. SECTION 1244—7. Whenever a petition for sprinkling shall be presented, a contract therefor entered into and certificates for the cost thereof issued in substantial conformity with the provisions of the foregoing sections, no error in or failure to carry out any other of such provisions shall invalidate such certificates; provided, that the sprinkling be done and that the land described in the certificate shall abut upon the part of the road sprinkled; but if any parcel of land is assessed for more than its just share of the cost of such sprinkling any certificate against it shall be invalid as to the excess beyond such share. If any such certificate is invalid for any reason whatever, or there shall be an omission to assess any parcel of land which ought to have been assessed the supervisors may, at any time within five years after the sprinkling was done, reassess the land described or intended to be described therein, or assess that omitted with the amount that should be equitably charged against it and issue certificates therefor. [*1887 c. 276 s. 8; Ann. Stats. 1889 s. 824g, 824h; Stats. 1898 s. 824g; Stats. 1917 s. 824g; 1919 c. 551 s. 21*]

COLLECTION AND APPLICATION OF HIGHWAY TAXES.

Town treasurer's duty. SECTION 1245. It shall be the duty of each town treasurer to credit any moneys in the town treasury accruing from returned highway taxes or from any balance remaining from such taxes collected in the previous year and notify, between the fifteenth and thirtieth days of April in each year, the chairman of the town board as to the amount of moneys in the treasury available for highway purposes. [*1869 c. 152 s. 49; 1872 c. 46; R. S. 1878 s. 1245; 1883 c. 26; Ann. Stats. 1889 s. 1245; Stats. 1898 s. 1245*]

SECTION 1246 [1898]. [*Repealed by 1919 c. 518 s. 1*]

How and when expended. SECTION 1246. In all towns the moneys received from highway taxes shall be expended as and when the supervisors shall direct. [*1869 c. 152 s. 32; R. S. 1878 s. 1246; Ann. Stats. 1889 s. 1246; 1893 c. 284 s. 4; Stats. 1898 s. 1246; 1911 c. 599*]

SECTION 1247. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1248. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1249 [1898]. [*Repealed by 1919 c. 518 s. 1*]

Removal of snow; credit for excess labor. SECTION 1249. Every superintendent of highways shall, whenever any part of any public highway in his district is blocked by snow so as to be impassable, call out, upon one day's notice, so many of the taxpayers therein as may be necessary to immediately put such part of said highway in passable order; and every person who shall appear upon such notice, with such animals and tools as the superintendent shall direct and work agreeably to his orders, and shall expend in labor,

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material or money an amount greater than he is assessed to pay as highway taxes in such year, shall be entitled to receive from the superintendent a certificate for the amount of such expenditure, such certificate, on presentation to the treasurer of the town in which such expenditure was made, shall be a good credit on account of any delinquent or subsequent highway tax assessed against such person therein. [*1869 c. 152 s. 143, 144; 1872 c. 128 s. 2; R. S. 1878 s. 1249; 1887 c. 174, 454; Ann. Stats. 1889 s. 1249; Stats. 1898 s. 1249; 1911 c. 599*]

SECTION 1250 [1898]. [*Repealed by 1919 c. 518 s. 1*]

Assessment of tax. SECTION 1250. For the purpose of performing the duty required by section 1249 the supervisors of the town may, if necessary, levy and assess a highway tax, not exceeding one-fourth the amount assessed by the supervisors, on the taxable property on the highway tax list for the current year; and such tax shall be collected in the same way and manner as other highway taxes are collected. [*1869 c. 152 s. 144; 1872 c. 128 s. 2; R. S. 1878 s. 1250; Ann. Stats. 1889 s. 1250; Stats. 1898 s. 1250; 1911 c. 599; 1919 c. 518 s. 2*]

SECTION 1251. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1252 [1898]. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1252 [1911]. [*Renumbered section 1252m by 1919 c. 443 s. 1*]

Collection and disbursement of taxes. SECTION 1252*m*. All taxes assessed for highway purposes by town supervisors shall be paid in money to the town treasurer at the time and in the manner other taxes are paid; the moneys received from such taxes shall be disbursed by said treasurer on warrants drawn by direction of the supervisors. [*1869 c. 152 s. 38–41; R. S. 1878 s. 1252; 1881 c. 251; Ann. Stats. 1889 s. 1252; 1893 c. 284 s. 4; 1895 c. 385; Stats. 1898 s. 1252; 1911 c. 599; 1919 c. 443 s. 1*]

SECTION 1253. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1254. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1255. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1256. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1257. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1258. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1258*a*. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1259. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1260 [1898]. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1260 [1911]. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1260*m*. [*Repealed by 1913 c. 697*]

SECTION 1261. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1262. [*Repealed by 1919 c. 518 s. 1*]

SECTION 1262*a*. [*Repealed by 1919 c. 518 s. 1*]

HIGHWAYS, HOW LAID OUT, OPENED, ALTERED AND DISCONTINUED.

Not through orchard, etc. SECTION 1263. No public highway shall be laid out through or upon any orchard or garden or any building or fixture used for the purpose of trade or manufacture, when the damage caused thereby to such orchard, garden, building or fixture, exclusive of the damage to the land, shall exceed three hundred dollars. Or through or upon any building, fixture, yard or inclosure used for educational or charitable purposes or through or upon any other building or fixture where the value of said building or fixture exceeds three hundred dollars. Or through or upon the yard or inclosure necessary to the use or enjoyment thereof, without the consent of the owner, or through any cemetery without the consent of the trustees or other officers having the control or management thereof. [*R. S. 1858 c. 67 s. 15; 1869 c. 152 s. 54; 1872 c. 128 s. 1; R. S. 1878 s. 1263; Ann. Stats. 1889 s. 1263; Stats. 1898 s. 1263; 1899 c. 140 s. 1; Supl. 1906 s. 1263; 1907 c. 118; 1919 c. 343*]

Width of. SECTION 1264. Public highways laid out under the provisions of this chapter shall not be less than four rods wide, but town supervisors shall have power to lay out such highways of the width of three rods when in their opinion a highway of greater width is not needed. [*1869 c. 152 s. 74; R. S. 1878 s. 1264; Ann. Stats. 1889 s. 1264; Stats. 1898 s. 1264*]

How laid out, altered, etc. SECTION 1265. When any six or more freeholders or applicants for a homestead under the laws of the United States, occupying the same, residing in any town, shall wish to have a highway laid out, widened, altered, or discontinued in such town, they may make application in writing to the supervisors of the town in which they reside for that purpose; and the said supervisors shall proceed to lay out, widen, alter, or discontinue such highway if in their own opinion the public

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good will thereby be promoted; provided, however, that no town board shall discontinue any state road without laying out and opening a town highway connecting the portions of such state road separated by such discontinuance of such state road, unless the portions of such state road so disconnected by such discontinuance are already connected with a highway in existence at the time of such discontinuance; and provided, further, that no town board shall have power or authority to alter, change, or discontinue any highway laid out by the county board or any highway or portion thereof which shall have been improved by the county board by the expenditure thereon of county money, nor to discontinue any highway or part thereof when such discontinuance will deprive the owner of any lands of access therefrom to a public highway. Provided, further, that this section shall not apply to that part of any state road in any town where an action or proceeding is now pending against the town where such road is situated, to compel the town to restore or repair such highway. When any highway is sought to be altered under the provisions of this section, and all of the abutting owners on the part of the highway so sought to be altered desire such alteration, and the board of supervisors is of the opinion that the public will not be materially affected by such alteration, such board may make the same and may take into consideration donations of money, land, or services by such abutting owners for the making of such alterations. When the laying out of a highway would require the construction of a bridge costing more than three hundred dollars to make such proposed highway usable and reasonably safe for travel, the order of the town board laying out such highway shall not be effective unless approved by the electors of the town. If a decision of the state highway commission showing the cost of any such bridge is obtained, such decision shall be conclusive as to whether or not the order of the town board requires the approval of the electors. Provided, however, that the provisions of this section shall not affect any bridge or bridges to be erected or repaired on any highway heretofore laid out and opened. [*R. S. 1858 c. 19 s. 53; 1869 c. 148 s. 1; 1869 c. 152 s. 90, 97, 134; 1874 c. 93; R. S. 1878 s. 1265; Ann. Stats. 1889 s. 1265; Stats. 1898 s. 1265; 1901 c. 388 s. 1; Supl. 1906 s. 1265; 1907 c. 118; 1909 c. 115; 1911 c. 370, 605; 1911 c. 664 s. 139; 1917 c. 640; 1919 c. 679 s. 59*]

When supervisor not to act. SECTION 1266. No supervisor shall act in laying out, altering, widening or discontinuing any highway in which he may be personally interested. If one supervisor is interested the other two shall act; if two are interested the third supervisor shall act in the matter. [*1869 c. 152 s. 75; R. S. 1878 s. 1266; Ann. Stats. 1889 s. 1266; Stats. 1898 s. 1266*]

Notice of meeting. SECTION 1267. On application made to supervisors for laying out, widening, altering or discontinuing any highway they shall make out a notice fixing therein a time and place at which they will meet and decide upon such application. The applicants shall, at least five days previous to such time, cause such notice to be given to all the occupants of the lands through which such highway may pass; and in case such application shall be for the discontinuance of the whole or any portion of the highway such notice shall be given to the occupants of all the lands abutting or touching on such highway the whole or any part of which is sought to be discontinued, which notice shall be served personally or by copy left with or at the usual place of abode of such occupant of such lands, and such notice shall also be posted up in three public places in said town at least ten days before the time of such meeting of the supervisors. If any such lands are unoccupied, such notice shall be published in a newspaper published or having a general circulation in such town at least ten days before the time of such meeting. Every such notice shall specify as near as practicable the highway proposed to be laid out, widened, altered or discontinued and the several tracts of land through which the same may pass, and in case the application is for the discontinuance of all or of a part of any highway such notice shall contain a description of the lands abutting upon such highway which will be benefited, injured or damaged by the discontinuance of such highway or any part thereof. [*1869 c. 152 s. 56; R. S. 1878 s. 1267; 1889 c. 266 s. 1; Ann. Stats. 1889 s. 1267; Stats. 1898 s. 1267; 1919 c. 343*]

Proceedings after notice. SECTION 1268. The supervisors, upon being satisfied that the notices required in the preceding section have been duly given, proof of which may be shown by affidavit or otherwise as they may require, shall proceed to examine personally such highway and shall hear any reason that may be offered for or against laying out, widening, altering or discontinuing the same, and shall decide upon the application as they shall deem proper; and they may adjourn from time to time, not exceeding in all thirty days from the time of the first meeting, giving public notice of the time and place of such adjournment when made and by forthwith filing notice of

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such adjournment in the office of the town clerk. [*1869 c. 152 s. 57; 1876 c. 376; R. S. 1878 s. 1268; Ann. Stats. 1889 s. 1268; Stats. 1898 s. 1268*]

Order to lay out; survey; award. SECTION 1269. Whenever the supervisors shall lay out, alter, widen or discontinue any highway they shall make and sign an order therefor, incorporating therein a description of the highway so laid out, altered, widened or discontinued, and shall cause an accurate survey thereof to be made when necessary; and such order shall be filed and recorded in the office of the town clerk, who shall note the time of recording the same in the record. Such order, together with the award of damages hereinafter mentioned, shall be so filed within ten days after the day fixed by their notice or adjournment for deciding upon such application; and in case said supervisors shall fail to file such order and award within the ten days aforesaid they shall be deemed to have decided against such application. [*1869 c. 152 s. 58; 1876 c. 376; R. S. 1878 s. 1269; Ann. Stats. 1889 s. 1269; Stats. 1898 s. 1269*]

Assessment of damages. SECTION 1270. The damages sustained by any person through whose land any highway shall be laid out, widened, or altered may be ascertained by agreement between the supervisors and such owner; every such agreement shall be reduced to writing and signed by such owner and the supervisors and filed in the town clerk's office; and every such agreement and every release of damages given shall forever preclude such owner and all persons claiming under him from all further claim for damages. If there be any owner, other than this state or the United States, of lands through which any highway shall be laid out, widened, or altered, who shall not agree with the supervisors as to the compensation he shall receive for the damages sustained by him by reason of the laying out, widening, or altering of such highway, and who shall not, previously to the making of the order laying out, widening, or altering such highway, deliver to said supervisors a written release of all claims for such damages, said supervisors shall, at the time of making such order, assess the damages which such owner will sustain by reason of the laying out, widening, or altering such highway through his lands, and make an award in writing, specifying therein the sum awarded by them to each of said owners for their respective damages; and if the owner of any parcel of land through which such highway shall be laid out, widened, or altered is unknown, the supervisors shall, in their award of damages, specify the amount of damages awarded by them to the unknown owner of such parcel of land, giving a brief description of such parcel of land in their award; said award shall be signed by said supervisors and be filed in the office of the town clerk with the order laying out, widening, or altering such highway. The damages sustained by the owner of any lands by reason of the discontinuance of any highway or of any part of a highway shall be ascertained and may be appealed from as provided in this chapter. [*1869 c. 152 s. 55, 60; R. S. 1878 s. 1270; 1889 c. 266 s. 2; Ann. Stats. 1889 s. 1270; Stats. 1898 s. 1270; 1911 c. 370*]

Improvement of streets in towns of Milwaukee county. SECTION 1270*a*. The supervisors of any town, situated wholly within the boundaries of a county containing a city with a population of three hundred thousand, or more, may cause any highway or street, or any part of any highway or street not less than sixteen rods in length, to be built, graded, paved, macadamized, or otherwise improved, or any sidewalk or gutter to be built, laid, repaired or improved, or build, lay, relay or repair cinder sidewalks, upon a petition therefor, in writing, signed by at least a majority of the owners of real estate bounding both sides, or order any sidewalk of wood or cinders, or gutter on one side of a street to be built, on the petition of a majority of such owners, and may order any sidewalk of wood or cinders, or gutter previously built to be put in repair if necessary in the discretion of such board, without petition. For the purpose of so improving any street or building or repairing any sidewalk or gutter, the town board may levy or cause to be collected upon lots, tracts or parcels of ground on such highway, street or part of highway or street improved or on the side thereof where one such sidewalk or gutter is to be built, rebuilt or repaired, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvement as ordered, opposite such property to the center of the highway or street. Every such tax for repairs shall be for the entire cost of repairs in front of the property so taxed. If any tax levied under this section shall prove insufficient to pay the cost thereof assessed to such property, the town board may levy an additional tax to make good such deficiency. [*1913 c. 284*]

Repair of cinder walks in particular towns. SECTION 1270*b*. 1. In any town situated in any county having a population of three hundred thousand or over, wherein the county board at any annual meeting shall, by a majority vote of all members thereof, have adopted a resolution determining that the provisions of chapter 599, laws of 1911, shall apply to such county, the town board of supervisors may order any sidewalk of cinders,

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previously built in such town, to be put in repair, if necessary, for the convenience and safety of public travel thereon, in the discretion of such town board of supervisors, without petition; and pay the cost of such repair out of the general highway tax fund of said town; but shall not expend in any one year for such purpose more than five per centum of the total amount of general highway taxes levied in the same year. All bills for said work shall be audited by said town board of supervisors at their regular meetings, and minutes made of the allowance of such bills; such bills, when audited and allowed, shall be charged to and paid out of said general repair tax fund.

2. The provisions of section 1270*b* shall apply only in towns in which one, and not more than one, superintendent of highways shall have been appointed. [*1917 c. 75*]

Considerations affecting damages. SECTION 1271. If any highway shall at the same time be discontinued and set to a tract of land through which or any part thereof a new or altered highway shall be laid out, the same may be taken into consideration in estimating the damages sustained by the owner thereof in laying out such new or altered highway; and in estimating the damages sustained by any person in laying out, altering, widening or discontinuing any highway the benefits which such person may receive thereby shall be taken into consideration. [*1869 c. 152 s. 88; R. S. 1878 s. 1271; 1889 c. 266 s. 3; Ann. Stats. 1889 s. 1271; Stats. 1898 s. 1271*]

Side path commissioners, how appointed; failure to accept appointment. SECTION 1271*a*. The county judge of any county may, upon the petition of fifty residents of such county, appoint from the resident citizens thereof, five or seven persons, the number to be determined by such judge, giving to each city and to one or more towns in such county a representation on the board, as near as possible in proportion to the probable number of cyclists residing in such localities, each of whom shall be a cyclist, who shall constitute a board of side path commissioners for such county. The terms of such commissioners, if the number be five, shall be one, two, three, four and five years, respectively, and if the number appointed be seven the terms of such commissioners shall be two to serve one year, two to serve two years, and one each to serve three, four and five years from and including the first day of January of the year in which the appointment is made, to be determined by such commissioners by lot, within one month after their appointment. A commissioner thereafter appointed for a full term shall hold office for five years from and including the first day of January of the year in which the appointment is made. Upon the receipt of such notice the county judge shall thereupon appoint a person to fill such vacancy and file such appointment in the office of the county clerk. The county clerk shall forthwith notify such person of his appointment and he shall take office immediately upon filing his written acceptance thereof with the county clerk and taking the constitutional oath of office. If any person so appointed fails to file such acceptance with the county clerk or take the constitutional oath of office within ten days after receiving notice of his appointment, or if any member of the board fails to attend, three consecutive regular meetings without being excused by a vote of the board, the board of side path commissioners may declare the place vacant by a majority vote of the board. Such commissioners shall serve without compensation, but shall be repaid their actual necessary disbursements out of the side path fund. [*1901 c. 308 s. 1; Supl. 1906 s. 1271a; 1907 c. 118; 1919 c. 362 s. 22, 29, 34*]

Powers of commissioners; width of side path; "side path" defined. SECTION 1271*b*. Such board of side path commissioners is hereby authorized and empowered to construct and maintain side paths along any public road or street or section thereof of the county, provided the said board of side path commissioners shall be required to obtain the approval of each town board in which said side path shall be built, and file the same in the town clerk's office before constructing paths along any road outside the limits of incorporated cities or villages; and provided that they shall be required to secure the approval of the village board of an incorporated village by a resolution at a meeting thereof, before constructing paths along any street of such village; and provided, that they shall be required to secure the approval of the common council of a city by resolution at a meeting thereof, before constructing paths along any street or section thereof, in such city. No side path shall be constructed upon any regularly constructed or maintained sidewalk. Such path shall be not less than three nor more than six feet wide, without the consent of the owners of abutting lands, and shall be constructed within the outside lines and along and upon either side of such public roads or streets and not within four feet from the line of the abutting property and such side path shall not be fenced. The term "sidewalks" as used in this act, means any sidewalk constructed or maintained as such by the public authorities or the owner of the abutting lands, which is reserved by custom for the use of pedestrians; but not including foot paths or portions of the public road which are worn only by travel. The

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term "side path" shall be construed to include any path built or acquired by a side path commission. No member or any number of members of a side path commission shall begin or in any way authorize the construction of a side path, to be built from the side path fund, until the record of the proceedings of the board shows that it has voted to construct such path. Boards of side path commissioners are authorized, upon unanimous vote of the board, to acquire, by gift, purchase or lease, any lands outside of the regular highways necessary for the purpose of building side paths, and to expend any of the funds in their possession for this purpose. [*1901 c. 308 s. 2; Supl. 1906 s. 1271b; 1907 c. 118*]

Form of license; where carried; fee for; who may use side paths. SECTION 1271*c*. Such board of side path commissioners shall, at their first meeting or within a reasonable time thereafter, and in each succeeding calendar year, adopt a form of license, badge, emblem or device suitable to be affixed to a bicycle, to be known as a bicycle side path license. Any person, upon the payment of a fee, to be determined by such commissioners of not less than fifty cents nor more than one dollar, shall be entitled to receive such license, which shall be good during the calendar year for which it is issued, and no longer. Every such license, to be valid, must be issued by the commissioners of the county wherein the bicyclist resides, except that any bicyclist who resides in another state or in some county of this state where there is no side path commission, may secure a license in any county where a side path commission has been lawfully appointed, and such license shall be valid for the use of the person so purchasing, till a side path commission is organized in the county where such person resides, or for the calendar year for which it is issued, and no longer. No person shall ride a bicycle on any side path in any county of this state where a side path commission has been, or at any time hereafter may be appointed, unless a valid bicycle license is attached or affixed to the left side of the front fork thereof, so that the license shall show on the left side of such bicycle. No person shall counterfeit any such license, or make, sell or give away, or have on his or her bicycle a license purporting to be issued by any county in this state, unless regularly issued by the respective boards of side path commissioners appointed pursuant to law. No license shall be valid unless attached to a bicycle as aforesaid. Such license shall be plainly numbered and shall not be valid if the number has been mutilated or changed so as to deceive or be calculated to deceive. No person shall have a license issued for a prior year or anything in the similitude of such a license attached to his or her bicycle in the place aforesaid except a valid license for the calendar year in which it is so used. [*1901 c. 308 s. 3; Supl. 1906 s. 1271c; 1907 c. 118*]

Disposition of license fees. SECTION 1271*d*. The license fees collected by the said boards of side path commissioners shall be deposited on or before the first day of each month with the county treasurer of their respective counties, by whom they shall be credited to a special fund, to be called "the side path fund," upon which the boards of side path commissioners are authorized to draw warrants signed by a majority of the board, but no warrants shall be drawn in excess of the amount actually on deposit; nor shall any contract or purchase be made, exceeding the amount of such funds at the time of making such contract or purchase. All bills shall be sworn to. Each board of side path commissioners shall report annually to the county judge of their respective counties, giving a detailed financial statement and filing with said report the vouchers of such expenditure, which report and vouchers shall be deposited in the county clerk's office. [*1901 c. 308 s. 4; Supl. 1906 s. 1271d; 1907 c. 118*]

For what purpose money may be expended. SECTION 1271*e*. The said boards of side path commissioners shall devote the moneys so collected, to the repairing of existing paths in their respective counties, to the construction of new paths, to the planting of shade trees along such paths, where the consent of the owners of the abutting lands to the planting of said trees has been obtained, to the maintenance of order on the paths and the necessary and authorized expense incurred in enforcing sections 1271*a* to 1271*k*, inclusive. [*1901 c. 308 s. 5; Supl. 1906 s. 1271e; 1907 c. 118; 1911 c. 663 s. 145*]

Driving of animals upon path, prohibited. SECTION 1271*f*. No person shall, for the purpose of injuring such side path, wilfully lead, stand, hitch, ride or drive any horse, cattle, sheep, swine or other animals upon any side path now constructed, or hereafter to be constructed in this state. Provided this section shall not apply to such animals pasturing on the highway, nor to the right of any person to drive such animals across such side path for the purpose of access to and egress from lands abutting on the highway. [*1901 c. 308 s. 6; Supl. 1906 s. 1271f; 1907 c. 118*]

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Wilful injury to, prohibited. SECTION 1271*g*. No person shall wilfully obstruct, injure or destroy any side path or any portion thereof, now constructed or hereafter to be constructed in this state. [*1901 c. 308 s. 7; Supl. 1906 s. 1271g; 1907 c. 118*]

Speed upon path regulated. SECTION 1271*h*. No person shall ride a bicycle at a greater rate of speed than ten miles an hour when passing another bicyclist or a pedestrian on any side path in this state. [*1901 c. 308 s. 8; Supl. 1906 s. 1271h; 1907 c. 118*]

Who to control. SECTION 1271*i*. Side paths heretofore constructed and hereafter to be constructed in this state are hereby placed under the control and protection of the boards of side path commissioners of the various counties in which they are located. [*1901 c. 308 s. 9; Supl. 1906 s. 1271i; 1907 c. 118*]

Removal of limbs of trees. SECTION 1271*j*. Any board of side path commissioners, with the consent in writing of the superintendent of highways or other officer performing similar duties having jurisdiction thereof, may remove limbs of trees overhanging any side path in the county wherein said board has jurisdiction, by obtaining the consent in writing of such officer and the owner of the abutting lands, which consent shall be filed with the town, village or city clerk in which such limbs of trees are to be removed. Provided, further, that said limbs shall be removed under the personal supervision of such officer, when in the judgment of said board of side path commissioners the same shall interfere with the free passage of bicycles along said path. [*1901 c. 308 s. 10; Supl. 1906 s. 1271j; 1907 c. 118*]

Penalty for violations. SECTION 1271*k*. Any person who rides a bicycle on any side path in this state in violation of or does any of the acts forbidden by sections 1271*a* to 1271*k*, inclusive, shall be deemed to be guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than twenty-five dollars. And in case of a failure to pay any fine that may be imposed, such person may be committed to jail not exceeding one day for each dollar of said fine. [*1901 c. 308 s. 11; Supl. 1906 s. 1271k; 1907 c. 118; 1911 c. 663 s. 146*]

Highways on town lines. SECTION 1272. Whenever it shall be deemed necessary to lay out, alter, widen, or discontinue a highway upon the line between two towns or to discontinue in whole or in part any highway extending from one town to another adjoining town, it shall be done by the supervisors of each of said towns acting together, and if such highway is laid out or altered it may be either upon said town line or as near thereto as the situation of the ground will admit; and they may vary the same either on one side or the other of such line as they may deem necessary; provided, however, that any bridge, or bridges, over any stream or river forming the boundary line between two counties, erected or maintained solely by one of the adjoining municipalities, may be closed or discontinued by such municipality so maintaining the same when such adjoining municipality shall fail to co-operate in such maintenance in proportion to the amount of the cost thereof borne by said municipality, if erected at the joint expense of the two adjoining municipalities; or, if not so erected, then in the proportion of one-half the cost of such maintenance. [*1869 c. 152 s. 57; R. S. 1878 s. 1272; 1889 c. 266 s. 4; Ann. Stats. 1889 s. 1272; Stats. 1898 s. 1272; 1911 c. 499*]

How laid and maintained. SECTION 1273. The application therefor shall be in duplicate, addressed to the supervisors of both towns, and be signed by at least six freeholders or applicants for and occupiers of a homestead residing in each town; the notice of the time and place for meeting to decide upon such application shall be signed by a majority of the supervisors of each town and posted in each of said towns; a majority of the supervisors of each town shall meet to decide upon such application and sign the order and the award of damages, and in all other things the proceedings shall be the same as are required by law in laying out, altering, widening, or discontinuing highways within a town; the proceedings, or a duplicate thereof, shall be returned to each town clerk, and the order shall be recorded in each town clerk's office. The said supervisors, upon laying out, altering or widening such highway may determine in their order what part of such highway shall be made and kept in repair by each town and what share of the damages, if any, shall be paid by each; and each town shall have all the rights and be subject to all the liabilities in relation to the part of such highway to be made or repaired by such town as if it were wholly located in such town; provided that if by any change of the boundaries of either or both such towns, the territory of either or both shall be increased or diminished, or if a new town or village be formed out of a part of the territory of either or both of said towns having a portion of such town line highway within its borders, that part of such order fixing their liabilities shall be deemed vacated, and a majority of the supervisors of each such town shall, before the time for making the next subsequent tax roll, meet together with a majority of the supervisors of such new town or, as the case may be, with the president of the board of trustees of such villages and

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all of them when so convened shall, if they can agree, make a new order apportioning their liabilities on account of such highway, which shall be filed as hereinbefore provided. If they fail to make such order, or if the order laying out, altering, or widening such highway shall not have apportioned the liability of the towns or village on account of such highway the supervisors of either town or the president of said village board, after ten days' notice of the time and place of so doing (such notice to be served on the clerk of each town and village to be affected), may apply to the circuit judge for the county in which such towns and village, or the town or village on whose behalf such notice is given, are or is situated for the appointment of three commissioners to apportion the liabilities of such towns and village on account of such highway. Such judge may appoint three residents of such county as commissioners; they shall proceed in the manner hereinbefore specified to make such apportionment, and their determination, made in writing and filed with the town clerk and village clerk of each town and village affected, shall have the same force and effect as the order of said boards of supervisors, or as the case may be, of said supervisors and the president of such village, made in accordance with this section. Any bridge on a highway between two towns, or between a town on one side and a village or a town and village on the other side, which highway has become such by reason of having been used and worked as provided in section 1294, and which bridge has not been assigned to either of the adjoining towns or village, shall be repaired and maintained by such towns and village, and the cost of repairs and maintenance shall be paid by them in proportion to the valuation of the property therein as equalized by the county board or boards at the last equalization. [*1869 c. 152 s. 68, 69; R. S. 1878 s. 1273; 1883 c. 236; Ann. Stats. 1889 s. 1273; 1893 c. 126; Stats. 1898 s. 1273; 1911 c. 340, 362*]

SECTION 1273*a*. [*Repealed by 1913 c. 190*]

Highways in cities and villages. SECTION 1274. Whenever it shall be deemed necessary to lay out, alter, widen or discontinue a highway upon the line between a town and city or village or discontinue a highway or any part thereof extending from a town to a city or village the application therefor shall be in duplicate, addressed to the supervisors of the town and the common council of the city or the board of trustees of the village, and be signed by at least six freeholders of the town and six freeholders of the city or village. Thereupon such common council or board of trustees shall appoint three commissioners on the part of such city or village, who shall be duly sworn to faithfully discharge their duties as such commissioners before entering on the same. Such commissioners and town supervisors shall then give notice and proceed in all respects as provided for the supervisors of adjoining towns in the next preceding section; and such city or village shall be in like manner as a town responsible for that part of such highway determined to be made and kept in repair by the same and for the share of damages assigned to the same. All proceedings and orders required to be filed and recorded shall be filed and recorded in the office of the city or village clerk as well as in the office of the town clerk. [*1869 c. 152 s. 138–140; 1876 c. 166; R. S. 1878 s. 1274; 1885 c. 380; 1887 c. 133; 1889 c. 266 s. 5; Ann. Stats. 1889 s. 1274, 1274a; Stats. 1898 s. 1274*]

SECTION 1274*m*. [*Repealed by 1913 c. 773 s. 114*]

Owner's right of way to land other than by water. SECTION 1275. 1. When any person shall present to the supervisors of any town an affidavit satisfying them that he is the owner of real estate (describing the same) within said town, and that the same is shut out from all public highways, other than a waterway, by being surrounded on all sides by real estate belonging to other persons, or by such real estate and by water, or that he is the owner of real estate (describing the same) and of a private way or road leading from his said real estate to a public highway but that such road or way is too narrow, giving its width, to afford him reasonable access to and from his real estate to said public highway, that he is unable to purchase from any of said persons the right of way over or through the same to a public highway, or that he is unable to purchase from the owner or owners of land on either or both sides of his way or road land to make such way or road of sufficient width, or that it cannot be purchased except at an exorbitant price, stating the lowest price for which the same can be purchased by him, the said supervisors shall appoint a time and place for hearing said matter, which hearing shall be after ten days and within thirty days of the receipt of said affidavit.

2. The supervisors shall cause notice of the time and place of such hearing to be given by posting notices thereof in three of the most public places in said town at least ten days before the time fixed therefor, and shall give at least five days' previous notice of such time and place to all of the occupants of the lands through which such highway may pass, which notice shall be served personally or by leaving a copy thereof at the usual place of abode of each occupant of such lands.

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3. The supervisors shall then in their discretion proceed to lay out such highway of not more than three nor less than two rods in width to such real estate, or shall add enough land to its width to make it not less than two nor more than three rods in width, and shall assess the damages to the owner or owners of the real estate over or through which the same shall be laid or from whom land shall be taken and the advantages to the applicant.

4. But the damages assessed by the supervisors shall in no case exceed the price stated in the affidavit of the applicant; upon laying out such highway, or in adding to the width of a former private way or road, they shall make and sign an order describing the same and file the same with the town clerk together with their award of damages, which order shall be recorded by said clerk; provided, that the amount assessed as advantages to the applicant shall be paid to the town treasurer before the order laying out such highway shall be filed. [*1873 c. 267; 1875 c. 286; R. S. 1878 s. 1275; 1887 c. 212; Ann. Stats. 1889 s. 1275; Stats. 1898 s. 1275; 1907 c. 129; 1915 c. 94*]

Highway to islands in Mississippi river. SECTION 1275*a*. When any person shall present to the supervisors of any town an affidavit satisfying them that he is the owner of an island or islands (describing the same) in and among the bottoms and sloughs of the Mississippi river in such town, and that such island or islands is shut off from the bank of said river and from a highway by islands and sloughs and by land owned by another person, and that he is unable to purchase from him the right of way over or through the same to a highway, or that it cannot be purchased except at an exorbitant price, stating the lowest price at which the same can be purchased by him, the said supervisors shall, after ten and within thirty days, and after giving notice of the time and place of meeting therefor in the manner provided in the preceding section, proceed to lay out a public highway of not more than three nor less than two rods in width from a public highway to such island or islands, and shall assess the damages to the owner of the real estate over or through which the same shall be laid, and the benefits to the applicant. Upon laying out such highway they shall make and sign an order describing the same and file such order and their award of damages and assessment of benefits with the town clerk, all of which shall be recorded by him; provided, that the amount assessed as benefits shall be paid to the town treasurer before such order shall be filed. Appeals may be taken from any order or award made hereunder in all particulars as in other cases of laying out highways by town supervisors. Highways laid out in pursuance of this section shall be under the authority of the supervisors and superintendent of the town or district in which they are situated, and the property to which they give access shall be subject to taxation for highway purposes; but no town shall be liable for any want of repair or defect in any such highway nor for any accident or injury happening thereon. [*1895 c. 348; Stats. 1898 s. 1275a*]

Highway from inclosed land in one town to adjoining town. SECTION 1275*b*. When any person shall own land that is shut out from all highways by being surrounded on all sides by real estate belonging to other persons, and on account of hills or other natural causes, it is impracticable to lay out a road from said land to a public highway in the town where said land is situate, and it is practicable to lay out a highway from said land to a highway in an adjoining town, said person shall execute an affidavit in duplicate and present one copy to the supervisors of the town where the said land is situated and one copy to the supervisors of the town where the said proposed highway is to be laid out, said affidavit setting forth the facts above stated, together with the facts required in the affidavit provided under section 1275, then the supervisors of the two said towns shall proceed as provided under said section 1275, except that all orders and notices shall be signed by the supervisors of both of said towns and all papers required to be filed shall be made in duplicate and filed with the clerk of each of the said towns; provided, that the amounts assessed as advantages to the applicant shall be paid to the town treasurer of the town where the land of the applicant is situated, before the order laying out such highway shall be filed, and all damages assessed shall be paid by the town where the land of the applicant is situated. [*1903 c. 287 s. 1; Supl. 1906 s. 1275b; 1907 c. 118*]

Shut off school buildings; how laid. SECTION 1275*m*. When any person shall present to the supervisors of any town an affidavit that he is a resident of a school district (naming such district), and that the schoolhouse site, within such town, on which is located the school building belonging to such district, is shut out from all public highways by being surrounded on all sides by real estate belonging to persons other than such district, the said supervisors shall immediately proceed to lay out a public highway to such schoolhouse site. The giving of notices, the order of laying out such highway, the award of damages, and the assessment of benefits and the payments thereof and the filing of the same, the appeal from such order or award, the opening of such highway, and the duties of the supervisors of a town relative to the laying out and opening of highways, as pro-

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vided by law, shall be followed and applicable to the laying out of a highway to a schoolhouse site, except section 1283 of the statutes shall not be applicable to the laying out of such highway. A highway laid out in pursuance of this section shall be under the authority of the supervisors of the town in which such highway is situated, and no such highway shall be discontinued so long as a school is maintained on the site to which such highway is laid. [*1909 c. 318*]

Appeal to court. SECTION 1276. Any person who shall consider himself aggrieved by any order laying out, altering, widening, or discontinuing any highway or by any refusal so to do under the preceding provisions may, within thirty days after such determination, appeal therefrom and apply to the county judge for the appointment of commissioners to review such order or determination. Failure of the supervisors to act upon the application required by section 1267 within sixty days after the same was filed in town clerk's office shall be deemed a refusal to lay out, alter, widen, or discontinue the highway; and any person who shall consider himself aggrieved by such refusal, may appeal therefrom in the manner herein provided for an appeal from the order refusing to lay out, alter, widen, or discontinue the highway. Such application shall be in writing and shall briefly state the grounds upon which it is made, and whether it be made to reverse entirely such order or determination or only a part, and in the latter case it shall state what part; provided that in case of highways upon a line between two or more counties such application may be made to the county judge of either county bounded in whole or in part by such highway. [*1869 c. 152 s. 77, 78; 1876 c. 297; R. S. 1878 s. 1276; 1881 c. 323; Ann. Stats. 1889 s. 1276; Stats. 1898 s. 1276; 1911 c. 572; 1915 c. 106*]

Bond; service of notice. SECTION 1277. Upon filing such application and a bond executed to the town or towns, or town, city or village, as the case may require, with sufficient sureties to be approved by the judge conditioned to pay all costs arising from such appeal, provided such order or determination of the supervisors or supervisors and commissioners shall not be reversed, such judge shall issue a notice specifying therein a time and place for the appointment of commissioners which shall be served on two or more of the supervisors of each town and on two or more commissioners of the city or village, in a proper case, at least six days before such time. [*1869 c. 152 s. 79; R. S. 1878 s. 1277; Ann. Stats. 1889 s. 1277; Stats. 1898 s. 1277; 1915 c. 106 s. 2*]

SECTION 1278. [*Repealed by 1915 c. 106 s. 3*]

Commissioners, how selected. SECTION 1279. At the time and place named therein and upon proof of service of such notice the judge to whom the application was made as soon thereafter as he shall receive the papers transmitted to him, shall make a list of eighteen disinterested freeholders of the county, and each party shall strike six names from the list, and in case none of the supervisors or commissioners be present the judge shall strike off the names for them, and out of the number not struck off the judge shall by lot select three as such commissioners; and shall thereupon annex to the application a warrant, under his hand, directed to the persons so selected, requiring them to appear personally at a time and place fixed therein, not more than ten days from the date thereof, and directing them to view and examine the highway described in such application and review the order or determination appealed from, and make return of their decision thereon to the town, city or village clerk, as the case may require, within twenty days after the date thereof; such warrant shall be served at least three days before the time fixed therein for their meeting by some officer or other person by reading the same to each of said commissioners and delivering it to one of them. If for any reason one or more of said commissioners shall fail to act, the judge making the appointment shall, on receiving notice of such failure, by lot and without notice to either party select from the number not struck off or drawn from said list one or more commissioners, as the case may require, to fill the vacancy or vacancies in the commission. And in case this list is exhausted before three commissioners are obtained who can and will act, then, without notice to either party, a number of commissioners sufficient to supply the deficiency and having the qualifications above required shall be summoned by order of the appointing officer in the same manner that talesmen are summoned to complete juries in courts held by justices of the peace, to the end that said appeal may have effect. Whenever a new commissioner is drawn or summoned to fill a deficiency the time for the commissioners to appear, view and examine the highway may be enlarged by the appointing officer to not exceeding ten days, and the time for making return of their decision to not more than twenty days from the date of filling such vacancy. Any commissioner may be excused from acting by the officer appointing him for good cause; and if any commissioner, after due service upon him of the warrant by which he was appointed and not so excused, shall, without good cause, refuse to act he shall forfeit ten dollars and shall also be liable to the party having the costs of the appeal to

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pay for the additional costs made in consequence of such refusal. [*1869 c. 152 s. 79, 80; R. S. 1878 s. 1279; Ann. Stats. 1889 s. 1279; Stats. 1898 s. 1279; 1915 c. 106 s. 4*]

Their duties and fees; papers to be filed. SECTION 1280. Before proceeding to act under said warrant said commissioners shall be duly sworn justly and impartially to discharge their duties as such commissioners; they shall meet at the time and place mentioned in such warrant and proceed to examine such highway; they shall hear the parties interested therein and any proofs offered by them; their decision shall be reduced to writing, signed by them, annexed to the warrant, and, together with the same, be filed with the town, city or village clerk, as the case may require, within the time directed in such warrant. Each commissioner shall receive one dollar per day and ten cents per mile for his actual travel and the judge two dollars for his fees, to be paid by the party appealing; and if the order or determination appealed from be reversed he shall be reimbursed such expenses by the town, city or village, or if it be a town line road the same shall be reimbursed equally by such towns or by the town and city or village. The judge shall cause to be filed with the town clerk all the other papers and proceedings relating to such appeal, duly certified by him. If such highway be on a line between two towns or between a town, city or village they shall make a duplicate of their decision with a copy of the warrant and application annexed, which shall be filed with the town clerk of the other town or of the city or village as the case may be. [*1869 c. 152 s. 80, 81; R. S. 1878 s. 1280; 1881 c. 137; Ann. Stats. 1889 s. 1280; Stats. 1898 s. 1280; 1915 c. 106 s. 5*]

SECTION 1281. [*Repealed by 1915 c. 106 s. 6*]

Proceedings on reversal. SECTION 1282. When an appeal shall have been made from the determination of the supervisors refusing to lay out, widen, alter or discontinue a highway, and such determination shall be finally reversed by the commissioners, the supervisors shall proceed to lay out, widen, alter or discontinue such highway in the same manner and the proceedings thereon shall be the same as if they had originally determined to lay out, widen, alter or discontinue such highway. [*1869 c. 152 s. 82; R. S. 1878 s. 1282; Ann. Stats. 1889 s. 1282; Stats. 1898 s. 1282*]

Determination final for a year unless appealed. SECTION 1283. The determination of the supervisors of any town in refusing to lay out, alter, widen or discontinue any highway shall be final (unless such determination be appealed from as provided in this chapter) for the term of one year after the making of such determination; and no application for laying out, widening, altering or discontinuing any such highway shall be again acted upon by said supervisors within said term of one year; and in case the determination of the supervisors of any town in laying out, widening, altering or discontinuing any highway or refusing so to do shall be appealed from as provided for in this chapter and such determination shall be reversed on such appeal the said supervisors shall not within one year after the making of the determination reversed on such appeal act again upon any application to lay out, widen, alter or discontinue any such highway. [*1869 c. 152 s. 83; R. S. 1878 s. 1283; Ann. Stats. 1889 s. 1283; Stats. 1898 s. 1283; 1905 c. 189 s. 1; Supl. 1906 s. 1283; 1907 c. 118*]

Removal of fences; notice. SECTION 1284. 1. Whenever the supervisors shall have laid out, widened or altered any public highway through any inclosed, cultivated or improved lands and their determination shall not have been appealed from they shall give the owner or occupant of such lands notice in writing to remove his fences within such time as they shall deem reasonable, not less than thirty days after giving such notice; and if such owner or occupant shall not remove his fences within the time required in such notice the supervisors shall cause such fence to be removed and shall direct such road to be opened; but if the determination of the supervisors shall have been appealed from then such notice shall be given after the final decision of such appeal.

2. Nothing in this act shall be construed to authorize any town board to lay out or alter any highway or cause any fence to be removed between the fifteenth day of May and the fifteenth day of September, except in cases of emergency, which shall be determined by the town boards. [*1869 c. 152 s. 84; R. S. 1878 s. 1284; Ann. Stats. 1889 s. 1284; Stats. 1898 s. 1284; 1909 c. 57; 1915 c. 60*]

Appeal from award of damages. SECTION 1285. If any owner of lands through which a highway shall be laid out, widened, altered or discontinued under any of the preceding provisions shall not be satisfied with the sum awarded to him for damages he may, within forty days after the filing of the award of damages in the proper office or offices, and if within said forty days an appeal shall have been taken from the order laying out, widening, altering or discontinuing such highway in the manner provided by law, then at any time within forty days after the final order on such appeal, affirming the same, apply to a justice of the peace of the same or an adjoining town in the county or to the county judge of the same county for a jury to assess and appraise such damages; such ap-

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plication shall be made in writing, describing the premises, and any number of persons claiming damages on account of such highway may join in such application. The party appealing shall serve on two of the supervisors of the town in which such highway shall be laid out, widened, altered or discontinued, or upon two or more of the supervisors or commissioners of the town, city or village to which shall have been assigned the duty of paying the damages for such land, at least six days before the time fixed for making such application, a notice in writing specifying therein the name of the judge or justice to whom and the time and place when and where such application will be made. [*1869 c. 152 s. 61; R. S. 1878 s. 1285; Ann. Stats. 1889 s. 1285; Stats. 1898 s. 1285*]

Bond on appeal. SECTION 1286. Any person applying for such jury shall himself or by his agent execute to the proper town, city or village and file with the judge or justice a bond with one or more sureties, to be approved by such judge or justice, conditioned to pay all costs arising from such appeal and appraisement of damages if such jury shall not award a larger amount of damages than were awarded by the supervisors of the town or the supervisors and the commissioners of the city or village, as the case may be. [*1869 c. 152 s. 62; R. S. 1878 s. 1286; Ann. Stats. 1889 s. 1286; Stats. 1898 s. 1286*]

Proceedings for taking appeal; application for jury, service of notice for. SECTION 1286*a*. Any resident and taxpayer of a town in which a highway shall be laid out, altered or discontinued, or if such highway is laid out, altered or discontinued on the town line between two towns, or extending from one town into an adjoining town, under sections 1272 and 1273 of the statutes, then any taxpayer residing in either of said towns which is required by the award of damages made upon so laying out, altering or discontinuing such highway to pay damages therefor, may within forty days after the making of any order awarding such damages, whether made in the first instance by the town board or town boards of said town or towns, or made after an appeal or appeals in such proceedings made in sections 1276 and 1281 of the statutes, believing such damages excessive, may appeal to a justice of the peace in the same or in an adjoining town in the county, or to the county judge of the same county for a jury to assess and appraise such damages sustained by any number or all the persons to whom damages were so awarded for lands in the town where he resides. Such application shall be in writing, describing the premises and naming the persons to whom damages were awarded to be paid by such town and the amount awarded to each by the town board or town boards, and shall also specify whether he appeals from the whole of such award or if only from a portion thereof the part from which he appeals. The party shall serve upon two of the supervisors of the town where he resides or of a town to which shall have been assigned the duty of paying the damages from the award of which he appeals, at least six days before the time fixed from making such application, a notice in writing specifying therein the name of the judge or justice to whom and the time and place when and where such application will be made. [*1901 c. 331 s. 1; Supl. 1906 s. 1286a; 1907 c. 118; 1911 c. 663 s. 148*]

Bond for costs; proceeding on appeal. SECTION 1286*b*. The person applying for such jury shall make and file with such application, a bond in all respects like that provided in section 1286 of the statutes, except that it shall be conditioned to pay all costs arising from such appeal, and appraisement of damages if such jury shall not award a less amount of damages in the aggregate of the items so appealed from, than was awarded by the supervisors of the town or towns. Upon such appeal the same proceedings shall be had in all respects, as are specified in sections 1287 and 1288 of the statutes, except that there shall be no liability on the part of the appellant for the costs of the proceeding, except as specified in the bond required to be given by him by this section. An appraisement so made by the jury acting under the provisions of this act, shall measure and fix the liability of such town or towns for damages to be paid on the laying out, altering or discontinuing of the highway in question, to all parties awards to whom were included in such appeal proceedings, and for all purposes including the purposes and provisions of section 1291 of the statutes. [*1901 c. 331 s. 2; Supl. 1906 s. 1286b; 1907 c. 118; 1911 c. 663 s. 148*]

Selection of jury. SECTION 1287. Upon filing such bond and notice, with proof of service thereof, such judge or justice shall make out a list of fifteen disinterested freeholders of his county, not of kin to the owner or occupant of said lands; each party shall strike five from such list, and if none of the proper supervisors or commissioners shall be present, the judge or justice shall strike off the five names for them, and the judge or justice shall thereupon issue a precept to some constable of his county, neither interested nor of kin to any person whose land is affected by the action appealed from, directing him to summon the five persons named in such list not stricken off to meet at a time and place to be specified in such precept, to appraise the damages sustained by the laying out, widening, discontinuing or altering of such highway. In case any of said jurors

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fail to appear at the time and place fixed for their meeting or fail to serve for any reason, a number of talesmen sufficient to supply the deficiency and having the qualifications above named shall then be summoned in the same manner that talesmen are summoned to complete juries in courts held by justices of the peace. Any juror may be excused from serving by the officer appointing him for good cause; and if any juror who has been duly summoned and who is not so excused shall fail to serve as such juror he shall forfeit not to exceed ten dollars and shall also be liable to the party having the costs of the appeal to pay for the additional costs made in consequence of such failure. [*1869 c. 152 s. 63; R. S. 1878 s. 1287; Ann. Stats. 1889 s. 1287; Stats. 1898 s. 1287*]

Proceedings before jury; costs. SECTION 1288. At the time and place appointed for the appearing of such jury they shall be sworn by the judge or justice justly and impartially to make such appraisal and shall proceed to view such highway and hear the statements and proofs of the parties, and such jury may increase or diminish the amount awarded, and they shall make return of their appraisal to the judge or justice, signed by them; and if the amount of the appraisal of such jury shall exceed the amount awarded by the supervisors or the supervisors and commissioners the costs and expenses shall be paid by the proper town, city or village; but if the jury shall not award more damages than were awarded by the supervisors or the supervisors and commissioners the costs and expenses shall be paid by the appellant. If the jury shall fail to agree and be discharged by the judge or justice for that reason he shall immediately proceed to make another list of such freeholders, and further proceedings shall be had thereon in all respects as in the case of a first jury. When the jury shall have made a return of their appraisal to the judge or justice he shall adjust the costs and expenses of such proceedings, and within ten days thereafter return such appraisal to the town clerk, together with all the other papers relating to such appeal, a statement of the proceedings had before him and of the costs and expenses in detail, duly certified by him, which shall be forthwith filed by the clerk; and if two towns or a town and city or village be interested he shall make and file a certified copy of the appraisal papers and statements with the clerk of such other town, city or village. [*1869 c. 152 s. 64; R. S. 1878 s. 1288; Ann. Stats. 1889 s. 1288; Stats. 1898 s. 1288*]

Appeal from appraisal. SECTION 1289. The supervisors of any town or commissioners for a city or village liable to pay the damages appraised by a jury under the preceding section may, when the first appeal was made to a justice of the peace, if they deem the damages excessive, appeal within thirty days from such appraisal to the county judge of the same county by an application in writing, stating the appraisal or part of appraisal from which such appeal is taken and the grounds thereof. They shall, at least six days before the time of making such application, cause to be served on each person in whose favor the appraisal appealed from was made a notice in writing specifying the time and place where such application will be made. Upon filing such application and proof of service of such notice further proceedings shall be in all respects as directed in case of an appeal to the county judge from the original award, except that the county judge shall strike the jury for any party absent or refusing to act. [*1876 c. 334 s. 1-3; R. S. 1878 s. 1289; Ann. Stats. 1889 s. 1289; Stats. 1898 s. 1289*]

Costs; jurors' fees. SECTION 1290. If the amount of damages finally awarded upon appeal shall exceed the amount originally awarded all costs and expenses of all appeals shall be paid by the town liable to such damages; otherwise by the party who first appealed. Each juror shall receive one dollar for his services and ten cents a mile for his actual and necessary travel in going to and returning from the place of meeting, and the judge or justice shall receive two dollars for his fees; all payable in advance by the party appealing and to be a charge against the party finally liable for the costs. [*1869 c. 152 s. 65; 1876 c. 334 s. 3; R. S. 1878 s. 1290; Ann. Stats. 1889 s. 1290; Stats. 1898 s. 1290*]

Highway damages; amount allowable without town meeting. SECTION 1291. 1. All damages lawfully awarded to any person for laying out, widening or altering any highway shall be a charge against the town, or in case of a highway on the line between two towns or between a town and a city or a village, against such town, city or village as shall be assigned to pay the same in the manner hereinbefore provided, at any time after the highway shall have been opened by order of the supervisors and not before, and shall then be audited and paid or sued for and collected in the same manner as other debts of the town.

2. But when the total amount of damages chargeable to one town, consequent upon any one order for laying out, widening or altering a highway, shall be more than one-tenth of one per cent on the taxable property of the town, as shown by the last assessment, and shall also exceed the sum of two thousand dollars, such highway shall not be

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opened, widened or altered nor liability for damages exist, unless such order and the award or damages be approved, and such highway be accepted by a majority of the qualified electors of the town liable to such damages voting thereon at the next annual town meeting or some special town meeting sooner called therefor.

3. No liability for such damages shall exist for any highway discontinued in the manner hereinbefore provided before being opened.

4. All costs and fees directed to be paid by any town, city or village by this chapter shall be audited and paid or may be sued for and collected as other debts against such town, city or village.

5. When any town order shall be given pursuant to this section and there shall be no unappropriated money in the treasury sufficient to pay the same the town board shall certify the total amount thereof to the town clerk, who shall place the same on the next tax roll, with interest thereon, from the date of such order, in the same manner as a tax to pay a judgment, and the same shall be in like manner collected and paid to the parties entitled thereto with such interest.

6. Provided that when any such damages shall be awarded, pursuant to an order for the laying out, widening or altering of a highway, lying wholly within a town whose resident population shall be eight thousand persons, or over, or which shall lie wholly within a county having a population of three hundred thousand persons or over, according to the last state or United States census, that then and in such case, it shall not be necessary that such order or award be approved, or the highway accepted by said electors, but the same shall be valid without such approval or acceptance. [*1869 c. 152 s. 66; 1872 c. 19; 1873 c. 34; R. S. 1878 s. 1291; 1885 c. 289; Ann. Stats. 1889 s. 1291; 1893 c. 127; 1897 c. 267; Stats. 1898 s. 1291; 1899 c. 257 s. 1; Supl. 1906 s. 1291; 1907 c. 118, 237; 1919 c. 92, 193*]

Discontinuance of road. SECTION 1292. Any unrecorded road or any part thereof which has become or is in the process of becoming a public highway by user in any town may be discontinued in the manner hereinbefore provided. Any proceedings taken therefor shall not be evidence of the acceptance at any time by the town of such road or any part thereof. [*1876 c. 346; R. S. 1878 s. 1292; Ann. Stats. 1889 s. 1292; Stats. 1898 s. 1292*]

Repair of turnpike, etc., road. SECTION 1293. Whenever any turnpike, gravel or plank road or any portion thereof shall have been abandoned by the owner or owners thereof neglecting to make repairs and collect tolls upon the same for the period of sixty days, such road or any portion thereof so abandoned shall be deemed a public highway; and the supervisors of any town in which such road or any portion thereof may be situated shall immediately after such abandonment as aforesaid cause the same to be put and kept in repair. [*1869 c. 152 s. 145; R. S. 1878 s. 1293; Ann. Stats. 1889 s. 1293; Stats. 1898 s. 1293*]

Discontinuance of highway; unrecorded roads. SECTION 1294. 1. Every public highway already laid out or which shall hereafter be laid out shall cease to be considered a public highway at the expiration of four years from the time when it was so laid out, except such parts thereof as shall have been opened, traveled or worked within such time, and any such highway which shall have been or may hereafter be entirely abandoned as a route of travel and on which no highway taxes have been or shall be expended for five years shall be considered legally discontinued.

2. All roads not recorded which shall have been or shall be used and worked as public highways ten years or more shall be deemed public highways, except that roads and bridges built upon the bottoms and sloughs of the Mississippi river in this state by citizens or municipalities of any other state shall not become legal highways or a charge upon the town in which they are situated unless upon petition they are legally laid out by the supervisors of such town; nor shall any grant of lands for highway purposes, which has not become a legal highway prior to the first day of July, 1913, become effective for such purposes, unless such grant shall have been duly accepted by the town board or by the town meeting of the town wherein such lands and proposed highway are situated, and until a resolution of such acceptance shall have been duly filed and recorded in the office of the town clerk of such town; and in case any such laid out highways shall not have been fully and sufficiently described or recorded or if such records have been lost or destroyed the presumptive evidence shall be that the same were originally laid of the width of four rods. [*1869 c. 158 s. 85; 1874 c. 50; 1882 c. 253; 1885 c. 102; Ann. Stats. 1889 s. 1294, 1294a; Stats. 1898 s. 1294; 1913 c. 525*]

Highways, what are. SECTION 1295. All highways which shall have been laid out by the supervisors of any town, the board of supervisors of any county, or by a committee thereof, or by commissioners appointed by the legislature to lay out a state road, and

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recorded, any portion of which shall have been opened and worked for the term of three years shall be deemed to be and are hereby declared to be legal highways so far as they have been so opened and worked, notwithstanding the law may not have been in all respects complied with in laying out the same. The making of an order laying out any highway by the proper officers and filing the same in the office of the town clerk of the town in which such road is situated shall be deemed a recording of such highway within the meaning of this section. [*1869 c. 152 s. 86; R. S. 1878 s. 1295; Ann. Stats. 1889 s. 1295; Stats. 1898 s. 1295*]

Reversion of title. SECTION 1296. When any highway shall be discontinued the same shall belong to the owner or owners of the adjoining lands; if it shall be located between the lands of two or more different owners it shall be annexed to the lots to which it originally belonged if that can be ascertained; if not it shall be equally divided between the owners of the lands on each side thereof. [*1869 c. 152 s. 87; R. S. 1878 s. 1296; Ann. Stats. 1889 s. 1296; Stats. 1898 s. 1296*]

Rights of abutting owners. SECTION 1296*a*. The owners of any real estate abutting on any highway, street or alley heretofore or hereafter laid out or used as such shall have a common right in the free and unobstructed use of such highway, street or alley to the extent of its full width, and no town, city, county, company or corporation shall close up, use or obstruct any such highway, street or alley or any part thereof so as to materially interfere with its usefulness as a highway or so as to injure or damage property abutting thereon on either side, or authorize or permit the same to be done without due compensation being made for any damage resulting therefrom to the owners of any property upon both sides of the part of such highway, street or alley so closed up, used or obstructed; provided, however, that this section shall not be construed to impose liability for damages to property on both sides of any street, highway or alley arising from the continued use, maintenance and operation of any railroad track or tracks or other public improvement heretofore legally laid down, built or established in any street, highway or alley. All rights of property which would entitle the owners thereof to damages for injury thereto under the foregoing provisions may be condemned and permanently appropriated by any corporation authorized to use or obstruct any highway, street or alley in the same manner that other property may be condemned and appropriated by such corporation pursuant to its charter or under the laws relating to the condemnation of land by railroad companies; but nothing herein shall be construed to repeal any statute authorizing the vacation or discontinuance of streets, avenues, lanes, alleys or highways by municipal or town authorities. [*1889 c. 255; Ann. Stats. 1889 s. 1296a; Stats. 1898 s. 1296a*]

Camping on roads. SECTION 1296*b*. It shall be unlawful for any person or persons to camp in wagons, tent or otherwise on the public highways or lands adjacent thereto, after a notice to remove therefrom by the owners of such adjacent lands, or the owner of land abutting on the highway, or by a member of the board of supervisors or any trustee of any town or village where such camping place is made.

Penalty for violation. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars, or imprisoned in the county jail not exceeding thirty days, or both. [*1903 c. 52 s. 1, 2; 1905 c. 183 s. 1; Supl. 1906 s. 1296b; 1907 c. 118; 1911 c. 663 s. 149*]

Where papers filed. SECTION 1297. All applications, certificates and other papers relating to the laying out, altering, widening or discontinuing any highway shall be filed in the office of the town clerk as soon as the supervisors have decided thereon. [*1869 c. 152 s. 73; R. S. 1878 s. 1297; Ann. Stats. 1889 s. 1297; Stats. 1898 s. 1297*]

Effect of orders. SECTION 1298. The order of the supervisors or supervisors and commissioners laying out, widening, altering or discontinuing any highway, and the order of any commissioners reversing or affirming the same on appeal, and the record or a certified copy thereof, shall be presumptive evidence of the facts therein stated and of the regularity of all the proceedings prior to the making of such order. [*1869 c. 152 s. 59; R. S. 1878 s. 1298; Ann. Stats. 1889 s. 1298; Stats. 1898 s. 1298*]

Oaths. SECTION 1299. The several supervisors and commissioners authorized to lay out roads under the provisions of this chapter are also authorized to administer and certify to any oaths or affidavits required by the provisions of this chapter. [*1869 c. 152 s. 76; R. S. 1878 s. 1299; 1881 c. 273; Ann. Stats. 1889 s. 1299; Stats. 1898 s. 1299*]

HIGHWAYS AND STREETS TO CEMETERIES AND FAIRGROUNDS.

Petition for. SECTION 1299*a*. Whenever any cemetery or agricultural or industrial association owning land in any city, village or town shall file a petition signed by the man-

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aging officers, board of trustees or directors thereof with the clerk of such city, village or town, setting forth that it owns land therein (and describing it), which land is used or intended to be used by such cemetery association for the burial of the dead or by such other association for fairgrounds or industrial expositions, that there is no laid out street or highway giving access thereto and praying that such city, village or town lay out a street or highway thereto from the nearest street or highway which can be used as a convenient means of approach, the common council, trustees or supervisors so petitioned shall make out a notice which shall be served on the owner or occupant of the land through which the proposed street or highway is to be laid in the manner provided in section 1267, and which shall contain a copy of such petition and state the time when and place where such council, trustees or supervisors will meet to take action upon said petition, which time shall be within ten days after such notice is served. If the proper council, trustees or supervisors shall find the recitals in the petition to be true they shall, within five days after the meeting to take action thereon, make an order for the impaneling of a jury to pass upon the necessity of taking for the public use the land through which the proposed street or highway is to be laid. [*1882 c. 168; Ann. Stats. 1889 s. 1299a sub. 1; Stats. 1898 s. 1299a*]

Deposit of funds; notice of hearing. SECTION 1299*b*. Such order shall require the petitioners to deposit with the treasurer of the proper municipality such sum as the authorities who made it deem necessary to pay the costs and expenses of such proceedings, and no further action shall be had on such petition until such deposit is made; when it is made the common council, trustees or supervisors shall make a further order fixing the time when (not less than ten days thereafter) and place where a jury will be impaneled to pass upon the necessity for taking such land. Notice of such time and place shall be served upon the occupants of such land, if any there be, in the manner provided in section 1267 not less than six days before the time so fixed; if any portion of such land shall not be actually occupied such notice, which shall contain a description, as near as may be, of the premises to be taken, shall be published in some newspaper of general circulation in such city, village or town, to be designated in the order, for at least once in each week for three weeks successively, and shall state that at the time and place therein named a jury will be impaneled for the purpose of passing upon the necessity for taking for the public use the land described therein. [*1882 c. 168; Ann. Stats. 1889 s. 1299a sub. 2; Stats. 1898 s. 1299*]

Jurors. SECTION 1299*c*. At the time and place specified in such notice the county judge of the county, the municipal judge of the city, the president of the village or the chairman of the town in which the land sought to be taken lies shall issue his precept directed to the sheriff of such county or to any constable, naming him, which precept shall direct such officer to write the names of thirty-six freeholders of said county who are qualified to serve as jurors in the circuit court and to return the same to him. After being sworn to perform the duties required of him to the best of his ability, without partiality, such officer shall immediately write such names and deliver the list thereof to the officer who issued the precept; and from such list each party, in person or by an agent or attorney, commencing with the petitioner, shall strike out alternately, twelve names, and if either party is absent or refuses to strike out, the officer who issued the precept shall appoint some person to strike twelve names for such absent person. Such officer shall then issue a venire requiring the officer who served the precept to summon the twelve men whose names remain on said list to appear at the time and place mentioned therein for the purpose of determining the necessity of taking for the public use the land described in the petition; if any of the persons summoned fail to attend others may be drawn in the same mode to fill the vacancy, and for that purpose the proceedings may be adjourned from time to time. When twelve persons are thus secured they shall be sworn by the officer who issued the precept to faithfully and impartially discharge the duties imposed upon them, which oath shall be filed with the city, village or town clerk. [*1882 c. 168; Ann. Stats. 1889 s. 1299a sub. 3–6; Stats. 1898 s. 1299c*]

Finding as to necessity of taking; damages. SECTION 1299*d*. After such jurors are sworn the said county or municipal judge, president or chairman shall issue his precept directed to them and requiring that within ten days they shall view the land specified therein and make return to him under their hands as to whether it is necessary to take it for public use as described in the petition; the jurors shall, at a time to be fixed by them, view said premises; the parties interested shall have notice of such time and may offer any evidence pertinent to the inquiry; after taking such view and hearing the evidence the jury shall determine whether a necessity exists for taking the land and shall return their verdict to the officer who issued such precept. On the receipt thereof such officer shall, as soon as may be, submit the same to the council, trustees

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or supervisors, and for that purpose may call a meeting of either body and deliver such verdict to them; the body to which it is so delivered shall, if in their judgment the public good requires it, immediately make an order laying out a street or highway from the nearest street or highway which can be used as a convenient means of approach to such cemetery, fairground or land used for industrial expositions, which street or highway so laid shall not be less than three nor more than four rods in width, and in said order they shall appoint three disinterested freeholders of the county as commissioners who shall, after notice to the owners or occupants of said land and after being sworn to support the constitution of the United States and the constitution of this state and faithfully discharge their duties to the best of their ability, assess adequate damages to the owners of the land through which such street or highway is laid. The award of damages shall be signed by the commissioners and be returned to the city, village or town clerk. [*1882 c. 168; Ann. Stats. 1889 s. 1299a sub. 7, 8; Stats. 1898 s. 1299d*]

Opening highway. SECTION 1299*e*. The street commissioner of such city or village or the superintendent of highways of such town, after the order laying out such street or highway has been filed with the city, village or town clerk, shall forthwith open the street or highway so laid, provided that the petitioner shall have paid to the city, village or town treasurer the damages awarded. [*1882 c. 168; Ann. Stats. 1889 s. 1299a sub. 9; Stats. 1898 s. 1299e*]

Appeal; costs. SECTION 1299*f*. If any person through whose land such street or highway is laid or the petitioner shall be dissatisfied with the damages awarded either may appeal to the circuit court of the county in which the land is situated by serving a notice of appeal and undertaking upon the opposite party, with at least two sureties, conditioned for the payment of all costs and damages which may be incurred if the appellant shall not succeed; such notice and undertaking shall be filed with the city, village or town clerk, who shall be entitled to receive two dollars for his fees in making return to the clerk of the circuit court as hereinafter required; provided, that such appeal shall not impair the right of the public to use such street or highway for the purpose of travel. Within ten days after such papers are filed and such payment made the clerk with whom they are filed shall transmit the papers pertaining to the subject matter of the appeal to the clerk of the circuit court, who shall file them in his office, and upon such filing the appeal shall be considered an action pending in such court, subject to a change of the place of trial and an appeal to the supreme court as in other actions. The appeal shall be entered upon the records by making the party who took it plaintiff and the other party defendant; it shall be tried by a jury unless such mode of trial is waived, and costs shall be allowed the successful party, and if he shall be the landowner shall be added to the judgment, and if he shall be petitioner be deducted therefrom. [*1882 c. 168; Ann. Stats. 1889 s. 1299a sub. 10, 11; Stats. 1898 s. 1299f*]

SECTION 1299*g*. [*Repealed by 1911 c. 337 s. 2*]

SYSTEMS OF CONNECTING HIGHWAYS.

Petition for special highway district. SECTION 1299*g*—1. Whenever in any county the adult owners of more than one-half of the lands within any district in the county desire to lay out and construct a system of connecting highways in such district for the promotion of the general welfare by opening up unsettled lands for settlement or by making settled lands accessible, such owners may file in the circuit court of such county a petition setting forth:

(1) The necessity for laying out and constructing the proposed system of connecting highways;

(2) The boundaries of the proposed highway district and the location of the proposed highways therein;

(3) A name for the proposed highway district;

(4) The names of the owners of the lands within the proposed highway district so far as known;

(5) The name of the persons who caused the preliminary survey to be made and an itemized statement of the cost of said survey;

(6) The probable cost of constructing the proposed system of connecting highways which shall not exceed one thousand two hundred dollars per mile;

(7) The probable distribution of benefits among the several parts of the district;

(8) A prayer for the organization of such highway district by the name and with the boundaries and plans proposed, and for the appointment of commissioners for the execution of the proposed work. [*1919 c. 600*]

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Time and place of hearing and notice thereof. SECTION 1299*g*—2. 1. On such petition being filed, the court or judge thereof shall make an order fixing a time and place of hearing thereon and ordering notice.

2. Such notice shall state (1) in what court said petition is filed, (2) state briefly the location of the proposed highways, (3) give the proposed boundaries of said district (or a general description of all of the lands in said proposed district), (4) give the name proposed for said highway district and (5) shall also state the time and place fixed by the court for the hearing on said petition. [*1919 c. 600*]

Publication of notice; nonresident owners; service outside the state, petitioners need not be notified. SECTION 1299*g*—3. 1. All notices required to be served under sections 1299*g*—1 to 1299*g*—14, inclusive, unless otherwise therein specifically provided, shall be served by publishing such notice in at least one newspaper published in each county where any part of such district is situated once in each week for three successive weeks and by posting the same in three public places in each of the towns within which any part of the lands within such district are located.

2. Whenever the required notice of any hearing under sections 1299*g*—1 to 1299*g*—14, inclusive, has been served in the manner required by sections 2636 and 2637 of the statutes on all interested parties at least twenty days before the time fixed for such hearing, such service shall be sufficient to give the court complete jurisdiction of all such interested parties and of all lands in the district without publication, posting or mailing or other service of such notice.

3. If any owner of land within a district is a nonresident of the county in which the proposed district lies, the petition shall be accompanied by an affidavit (a) giving the name and post-office address of such nonresident owner if such are known, and (b) if known, stating that upon diligent inquiry his name or post-office address (whichever may be the fact) cannot be ascertained. The petitioners shall mail a copy of such notice aforesaid to each nonresident owner and mortgagee whose name and post-office address is known, ten days before the day fixed for hearing on the petition.

4. Personal service of such notice outside of the state of Wisconsin shall have the same effect as personal service in the state of Wisconsin.

5. Failure to serve notice on any party or parties entitled thereto shall not defeat the jurisdiction of the court. Such party may, by a written waiver filed in court or by appearance, waive such notice or may be required to show cause why he should not be bound by the proceedings.

6. Any notice required under sections 1299*g*—1 to 1299*g*—14, inclusive, may be signed by the commissioners, or a majority of them, by a judge or court commissioner or by the clerk of the circuit court.

7. In case of service of any notice or other paper the certificate of the public officer or the affidavit of any person who made the service, publication, posting or mailing, or who knows the facts, shall be sufficient proof thereof.

8. It shall not be necessary to serve notice of hearing on the petition, upon any petitioner. All petitioners shall be deemed in court upon such hearing by virtue of their having signed the petition. [*1919 c. 600*]

The hearing, adjournments, evidence, findings, judgment, costs. SECTION 1299*g*—4. 1. On the day fixed for hearing on such petition all parties owning lands within said proposed district may appear and contest (1) the sufficiency of the petition, (2) the sufficiency of the signers of the petition, (3) the sufficiency of the notice, (4) the constitutionality of the law, (5) the jurisdiction of the court, specifying their objections to such jurisdiction, and (6) whether or not the general welfare will be promoted by the proposed work, and whether or not the benefits thereof will exceed the damages and costs of construction. The petitioners and contestants may, on the trial, offer any competent evidence in regard thereto. All notices of contest shall be in writing and shall clearly specify the grounds of contest. The court shall hear and determine whether or not the petition contains the signatures of the owners of more than one-half of the lands within the said proposed district and shall determine all questions of law arising on said contest.

2. The circuit court in which such petition shall be filed, or the judge thereof, may adjourn the hearing on said petition from time to time for want of sufficient notice, or to give time to prepare for trial, or for other good cause.

3. The affidavit of any three or more of the signers of said petition stating that they have examined it and are acquainted with the locality of said district and that said petition is signed by a sufficient number of adult owners of lands in said district, to satisfy section 1299*g*—1, may be taken by the court or judge as prima facie evidence of the facts therein stated.

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4. If the court or presiding judge thereof, after hearing any and all competent evidence that may be offered for and against the said petition, shall find that the same has not been signed as herein required, or if the court find that the general welfare will not be promoted by the proposed work or that the benefits thereof will not exceed the damages and costs of construction, said petition shall be dismissed at the cost of the petitioners, and judgment shall be entered against said petitioners for the amount of said costs. If it shall appear that the petition has been so signed, and that the general welfare will be promoted by the proposed work and that the benefits thereof will exceed the damages and costs of construction, the court or judge shall so find, and order any necessary amendments thereto, and allow the actual cost of the preparation of the petition and other necessary papers. Upon such finding the court or judge thereof shall appoint the county highway commissioner, a member of the county highway committee and a resident owner of land in such district as commissioners. When the court shall appoint such commissioners said highway district shall be a fully organized highway district with the right to sue and be sued, together with all of the usual powers of a public corporation and in addition the power, subject to the approval of the court, to borrow the money necessary to do all work preliminary to the confirmation of the assessments of benefits hereinafter provided for. Highways thereafter laid out and constructed pursuant to the direction of said commissioners and in accordance with sections 1299*g*—1 to 1299*g*—15, inclusive, shall be and become highways of the municipality in which they are located and such municipality shall thereafter be charged with the duty of maintenance thereof. [*1919 c. 600; 1921 c. 422 s. 36*]

Official oaths, organization, vacancies, compensation. SECTION 1299*g*—5. 1. Before entering upon their duties such commissioners shall take and subscribe an oath to support the constitution of the United States and the constitution of the state of Wisconsin, to faithfully and impartially discharge their duties as such commissioners and to render a true account of their doings to the court by which they are appointed whenever required by law or by the order of the court. Said commissioners shall forthwith organize by electing one of their number chairman and one of their number secretary.

2. The commissioners shall hold their office until the work in such highway district shall be completed.

3. Vacancies in the commission may be filled by the presiding judge of the circuit court of the county having jurisdiction of the highway district as soon after the vacancy occurs as possible.

4. The highway commissioners other than the county highway commissioner shall receive for their services four dollars per day and their actual reasonable expenses.

5. They shall at all times be under the control and direction of the court or presiding judge. For failure to comply with any order or direction, they shall forfeit their compensation and be dealt with summarily as for contempt. [*1919 c. 600*]

Duties and powers of commissioners, bids, contracts, final report. SECTION 1299*g*—6. 1. As soon as may be after their organization, or within such time as the court may direct, said commissioners shall have all necessary surveys made of the proposed system of connecting highways, with maps, plans and other specifications. Such highways shall be laid out as nearly as may be practicable along section or quarter section lines but not along such lines which are at a distance of less than one mile from a parallel highway. Such highways shall be graded roads, graded a distance of at least eighteen feet between ditches and cuts and on top of hills with the right of way cleared to a width of at least two rods.

2. The commissioners may make such changes in the plans of the proposed system of connecting highways and in the boundaries of the proposed district as contained in the petition as are proper and feasible, but no such change in boundaries shall be made as to deprive the court of jurisdiction. If the owners of lands adjacent to the district petition to have their lands brought into the district such may be considered the same as original petitioners in making changes in boundaries.

3. The commissioners may determine that the proposed highway shall be laid out and constructed in one year or that certain portions thereof shall be completed in successive years.

4. The commissioners shall not be confined to the plans, boundaries or other work as proposed by the petitioners, but shall locate the district or highway, lay out and plan the same in such manner as to them shall seem best to promote the general welfare and to make the lands of the parties interested accessible with the least damage and greatest benefit to all lands affected thereby. Any plan proposed by the commissioners, may, on the application of any person interested, on the hearing hereinafter provided for, or on the application of the commissioners, be altered by the court, by written order, in such manner

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as shall appear to the court to be just. If the commissioners find that the proposed district as described in the petition will not embrace all of the lands that will be benefited by the proposed work or that it will include lands that will not be benefited and are not necessary to be included in said district for any purpose, they shall extend or contract the boundaries of the proposed district so as to include or exclude all such lands as the case may be. The boundaries adopted by them may, upon the hearing of their report as hereinafter provided, upon their application or that of any person interested, be altered by the court in such manner as shall appear to be just; provided, that the alteration of boundaries as aforesaid shall not have the effect of so far enlarging or contracting the proposed district as to render such petition void or dismissable.

5. Upon the adoption of such surveys and such plans and specifications, the commissioners shall advertise for bids for laying out and constructing such system of connecting highways to be submitted not later than thirty days after the first advertisement. Such advertisements shall be published in a newspaper published or having general circulation in such district at least once in each week for three successive weeks. Upon the day appointed for receiving bids, the said commissioners shall meet and let, by contract, the laying out and construction of such highways to the lowest responsible bidder within the time and according to the surveys and plans and specifications adopted by them. Such contract shall by its terms become effective in the event that the court shall approve the action of said highway commissioners. The contract shall be executed in writing and shall be filed in the office of the county clerk. No contract shall be let under the provisions of this section for an amount exceeding one thousand two hundred dollars per mile for such proposed highways.

6. Forthwith upon the letting of any such contract, the commissioners shall determine the total cost of laying out and constructing such proposed highways which shall include all incidental expenses, the reasonable cost of organizing said district, the costs of the proceeding, all probable damage to lands, a reasonable attorney fee for the petitioners and the amount of such contract, which shall be referred to as the "cost of construction." They shall apportion and assess two-thirds of the cost of construction against the several benefited parcels or tracts of land in such highway district, in proportion to the benefits which they determine will be caused by the proposed highway, by setting down opposite each parcel or tract of land the sum which they assess against the same.

7. The commissioners shall make a detailed report to the court of their proceedings and recommendations under sections 1299*g*—5 and 1299*g*—6. Such report shall be filed with the clerk of said court.

8. Upon the filing of said report the court shall make and enter an order fixing the time and place when and where all persons interested may appear and remonstrate against the confirmation thereof. The clerk of said court shall cause notice of the time and place of such hearing to be given to all parties interested, which notice shall contain a brief description of the lands benefited and damages, together with the net damage awarded to the several parcels or tracts of land to which damages are awarded, and the sum in each case assessed for cost of construction against said several benefited parcels or tracts. Said notice shall be published in the manner provided in section 1299*g*—3. [*1919 c. 600*]

Owners may remonstrate; hearing and determination by jury or court. SECTION 1299*g*—7. 1. Any owner of lands within said district may file a written remonstrance five or more days before the day set for hearing on said report and therein remonstrate against the whole or any part of the proposed work or any change of the boundaries. Such remonstrance shall be verified by affidavit and shall set forth the objections of the affiant, whether they go to the jurisdiction of the commissioners or the court, or whether they rest on any other fact, as that some lands are assessed too high or too low or improperly, or that lands are assessed which ought not to be assessed, or that lands should be assessed which are not assessed, or that damages allowed to any parcel or tract of land are excessive, or that the plans for said proposed work should be changed, or that the boundaries of said district should be altered so as to include or exclude certain lands, or any persons to whom damages are allowed may remonstrate because they are inadequate.

2. The circuit court for said county or the presiding judge thereof may fix a time at any term of court or appoint a special term for hearing the remonstrants and, on demand of any person assessed for benefits or awarded damages, may frame issues in said matter, empanel a jury and take its verdict upon the trial of such issues (1) whether the amount of damages awarded by the commissioners to any land is excessive or whether the damage allowed to any remonstrant's land is inadequate and (2) whether the assessment of benefits to any remonstrant, demanding the review by a jury, is too high or too low and the jury may award and assess the same. All other issues arising on any remonstrance, except

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those of benefits and damages shall be tried by the court. If the court finds that the report requires modification the same may by order of the court be referred back to the commissioners, who may be required to modify it in any respect.

3. In any case between the commissioners and any remonstrant, the court may award and apportion the costs. Costs awarded against the commissioners shall not go against them personally but shall be paid out of the funds realized from the assessments for the cost of construction.

4. If the finding on any remonstrance of new parties who have been brought in since the making of the order pursuant to section 1299*g*—4 be against the validity of the proceedings, the same, unless the defect be cured, shall be dismissed as to such parties at the cost of the petitioners and judgment entered for costs in favor of such new parties.

5. If there be no remonstrance, or if the finding be in favor of the validity of the proceedings, or after the report shall have been modified to conform to the findings, the court shall confirm the report and the order of confirmation shall be final and conclusive, the proposed work shall be established and authorized, the proposed assessments together with further amounts made necessary by the proceedings approved and confirmed and the commissioners shall be directed and empowered to proceed with the work of construction and do any and all things necessary in connection therewith, unless within thirty days an appeal be taken to the supreme court. Said order of confirmation may, at the same or at any subsequent term of said court, be revised, modified or changed, in whole or in part, on petition of the commissioners, after such notice as the court may require, to parties adversely interested. At any time prior to making the order confirming said report or thereafter the court may permit the commissioners to present and file a supplemental report, or amend their report, as to any matter which, pursuant to the provisions hereof, was or might have been included in the original report presented by them, and after reasonable notice given to all parties interested, in such manner as the court shall direct, the court may, upon the hearing in said matter make such order as the case may require. [*1919 c. 600*]

Costs to or for remonstrant. SECTION 1299*g*—8. In case the petition or proceedings are dismissed a judgment shall be entered against the petitioners and in favor of the contestants or commissioners for the costs, expenses and liabilities incurred in said proceedings, but for the benefit of those who have rendered services or advanced money in the prosecution of said proceedings, or have recovered costs on successful contests therein. Before any such judgment is entered, said contestants or commissioners shall file with the clerk of the circuit court in which said proceedings were instituted an itemized statement of such costs and expenses, duly verified, upon which an order shall issue requiring said petitioners to show cause before said court, at a time and place named, why judgment should not be entered against said petitioners for the amount of said costs and expenses. Notice of the hearing on said order to show cause shall be given to said petitioners, by mailing to each a copy thereof, to their last known post-office address, at least twenty days prior to the time set for hearing, and by publication of the same in one or more newspapers published in the county where the proceedings are pending, at least three successive weeks prior to the day set for such hearing. Said notice need not contain an itemized statement of said account, but shall refer to said account on file. All petitioners shall, among themselves, contribute to the payment of said judgment, in proportion to the number of acres of land they had within the boundaries of the proposed district at the time of filing of said petition. [*1919 c. 600*]

Fixing time for payments of assessments. SECTION 1299*g*—9. 1. At the time of the final confirmation of assessments the court may by such order fix the date or dates on which the assessments or annual instalments thereof for construction shall become due and such assessments or annual instalments thereof shall draw interest from the date of said order.

2. Unless otherwise provided by said order, such assessment shall be payable into the county treasury at once. From the time of the entry of said order, and the filing of notice thereof with the register of deeds, assessments for construction and interest thereon shall be a lien upon the lands assessed until paid. Any owner of land assessed for construction, may at any time, before the said assessment is due, pay the amount of the assessment against his land or any tract thereof into the county treasury. Said payment shall relieve said lands from the lien of said assessment. [*1919 c. 600*]

Notice to pay assessments; proceedings against delinquents. SECTION 1299*g*—10. 1. In all cases after assessments for construction are confirmed by the court, the commissioners shall within twenty days after such confirmation give notice of the entry of the order of confirmation and of the time or times when and the place where the assessments or annual instalments thereof may be paid, by publication thereof for at least two suc-

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cessive weeks in one or more newspapers, published in the county where the proceedings are pending. A copy of such order shall be filed with the county treasurer.

2. If the assessments or annual instalments against lands are not paid when due, the county treasurer shall certify the same to the clerk of the town, city, or village in which the delinquent lands are situated, as due and unpaid for such work, specifying after each parcel what amount thereof is due for principal and what amount thereof is due for interest, and such clerk shall enter the same in the tax roll of such town, city, or village next thereafter to be made against the land benefited, but in a separate column thereof, and the same shall be collected in the same manner in which state, county, and town taxes are collected.

3. In case any town, city, or village clerk fails to place any valid assessment or annual instalment thereof certified to him on the tax roll against the land, assessed, such assessment or annual instalment thereof shall be placed upon the tax roll of said town, city, or village for the next year or any subsequent year after the error is discovered, against the lands assessed. In case said town, village, or city clerk assesses a wrong sum against any land, the same shall be corrected on the tax roll the next year or any subsequent year after the error is discovered. [*1919 c. 600*]

Moneys paid on assessments to be turned into county treasury. SECTION 1299*g*—11. Any town treasurer, village treasurer, or city treasurer who shall collect highway assessments or annual instalments thereof, pursuant to section 1299*g*—10, shall, on or before the last Tuesday of March each year, transmit the highway moneys so collected by him to the county treasurer. [*1919 c. 600*]

Moneys so turned in to be credited to special fund for construction. SECTION 1299*g*—12. Such highway assessments or annual instalments thereof paid into the county treasury shall be credited by the county treasurer to a separate special fund for the construction of such highways in such district in the county. [*1919 c. 600*]

Special fund to be added to by state, when. SECTION 1299*g*—13. Within thirty days after the last Tuesday of March each year, the county treasurer shall submit a verified statement to the secretary of state showing the amount of money received and credited by him to itemized separate special funds for the construction of highways in highway districts in his county. Upon such statement the secretary of state shall issue his warrants upon the state treasurer for the payment into such separate special funds of amounts equal to one-half of amount received from towns, villages or city treasurers and credited to such funds. Such amounts received by the county treasurer from the state shall be credited to the various separate special funds to which such amounts belong. [*1919 c. 600*]

Payments for construction, how made. SECTION 1299*g*—14. Payments to cover the "cost of construction" of highways in any highway district shall be made upon verified statement of the chairman of the commissioners of such highway district showing the amount due. Such statements shall be filed with the county clerk who shall issue his warrant upon the county treasurer for the payment of the amounts due thereon. Such amounts shall be charged against the separate special fund to which the same pertain. [*1919 c. 600*]

SECTION 1299*g*—15. [*1919 c. 600; renumbered section 20.50 by 1919 c. 703 s. 18*]

RAILWAY CROSSINGS.

Contracts for. SECTION 1299*h*. Whenever any highway crosses any railroad and the supervisors of the town, trustees of the village or county board, in case of a county road, in which said highway and railroad are situated shall deem it for the best interest of the public that said highway shall be so constructed as to cross the railroad above or below the grade thereof, and agreement can be made between such supervisors, trustees or board and the owner or operator of such railroad as to the manner of constructing such crossing and doing the work necessary for its construction, they may contract together for the same; and such supervisors, trustees or board shall, after the execution of a contract therefor, assess upon the taxable property of the village, town or county, as the case may be, at the time and in the manner highway taxes are therein assessed, a tax sufficient to raise the amount required to carry out such contract on its part, which tax shall be collected at the time and in the manner other taxes are, and the money realized therefrom shall be set aside as a special fund to be used in paying for the work according to the terms of the contract as orders are drawn upon it by the proper authorities. [*1887 c. 493; Ann. Stats. 1889 s. 1299c; Stats. 1898 s. 1299h*]

Railway crossings upon town and village highways. SECTION 1299*h*—1. 1. Whenever any street or public highway in any town or incorporated village, without the limits

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of any incorporated city, shall extend upon, over or across the tracks or right of way of any railway company, such railway company shall, at its own expense, construct, grade and maintain in safe condition for public travel, the portion of such street or highway extending upon, over or across the tracks or right of way of such railway company. Whenever any such street or highway in any town or incorporated village, without the limits of any incorporated city extending upon, over or across the tracks or right of way of any such railway company, shall be improved, paved or surfaced, or any such street or highway within the limits of any incorporated city shall be improved, paved or surfaced under the provisions of sections 1312 to 1317, inclusive, or sections 1317*m*—1 to 1317*m*—15, inclusive, such railway company shall, at its own expense, improve, pave or surface such portion of such highway as shall extend upon, over or across the right of way of such railway company, in substantially the same manner and of substantially the same materials.

2. Whenever any railway company shall fail to construct, grade, pave, surface, or maintain in safe condition for public travel, that portion of such street, highway or crossing, after having been notified so to do by the public officer in charge of the adjacent improvement for thirty days after having been so notified, such public officer may construct, pave, surface or repair such street or highway on or across said railroad right of way and the cost thereof shall be paid for by the railway company, and may be collected by the unit of government which has done the work in the manner provided in section 1299*h*—4 of the statutes. [*1907 c. 120; 1915 c. 97; 1921 c. 475*]

Special assessments against railroad for street improvement. SECTION 1299*h*—3. 1. Whenever any city or village in this state shall cause any street, alley or public highway within its corporate limits to be improved by grading, curbing, paving or otherwise improving the same, where the cost of such improvement, or a part thereof, shall be assessed against abutting property, and such street, alley or public highway is crossed by the track or tracks of any railroad, operated in whole or in part by steam power, and engaged as a common carrier, the common council or board of public works of such city, or the trustees of such village shall at any time after the completion and acceptance of such improvement by the municipality, cause to be filed with the local agent of the railroad corporation operating such railroad, a statement showing the amount chargeable to such railroad corporation for such improvement, which shall be an amount equal to the cost of constructing said improvement along said street, alley or public highway immediately in front of and abutting its right of way on each side of said street, alley or public highway, based upon the price per square yard, lineal foot or other unit of value used in determining the total cost of said improvement.

2. The amount so charged against any railroad corporation for improving the street, fronting or abutting its right of way, shall not exceed the average amount per front foot assessed against the remainder of the property fronting or abutting on said street, alley or public highway so improved. The amount arrived at as above set forth and contained in said statement, shall be due and payable by said railroad corporation to the said municipality, causing the same to be filed within thirty days of the date when the same shall be presented to the local representative of said railroad corporation. [*1911 c. 444*]

Action to recover assessment. SECTION 1299*h*—4. In case any railroad corporation shall fail or refuse to pay to any city or village the amount set forth in any such statement or claim for the making of street improvements, as provided in the preceding section, within the time therein specified, said city or village shall have a valid claim for such amount against said railroad corporation, and may maintain an action therefor in any circuit court within this state to recover the same. [*1911 c. 444*]

Improvement of streets by abutting railroad company. SECTION 1299*h*—5. Whenever the track or tracks of any railroad, operated in whole or in part by steam power, shall be laid upon or along any street, alley or public highway within any city or village, the corporation operating such railroad or railroads shall maintain and improve such portion of the length of the street as is occupied by its tracks; and said railroad corporation shall grade, pave or otherwise improve such street or portion thereof in such manner and with such materials as the common council of such city, or the village board may by resolution or ordinance determine; provided, however, that the total cost of such improvement shall not exceed three dollars per square yard, and that said railroad corporation shall not be required to pave or improve that portion of said street, alley or public highway occupied by it with different material or in a different manner from that in which the remainder of said street is paved or improved. [*1911 c. 444*]

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Notice to railroad company; time for construction. SECTION 1299*h*—6. 1. When any city or village shall have ordered any street, alley or public highway to be paved, graded, curbed or improved, as provided in the preceding section, the clerk of such city or village shall cause to be served upon the local agent of such railroad corporation, a notice setting forth the action taken by such city or village relative to the improvement of such street.

2. If the railroad corporation shall elect to construct said street improvement, it shall within ten days of the receipt of said notice from the clerk of such city or village, file with said clerk notice of its intention to construct said street improvement, and it shall be allowed until the thirtieth day of June thereafter to complete said work, unless said work is ordered after May twentieth of any year, and in that case said railroad corporation shall be allowed forty days from the time the clerk of the municipality presents the notice to the railroad agent, in which to complete said work. [*1911 c. 444*]

Construction by municipality; assessment of cost. SECTION 1299*h*—7. 1. Whenever any city or village shall order any street, alley or public highway improved, as provided in section 1299*h*—5 of the statutes, and notice shall be served on said railroad corporation, as provided in section 1299*h*—6 of the statutes, and said railroad corporation shall not elect to construct said improvement as therein provided, or having elected to construct said improvement, shall fail to construct the same within the time provided in section 1299*h*—6 of the statutes, the city or village shall at once proceed to let a contract for the construction of said improvement, and cause said street to be improved as theretofore determined, and when said improvement shall be completed and accepted by the city or village, the clerk of said city or village shall present to the local agent of said railroad corporation a statement of the cost of said improvement, and said railroad corporation shall within twenty days of such receipt thereof pay to the treasurer of such city or village the amount as shown by such statement of cost presented as aforesaid; provided, that the railroad corporation shall not be liable to pay for paving, grading or otherwise improving a street, more than three dollars per square yard for pavement or other improvement actually constructed.

2. In case any railroad corporation shall fail to pay the cost of constructing any pavement or other street improvement as herein provided, the city or village causing the same to be constructed shall have the right to enforce collection of such amount by an action at law against said railroad corporation as provided in section 1299*h*—4 of the statutes. [*1911 c. 444*]

Effect of sections 1299h—3 to 1299h—7, inclusive. SECTION 1299*h*—8. Sections 1299*h*—3 to 1229*h*—7, inclusive, shall not operate to repeal any existing law, but shall provide a method of compelling a railroad corporation to pay its proportionate share of street, alley or public highway improvements in case any city or village shall elect to follow the provisions thereof. [*1911 c. 444; 1911 c. 664 s. 74*]

Railway crossings over highways. SECTION 1299*h*—9. 1. It shall be the duty of all steam railroad companies owning or operating tracks crossing streets or highways at grade in any city, village or town in this state to keep the surface of the crossings between the tracks and rails and extending four feet on either side of the outside rails, in good condition and repair for highway travel; and whenever any railroad shall fail in this duty, the common council of the city, the village board of the village, or town board of the town, may by resolution require any such railroad company to pave, plank, repair, change, or otherwise improve such crossing, as the needs require, and the clerk of such city, village or town may cause to be served upon the local agent of such railroad company a copy of such resolution; and if the railroad company shall fail for thirty days thereafter to comply with the requirements of such resolution, the city, village or town may pave, plank, repair, change or otherwise improve such crossing, as designated by said resolution, and may recover the reasonable cost thereof from the railroad company in the manner provided in section 1299*h*—4.

2. The duty imposed upon railroad companies, and the remedy given by this act shall be in addition to other duties and remedies and shall not be construed to repeal any such other duties or remedies now existing. [*1913 c. 377*]

TEMPORARY LOGGING HIGHWAYS.

How laid; expense and liability. SECTION 1299*i*. (1) Whenever the owner of any timbered land, or the owner of any logs or other movable property which have drifted over and lodged upon any island within any waters of this state, or upon the shore or bank of any such waters or upon any lands adjacent to such shore or bank, shall present to the supervisors of the proper town a written petition for the laying out of a temporary highway to give him access to such land, or, as the case may be, to such logs and other

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movable property, or access therefrom to a stream, or railroad, or permanent highway, and describe in such petition such timbered land, or as the case may be, the location of the logs or other movable property owned by him and also the land over which he desires such temporary highway laid, such supervisors shall proceed to lay out such highway in the manner in which public highways are laid out except as otherwise provided in this section.

(2) Such supervisors shall thereupon view the premises described, or the location of the logs and other movable property, as the case may require, and determine the necessity for laying out such highway for the purpose of removing saw logs, timber, lumber, or other movable property from the land, or from the location described in the petition, and the length of time such highway will be required, which time shall be stated in their order, and at the expiration thereof the highway shall cease.

(3) Such highways shall be public highways and all the expense of laying them out, including all damages which may be awarded on account of taking land therefor, shall be paid to the supervisors by such petitioner, and shall be by them paid to the person or persons in whose favor the award or awards were made. Upon such payment being made the petitioner may enter upon, open and work such highway at his own expense and construct logging railroads thereon, subject to such restrictions and regulations as shall be made in writing by the supervisors, but no tree shall be cut thereon except such as it shall be necessary to remove to make a track or tracks. The petitioner for such highway shall be liable in damages for any injury resulting to persons or property on account of defects therein in the manner and to the extent that towns are liable for injuries caused by defective highways; and such liability shall follow the ownership of the lands or movable property for the benefit of which the highway was laid, and the town in which it was situated shall not be liable on account thereof. [*1889 c. 402 s. 1–5; Ann. Stats. 1889 s. 1299d to 1299h; 1895 c. 277; Stats. 1898 s. 1299i; 1903 c. 23 s. 1; Supl. 1906 s. 1299i; 1907 c. 118; 1917 c. 335 s. 19*]

LIMITATION CURING IRREGULARITIES.

Streets and alleys; statute of limitations. SECTION 1299*j*. Any and every street, highway and alley, pier and slip, heretofore or hereafter dedicated or attempted and intended to be dedicated in any plat by any person, or laid out, altered, changed, vacated or discontinued, or attempted or intended to be laid out, altered, changed, vacated or discontinued by the authorities of any county, town, city or village in this state, shall be taken and held to have been lawfully so dedicated, laid out, altered, changed, vacated or discontinued, as the case may be, from and after the expiration of five years from the date of the deed, instrument, plat, order, resolution or other final proceeding had or taken to effectuate such purpose. [*1901 c. 132 s. 1; Supl. 1906 s. 1299j; 1907 c. 118; 1909 c. 91*]

Curative provisions. SECTION 1299*k*. No defect, irregularity, omission or informality in the execution of any plat or deed of dedication or in any proceedings, order or resolution on the part of the authorities of any county, town, city or village, whether formal or jurisdictional, for the purposes aforesaid, heretofore made or taken or hereafter to be made or taken, shall affect or invalidate such plat, deed, order or resolution or proceeding, after the expiration of five years from the date of such plat, deed, proceeding, order or resolution; provided however, that the street or alley laid out, altered or changed by such defective, irregular or informal plat, deed, proceeding, order or resolution, shall be limited in length to the portion actually worked and used thereunder. [*1901 c. 132 s. 2; Supl. 1906 s. 1299k; 1907 c. 118; 1909 c. 91*]

Effect of act. SECTION 1299*l*. Nothing contained in sections 1299*j* to 1299*l*, inclusive, shall be taken to change existing requirements of law with reference to streets, alleys or ways by adverse possession or implied dedication. [*1901 c. 132 s. 3; Supl. 1906 s. 1299l; 1907 c. 118; 1911 c. 663 s. 150*]

COUNTY ROADS AND COUNTY AID FOR TOWN ROADS.

County boards' powers. SECTION 1300. The county board of supervisors in their respective counties are authorized to lay out highways in their county, and to widen, alter or discontinue state roads and any highway or part thereof laid out by such board (but not to discontinue any state road or part thereof unless such road is wholly within their county), upon the petition of not less than ten resident freeholders of each town in which such highway or any part thereof shall be proposed to be laid out, or from each town in which the part of such road or highway proposed to be widened, altered or discontinued shall be. All the powers herein mentioned may be exercised by a committee of not less

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than three members of the board duly appointed for that purpose. The county board may, in any case, adopt as a part of any such highway any highway or part thereof previously laid by town supervisors. And whenever the supervisors of adjoining towns in different counties cannot agree in laying out a continuous highway extending from one town to the other and the supervisors of one town shall lay out a road up to the line of such adjoining town, the county board of the county in which such latter town lies may, upon like petition, lay out such road in continuation as the public interests may require. [*1869 c. 152 s. 90, 128, 129, 135; 1870 c. 108; 1871 c. 78 s. 5; R. S. 1878 s. 1300; Ann. Stats. 1889 s. 1300; Stats. 1898 s. 1300; 1919 c. 343*]

County may build bridges. SECTION 1300*a*. Whenever the county board shall lay out a highway as provided in section 1300 of the statutes, it may at the same time or at any time thereafter, construct any and all bridges necessary for the use of said highway, the county to have exclusive charge of such work and to direct the letting, inspection and acceptance of such work in such manner as it may deem proper; and the said county board shall appropriate such sum as is required to cover the cost of such bridge or bridges, and shall cause one-half of such sum to be levied upon the taxable property of the county, and the balance of said sum to be levied upon the taxable property of the towns in which said highway is located, and all of such money, when collected, shall be paid out on the order of the chairman of the county board and county clerk, upon the completion and acceptance of the bridge or bridges. [*1913 c. 368*]

Notice, how given. SECTION 1301. Upon receiving any such petition the county board shall give notice of the time and place when they will meet to decide thereon, which notice shall be published in some newspaper published in the county for at least three weeks previous to the time so fixed, and in case there be no newspaper so published, by posting such notice in at least three public places in each of such towns at least three weeks before the time so fixed; and if such board shall appoint a committee to act for them such notice shall state the fact and the notices shall be signed by such committee, otherwise by the chairman of the board. [*1869 c. 152 s. 129, 131; R. S. 1878 s. 1301; Ann. Stats. 1889 s. 1301; Stats. 1898 s. 1301*]

Powers of park commission. SECTION 1301*m*. 1. In every county in this state having a population of at least one hundred and fifty thousand, the county board and the county park commission, acting jointly or severally, upon a vote of two-thirds of its members, may exercise the powers conferred by sections 1300 and 1301, without any petition therefor as therein prescribed; and shall proceed thereafter in that behalf as in cases of petition therefore duly made.

2. The county board of all such counties is hereby authorized to exercise any and all corresponding powers conferred upon cities in the improving and maintaining of county highways, however acquired, and the constructing or laying of water pipes, sewers, and all other public service facilities therein, and in the levying of special assessments and issuing of assessment certificates and special improvement bonds; and may delegate the exercise of such powers, or any part thereof, to any committee or member of the board or any county officer. [*1913 c. 754*]

Proceedings; appeal. SECTION 1302. At the time and place mentioned in such notice and upon proof by affidavit of the publication or posting thereof said board or its duly appointed committee shall proceed personally to examine such highway and hear any reasons that may be offered by parties interested therein, and for that purpose may adjourn, as town supervisors are authorized to do in similar cases; if a committee have been appointed they shall report their determination to the board and their award of damages for lands taken. Upon the receipt of such report or, when the board shall act without a committee, upon their determination, they shall make an order laying out, altering, widening or discontinuing such highway or refusing so to do, which shall be signed by the chairman and county clerk and filed and recorded in the county clerk's office. When they shall lay out, alter, widen or discontinue a highway they shall incorporate in the order a description thereof and may cause, when necessary, an accurate survey to be made for that purpose, and shall also cause a copy of such order to be filed in the office of the town clerk of each town in which any part of the highway laid out, altered, widened or discontinued lies within ten days after the making of such order. And any person who shall consider himself aggrieved by such determination refusing to lay out, alter, widen or discontinue such highway may appeal therefrom in the same manner and subsequent proceedings shall be had thereon the same as provided by preceding sections of this chapter in cases where the town board of supervisors refuse to lay out, alter, widen or discontinue any highway. [*1869 c. 152 s. 130; R. S. 1878 s. 1302; 1883 c. 85; Ann. Stats. 1889 s. 1302*]

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Damages, how fixed and paid. SECTION 1303. The damages sustained by any person through whose land any such highway shall be laid out, altered, discontinued or widened may be ascertained by agreement between said county board or its committee and such owner. Every such agreement shall be in writing signed by such owner and the chairman of the board or its committee and filed in the office of the county clerk, and shall bar such owner and all persons claiming under him from all further claim for damages. In case of failure to agree upon such damages the same shall be assessed by said county board or by its committee. The damages assessed for any parcel of land so taken or affected by the discontinuance of such highway shall be paid by the town in which the same is situated or by such town and any other town or towns in such proportion as the county board shall direct at the time of making the order laying out, altering, discontinuing or widening such highway if such board shall deem any other town or towns benefited thereby. A copy of every agreement for damages and of the assessment therefor shall be filed with the town clerk of each town liable for the payment of the same or any portion thereof within ten days after making the order laying out, altering, discontinuing or widening such highway. [*1869 c. 152 s. 132; R. S. 1878 s. 1303; Ann. Stats. 1889 s. 1303; Stats. 1898 s. 1303*]

Appeal; vote before liability attaches. SECTION 1304. Appeals from such award of damages may be taken, heard and conducted in all respects as appeals taken from similar awards by town supervisors and with the same right of a second appeal; but whenever the total amount of damages chargeable to any one town in consequence of any such order affecting a county road shall be fifteen hundred dollars or more such road shall not be opened, widened, discontinued or altered unless such order be approved and such highway or the discontinuance thereof be accepted by a majority of the electors of the town liable for such damages voting thereon at the next annual or some special town meeting called therefor. Every town chargeable with such damages or any part thereof shall be liable for their payment, and the same shall be collected and paid as provided in section 1291. [*1869 c. 152 s. 132; 1871 c. 114 s. 2, 3; R. S. 1878 s. 1304; 1879 c. 194 sub. 10; 1883 c. 336; Ann. Stats. 1889 s. 1304; Stats. 1898 s. 1304*]

SECTIONS 1304*a* to 1304*c*, inclusive. [*Repealed by 1911 c. 337 s. 2*]

County board may lay town road. SECTION 1305. Whenever in any town in this state there shall be less than two supervisors any petition for laying out, altering, widening or discontinuing highways in such town, authorized to be made by this chapter to town supervisors, may be made to the county board of supervisors, and such county board shall thereupon appoint a committee of three of its members who shall further proceed upon such petition in the same manner and with the same powers in every respect as supervisors of such town might do. [*1869 c. 152 s. 136, 137; R. S. 1878 s. 1305; Ann. Stats. 1889 s. 1305; Stats. 1898 s. 1305*]

Compensation. SECTION 1306. For all services performed in laying out, widening, altering or discontinuing any such highway each member of said county board or of its committee shall receive the sum of two dollars per day for each day necessarily employed, which, together with the necessary expenses of surveying any such highway, shall be paid out of the county treasury. [*1869 c. 152 s. 133; R. S. 1878 s. 1306; Ann. Stats. 1889 s. 1306; Stats. 1898 s. 1306*]

Highway, how opened. SECTION 1307. Highways so laid out by county boards shall be opened and repaired in the respective towns in the same manner as other highways; but if the town board neglect or refuse to open any such highway the county board shall have the same power to open the same that such town board has by law. [*1869 c. 152 s. 134; R. S. 1878 s. 1307; Ann. Stats. 1889 s. 1307; Stats. 1898 s. 1307*]

SECTIONS 1308 and 1309. [*Repealed by 1911 c. 337 s. 2*]

Control of roads laid out and recorded by county. SECTION 1310. The county board may at any time cause the whole or any part of any county road built or completed or laid out and recorded by the county to revert to the sole control of the town, city or village in which the same may be situated, by filing with the clerk thereof a written or printed notice that such road or part of road (designating the same) will so revert at the time specified therein, which shall not be less than thirty days. At and after the time so fixed such road or part of road shall be under the sole control of the proper officers of the town, city or village and shall be by them kept in good repair, and, if deemed necessary, the proper town board, village board or common council may annually levy a special tax sufficient for that purpose, and the proper officers of any such town, village or city may alter or discontinue such highway the same as though it had originally been laid out by them. [*1872 c. 152 s. 5, 6; R. S. 1878 s. 1310; Ann. Stats. 1889 s. 1310; Stats. 1898 s. 1310; 1907 c. 133*]

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Acquisition by gift or purchase in populous counties of land for highways. SECTION 1310*a*. Whenever the county board of supervisors of any county having a population of two hundred fifty thousand or more shall intend to lay out, open, widen or extend any highway, in or through any town or towns in said county for the purpose of improving the same or placing the same on the system of prospective state highways or the state trunk highway system and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the county clerk, and they may acquire the necessary land therefor. The provisions of section 1263 shall not be applicable to any proceedings brought hereunder. If such highway is layed out, opened, widened or extended to a greater width than sixty-six feet any assessment of benefits shall not include such additional width. [*1919 c. 639; 1919 c. 702 s. 62*]

Upon completion of condemnation county board may lay out, etc. SECTION 1310*b*. The county board, upon the completion of the condemnation proceedings may enact an ordinance laying out, opening, widening or extending said highway, and shall thereupon be entitled to enter upon such land upon the payment to the owner of the excess, if any, of the total damages over benefits awarded him by such award or appraisement, or such excess of damages be set apart for him in the hands of the county treasurer, and a county order therefor lawfully executed to the owner of said lands be deposited with the county clerk to permanently remain subject to the order of such owner. Any highway, or part thereof, acquired under the provisions hereof, shall thereafter be maintained at the expense of the county as other county highways. [*1919 c. 639; 1919 c. 702 s. 63, 64*]

Assessment to pay for acquisitions. SECTION 1310*c*. 1. For the purpose of the payment of the expenses, including the excess of damages and all other expenses and costs incurred for the taking of private property and of making the improvement above mentioned, the county board may, by resolution, levy and assess the whole or any part of such expenses as a tax upon such property in said town or towns as they shall determine is specially benefited thereby, and they shall include in said levy the whole or any part of the excess of benefits over total damages, if any, as confirmed by said county board, making therein a list thereof in which shall be described every lot or parcel of land so assessed and the amount levied thereon set opposite; provided that where a highway is laid out, opened, widened or extended to a greater width than sixty-six feet no assessment shall be made for that part of the cost and expense representing such additional width, as determined by the county board.

2. Such resolution, signed by the chairman of the county board of supervisors and countersigned by the county clerk, shall be published once in each week for two weeks in the official newspaper and a notice therewith that at a time therein stated, the county state road and bridge committee will meet at its usual place of meeting to hear all objections which may be made to such assessment or to any part thereof.

3. At the time so fixed the said committee shall meet and hear all objections, and for that purpose may adjourn from day to day. Said committee shall, at the next meeting of the county board of supervisors, report same together with its recommendations thereon, which board may, by resolution, modify such assessment in whole or in part at such meeting. At any time before the first day of November thereafter any party liable may pay any such tax to the county treasurer. On such first day of November, if any such tax remains unpaid, the county treasurer shall make a certified statement showing what taxes so levied remain unpaid and file the same with the county clerk, who shall certify same to the proper town clerk to be extended upon the tax roll of such town in addition to and as part of all other taxes therein levied on such land, to be collected therewith and paid over to said county. [*1919 c. 639; 1919 c. 702 s. 65*]

Enforcement of liability. SECTION 1311. If any town, city or village shall refuse or neglect to open and keep in repair any state or county road therein or any part of any such road and the county clerk shall receive a written notice of such neglect, signed by at least six freeholders of the county, he shall immediately notify the proper town chairman, mayor or village president to cause such road to be opened or repaired within a certain number of days, not less than thirty, to be stated in such notice, and that if said road be not opened or repaired the same will be opened or repaired by the county and the expense thereof charged to such town, city or village. If such road shall not be so opened or repaired the chairman of the county board or county road commissioners in those counties having such commissioners shall cause the same to be opened or repaired; and he or they shall keep an accurate account of the expense of opening or repairing the same, and when audited and allowed by the county board it shall be charged to such town, city or village and be added by the county clerk to the next county tax apportioned thereto and collected therewith. [*1872 c. 152 s. 7, 8; 1876 c. 139; R. S. 1878 s. 1311; Ann. Stats. 1889 s. 1311; Stats. 1898 s. 1311*]

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ACQUIRING TITLE TO TOLL ROADS.

By county or town. SECTION 1311*a*. Any county or town may acquire, in the manner hereinafter prescribed, the title to so much of any toll road as is situated within it for the purpose of making the same a public highway. [*1889 c. 307 s. 1; Ann. Stats. 1889 s. 1311a; 1897 c. 344 s. 1; Stats. 1898 s. 1311a*]

Commissioners. SECTION 1311*b*. If the county or town board can agree with the owner of any such road or his representatives upon terms of purchase the title thereto shall be acquired by purchase, but if they cannot so agree they may apply to the circuit court of the county in which the principal office of the owner of the toll road is located for the appointment of three commissioners to fix the amount of compensation that shall be paid for such road, which shall include all damages resulting from the taking thereof; but in the case of a town no such purchase or application shall be made unless the supervisors are previously authorized so to do by a vote of the majority of the electors voting on the question at an annual town meeting. [*1889 c. 307 s. 2; Ann. Stats. 1889 s. 1311b; 1897 c. 344 s. 2; Stats. 1898 s. 1311b*]

Notice of application for appointment of. SECTION 1311*c*. Notice of the application for the appointment of such commissioners shall be given the owner of such road by serving a copy thereof on him fifteen days prior to the time named therein for making the application; if the owner be a corporation such notice shall be served upon the president or secretary thereof. Upon due proof of such service the court shall, by order, appoint three disinterested and competent freeholders, who shall not be residents of the county or town on behalf of which the application is made, as commissioners to fix the compensation to be paid the owner of the road proposed to be taken. [*1889 c. 307 s. 3; Ann. Stats. 1889 s. 1311c; 1897 c. 344; Stats. 1898 s. 1311c*]

Commissioners' duties. SECTION 1311*d*. Said commissioners shall, before discharging any other duty, take and subscribe an oath to support the constitution of the United States, the constitution of Wisconsin and faithfully perform their duties to the best of their ability. They shall then proceed to view and examine the road proposed to be taken, hear the parties and fix the value of such road with the appurtenances thereof, the damages which will be sustained by its owner by reason of the taking of the same and the amount of compensation to be paid him. Before taking such proceedings the commissioners shall give ten days' previous notice in writing to the chairman of the county or town board, as the case may be, and the owner of such road, or the president or secretary of the corporation which owns the same, if the owner be a corporation, of the time and place of meeting for such purpose. A majority of the commissioners may determine all questions which arise, but all of them must be present. The court shall fix their compensation, which shall be paid equally by each party. [*1889 c. 307 s. 4; Ann. Stats. 1889 s. 1311d; 1897 c. 344; Stats. 1898 s. 1311d*]

Their report. SECTION 1311*e*. Within sixty days after their appointment the commissioners shall perform all their duties and file in the office of the clerk of the court which appointed them a report of their proceedings and the award made by them. [*1889 c. 307 s. 5; Ann. Stats. 1889 s. 1311e; Stats. 1898 s. 1311e*]

Appeal. SECTION 1311*f*. Within thirty days after such award is filed either party may appeal therefrom to the court by filing in the office of said clerk a written notice of appeal, which being done the appeal shall be considered an action pending in said court, subject to a change of venue and appeal as other actions are, and shall be entered as such by the clerk by setting down the owner of the road as plaintiff and the town as defendant. Such appeal shall be tried by jury unless that mode of trial be waived and costs be allowed the successful party. [*1889 c. 307 s. 6; Ann. Stats. 1889 s. 1311f; Stats. 1898 s. 1311f*]

Payment and possession. SECTION 1311*g*. The commissioners' report shall be recorded in the judgment book of the court and within two years after the filing thereof the county or town shall pay to the owner of the road or to the clerk of the court for his use the amount awarded, and it may then enter upon, take and use the road for the purpose for which its condemnation is authorized, and may move the court or judge thereof, upon twenty-four hours' notice given in the manner hereinbefore prescribed, for a writ of assistance to put it into possession of such road, which writ shall be issued. If possession of the road be obtained during the pendency of an appeal the owner thereof shall be entitled to receive the money paid into court without prejudice to the appeal; but if the county or town appeals such money shall only be so withdrawn upon filing such a bond as the court or judge shall approve, conditioned to repay the amount by which such award shall be reduced with costs. [*1889 c. 307 s. 7; Ann. Stats. 1889 s. 1311g; 1897 c. 344; Stats. 1898 s. 1311g*]

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Collection of award; adjustment of rights of parties. SECTION 1311*h*. The amount of such award or, in case of an appeal, the amount of the final judgment shall be collected as judgments against towns are collected under section 60.65. If it shall be made to appear that there is any defect of title to or incumbrance upon said road or any claim adverse to the title of the person claiming to own the same or to be entitled to the award or any part of it, the court shall hear and determine the rights of the parties, and for that purpose may order a reference or that the issue be tried by a jury. Either party may except to the decision and appeal in like manner as in actions, and either the circuit or supreme court may award costs to the prevailing party. [*1889 c. 307 s. 8; Ann. Stats. 1889 s. 1311h; 1897 c. 344; Stats. 1898 s. 1311h*]

Vesting of title. SECTION 1311*i*. If no appeal shall be taken from the award and the county or town shall pay the amount thereof into court or file with the clerk of the circuit court a receipt for such amount, executed by the owner of the road or his agent and acknowledged before an officer authorized to take acknowledgments of deeds, or if after the determination of an appeal the town shall pay into court the amount of the judgment rendered thereon or file a receipt therefor as aforesaid, said clerk shall make a minute of such payment or of such filing at the foot of the record of the report of the commissioners in the judgment book, and thereupon the title of such road and the appurtenances thereunto belonging shall vest in said county or town, its successors and assigns, without any other or further act, deed or conveyance, and said record or a certified copy thereof shall be prima facie evidence of such title in all courts and places. [*1889 c. 307 s. 9; Ann. Stats. 1889 s. 1311i; 1897 c. 344; Stats. 1898 s. 1311i*]

Bonds may issue. SECTION 1311*j*. The qualified electors of any such town may, at any annual town meeting, authorize the supervisors to purchase or take by condemnation any toll road or any part thereof lying within the limits of such town and to issue and negotiate town bonds not exceeding ten thousand dollars in the aggregate for the purpose of paying in whole or in part for such road or part thereof for a public highway. [*1889 c. 307 s. 10; Ann. Stats. 1889 s. 1311j; Stats. 1898 s. 1311j*]

Towns may join. SECTION 1311*k*. Two or more towns may unite in the purchase of a toll road lying within their limits or in proceedings for taking the same, and the commissioners hereinbefore authorized to be appointed shall fix, determine and award the amount of compensation that shall be paid by each town to the owner of such road by reason of such taking. Either party or any town or towns may appeal from their award to the circuit court appointing them and from said court to the supreme court within the time and in the manner provided in section 1311*f*. All other proceedings, including paying for said toll road and providing means for the same, and vesting the title thereof in the several towns, shall be the same as where one town acquires the title to a toll road under the foregoing provisions. [*1889 c. 307 s. 11; Ann. Stats. 1889 s. 1311k; Stats. 1898 s. 1311k*]

Cities and villages may obtain. SECTION 1311*l*. Any city or village may acquire the title to that part of a toll road within its limits for the purpose of making the same a public highway, by purchase or by condemnation proceedings, in the manner that each may take land for the purpose of laying out a street; provided, the sale by any toll road company of any portion of its toll road within the corporate limits of any city or village shall not affect the charter rights of such company. [*1889 c. 307 s. 12; Ann. Stats. 1889 s. 1311l; 1895 c. 142; Stats. 1898 s. 1311l*]

Cost and expenses. SECTION 1311*m*. For the purpose of paying the expenses, including all damages and costs incurred for the purchase or the taking of a toll road for a public highway, such city or village may, by its proper officers, levy and assess the whole or any part of such expenses as a tax upon such property as such officers shall determine is specially benefited thereby in the manner they assess special assessments on property on account of benefits arising from laying out and opening a street through private property, and the balance of such expenses shall be chargeable to and payable out of the same fund as the same would have been paid out of had the land of an individual, instead of such toll road, been taken and acquired by such city or village for a public highway. Whenever the title of any toll road or any part of it shall be acquired by any town, city or village and shall become a public highway as herein provided, the same shall be improved and maintained and be subject to the same uses as other highways in such towns, cities and villages. [*1889 c. 307 s. 13; Ann. Stats. 1889 s. 1311m; Stats. 1898 s. 1311m*]

SECTION 1311*m*. [*1907 c. 552; repealed by 1911 c. 337 s. 2*]

SECTIONS 1311*n* to 1311*s*, inclusive. [*Repealed by 1911 c. 337 s. 2*]

SECTIONS 1311—1 to 1311—25, inclusive. [*1907 c. 487; repealed by 1911 c. 337 s. 2*]

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TRUNK ROADS.

Trunk roads. SECTION 1311—1. 1. Whenever any highway, road or street, or combination of the same, shall pass through or connect two or more towns, cities or villages, or parts thereof, the county board in which the same is located may, by resolution, adopt the same as a trunk road, for the purpose of improving and paving the same, under the provisions of this section, and may in such resolution, determine the assessment district which may include property not abutting upon the same, but which is naturally tributary thereto and benefited thereby as determined by the assessing board.

2. Whenever any county board shall have adopted any such resolution it shall have the power to improve such trunk road, either by paving with or without a concrete base, or by grading, ditching, rolling or otherwise permanently improving, by proceeding as near as may be in accordance with the provisions of sections 959—30 to 959—30*j*, inclusive, of the statutes, except that only one-third of the cost of such improvement shall be assessed by the county board upon the property in such assessment district, in proportion to the benefits; but the part of the cost assessable to the property benefited in each town, city or village, shall be its just proportion based upon the proportionate length of such improved highway, road or street, in each town, city or village, and the balance of such cost shall be paid by the county, either out of county funds in the treasury, or by levy or by a bond issue, or part by each. The assessment shall be made in the first instance by the highway commissioner, and shall be reported by him to the county board, and the county board shall have power to review, correct and amend such assessment.

3. The provisions of this section shall apply only to counties containing a city of the second class. [*1913 c. 463*]

STATE TRUNK HIGHWAY SYSTEM.

Acceptance of federal act. SECTION 1312. 1. The legislature of the state of Wisconsin hereby assents to the provisions of the act of congress, approved July eleventh, nineteen hundred and sixteen, entitled "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," thirty-ninth United States Statutes at Large, page three hundred and fifty-five. The Wisconsin highway commission is hereby authorized to enter into all contracts and agreements with the United States government relating to the construction and maintenance of rural post roads under the provisions of the said act of congress, to submit such scheme or program of construction and maintenance as may be required by the secretary of agriculture and to do all other things necessary fully to carry out the co-operation contemplated and provided for by the said act. The good faith of the state is hereby pledged to make available funds sufficient to equal the sums apportioned to the state by or under the United States government during each of the years for which federal funds are appropriated by the said act and to maintain the roads constructed under the provisions of said act, and to make adequate provisions for carrying out such construction and maintenance. [*1869 c. 152 s. 92; R. S. 1878 s. 1312; Ann. Stats. 1889 s. 1312; Stats. 1898 s. 1312; 1917 c. 175 s. 2*]

Definitions. SECTION 1312*a*. 1. (a) Wherever the word "commission" is used in sections 1312 to 1317, inclusive, of the statutes, it shall be construed to mean the Wisconsin state highway commission created and existing under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes, as created and amended.

(b) Wherever the word "highway" is used in sections 1312 to 1317, inclusive, of the statutes, it shall be construed to mean a public road, together with all culverts, bridges, overgrade and undergrade crossings with railways, and all other appurtenances necessary to make a road usable and safe for public travel, and nothing in said sections shall be construed to prohibit the construction of a bridge and its approaches and protection separate from any other construction.

(c) Wherever the words "trunk system" are used in sections 1312 to 1317, inclusive, of the statutes, they shall be construed to mean the state trunk highway system as described in subsection 1 of section 1313 of the statutes, including both the improved and unimproved portions of said system. [*1917 c. 175 s. 2*]

System of construction. SECTION 1313. 1. LAYING OUT SYSTEM. The commission shall, as soon as practicable after the passage and publication of this act, lay out a system of main traveled roads, interconnecting every county seat and every city with a population of five thousand and over, which system of roads, when laid out and approved by the commission, shall be known as the "State Trunk Highway System." The total mileage of all roads and streets included in the state trunk highway system shall be not more than

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five thousand miles. Prospective roads as yet not public highways may be included in said system. Insofar as practicable, this system of roads shall coincide with state highways or with the roads now on the county systems of prospective state highways connecting the same points, but the commission shall have power in its discretion to select roads other than those on the system of prospective state highways if it shall deem that the public interest demands a change in routes along the whole or part of the distance between any two points, and may remove from the system of prospective state highways any duplicating roads serving essentially the same purpose and territory. The state trunk highway system shall be laid out exclusive of every street and road in a place having a population of twenty-five hundred or more by the last federal census, except that portion of any such street or road along which the houses average more than two hundred feet apart in any platted block or equivalent distance.

2. HEARINGS. The commission shall select the trunk system after full investigation, and in order that the people in each locality may be heard in regard to the trunk system in that locality, the commission shall hold or cause to be held such hearings at convenient points throughout the state as will better enable it to judge the necessity and advisability of the various routes proposed. Each appointive member of the commission attending such hearings shall receive a per diem of five dollars a day for each day required to attend such hearings and shall in addition receive his actual and necessary traveling expenses.

3. MAP; FURTHER HEARINGS. Upon the selection and approval by the commission of the trunk system, the commission shall cause to be prepared an official map of the state of Wisconsin showing outlined thereon the exact location of said system. The map of Wisconsin prepared by the Wisconsin geological and natural history survey and published in 1911 shall be the base of said map. Prior to November 1, 1917, if possible, a copy of such map shall be filed with each county clerk and after such selection and filing no changes except the necessary relocations and alterations in portions of the trunk system for purposes of construction shall be made by said commission until further investigation or hearings are held in the county or counties in which such change or changes are proposed. If, after investigation or hearing, any alterations or additions shall be deemed expedient, the change shall be entered in writing upon the records and maps of the commission and each county clerk shall be immediately notified to alter the official map on file with him in accordance therewith.

4. MEASUREMENT OF MILEAGE. After the trunk system has been selected, the commission shall cause to be measured from the best maps available, or by survey, or by automobile speedometer the length of road lying on such system in each county in the state and a statement of such mileage by counties shall be placed on the maps provided for in subsection 3 of this section.

5. APPORTIONMENT BETWEEN COUNTIES. At the time the commission shall lay out the trunk system, if any portion of such system shall lie on a county line road, the commission shall logically and fairly determine what portion of the system lying on said county line shall properly be constructed and maintained by each of the two counties, and it shall clearly indicate in its records and on the official map the portion of such county line highways which it allots each county. For all the purposes of this act, the portion of such county line highways assigned to each county shall be considered as lying fully within such county, and all procedure and requirements for construction and maintenance shall apply to such highways just as if they lay wholly within the limits of one county. When a stream forms the boundary line between two counties, each county shall pay one-half of the counties' share of the cost of constructing and maintaining the bridges on the trunk system over such stream. Each county shall build and maintain the approaches lying in said county in accordance with the provisions of sections 1312 to 1317, inclusive, of the statutes. Provided that all bridges on the trunk system necessarily over three hundred feet in length, exclusive of approaches, shall be constructed under the provisions of section 1321*a* of the statutes.

6. ALTERATIONS AFTER FILING MAP. After the preliminary or final map of the trunk system has been filed with any county clerk, any action by any town or village board or city council in said county or by the county board of said county, or by its committee, having the effect of discontinuing, relocating, or altering the location or route of any highway forming a part of the trunk system shall be null and void unless the commission shall in writing filed with the appropriate body approve such discontinuance, relocation, or alteration.

7. COUNTY MAPS. The commission shall select the portion of the trunk system lying in all counties, or a part thereof, at as early a date as practicable, filing with the county clerks of said counties a preliminary map of such counties showing the selected system, or a part thereof, in lieu of the final map prescribed to be filed under subsection 3 of this section. Such filing shall fully and legally establish the trunk system, or part thereof,

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for such counties unless later changed by the special legislative state trunk highway committee.

8. PUBLICATION OF COUNTY MAPS; REMONSTRANCE. (a) At the time the commission files with any county the county maps specified under subsection 7 of this section, it shall cause to be published for two consecutive weeks in two newspapers of general circulation in such county a description of the trunk system, or part thereof, selected for the county. If, within thirty days after the last authorized publication of such description in any newspaper, there shall be filed with the commission a remonstrance against the selection made for such county signed by a number of freeholders in the county equal to or more than five per centum of the total number of votes cast in the county for governor at the last general election, the commission shall file said remonstrance with the chairman of the special legislative committee created under subsection 9 of this section, together with a map of the county showing the trunk system for such county, or part thereof, as originally determined upon, together with such other information as it may deem germane to the subject.

(b) Such remonstrance shall state specifically the ground or grounds for complaint against the trunk system as laid out by the commission, and each copy of said remonstrance circulated for signature shall include, over the signatures, a statement of the complaint or complaints and each copy when filed shall be accompanied by the affidavit of the person who circulated the remonstrance certifying that each signer thereof is a freeholder of said county.

9. LEGISLATIVE COMMITTEE. Upon the publication of this act, the governor shall appoint three members of the assembly and two members of the senate who, together, shall constitute a special legislative state trunk highway committee to act on matters connected with the laying out of the trunk system. Said committee shall elect a chairman and a secretary. Each member of this committee shall receive the sum of five dollars per day and his actual and necessary traveling expenses when engaged in making hearings and investigations in accordance with the provisions of subsection 11 of this section.

10. EXPENSES OF LEGISLATIVE COMMITTEE. The per diem, expenses, and clerk hire incurred by the said special state trunk highway committee of the legislature, shall be paid out of the appropriation made for the use of the state highway commission in subsection 3 of section 20.04 of the statutes, upon order of the chairman of said committee and the chairman of said commission. Said committee shall complete its work on or before November 1, 1917, unless a protest is legally filed after October 1, 1917, in which case the committee shall complete its work thirty days after the filing of the last legal protest.

11. COMMITTEE HEARING ON REMONSTRANCES. Whenever the commission shall file with the chairman of said committee a remonstrance received from any county in accordance with the provisions of subsection 8 of this section, it shall be the duty of the chairman of the committee to cause a hearing to be held at the county seat of the county from which the remonstrance is received, which hearing shall be attended by at least three members of the committee. The committee shall view the routes in question, make such investigations and take such testimony as will determine the advisability of the trunk system as outlined by the commission for such county, and may make such changes or additions to such system as laid out by the commission as shall comply with the provisions of this act and as will, in its judgment, best promote the public interest. Such changes or additions, when made by vote of a majority of all members of said trunk line committee, shall be final and binding, and the commission shall cause such additions or alterations to be made in the official map or maps of the trunk system as shall comply with the decisions of the committee.

12. JOINT FINAL DETERMINATION. Upon the request of the commission, the special legislative state trunk highway committee shall consider jointly with said commission the situation in any county or counties in which difficulty is experienced in establishing the trunk system and the joint agreement of the commission and committee in selecting the system for such county or counties shall be final. The committee and commission shall sit jointly at the hearings held in such cases and the majority vote of the members of both bodies present shall be final.

13. DELINEATION AND MARKING OF ROUTES. (a) After the final selection of the trunk system, said commission shall cause the various lines of highway comprising such system including the connecting streets in cities and villages to be distinctly marked with some standard design placed on convenient objects along such routes. Said design shall be uniform on all parts of the trunk system except that numbers shall occur therein corresponding with the numbers given the various routes by the commission, which numbers shall coincide with the numbers placed on the official map or maps issued by said commission. No similar design shall be used for marking other routes in Wisconsin.

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(b) After the marking of such routes, it shall be illegal for any person, corporation or association to delineate or mark any other routes or trails through the state of Wisconsin, unless in the course of such routes through the state the route marked by such person, corporation or association shall coincide exactly with the trunk system between adjacent cities and villages. No further routes shall be marked within or through the state until an exact description of the routes selected for marking have been filed with the commission and the route and marking have been approved by it. Any routes heretofore laid out and marked between any two adjacent points in Wisconsin shall be made to conform to the trunk system between the same points. The person, corporation or association which caused such routes to be marked shall efface from the whole present route not included in the new route all marks indicating such route.

(c) If any person, corporation or association shall fail to comply with the provisions of this subsection, the secretary of state, on complaint of the commission, shall revoke their permit or incorporation papers and the commission shall cause to be erased from all road sides the insignia denoting the route selected by such person, corporation or association. The cost of such erasure shall be paid out of the funds made available for the use of the said commission in subsection 3 of section 20.04 of the statutes.

14. PUBLICATION OF MAPS. As often as may be necessary, the commission shall cause to be published maps of the state of Wisconsin showing thereon the trunk system, and in the discretion of the commission such other main highways and other features as it may seem desirable to indicate. Such maps shall be furnished to the superintendent of public property by the state printing board on requisition from the commission and shall be sold by the said superintendent of public property at prices fixed by the commission, which prices shall not be less than the cost of such maps to the state. The state highway commission may permit the use of the base plates in other maps and publications provided a proper and fair fee is collected for the use thereof.

15. GUIDES AND SIGNS. The commission shall cause to be erected such standard guide and warning signs as it may deem necessary along the trunk system. Such signs shall be of uniform design throughout the state. It shall be illegal to erect or display any other guide or warning signs upon the trunk system except in case of emergency or when approved by the commission, and if erected without such approval they may be removed by the commission.

16. ADDITIONAL MILEAGE, COUNTY BOARD NOTIFIED, COUNTY MAP, LEGISLATIVE COMMITTEE, ALTERATION OF TRUNK SYSTEM, ALTERNATE ROUTES. (a) The Wisconsin highway commission is authorized and directed to make the necessary investigations, to hold the necessary hearings, and to add to the state trunk highway system an additional mileage of highway, provided this additional mileage shall not cause the total mileage on the said system to exceed seven thousand five hundred miles. The procedure in laying out the additional mileage shall be, insofar as possible, similar to the procedure followed in laying out the original five thousand mile system, as provided for in section 1313 of the statutes. Except as otherwise provided, the new portions of the state trunk highway system shall be maintained, marked, constructed, and administered commencing April 1, 1920, in the same manner as is the portion of said system first laid out.

(b) The commission shall notify the several county boards at their November, 1919, meetings of the additional mileage placed on the trunk system and shall file a county map with each of said boards showing the original system and such additions. At the same time the commission may notify any county board that certain portions of the additional system as selected for such county will not be required to be maintained by the county under the provisions of sections 1312 to 1317, inclusive, of the statutes, until further written notice from the commission to said county board. The mileage not to be immediately maintained by the counties shall not be shown as state trunk highways on the published maps showing the trunk system until the commission directs the counties to maintain such mileage, and no maintenance funds shall be allotted to any county on account of such mileage until said mileage is maintained by said counties.

(c) As soon as may be after the passage and publication of this act, the governor shall appoint a special legislative state trunk highway committee consisting of five members, two to be appointed from the membership of the state senate and three to be appointed from the membership of the state assembly, to act on matters connected with the laying out of the additional mileage. This committee shall have all the powers and duties and shall receive the compensation conferred upon the similar committee created by the legislature of 1917 to act in the layout of the original system. The committee shall exercise its functions until the legislature of 1921 is organized.

(d) In laying out the additional state trunk highway mileage, the commission and legislative committee are authorized to alter or discontinue any part of the present trunk

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system, if, in the opinion of the commission or committee, the alteration or discontinuance will result in giving improved facilities to the general traveling public. Any necessary changes may be made in the trunk system from time to time by the commission, if it deems that the public good is best served by making such changes. Due notice shall be given to the localities concerned of the intention to make such changes or discontinuances. Whenever the commission shall decide to change more than five miles of the system, such change shall not be effective until the decision of the commission shall have been referred to and approved by the county board of each county in which any part of such proposed change is situated. A copy of the decision or order of the commission shall be filed in the office of the clerk of each county in which a change is made or proposed.

(e) In case any portion of the trunk system as officially laid out is impracticable or impossible to maintain, the commission may temporarily declare an alternate route a portion of the state trunk highway system, and in such case the alternate route shall be considered a portion of the state trunk highway system in every legal and practical respect except it may not be constructed under the provisions of sections 1312 to 1317, inclusive. Except as provided in paragraph (b) of this subsection the actual mileage of the system as officially laid out shall be the mileage used in computing any amounts due the counties when the state trunk highway mileage is a factor in the distribution. [*1869 c. 152 s. 93; R. S. 1878 s. 1313; Ann. Stats. 1889 s. 1313; Stats. 1898 s. 1313; 1917 c. 175 s. 2; 1919 c. 313 s. 2, 3; 1921 c. 156*]

Exclusive use of highway moneys. SECTION 1314. 1. FOR TRUNK SYSTEM ONLY. All moneys heretofore alloted or to be hereafter allotted to the state of Wisconsin from the federal government as federal aid for roads, and all moneys appropriated or dedicated by the state legislature in order to meet the provisions and requirements of the federal aid road act, shall be expended, together with the amounts herein required to be provided by the counties, only in the construction or reconstruction of public highways forming a portion of the trunk system.

1a. APPORTIONMENT, GENERAL PROVISIONS. One-third of the total aggregate cost of all construction performed on the trunk system in any county under the provisions of sections 1312 to 1317, inclusive, shall be paid out of funds provided by the federal government; one-third out of funds provided by the state; and one-third out of funds provided by the county; provided, that the state highway commission shall determine for each separate improvement the proportion of the cost to be borne by each of said units of government. The federal government shall in no case pay more than fifty per centum of the cost of any improvement.

In all cases, after deducting the amounts paid toward the cost of any construction by the federal government, or by any corporation or person, the remainder of the cost of the improvement, including the cost of surveys, plans and advertising, and of any lands or right of way required for relocations, shall be shared equally by the state and the county, subject to the provisions of subsection 6 of this section.

2. APPORTIONMENT TO COUNTIES. The joint federal and state funds available each year for construction on the trunk system shall be allotted by the state highway commission to the several counties in the following manner: One-third shall be allotted in the ratio that the mileage of public highways in each county, as determined from time to time by the commission, bears to the total mileage of public highway in all the counties (for the purposes of this subsection half the mileage of all county line highways shall be considered as lying in each county; also streets and highways in incorporated villages and cities shall not be included in the mileage of public highway computed as lying in any county); one-third shall be allotted in the ratio that the area of each county bears to the total area of all the counties; one-third shall be allotted in the ratio that the valuation of each county, as last equalized by the state tax commission, bears to the total equalized state valuation of all the counties.

2a. UNUSED PART OF SUM ALLOTTED TO ANY COUNTY, EXPENDED IN ADJOINING COUNTY. Whenever there has been allotted under the provisions of subsection 2 of this section, for expenditure in any county a sum in excess of the sum necessary to fully pay the federal and state portions of the cost of completing the trunk system lying in said county so that the whole of said system is paved, or provided to be paved, with a surface of concrete or with a surface of adequate materials on a concrete base, the commission shall use the balance of said county's allotment and any further allotment to said county to provide the federal and state shares of the cost of paving the trunk system in adjoining counties with a surface of concrete, or with a surface of adequate materials on a concrete base. The said paving in any adjoining county shall commence at the county line next to the completely paved county, or at the end of the completed satisfactory paving in the adjoining county when the paving already completed extends into said adjoining

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county. Counties receiving additional federal and state funds in accordance with the provisions of this subsection shall pay the county's share of the cost of such additional construction. The whole procedure used in initiating and constructing any work financed in accordance with the provisions of this subsection shall be as provided in sections 1312 to 1317, inclusive, of the statutes.

3. NOTICE OF APPORTIONMENT. The commission shall, on or before the first day of November of each year, notify the county clerk of each county of the amount allotted to such county for the succeeding year in accordance with the provisions of subsection 2 or 4 of this section.

4. APPORTIONMENT IN 1917. The notice filed with the county clerks on or before November 1, 1917, shall state the amount of joint federal and state funds allotted to the county for construction in the three fiscal years ending June 30, 1917, June 30, 1918, and June 30, 1919. This notice may be filed with the county clerk of any county as soon as practicable after the passage and publication of this act, and if the trunk system for such county, or part thereof, has been selected and if the county board shall make the county's share of the funds necessary for construction immediately available, construction in such counties may be carried on in accordance with the provisions of this act in the calendar year 1917.

5. COUNTY APPROPRIATION A CONDITION PRECEDENT. The amount available each year under the provisions of subsection 2 or 4 of this section for construction or reconstruction in any county shall not be expended in any county until the county board of said county shall have made available and shall have paid into the state treasury an amount equal to one-half the total amount allotted from the joint federal and state funds to the county for said year or years.

6. COUNTY MAY ASSESS MUNICIPALITIES. The county board may by resolution provide that a portion not to exceed fifty per cent of the county's share of the cost of any improvement provided for under the provisions of sections 1312 to 1317, inclusive, of the statutes, shall be assessed as a special benefit against any town, village or city in which said improvement may lie, and the amount of said special benefit may be levied by the county board as a special charge against such town, village or city, and the county clerk shall certify such sum to the town, village or city clerk, who shall put the same in the next tax levy and the same shall be collected and paid into the county treasury by the officials of the town, village or city just as all other county taxes are levied, collected and paid in. A portion of the special charge levied against any town, village or city by the county board may be paid by subscription or donation. The benefit assessed against any town shall in no case exceed one thousand dollars per mile of road constructed. Any sums of money levied upon or received from towns, villages, cities, subscribers or donors shall be paid into the county treasury prior to the commencement of the improvement and shall be dedicated for use in such improvement.

7. TIME AND AMOUNT OF COUNTY EXPENDITURES. Nothing in this act shall be construed to direct that construction must be performed in every county in every year. Provided, however, that on or before June 30, 1921, each county which makes available its share of the construction funds as herein provided must have had expended in it for construction or have had allotted to it to be later expended in it for construction, the total amount from the federal and state funds which it is entitled to receive under the provisions of subsection 2 of this section. [*1869 c. 152 s. 94, 95; R. S. 1878 s. 1314; Ann. Stats. 1889 s. 1314; Stats. 1898 s. 1314; 1917 c. 175 s. 2; 1919 c. 270 s. 2; 1919 c. 313 s. 2*]

Method of executing work. SECTION 1315. 1. ANNUAL PROGRAM. The commission shall, on or before the first day of November of the year preceding the year in which the construction is expected to be performed, determine insofar as possible what improvements shall be made under the provisions of sections 1312 to 1317, inclusive, of the statutes, in the several counties. Provided that if it is found that any improvements can be performed in 1917, special arrangements may be made by the commission for such construction in accordance with the provisions of sections 1312 to 1317, inclusive, of the statutes, at any time after their passage and publication.

2. SURVEYS, PLANS, ESTIMATES. When the commission shall have determined upon the various improvements to be made in any one year, it shall fully comply with all the provisions of the federal aid road act and with the rules and regulations made by the secretary of agriculture of the United States for carrying out the said act, and shall cause the necessary surveys, plans, estimates, project statements, etc., to be made, as required by the rules and regulations promulgated from time to time by the said secretary of agriculture.

3. GRADE CROSSINGS. (a) Whenever the commission shall, in making plans for the construction of a portion of the trunk system, or of a portion of the system of prospective state highways, which portion has one or more crossings at grade or otherwise with a rail-

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road, street railroad or interurban line, or with two or more such lines, and for the proper construction of said portion it is necessary for the public interest to rearrange or eliminate the highway crossings, put in overgrade or undergrade crossings, or make any other rearrangement of the highways or tracks, the commission shall jointly with the railroad commission outline a plan for the required changes and make an estimate of the cost thereof, including the cost of right of way. The commission shall take up with the railroad company or companies concerned, or other public service corporation concerned, all matters connected with said plan for construction and shall make suitable arrangements with said companies so that they shall defray a proper portion of the cost of the project, upon such terms as may be mutually agreed upon between the railroad company and the commission.

(b) If the commission shall find it impossible to deal by contract with the companies concerned for a proper distribution and payment of the cost of the work, the commission shall formally lay before the railroad commission of Wisconsin all the facts in the case, together with the plans and estimates and the railroad commission shall review the whole proceedings, hold a hearing or hearings thereon and shall in accordance with the provisions of sections 1797—12 and 1797—12*e*, of the statutes, fix the portion of the cost which is to be paid by the company or companies concerned and the portion of the cost, if any, to be paid by the public, which public's share shall be provided for in accordance with the provisions of either sections 1312 to 1317, inclusive, or of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes, except such portion of the cost as the railroad commission may charge to the individual units of government benefited by the improvement of conditions on roads other than those on the above system.

4. Notice to county clerk. Immediately upon the determination to make a certain improvement in any county, the county clerk of said county shall be notified by the commission of the determination to make said improvement and of the amount required to be provided by the county to defray the county's share of the cost of the improvement. Such notification shall be made to the county clerk on or before November 1, of each year, for work expected to be performed the succeeding year. Provided, that if the commission shall determine it to be advisable to initiate any new work, and to construct the same immediately, the county clerk shall be notified, and if the county shall make arrangements to finance the county's share of the cost, the construction may immediately proceed.

5. Provision of funds by counties. The county board of each county, either at its annual meeting in November, or at a special meeting, shall make available in some legal manner the funds required to be provided by the county to pay its share of the cost of any proposed improvement, and the funds so provided by the county board shall be paid into the state treasury before arrangements are completed for proceeding with the actual construction of the improvement. The proceeds of county bonds issued under the provisions of section 1317*m*—12, of the statutes, may be used to pay the county's share of the cost of any improvement made in accordance with the provisions of sections 1312 to 1317, inclusive, of the statutes. The county board at any regular or legally called special meeting may, by proper resolution, appropriate, transfer from other funds, or borrow and make immediately available any sum of money required to be paid into the state treasury by the county under the provisions of this section. At the same meeting the county board shall levy a tax sufficient to pay the principal and interest of any indebtedness so authorized, as the same becomes due, and when such tax has been collected the county treasurer shall reimburse to the proper fund or creditor the amount borrowed, with interest, if any, in accordance with the provisions of this subsection.

6. Special tax against counties. If any county board shall fail to make available within reasonable time after notice from the commission, the county funds necessary to insure the construction of any improvement determined upon in accordance with the provisions of sections 1312 to 1317, inclusive, of the statutes, the commission shall, in writing, notify the secretary of state who shall levy a special tax upon said county to be levied and collected at the time and in the manner other state taxes are levied and collected in the counties, and when collected the proceeds shall be paid into the state general fund and credited to the state trunk highway appropriation and set aside by the commission for the especial improvement and expended therefor.

7. County to acquire right of way. (a) Each county shall acquire any lands or right of way necessary to be obtained in order to properly locate or widen the right of way of any section of highway to be improved. The county shall take title to such lands as are required to be purchased under this subsection and the land purchased shall be of the dimensions shown on the plans approved by the United States department of agriculture. The cost of such acquirement shall be considered a portion of the cost of the work, and shall be paid by the county out of the county funds provided for the improvement;

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and the total of such costs shall be deducted from the sum paid into the state treasury by the county, as the county's share of the cost of such improvement.

(b) Nothing in this subsection shall prohibit the purchase of such land under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes, and paying for the same just as for lands purchased for right of way in accordance with said sections.

(c) If it shall be necessary to condemn any lands, quarries, or gravel pits, such may be taken by the county by proceeding in accordance with the provisions of chapter 32 of the statutes. [*1869 c. 152 s. 85, 99; R. S. 1878 s. 1315; Ann. Stats. 1889 s. 1315; Stats. 1898 s. 1315; 1917 c. 175 s. 2; 1919 c. 270 s. 1; 1921 c. 422 s. 37*]

Bids; contracts. SECTION 1316. 1. When it shall have been determined that the necessary funds have been made available for any highway improvement, and when the project statement, plans, and specifications have been prepared by the commission and approved by the secretary of agriculture the work contemplated shall be advertised for bids in a manner determined by the commission and shall be let to the lowest competent and responsible bidder unless such bid shall be deemed to be unreasonable or shall be beyond the estimate approved by the department of agriculture. Contracts for all road and bridge construction performed under this act shall be between the state and the contractor and shall be approved by the commission or its authorized representative, and payments from all funds made available therefor shall be made from time to time by the state treasurer upon estimates approved by the commission.

2. In case it shall be impossible to let a contract for any work at suitable prices, the commission may arrange to have the work done by day labor or force account, or by convict labor, or by arrangement with the county state road and bridge committee may use the county forces and machinery, and the cost of the labor, materials, small tools, and rental of equipment required to properly perform the work shall be paid out of the state trunk highway appropriation upon pay rolls and vouchers approved by the commission, up to the amount available for the special improvement.

3. Any excess in construction cost over the funds made available for any piece of work, shall be paid out of the state trunk highway appropriation, and any balance shall be credited to said appropriation; and the distribution of the cost of the next improvement in the county shall be so made that the legal ratio of payment shall be preserved.

4. The commission shall, in accordance with the federal act, provide for the necessary and adequate inspection of each particular piece of work to insure its proper performance. The cost of such inspection shall be charged to the work and shall be paid out of the state trunk highway appropriation.

5. (a) Whenever an improvement shall have been determined upon in accordance with the provisions of section 1315 of the statutes, and the necessary provisions have been made for fully financing the estimated cost of such improvement by all of the units of government concerned therein, the commission, if it shall determine that a probable saving can be effected thereby, is authorized to contract for any or all of the materials necessary to be used in the construction of the improvement and for the delivery and storage of said materials at suitable points, and to pay for the same out of any funds available for the improvement. In case the performance of any portion of the work authorized by this subsection cannot be arranged for by contract at a fair price, the commission is further authorized to arrange for securing, delivering, or storing said materials in accordance with the provisions of subsection 2 of this section.

(b) The commission is further authorized to contract in the name of the state, for any materials necessary to be used in the construction or maintenance of any highway or bridge, whenever the state pays or may ultimately pay a portion of the cost thereof. Provided, that no such contract shall be entered into by the commission until a county or counties have agreed to use and pay for the full amount of materials proposed to be contracted for. The commission is further authorized and directed to assign to the counties wherein said construction and maintenance work is located any and all of its contractual rights and obligations under any such contract, at the prices and terms named therein. [*1869 c. 152 s. 89; R. S. 1878 s. 1316; Ann. Stats. 1889 s. 1316; Stats. 1898 s. 1316; 1917 c. 175 s. 2; 1919 c. 270 s. 1; 1921 c. 449*]

Maintenance of trunk highways. SECTION 1317. 1. (a) On and after May 1, 1918, each county shall adequately maintain the whole of the trunk system lying within the county in accordance with the directions, specifications, and regulations made for such maintenance by the commission. Any military highway, previously laid out in what is now an Indian reservation, may together with its proper connection to the nearest state trunk highway, be laid out and adopted as a portion of the state trunk highway system by the Wisconsin highway commission. On portions of the trunk highway system laid out and adopted by the state highway commission lying within the limits of any Indian

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reservation no more shall be required to be expended for maintenance by each of the said counties upon said highway than shall actually be allotted to it each year from the state maintenance funds on account of the mileage of said highway lying within said county. No county shall be compelled to provide any funds for the construction or reconstruction of any portion of said highway, including bridges, so lying within the limits of any Indian reservation, without the consent of the county board of such county.

(b) Said maintenance shall include the maintenance of the portion of the trunk system improved under the provisions of either the state aid or federal aid laws, as well as of those portions of said system as yet unimproved under either law.

(c) The counties shall not be required to extensively reconstruct unimproved highways pending their construction or reconstruction under the provisions of either the state aid or federal aid laws, but they shall be maintained in reasonably good condition considering their condition as to grading, drainage and surfacing at the time they were included in the trunk system.

(d) The county shall maintain the streets and roads in incorporated cities and villages which have been improved under the provisions of sections 1312 to 1317, inclusive, of the statutes.

(e) The county board, or its authorized committee, shall maintain in cities and villages the portions of the trunk system as yet unimproved with a permanent surface and which are eligible for improvement under the provisions of sections 1312 to 1317, inclusive, of the statutes. Nothing in this subsection shall prohibit the county board from making arrangements with the city or village officials for performing such maintenance.

2. When any county shall adequately maintain to the satisfaction of the commission a portion or all of the trunk system within its limits there shall be paid into its treasury out of the state trunk highway appropriation the actual cost of such maintenance, plus an allowance for the use of county machinery agreed upon in advance by the county state road and bridge committee and the commission. Said payments shall be made up to the amount available in the state trunk highway appropriation for maintenance in such county, upon the presentation by the county clerk of properly itemized vouchered statements supporting the account, which statement shall have been approved by the commission. Whenever in any year the proper maintenance of the state trunk highway system in any county shall not in the opinion of the commission require the expenditure of the whole funds available for maintenance in said county in said year, the commission may pay to the county treasurer of said county any funds not so required and the county board may use the same for highway purposes or for the retirement of county highway bonds or to pay the interest thereon. A certified account of the expenditure of said funds shall be filed with the commission by the county highway committee.

3. After January 1, 1919, any section of the trunk system as yet unimproved and due to its physical condition not susceptible of proper maintenance shall, upon order of the commission, be graded and drained under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes, and paid for as provided for in said sections.

4. If any county shall fail to adequately maintain any portion of the trunk system, the commission may so determine and shall notify the county clerk of said county in writing. If such county shall not within thirty days of such notice take due steps to perform such maintenance, the commission shall immediately cause the required maintenance to be performed and the cost of the same shall be paid out of the state trunk highway appropriation as provided in subsection 2 of this section and charged against the amount available for maintenance in said county.

5. Claims for damages which may be due to the insufficiency or lack of repair of the trunk system shall be against the county, and sections 1339, 1340, and 1340*a* of the statutes shall apply to such claims. Except that when any town, city or village, or public service corporation, shall have in their construction or maintenance of a public utility or other public service property, or of a road or street, made a portion of the trunk system unsafe or dangerous for public travel, the town, village or city, or public service corporation responsible shall be liable for and shall defend such claims for damages.

6. (a) Whenever a street, highway or alley is maintained by any town, village or city, the town, village or city shall make every reasonable effort to keep said streets, highways and alleys open for all travel during the winter months, and shall use such means of accomplishing the necessary results as the statutes provide.

(b) Whenever any highway or street shall be maintained by the county, at either county or state expense, or both, such maintenance shall in no way impose upon the county the duty of keeping such highway or street free from snow and open for travel during the winter season. The removal of snow on said streets and highways shall be the duty of the town, village or city in which they lie, and the provisions of paragraph (a) of this

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subsection shall apply. Any county board may, at any meeting, provide that the county will remove snow during the winter season from any highway or street maintained by the county, in which case the county shall be responsible for the proper removal of snow to allow all customary modes of travel, and the cost of such snow removal shall be paid by the county out of such funds as the county board may provide by county tax or otherwise. At the discretion of the county board, the board may, by resolution, charge not to exceed fifty per cent of the cost of the removal of snow from any highway or street subject to county snow removal, to the unit of government in which said removal is performed. In no case shall the cost of snow removal under the provisions of this paragraph be charged to any maintenance funds received from the state. In case a county board, after adopting a road for snow removal, shall desire to relinquish the snow removal during the succeeding winter, it may do so by resolution, and snow removal on the said road or street shall revert to the control of the unit of government in which the same may lie, and the provisions of paragraph (a) of this subsection shall apply.

(c) If any town, village, city or county shall fail to keep open to travel during the winter season any portion of the state trunk highway system which the state highway commission shall determine the public interest demands should be kept open for travel during the winter season, the state highway commission may direct the county state road and bridge committee to keep such road or street open to travel during the winter season, and the cost of any such work shall be paid by the county out of any county funds which may be unappropriated, and the county board at its next meeting shall provide for the payment of the same by county tax or otherwise, and may charge not to exceed fifty per cent of the cost of such removal to the unit of government in which said removal took place. In no case shall the state highway commission order any section of the state trunk highway system kept open for travel in the manner specified in this paragraph unless the state highway commission shall have received a petition signed by at least fifty persons certifying that they would often travel with vehicles the portion of the highway in question in the pursuit of their ordinary avocations if it were open for travel during the winter season.

(d) Nothing in this subsection shall be interpreted to impose upon any town, village, city or county, the duty of making passable for travel any portion of a highway, street, or alley during or after snow storms when the necessary work would impose an unreasonable public expense. The term "unreasonable public expense" shall be interpreted to mean an expense which in the opinion of the court is unreasonable in view of the public benefit which would accrue from making passable for travel the said portion.

7. (a) No franchise or permit shall hereafter be granted to any public service corporation for the use of any highway or bridge on the trunk system, unless the franchise or permit granted by the official or officials of the unit or units of government in which such highway or bridge shall lie shall have been first approved as to their terms and sufficiency by the commission.

(b) Any town, city or village ordinance, permit or resolution providing for the construction or repair by said municipalities or by any public service corporation of any public service electric, gas, sewer, water, telegraph or telephone line on any portion of the trunk system shall not become effective until the commission shall approve the method by which such work is done and by which the road or street is to be restored to its former condition.

8. (a) Whenever in the opinion of the state highway commission the public safety shall require the construction or reconstruction of any bridge or culvert on the trunk system, the said commission shall notify the county clerk and the chairman of the county state road and bridge committee to that effect in writing, giving an estimate of the cost. It shall then be the duty of the county board at its next meeting to make provision for the payment of the county's share of the cost of such construction or reconstruction. Nothing in this subsection shall be construed to relieve any county from liability for the maintenance of all culverts and bridges on the trunk system.

(b) Whenever any bridge or culvert located on the state trunk highway system shall, by reason of damage by flood or by other cause, require immediate construction or reconstruction, it shall be the duty of the county state road and bridge committee to immediately notify the state highway commission and to take the necessary steps to bring about such emergency construction or reconstruction with the least possible delay. If no funds have been made available in advance by the county board for such emergency construction or reconstruction, the county state road and bridge committee is authorized to borrow the necessary funds to pay the whole cost of such work, or to pay the whole cost of such work from such county funds as may be available and not otherwise appropriated. Provided, that the total amount so borrowed or used on order of the said committee shall not exceed

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in any calendar year the amount produced by a county tax of one-half of one mill. The said committee shall make a full report of such emergency construction or reconstruction to the next annual meeting of the county board.

(c) If the cost of all emergency bridge or culvert reconstruction or repairs not previously financed exceeds in any calendar year the maximum set in paragraph (b) of this subsection, the said committee shall, if necessary, cause a special meeting of the county board to be called to act in the matter.

(d) The county board shall at each annual meeting make provision for paying the cost of all culvert and bridge construction and reconstruction performed or to be performed under the preceding paragraphs of this subsection. The state's share of the cost of all bridges and culverts constructed or reconstructed under this subsection shall be forty per cent, provided that the state's share of such cost shall not exceed one-half of the state aid allotted to the county for the succeeding year. If one-half of the state aid allotted to the county for the succeeding year shall be less than forty per cent of the cost of construction or reconstruction determined under the provisions of this subsection, for the succeeding year, including emergency construction already authorized by the county state road and bridge committee, the county board shall provide the amount by which the state aid shall be deficient and may recover such deficit from the first one-half of the county's allotment of state aid for succeeding years until the whole of such deficit is recovered. The county board may assess not more than forty per cent of the county's share of the cost of any such construction or reconstruction against the municipality in which the same shall lie, provided that where such construction or reconstruction shall lie within more than one municipality, such assessment shall be borne by them jointly in proportion of their assessed valuations.

(e) All culverts and bridges constructed or reconstructed under the provisions of this subsection shall be built in full accordance with the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes. [*1869 c. 152 s. 96, 98; R. S. 1878 s. 1317; Ann. Stats. 1889 s. 1317; Stats. 1898 s. 1317; 1917 c. 175 s. 2; 1919 c. 313 s. 1, 2, 3; 1921 c. 402*]

SECTIONS 1317*a* to 1317*i*, inclusive. [*Repealed by 1907 c. 100*]

STATE HIGHWAY COMMISSION.

Personnel of commission. SECTION 1317*m*—1. 1. There is created a state highway commission which shall consist of five members. The governor shall, by and with the advice and consent of the senate, appoint three commissioners who shall be qualified to act until their appointment is acted upon by the senate. The terms of the three appointed commissioners shall end respectively on the first Monday in February in the years 1913, 1915, and 1917. In January, 1913, and biennially thereafter, there shall be appointed and confirmed, in the same manner, one commissioner for the term of six years from the first Monday in February of the same year. Each commissioner so appointed shall hold office until his successor is appointed and qualified. The other two members of the commission shall be ex officio the state geologist and the dean of the engineering college of the state university.

2. The commission shall maintain its principal office in the state capitol at Madison, and division offices at such other cities as the necessities of the work demand. The superintendent of public property shall provide suitable rooms for the use of the commission and such furnishings, instruments, postage, stationery, maps, books, periodicals, and office supplies as may be necessary to carry on the work of the commission, and all expenses therefor shall be audited and paid as other state expenses are audited and paid. [*1911 c. 337; 1913 c. 668; 1919 c. 362 s. 32*]

Powers and duties of the commission. SECTION 1317*m*—2. 1. The commission shall have charge of all matters pertaining to the expenditure of state aid for the improvement of public roads and bridges in the state, and shall do all things necessary and expedient in the exercise of such supervision.

2. The commission shall have authority to employ and remove engineers, experts, clerks, stenographers, and temporary employes as may be necessary to carry on their work; and may assign such duties and delegate such authority to these employes as they deem advisable. Their chief engineer shall be known as the state highway engineer. The engineers, experts, and temporary employes of the commission shall be exempt from the operation of the state civil service law.

3. The commission shall, when requested, advise towns, villages, and counties with regard to the construction and maintenance of any road or bridge.

4. The commission shall make suitable regulations for the adequate surveying, planning, constructing and inspecting of all roads and bridges constructed under sections

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1317*m*—1 to 1317*m*—15, inclusive. These regulations must be observed by the counties to make them eligible to receive state aid for highways.

5. The commission shall conduct such investigation and experiments, hold such public meetings, and attend or be represented at such meetings and conventions inside or outside of the state, as may in their judgment tend to the benefit of highway construction in the state. They may co-operate with the state or national organizations in experiments and work for the advancement of highway construction.

6. The commission is authorized to receive any gifts, appropriations, or bequests made to the state for road purposes, and as far as practicable, shall expend such gifts, appropriations, or bequests in accordance with the wishes of the donor, and such moneys shall be paid into the state treasury. It shall have necessary authority to perform all other duties imposed by the legislature from time to time. Such expenditures shall be audited and paid as other expenditures of the commission are audited and paid.

7. The commission shall apportion the state highway aid among the counties according to sections 1317*m*—1 to 1317*m*—15, inclusive.

8. The commission shall review the system of prospective state highways selected by the county boards and may alter them so as to make the system of adjoining counties connect into continuous and direct routes, providing this is not done by the county boards of the respective counties.

9. The commission, on the request of the county board of any county, shall take direct charge of the construction and maintenance of state aided roads and bridges in that county. The actual cost of such supervision shall be paid by the county treasurer each month, upon presentation to him of properly itemized vouchers showing such expense, approved by the state highway commission and the chairman of the county board.

10. The commission and its employes shall be privileged to enter any private lands for making surveys or inspections.

11. The commission shall make a biennial report of their work to the governor for the use of the legislature and may issue such bulletins, pamphlets, and literature as they deem necessary.

12. The state highway commission is given the additional power to contract with any railway company for transportation wholly within the state, of material for the construction of any state aided highway, and such company, any law now existing to the contrary notwithstanding, shall be free, without referring the matter to the state railroad commission, to aid in making of any improvement of any public highway by granting a special freight rate on such material. [*1911 c. 337; 1911 c. 664 s. 49; 1913 c. 668; 1915 c. 533 s. 1–3; 1917 c. 14 s. 83; 1919 c. 679 s. 60*]

Duties of county boards in selecting system of roads to be improved. SECTION 1317*m*—3. 1. (a) The systems of prospective county highways which have been selected by the various county boards pursuant to section 1311—10 or section 1311*p* of the statutes shall be known as the county systems of prospective state highways. Each county board which has not already selected such a system shall make provision for a system of prospective state highways at their first regular meeting after the passage and publication of this act. The system shall at first include not to exceed fifteen per centum of the road mileage of the county, and shall begin at the corporate limits of the county seat and of the various market towns and railroad stations of the county and include the main traveled highways leading into each town in the county.

(b) Each county board shall at its November, 1913, session, add to its county system of prospective state highways, such streets in incorporated villages as directly connect the ends of roads then on said system, and such streets when so added, with the approval of the state highway commission, shall become a part of the county system of prospective state highways. Each county board, or its committee, shall by conference with the county boards of adjoining counties, or their committees, or otherwise, cause their respective systems to join so as to make continuous and direct lines of travel between the counties.

(c) Each county board shall at a regular or special session, held before December 31, 1917, add to its county system of prospective state highways such roads and streets in all incorporated cities as directly connect the ends of roads then on said system in the county, and such streets when so added, with the approval of the state highway commission shall become a part of the county system of prospective state highways eligible to improvement under the terms of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes. Each city clerk shall, after the enactment of this section, file with the county clerk of his county, three plats of the city showing distinctly marked thereon all principal streets and roads of the city. When the prospective system of county highways for said city shall have been laid out and approved in accordance with the provisions of this paragraph,

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the county clerk shall file one copy of the plat with the city clerk, one with the state highway commission, and one with the county highway commissioner.

(d) Only such portions of the county system of prospective state highways lying in cities shall be eligible to improvement as shall at the time funds are appropriated for their improvement by the city council or the county board have an average valuation of less than ten dollars per front foot for the lots of one hundred and twenty feet in depth on each side. The valuation to be used in estimating the value per front foot shall be the city valuation and the average shall be taken of whole blocks or where no blocks are laid out for unit distances of three hundred and fifty feet. Where lots are less than one hundred and twenty feet in depth they shall be figured at their actual assessed value per front foot. In no case shall an improvement be made in any city under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, which shall extend from the city limits a distance greater than one mile toward the center of the city. In counties having a population of one hundred and fifty thousand or more such portions of the said system in cities shall be eligible for improvement as shall have an average value per front foot, determined in accordance with the provisions of this paragraph, of not to exceed twenty dollars.

2. The county board shall cause the county clerk to file with the state highway commission, and with each town clerk, an accurate copy of the county road map showing the county systems of prospective state highways distinctly designated thereon. After such maps have been filed, the county board may alter or increase such system only with the consent of the state highway commission.

3. The county board may adopt any part of the prospective system together with all bridges and culverts thereon as a state highway; provided (1) that such part has heretofore been improved with stone or gravel, (2) that it is in good repair; and (3) that all bridges and culverts on such part are well constructed and in good repair. [*1911 c. 337; 1911 c. 664 s. 49; 1913 c. 668; 1915 c. 533 s. 4; 1917 c. 643; 1919 c. 650 s. 1; 1919 c. 679 s. 61*]

Special tax for state highways; expenditure of same; construction. SECTION 1317*m*—4. 1. The electors of any town or village, at any regular meeting, or legally called special meeting, may vote in addition to all other taxes, a special tax of not less than five hundred dollars for improving a portion of the system of prospective state highways by grading, draining, culverting, surfacing, or in other manner approved by the county state road and bridge committee. Cash donated to a town or village may be accepted by the town or village board for the purpose designated and the subsequent procedure shall be the same as if a tax of like amount had been voted by the electors. Not more than one improvement shall be made under the provisions of this section in any one town or village in any one year. Construction under this section shall not be performed in villages along blocks or equivalent distances where more than one-half of the sixty-six foot lots have buildings upon them. The total amount of such tax voted or of donations made and accepted or of both in any town or village shall not exceed the amount produced by a tax of one mill upon the assessed valuation of the town or village, unless the minimum amount above specified shall produce a tax greater than one mill, in which case the said total amount shall not exceed five hundred dollars. Said special tax or taxes shall be collected in money and paid into the county treasury at the same time the county taxes are paid in.

2. Whenever a town or village has determined to levy a tax for an improvement in accordance with the provisions of subsection 1 of this section, the town board or the village board shall, on or before the first day of the annual meeting of the county board, through the county clerk, petition the county board to allot and appropriate at least an equal amount to cover the county's share of the cost of the improvement. Said petition shall state the location of the section of the road to be improved, the character of the improvement desired, and the amount which the town or village has made available for the work.

3. Upon receiving the petition in accordance with the provisions of subsection 2 of this section, the county board shall appropriate to each town or village an amount at least equal to the amount voted by the electors of said town or village, and the total amount so required to be levied shall be levied on all the taxable property in the county; provided that no county board shall be compelled to levy more than two thousand dollars in any one year for work in any one town or village, but in its discretion the county board may do so.

4. Work provided for in any one year by any town or village shall be performed the succeeding year in such manner as the county state road and bridge committee shall determine. The work may be let by contract or be performed by county forces, or by arrangements with the said committee, by town or village forces under such safeguards as the said committee may prescribe. In all cases payment for the work as performed shall be made from time to time out of the county treasury upon order of the said committee

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or its authorized representative. No work shall be performed unless satisfactory plans are prepared and approved by the committee. The state highway commission may, upon request of the committee, make the surveys and plans for any improvement to be made under this section. The cost of the surveys and plans, when made either by the state highway commission or by others, shall be paid out of the funds provided for the improvement.

5. On day labor construction, up to the limit of the county machinery available and not required in other county construction operations, the county shall furnish the tools and machinery required. If no county tools or machinery are available, the town or village shall furnish any tools or machinery they may have available, and if nevertheless tools or machinery have to be rented, the rental shall be a charge against the funds available for the improvement. In case work is let by contract, the contractor shall furnish all tools and machinery unless the county or town or village shall have surplus tools or machinery available for his use.

6. All roads built under the provision of this section shall be thereafter maintained by the county until their reconstruction of a higher type is ordered by the county board, when such reconstruction shall be financed as the board shall direct under the terms of the then existing laws providing for construction or reconstruction of the kind contemplated.

7. There shall be included in the annual report of the county highway commissioner a report of all funds available for work under this section and of the expenditure thereof and of the amount and kind of construction performed and its unit cost.

8. Any town which did, before the passage and publication of this act, vote a tax for the improvement of a portion of the system of prospective state highways, may submit its petition to the county board at the November, 1919, session, and the petition shall, up to the limits specified in this section as to taxes and single improvements, have the same force and effect as if the town electors had voted a tax after the passage and publication of this act. [*1911 c. 337; 1911 c. 664 s. 49; 1913 c. 384, 668, 776; 1915 c. 533 s. 1, 4–7; 1915 c. 576; 1915 c. 635 s. 4; 1917 c. 643; 1919 c. 650 s. 1, 2*]

Powers and duties of county boards in regard to road construction and maintenance. SECTION 1317*m*—5. 1. (a) The county boards are given authority to construct or improve, or aid in constructing or improving any road or bridge within the county. In case the county board shall determine that any portion of the county system of prospective state highways shall be constructed by the county and state, upon county initiative, the county shall, subject to the provisions of subsection 1*a* of this section, contribute not less than sixty per cent and the state not more than forty per cent of the cost thereof. Except in counties having a population of one hundred and fifty thousand or more, fifty per cent of the money allotted to the county under the provisions of section 1317*m*—8, for construction in the calendar year 1918, and thereafter, shall be expended, together with the necessary county funds and the local funds, if any are assessed by the county board, in construction on the state trunk highway system in said county, until such system shall have been completed in said county.

(b) The remaining fifty per cent allotted to the county under the provisions of section 1317*m*—8 for construction in any calendar year, shall be allotted by the county board at each annual meeting, together with at least twice as much county or county and town, village or city funds for the construction under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of portions of the county system of prospective state highways not portions of the state trunk highway system. The county shall pay not less than one-third of the cost of all improvements provided for under this paragraph and the towns, villages or cities not more than one-third of the cost. Any sums assessed against a town, village or city by the county board shall be collected in accordance with the provisions of paragraph (a) of this subsection. The location of all work provided for by this paragraph shall be determined by the county board.

(c) The location of work upon the state trunk highway system to be performed in accordance with the provisions of this subsection shall be as fixed by the county board, with due reference to the work to be performed on said system in the same year under the provisions of sections 1312 to 1317, inclusive, and the county board shall make available for each separate piece of work on said trunk system a sum not less than three thousand dollars, such sum to include the funds made available from the state, county and local governmental units, provided that a sum less than three thousand dollars may be made available for the improvement of a bridge or for completely connecting two road improvements already made.

NOTE: Section 62 of chapter 679, laws of 1919, in terms repealed paragraph (e) and not paragraph (d). But it is assumed that the intent was to repeal the latter, which was obsolete, and not the former, which needs to be in force. This view is supported by the footnote appended to section 65 of the bill, No. 611, S., actually describing the obsolete condition of paragraph (d), and also by the consideration that paragraph (d) was formerly paragraph (e) until renumbered by chapter 134, laws of 1919.

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(e) Whenever there shall be in any county a town or towns which have issued or have voted to issue bonds under the provisions of section 1317*m*—13, prior to July 1, 1917, the county board shall set aside from the portion of state highway allotment available for use in towns, villages and cities a proper amount to apply in repayment to the town of the state's share of the cost of improvements made or to be made with the bond issue, until such bond issue shall have been retired. The amount so set aside to any town shall not be less than the average amount paid to said town to apply on said bond issue during the years 1913 to 1917, inclusive. Where no state aid payments have been made on any bond issue, there shall be set aside from the portion of the allotment of state aid to that county made available for use in towns, villages and cities an amount which the county board believes to be just and adequate. Provided that any town which has issued supplementary town bonds anticipating state aid shall not receive in any year an amount less than the face of the said supplementary bonds retired in that year.

(f) Any road or street in any city or village heretofore or hereafter constructed under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes, shall be maintained by the city or village in which it lies, except that when such road is a surfaced stone or gravel road, the county shall oil or tar, or cause to be oiled or tarred, the portion of such road built with county and state funds.

1a. The county board may by resolution provide that a portion not to exceed forty per centum of the county's share of the cost of any improvement determined upon in accordance with the provisions of subsection 1 of this section shall be assessed as a special benefit against any town, village or city in which said improvement may lie, and the amount of said special benefit may be levied by the county board as a special charge against such town, village or city, and the county clerk shall certify such sum to the town, village or city clerk who shall put the same in the next tax levy and the same shall be collected and paid into the county treasury by the officials of the town, village or city, just as all other county taxes are levied, collected and paid in. A portion or all of the special charge levied against any town, village or city by the county board may be paid by subscription or donation. Any sums of money levied upon or received from towns, villages, cities, subscribers or donors shall be paid into the county treasury prior to the commencement of the improvement and shall be dedicated for use in such improvement.

1b. Whenever a city, in accordance with paragraph (d) of subsection 1 of section 1317*m*—4, or the county in accordance with the provisions of subsections 1 and 1a of this section, or the state, in accordance with the provisions of sections 1312 to 1317, inclusive, shall have determined to improve a portion of the county system of prospective state highways lying in a city and the funds from the city, county and state are available, the city may determine to improve the portion of the street designated for improvement to a greater width than eighteen feet. In such case the city may determine the type of improvement, the width and all other features of the construction; provided, however, that the plans, contract and specifications therefor shall be approved by the county state road and bridge committee and the state highway commission and the amount per linear unit of said improvement to be paid out of said funds available in the county treasury shall be determined by them. The city shall then proceed to improve such street in the manner provided by law for the improvement of streets in such city. All work done under the provisions of this subsection shall be performed under the direct supervision of the city, subject to the inspection of the county highway commissioner and the state highway commission.

1c. The funds available under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, to carry out the provisions of subdivisions (c) and (d) of subsection 1 of section 1317*m*—3, subdivision (d) of subsection 1 of section 1317*m*—4, and subsection 1b of this section shall, upon the satisfactory completion of the work, be paid to the contractor out of the county treasury upon order of the county state road and bridge committee; but in no case shall such payment from the county treasury exceed the cost of eighteen feet of width of the pavement plus the public's proportionate share of the grading, draining and appertaining structures, which share shall be determined by dividing the whole cost of these items by the width of the pavement and multiplying the quotient by eighteen. The balance of the funds necessary to complete the payment for improvements made under subsection 1*b* of this section shall be met by the city in the manner provided by law for the payment for the improvement of streets in said city. Assessment of benefits may be made by a city against abutting property in all cases where the improvement is made under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, or of sections 1312 to 1317, inclusive, in the same manner as provided by law for the assessment of benefits in such city in cases where the improvement is done solely under the authority of the city

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and a portion or all of the funds secured thereby may be paid into the city treasury to reimburse the general funds of said city to the extent of moneys appropriated under paragraph (d) of subsection 1 of section 1317*m*—4; provided that such assessment of benefits shall not exceed the difference between the cost of the improvement and the amount of funds available therefor from the county and state.

1d. Whenever contiguous portions of prospective state highways lying within and without the corporate limits of any city are to be improved in the same year and the council of any city, the county state road and bridge committee, and the state highway commission shall determine that it will be of advantage to let the portions so to be improved in a single contract, the county state road and bridge committee shall let a contract for the construction of the whole improvement and shall apportion the part of such contract price to be borne by the state, county, and municipality for the portion of the highway outside of the corporate limits of such city and the part to be borne by the state, county, and city for the portion within the corporate limits of such city.

1e. Whenever it has been determined in accordance with the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, or of sections 1312 to 1317, inclusive, to improve a road or street in any village, the village board may determine to improve at the same time an additional width of pavement and pay for the same either out of the general funds of the village or to assess a part or all of the cost of the widening to the abutting property, in general accordance with the provisions of sections 61.40 and 61.41 of the statutes. The village board may by resolution, determine in what manner any taxes or assessments against the abutting property shall be paid and whether they shall be paid in one, three, or five years, and shall determine the rate of interest to be paid on deferred payments, if any. It shall be legal to make a joint contract covering the whole work, executed between the proper state, county, and village officials and the contractor, and the general procedure in regard to such improvements shall be the same as if the improvement had been initiated in accordance with the herein named sections, except that the amounts due on the portion of the work paid for by the state, county, or village funds shall be paid out of the county or state treasury and shall be supervised by the proper state and county officials. The provisions of this subsection shall apply to improvements in villages heretofore made or contemplated to be made in all cases where procedure has been taken substantially in accordance with the provisions of this subsection.

1f. Streets and roads, heretofore or hereafter built in any city under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, shall be maintained by and entirely at the expense of the city in which they may lie.

2. Upon receiving a petition in accordance with subsection 4 of section 1317*m*—4, the county board shall appropriate a sum to cover its share of the cost of constructing the improvements and cause such sum to be levied on all the taxable property in the county; provided that the amount allotted to the county from the appropriation for state aid for highways is sufficient to pay the state's share of the cost of all the improvements to be made under subsection 1 of this section and those petitioned for by all the towns in the county. Provided that no county board shall be compelled to levy more than two thousand dollars in any one year for work in any one town or village, but in its discretion the board may do so.

3. If the amount allotted to the county from the appropriation for state aid for highways is not sufficient to pay the state's share of all the improvements contemplated under this act, the county board shall, subject to the provisions of subsection 1 of this section, levy an amount equal to the county's share of the improvements and allot to each town petitioning for aid the proportionate share of the said appropriation allotted to the county in the same ratio that its petitioned amount bears to the total amount petitioned for by all the towns. Provided that the application of any town or village may be reduced to two thousand dollars before said allotment is made by the county board.

4. The county clerk shall, on or before the first day of January of each year, file with the state highway commission a written statement setting forth the petitions granted by the county board, the location, character, and contemplated cost of each improvement, and the amount to be paid by the county, town, and state for making each of such improvements.

5. The county shall provide the necessary machinery for the construction and maintenance of state highways and the county board shall levy the necessary taxes for the purchase or rental of such machinery. Nothing in this subsection shall prohibit the hiring of wagons, small tools, power for crushing, hauling or pumping, or the purchase of material produced by other than county machinery and the paying for of the same out of the joint funds available for construction. The state highway commission shall make fair allowance

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to a county out of the joint construction funds for the use of any labor-saving machinery provided by a county over and above the machinery commonly furnished by counties for work of like character. All moneys received by a county under this subsection shall be credited to the county road and bridge fund.

6. The county board shall each year levy a tax of not over two mills on the dollar on all taxable property in the county to maintain the county road and bridge fund. Such tax shall be in addition to all other highway taxes and shall be kept in a fund known as the county road and bridge fund, separate and distinct from the general funds of the county; and expenditures from it shall be made only for the purpose of constructing and maintaining highways and bridges in accordance with the provisions of this act and for the purpose of purchasing, operating or renting, and maintaining machinery, quarries, and gravel pits used in such construction and maintenance.

7. The county boards are empowered to acquire, purchase, hold, sell, and convey for public use any property, real or personal, and to make any contract necessary to the discharge of their duties under sections 1317*m*—1 to 1317*m*—15, inclusive. Whenever, for any reason, the county board cannot agree with the owner of such property upon the amount of compensation to be paid therefor, they may take such property by condemnation proceedings according to chapter 32 of the statutes.

8. (1) Each county board, at or before the annual meeting held next after the passage and publication of this act and at each succeeding annual meeting thereafter, shall by ballot elect, or by resolution instruct the chairman of said board to appoint, a committee of not less than three or more than five persons, of which said chairman may be one, who shall hold their offices for one year and until their successors are elected and have qualified. Such committee shall be known as the county state road and bridge committee, referred to in sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes, as the county committee. The members of such committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties and shall be paid the same per diem for time actually and necessarily spent in the performance of their duties as is paid to members of other county board committees, not, however, exceeding three hundred dollars in counties in which the committee will supervise less than one hundred fifty thousand dollars worth of construction and maintenance the succeeding year; four hundred dollars in counties in which said committee will supervise between one hundred and fifty thousand and four hundred thousand dollars worth of said work the succeeding year; and five hundred dollars in counties in which said committee will supervise four hundred thousand dollars worth or over of said work in the succeeding year for both per diem and expenses to any one member in any one year; provided that a lesser amount may be fixed as the maximum by any county board.

(2) The number of members on the county committee and the terms of such members, in counties having a population of two hundred thousand or more, shall be as fixed from time to time by the county board of such counties.

(3) The powers and duties of the county committee shall be as follows:

(a) To purchase and sell county road machinery as authorized by the county board;

(b) To determine whether each piece of state road and bridge construction in a county shall be let by contract, or whether it shall be done by day labor;

(c) To enter into such contracts, in the name of the county, and to make such arrangements as may be necessary for the proper prosecution of such construction and maintenance of highways and bridges as is provided for by the county board. The county state road and bridge committee shall be the only committee representing the county in the expenditure of county funds in constructing or maintaining, or in aiding in constructing or maintaining any roads or bridges within the county;

(d) To direct the expenditure of maintenance funds provided from automobile license fees, or by direct tax by the county board;

(e) To meet from time to time at the county seat to audit, together with the county clerk, all pay rolls, and material claims and vouchers resulting from the construction of state aid roads and bridges;

(f) To perform such other duties as may be delegated to it by the county board;

(g) To perform all other duties not specifically set forth in this section, but which are imposed upon said committee by the statutes.

(4) The town chairman of each town in which state aid road or bridge construction is performed shall be ex officio a member of the county committee and shall act with such committee on all matters affecting such construction in his town, provided the town has voted a portion of the cost thereof. [*1911 c. 337; 1911 c. 664 s. 49; 1913 c. 502; 1913 c. 668 s. 5, 11; 1913 c. 773 s. 86; 1913 c. 776; 1915 c. 533 s. 1, 8–11; 1917 c. 556; 1917*

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c. 566 s. 19; 1917 c. 643; 1919 c. 134, 262; 1919 c. 362 s. 34; 1919 c. 458; 1919 c. 679 s. 62; 1921 c. 422 s. 38, 39]

County highway commissioner; power and duties. SECTION 1317*m*—6. 1. The county board of each county shall elect a competent man as county highway commissioner. If any county board shall fail to elect, that county shall not participate in the benefits of the state aid for highways; provided that the county shall participate if the county board, by resolution, request the state highway commission to take charge of the work and to make arrangements to insure the proper construction and maintenance of highways and bridges built with state aid in the county. The person appointed by the state highway commission to have charge of work in a county shall be known as the acting county highway commissioner of said county, and shall have all powers and duties assigned by the statutes to county highway commissioners. The county highway commissioners elected under chapters 487 or 552 of the laws of 1907, or both, shall be highway commissioners under this law until their successors are elected or appointed.

2. (a) Upon his first election, the county highway commissioner shall serve until the first Monday in January of the second year succeeding the year of his election. The county board shall fix his salary upon such first election, at not less than six hundred dollars per annum, make arrangements as to his bond, and delegate such powers and authority to him as shall enable him to carry out the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes.

(b) If a county highway commissioner shall be re-elected, he shall serve two years from the expiration of his previous term. The salary of the county highway commissioner, upon re-election, shall be fixed annually by the county board at not less than six hundred dollars in counties doing less than fifteen thousand dollars worth of work the succeeding year; at not less than nine hundred dollars in counties doing between fifteen thousand dollars and fifty thousand dollars worth of work the succeeding year, and at not less than twelve hundred dollars in counties doing more than fifty thousand dollars worth of work the succeeding year. The amount of work used as a basis for fixing the minimum salary shall be the amount of actual new construction contemplated the following year.

(c) The board shall provide him with a suitable office and such assistants as are necessary for the proper performance of his duties. The salary and the necessary traveling expenses of the county highway commissioner and his assistants shall be paid monthly out of the general fund of the county, after being audited and approved by the county committee.

(d) The term of each county highway commissioner heretofore re-elected under the provisions of this subsection shall terminate upon the expiration of two years from the day upon which the term for which he was re-elected commenced.

(e) The salary of the county highway commissioner shall be as fixed by the county board or county committee at the time of his election or appointment.

3. (a) The county highway commissioner shall have charge, under the direction of the county committee, of the construction of all highways built with state or county aid, and of the maintenance of all state trunk highways and other highways maintained by the county. In case the county committee shall deem it desirable to acquire the right to take stone, or gravel, clay or other material from private land for use in the execution of their duties, or acquire the right of access to or from said lands, or acquire the right of drainage across any lands, they are empowered to take title to such right to the county for highway purposes and pay, or contract to pay therefor, out of the public funds provided for the improvement of highways in the county.

(b) In case the county committee and the owner of the private premises cannot agree as to the price for such right, such committee may acquire the same in the name of the county for the public use indicated, by exercising the right of eminent domain in the following manner: They may, upon not less than five days' notice in writing, exclusive of Sundays and holidays, to such owner, describing the property and stating the time and place of hearing the application, apply to the county judge of said county to appraise the value of the property sought to be taken. At the time set therefor such judge shall hear the parties and in such manner as he may in his discretion determine, inform himself in respect to the matter within five days, make his award in writing and file the same in his office. The county committee may then pay the sum awarded to the owner, or tender the same, and in case of refusal to receive the money, deposit it with the county judge for such owner's use and give him written notice thereof, and the title to the property and rights sought to be acquired shall thereupon vest in the county for the uses and purposes of the acquirement, and such committee may cause a certificate under the hand and official seal of such judge, stating the facts, to be recorded in the office of the register of deeds,

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which shall be notice to all persons thereof. The county may then proceed to use the same, provided, however, that if the owner shall deem himself aggrieved for any reason he may proceed for redress in the manner and the time hereafter indicated, and in no other. At any time within five days after the notice of the award, such owner may file with such judge a notice of appeal to the circuit court, whereupon such judge shall promptly certify all the papers in the proceedings to such court and thereupon such matter shall be regarded as at issue, and the proceedings shall be the same as in the case of an appeal from an award in railroad condemnation proceedings, except as herein otherwise provided.

(c) In case of the award complained of being finally increased, judgment for such increase and costs shall be rendered against the county and paid the same as any other money judgment against it, and the owner may withdraw the deposit. In case of such award not being increased, judgment for costs shall be rendered in favor of the county and paid out of the deposit made for the owner, so far as it will go for that purpose, and in case of its being decreased, the excess of the deposit shall be withdrawn by the county committee and covered back into the proper highway fund. In case of such owner accepting the award made for his benefit within the time limited for him to appeal or thereafter, or in case of his failing to appeal within such time, he shall be conclusively presumed to have submitted thereto.

(d) In case the county committee shall deem the county aggrieved by the award, the county committee may appeal to the circuit court in the same manner and the subsequent procedure shall be similar to that specified for the owner's appeal.

4. The county highway commissioner shall have charge of all county road machinery and tools, and shall be responsible to the county board for their proper maintenance, repair, and storage, and shall in his annual report make a complete inventory of the same, which inventory shall show the date of purchase, the location and condition of such machinery and tools, and the cost and present value thereof.

5. The county highway commissioner shall make an annual report to the state highway commission and to the county board at their November meeting, containing an itemized statement of all expenditures made from the county road and bridge fund for constructing or maintaining highways or bridges during the preceding year. He shall include in such report an itemized estimate of the amount needed to properly maintain the state highways and bridges in his county for the succeeding year and shall make such recommendations as he deems advisable. The county board, if it sees fit, may cause not more than two thousand copies of such report to be printed and distributed, together with such cuts and maps as may be desirable.

6. The county highway commissioner and his employes or agents shall be privileged to enter any private lands for the purpose of making surveys or inspections.

7. The county highway commissioner shall have power, in his discretion, to suspend the right to travel on any highway in process of construction or repair, by posting notices forbidding such travel at each end of said highway, and any one violating his order in that regard shall be guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars, and in addition thereto shall be liable for all damages done to such highway by such travel, said damages to be sued for and recovered by the county.

8. Whenever any fence encroaches upon any highway on the county or state system, the county highway commissioner shall issue his order requiring the owner of the land through or by which such highway runs and to which such fence is appurtenant to remove the same from such highway within thirty days. Such order shall be served upon the owner either personally or by registered mail. If such owner shall not so remove such fence, the county highway commissioner shall, after the expiration of such thirty days, cause the same to be removed. The county highway commissioner shall keep an accurate account of the expense thereof which shall be paid by the county. The amount of such expenditures shall be charged to the town in which such lands are situated and shall be added to the tax roll of such town as a special tax against such lands and shall be collected and accounted for as other county taxes are collected and accounted for. [*1911 c. 337; 1911 c. 664 s. 49; 1913 c. 668; 1915 c. 533 s. 1, 12, 13; 1917 c. 366; 1919 c. 313 s. 3; 1919 c. 362 s. 22, 28, 34, 48*]

Surveys, plans, construction and payments on state aid work. SECTION 1317*m*—7. 1. The county highway commissioner shall perform all duties required of him by the county board, as well as all the duties that may be required of him by the county committee, and shall do or cause to be done all necessary engineering and examination of roads and bridges designated by the board or its committee for establishment, construction, maintenance or improvement. He may cause any portion of said roads to be relocated when in his judgment, and in the judgment of the county committee, the best interests of the county require such relocation. He shall establish such grades, make such surveys and

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maps, or cause the same to be made, as he shall deem proper, examine and report as to the condition of roads, bridges and culverts, and make estimates of the cost of improvement of any road or bridge, or the cost of any relocation of any such road or bridge, or part thereof, when required, as well as when he shall deem such procedure reasonably necessary. On request of the county board or county committee, any engineering work specified above may be performed by the Wisconsin highway commission and may be charged at cost to the county. Any moneys paid into the state treasury by any county in payment for engineering work performed by the Wisconsin highway commission shall be credited to and added to the appropriation made by paragraph (d) of subsection (1) of section 20.49. All bridges constructed under sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes shall be built according to the plans and specifications of the state highway commission. Plans and specifications for all roads shall be approved by the state highway commission before work is commenced.

2. (a) Whenever it shall be deemed necessary for the proper construction, improvement or maintenance of any state trunk highway or prospective state highway, or bridge thereon, to change or relocate any such bridge or a portion of any such highway, the state highway commission or county highway commissioner shall file a plat thereof showing the existing location and the proposed change with the chairman of the county state road and bridge committee. It shall thereupon be the duty of the county state road and bridge committee of the county in which such change or relocation is located to deal by contract if practicable with the owners of the premises to be affected by such change and to make provision for such change within thirty days after the filing of the plat with the said chairman. The same to be evidenced by an order reciting the facts entered by such committee upon its records which order shall be conclusive evidence of the relocation. The land required shall be acquired for highway purposes as long as so used and all options, deeds, contracts or relinquishments executed in connection therewith shall be between the county and the landowner or landowners from whom the lands are acquired. The cost of the lands acquired to make such change or relocation, in the case of the state or county aid construction, shall be payable out of the joint funds available for the work; in the case of federal aid construction, shall be payable out of the county funds or out of the joint state and county funds if the statutes permit; for relocations performed with maintenance funds, shall be payable out of the maintenance funds available. The prices paid under all options, deeds, contracts or relinquishments executed under the provisions of this subsection shall be subject to the approval of the state highway commission whenever the state pays a portion of the cost thereof.

(b) In case the county committee cannot acquire at what they consider a reasonable cost the lands required for such change or relocation, said committee is authorized to accomplish such change by exercising the right of eminent domain and the proceedings shall be as provided in subsection 3 of section 1317*m*—6 for the acquirement of right to take stone or other materials for public use.

(c) The provisions of section 1263 of the statutes shall not apply to highways changed or relocated in accordance with the provisions of this subsection.

(d) Whenever a relocation is made of a section of highway previously constructed with joint county and town or state aid funds, the benefit assessed against any town for such construction under the provisions of subsection 6 of section 1314 shall not exceed five hundred dollars per mile of road so relocated.

3. (a) All highways and bridges for which state aid is granted shall be constructed and improved by contract unless the county committee and the state highway commission shall agree that some other method is more advisable. The manner of advertising for proposals, the forms of proposals, contract, and bond shall be uniform as fixed by the state highway commission. All contracts shall be between the county board and the contractor, and no contract shall be awarded without the written approval of the state highway commission and the county committee.

(b) The county highway commissioner shall keep a ledger account with each town, showing in detail the amount appropriated for each separate piece of construction in each town and the amounts expended and on hand, and shall report to the county board from time to time the state of such account as required by the board or the county committee. He shall make a complete verified report on the first day of November in each year to be laid before the county board, unless the county board shall extend the time for making such report.

(c) All payments from the county road and bridge fund for materials and supplies and on contracts shall be made by the treasurer of the county on the written dated order of the county highway commissioner, which order shall contain a statement showing the purpose of the disbursement, the date when the obligation was incurred, and the particular

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town and piece of road or bridge construction on account of which such payment is to be made, as well as all of the items for which said order was issued. Said order shall be signed by the county highway commissioner and said voucher shall not be detached from said order. Said order shall not be paid by the county treasurer until said voucher is signed by the person or firm named in said order. The form of said order shall be as prescribed by the county committee. No such order upon the county road and bridge fund, except as otherwise provided for in the statutes shall be drawn or issued by the county highway commissioner until the county board shall have first granted the petition of a town.

(d) In case the county highway commissioner shall construct the highway or bridge under his own supervision, payments for the labor and teams employed shall be made by the county treasurer on presentation of itemized pay rolls, certified to by the foreman and county highway commissioner and all the time slips covered by such pay rolls shall be attached to such pay rolls and filed therewith.

(e) Any county which has adopted a definite statutory manner of making all payments from the county treasury, with which the provisions of this subsection conflict, may make payments from the county road and bridge fund in the manner established for making other disbursements in such county.

4. If for any reason it is inadvisable to let a contract for the construction of any highway or bridge for which state aid is granted, the county committee may, with the approval of the state highway commission direct the county highway commissioner to construct the highway or bridge under his own supervision.

5. All work done during the construction or improving of any highway or bridge for which state aid is granted, shall be properly inspected to the satisfaction of the state highway commission. Such inspection may be made by the county highway commissioner or by an inspector employed by him as the county committee may determine.

6. On the written statement of the state highway commission to the state treasurer that any improvement of a highway or bridge for which state aid has been granted has been started in a proper and energetic manner, and at least half completed, the state treasurer shall pay over to the treasurer of the county in which the improvement is being made the proper sum to cover the state's share of the estimated cost of the improvement as stated to him by the state highway commission, and charge same against the appropriation for state aid for highways.

7. When construction or improvement of any highway or bridge for which state aid has been granted is begun under contract, the county treasurer shall make payments to the contractor in the manner provided in the contract and specifications, and as specified in subsection 3 of this section. If such highway or bridge is improved without letting a contract, the money shall be paid in the manner provided in subsection 3 of this section.

8. Upon the completion of a highway or bridge for which state aid has been granted the same shall be inspected by the state highway commission. If the construction be completed as provided for in the plans and specifications, the state highway commission shall cause the town clerk and the county highway commissioner to be notified in writing, and the road or bridge shall be deemed to have been accepted and final payment may be made. The term state highway as used in sections 1317*m*—1 to 1317*m*—15, inclusive, shall be construed to mean only such highways as have been so accepted, together with the permanently improved bridges and culverts thereon, and those adopted by the county board according to subsection 3 of section 1317*m*—3.

9. All state highways heretofore or hereafter constructed under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes, shall be maintained at the expense of the county in which they lie, and the county board shall make adequate provision therefor, provided, that all incorporated villages shall adequately maintain all state highways within their corporate limits.

10. After final payment is made according to subsection 8 of this section, any sums remaining in the county treasurer's hands belonging to the state or to the town and not required to be spent for the payment of the state's and town's proper share of the cost of construction, shall be placed together with the county's balance available for the work to the credit of the town, and shall be used to increase the fund available for the next piece of construction in the town, provided that a balance in any bridge fund may be used to increase a road fund, or vice versa, by action of the town board approved by the state highway commission. No orders shall be drawn on the county road and bridge fund for any amount in excess of the amount available for any particular piece of construction, without written authority from the county board or the county committee. [*1911 c. 337;*

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1911 c. 664 s. 49; 1913 c. 668; 1915 c. 468; 1915 c. 533 s. 1, 14, 15; 1917 c. 289; 1919 c. 313 s. 1, 2; 1919 c. 628 s. 14]

State highway fund and its distribution to counties. SECTION 1317*m*—8. 1. All sums appropriated for state highway aid shall be used to assist towns and counties in the construction of roads and bridges on the county systems of prospective state highways. The state shall pay not more than one-third of the cost of road and bridge improvements constructed under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, of the statutes, provided that the state shall pay not more than forty per cent of the cost of road and bridge improvements authorized by county boards in accordance with the provisions of subsection 1 of section 1317*m*—5.

2. The state highway commission shall ascertain from the records of the state tax commission the proportion that the valuation of each county, as equalized by said tax commission, bears to the total equalized state valuation, and shall allot to each county from any sum made available for state highway aid, the same percentage of said highway aid that its valuation bears to the total state valuation.

3. On or before the first day of November of each year, the state highway commission shall notify the county clerk of each county of the amount which the county will be entitled to receive from the appropriation for state aid for highways for the ensuing year.

4. The state highway aid available for each county shall be allotted by its county board either to county and state work, or to town and village construction, or to both, in accordance with the provisions of subsections 2 and 3 of section 1317*m*—5.

5. In case the application filed with the county board in accordance with the provisions of subsection 4 of section 1317*m*—4, plus the appropriations made by the county board for county and state work under the provisions of subsection 1 of section 1317*m*—5, shall not require the full amount of state highway aid allotted to the county, any balance of said aid uncalled for shall remain to the credit of the county until the first day of the July following its allotment. All of said balance or any portion of it shall be held to the credit of such county until paid over to the county treasurer in accordance with the provisions of subsection 6 of section 1317*m*—7, provided the county clerk shall, previous to the July first above named, notify the state highway commission that the county board has appropriated a sufficient sum under the provisions of subsection 1 of section 1317*m*—5 to call for said balance or any portion of it. Appropriations made from January first to July first by any county board may be made available out of the general fund of the county or may be borrowed, subject in either case to repayment when the following year's taxes are collected, in which cases the contemplated improvement may be made the same year; or in case the levy is voted, but the county's share of the cost is not made available until the county tax is collected the following year, the improvement may be deferred and the state's share shall be held to the credit of the county until the improvement is one-half completed.

6. Any portion of the state highway aid allotted to a county and not demanded by improvements authorized before July first of the year succeeding the allotment, shall revert to the state treasury, and is hereby appropriated for distribution in the next allotment, which including the sums reverted under this section, shall not exceed the sum appropriated by subsection (2) of section 20.49, for state aid. [*1911 c. 337; 1911 c. 664 s. 49; 1913 c. 668; 1915 c. 533 s. 16; 1919 c. 628 s. 13*]

Miscellaneous provisions. SECTION 1317*m*—9. 1. Whenever by reason of a flood or other accident any state highway shall be rendered dangerous for travel, the town chairman shall immediately close the road and notify the county highway commissioner. If there shall not be sufficient funds available in the county maintenance fund to make such repairs, the county highway commissioner, with the consent of the chairman of the county board, or the county road and bridge committee, shall have such repairs made, and the cost shall be paid by the county as soon as funds can be made available.

2. If any town chairman shall fail to observe the provisions of subsection 1 of this section, he shall be liable to the county for any damages that the county may have to pay by reason of such lack of repairs.

3. If, in the judgment of the state highway commission, state highways in any county are not properly maintained, all further allotments to that county from the appropriation for state aid for highways shall cease until such time as said highways shall be put in a state of repair acceptable to the state highway commission.

5. Claims for damages which may be due to the insufficiency or lack of repairs of a state highway shall be against the county and sections 1339, 1340, and 1340*a* of the statutes shall apply to such claims.

6. Whenever any group of freeholders who have lawfully petitioned a town board, according to section 1265 of the statutes, for the laying out, widening, altering, or im-

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proving, or discontinuing of any highway, shall consider themselves aggrieved by the action of such town board, they may, within thirty days, appeal from such action to the county highway commissioner. After a careful investigation of the facts the county highway commissioner shall decide upon the manner in which the public good will be best promoted, and his decision shall be final and binding upon the petitioners and the town board unless the petitioners or the town board shall, within thirty days, appeal therefrom to the state highway commission. If an appeal is taken to the state highway commission, they shall cause the facts to be carefully investigated and shall decide upon the matter in such manner as they believe will best promote the public good. The decision of the state highway commission shall be final and binding on all parties concerned. Provided, that in the event that any owner of land through which the proposed highway is to be run shall file an affidavit of prejudice against the county highway commissioner, commissioners shall be chosen to review said action of the town board, as provided by section 1279, except that the list of names from which said commissioners are to be selected shall be prepared by the sheriff of said county, and said county highway commissioner acting with the same authority as the said section gives to the county judge: where commissioners consider said appeal and make their determination there shall be no appeal and said determination shall be final and binding on all parties.

7. The district attorney of any county shall, as part of his official duties, serve the highway commissioner of his county as legal adviser, attend to drawing all papers required in the performance of his duties and all legal matters in or out of court, where such commissioner shall be a party, including actions on bonds given by contractors for performance of their obligations respecting construction or improvement of state aided highways; provided, in any action concerning liability of such bondsmen on any such bond to laborers or materialmen, similar liabilities against such bondsmen on the particular bond may be included in one action and, to that end the county, acting by such commissioner, may take an assignment of the demands and enforce the same by action for the benefit of the assignors, respectively, or for such persons as have purchased their rights, and any such purchase shall not affect the liability of such bondsmen. This provision shall apply to existing as well as future liabilities.

8. (a) If a portion of any public highway in any town is dangerous or unsafe for travel or is allowed to remain in poor condition for travel, upon the petition of not less than twenty-five freeholders in the town or in adjoining towns, villages or cities, who customarily travel said highway, reciting the facts and the relief desired, the town board shall cause the road to be put in a safe and fit condition for public travel within thirty days of the receipt of such petition by the town chairman.

(b) If the town board shall fail to put the road in proper repair, the petitioners may at any time within sixty days of the date of the petition to the town board appeal to the county highway commissioner, who shall promptly investigate the portion of road described in the petition, and if he finds conditions justify relief to the petitioners, he shall cause the necessary repairs to be made, and shall pay for the same out of the county road and bridge fund in the same manner that state aid road expenditures are paid. In making such repairs, the county highway commissioner may expend from the county road and bridge fund a sum not to exceed one hundred dollars in addition to any donations of money or labor. If the total of all sums available shall not be sufficient to properly repair the condition complained of, the county highway commissioner may refuse to make the repairs, and further action shall be in accordance with section 1338 of the statutes.

(c) The amount thus expended shall be charged to the town and added to the next county tax apportioned to the town, and collected therewith. Provided that not more than one hundred dollars shall be so chargeable for any one repair, nor more than three hundred dollars in any one year in any town. When paid in by the town, the amount shall be credited to the county road and bridge fund.

9. Whenever the surface, guard rail, or ditch of any state highway, or any culvert or bridge thereon, shall require immediate repair to insure its proper maintenance or the safety of public travel, the town chairman of the town in which the highway lies may make or cause to be made such repairs as shall be immediately necessary and advisable, and may expend out of the town funds a sum not exceeding five dollars for any one repair, and not exceeding twenty dollars on any one mile of road in any one year. Upon presentation of properly authenticated vouchers at the annual meeting of the county board, the board shall cause to be paid to the town the actual and necessary cost of such repairs, provided the itemized voucher for the same has been approved by the county highway commissioner, and the work performed shall be certified by him to be a correct and proper charge against the county.

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10. (a) It shall be illegal to throw or deposit, or to cause to be thrown or deposited upon the surface or in the ditches of any state highway any weeds, sod, brush, glass, or other waste or rubbish, or for a person other than a county officer to draw, paint, print, or paste upon any culvert, bridge, or guard rail on any state highway any advertisement, device or poster.

(b) Any person who shall violate the provisions of this section shall forfeit not less than five dollars, nor more than twenty-five dollars, as the court having jurisdiction of the matter shall adjudge, and shall pay the costs of prosecution; such forfeiture to be paid by the justice of such court into the county road and bridge fund. Any justice of the peace of the town where any such violation shall occur, shall have jurisdiction of the action to enforce judgment of the forfeiture.

11. No franchise or permit shall hereafter be granted on or over any highway or bridge which has been or shall hereafter be constructed under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, unless the franchise or permit granted by the officials of the unit or units of government in which such highway or bridge shall lie shall have been first approved as to their terms and sufficiency by the county board of the county in which such road or bridge shall lie.

11a. No person, firm or corporation shall make any excavation in any road or street or shall in any manner disturb any road, street or bridge which has been or shall hereafter be constructed under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, unless he shall first have secured a permit therefor from the county highway committee of the county in which such road, street or bridge is located. Such permit shall contain the statement and be subject to the condition that such road, street or bridge shall be restored to its former condition and that the work shall be constructed subject to such rules and regulations as may be prescribed by said county highway committee. Said work shall be performed and completed to the satisfaction of said county highway committee and shall further provide that the person obtaining said permit shall be liable to said county for all damages which may occur during the progress of said work or as a result thereof. Nothing herein shall be construed as abridging the right of the county board or its state road and bridge committee to make such additional rules, regulations and conditions not inconsistent herewith, as may be deemed necessary and proper for the preservation of said roads, streets or bridges or for the safety of the public and to make the granting of any such permit conditional thereon. Any person who shall violate the provisions of this subsection shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

12. The county board of any county may cause suitable and appropriate guideboards to be erected on and along the system of prospective state highways in such county. Such guideboards shall be erected in general accordance with the provisions of section 1227 of the statutes, and the cost of the erection of such guideboards and of their suitable repair, may be paid out of the county road and bridge fund, or other fund of the county, as may be determined by such county board.

13. Any county board may by resolution provide that any section corner, or quarter section corner, lying within the limits of any highway heretofore or hereafter constructed in whole or in part with county funds may be replaced with a suitable permanent monument or marker, with proper reference points if deemed advisable; and the expense of surveying necessary to so replace such markers, and their erection and maintenance, may be paid out of the county road and bridge fund, or other county fund, as may be determined by such county board. [*1911 c. 337; 1913 c. 668; 1915 c. 533 s. 17; 1917 c. 431; 1919 c. 313 s. 1; 1921 c. 422 s. 40; 1921 c. 522*]

SECTIONS 1317*m*—10 and 1317*m*—11. [*Repealed by 1911 c. 668 s. 12*]

County bonds for highway improvement. SECTION 1317*m*—12. 1. Any county, if its board shall so determine, may raise money for the improvement of any portions of the system of prospective state highways or of the state trunk highway system by issuing nontaxable semiannual interest payment coupon bonds bearing interest at a rate not exceeding five per cent per annum running not more than twenty years, and not exceeding, with all other county indebtedness, the constitutional limit, the money to be expended, on certain specified improvements in proportions determined by a resolution adopted by the county board before it shall determine to issue such bonds. Such bonds are not to be sold at less than par. Bonds are to be in the form approved by the state highway commission, and the blank bonds ready for signing shall be printed under the direction of said commission and shall be furnished to the county at cost and paid for out of the county road and bridge fund.

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2. Bonds issued under this section shall be divided as to denominations and due dates as determined by the county board, and the resolution authorizing the issuance shall specify the amount of the issue, the denomination thereof, the time and place of payment of principal and interest and the manner in which the same shall be negotiated, and shall also provide for a direct annual tax sufficient to pay the interest as it falls due and the principal within the time fixed therefor. The bonds shall be signed by the chairman of the county board and the county clerk in their official capacities and be sealed with the county seal. Provided, however, the issuance of such bonds may be conditioned upon the money for the interest thereon being privately contributed and deposited in the county treasury before the bonds are negotiated, in which case, the levy of taxes therefor may be suspended until necessary therefor. Such deposit shall be deemed sufficient if in an amount actually invested to the satisfaction of the county treasurer and the securities deposited in the county treasury to seasonably produce the money to pay such interest, and this shall apply to bonds heretofore issued, or voted to be issued on substantially such plan. Nothing in this section shall require that all such bonds shall bear the same date of issuance or that the whole or any part of any bond issue authorized under the provisions of this section must be sold at any specific time. Bonds may be sold from time to time as ordered by resolutions of the county boards, and as the necessity for providing funds for construction arises.

3. The proceeds of county bonds heretofore or hereafter issued under the provisions of this section shall be used only for road and bridge construction performed under the provisions of sections 1317*m*—1 to 1317*m*—15, inclusive, or sections 1312 to 1317, inclusive, of the statutes, and the county shall be entitled to receive state aid or federal and state aid for the improvements performed with the proceeds of such bond issue in the proportions respectively specified in said sections. The county board may set aside from any funds received from the federal government or from the state, or both, for use in state aid or federal and state aid highway construction in said county, the amount required to pay the state or state and federal portions of the cost of any construction performed with the proceeds of said bond issue, until the amounts so set aside equal the share of cost provided to be paid by the state or by the federal government and the state. Any amounts so received and set aside in any year may be used by the county board to reduce the county levy necessary to be made in accordance with the bonding resolution in order to retire any portion of the bond issue which may be retired thereafter, such reduction to equal the amount so received from the state or from the state and federal government, and such action by any county board shall in no way invalidate the bond issue.

4. Construction with the proceeds of any bond issue shall be prosecuted in such order as shall be determined upon from time to time by the county board and as approved by the state highway commission. When any construction shall be determined upon by the county board, the board may provide that a portion, not to exceed forty per centum of the county's share of the cost of such construction, shall be assessed as a special benefit against any town, village or city in which such construction may lie, and the amounts of said special benefit may be levied by the county board as a special charge against such town, village or city and the county clerk shall certify such sum to the town, village or city clerk, who shall put the same in the next tax levy and the same shall be collected and paid into the county treasury by the officials of the town, village or city just as all other county taxes are levied, collected and paid in. If the amount of such special charge shall produce a tax upon any unit of government in excess of one-half mill upon its local equalized valuation, the county board shall make such arrangements for annually levying such special charges as will reduce the local tax to one-half mill or less in any one year. Any amounts paid into the county treasury in any year by any unit of government in accordance with the provisions of this subsection shall be used in retiring a portion of the county bond issue. The county boards, after receipt of such local funds, shall reduce the county levy necessary to be made in accordance with the bonding resolution by an amount equal to the total amount so received from all units of government, and such action by the county board shall in no way invalidate the bond issue. [*1911 c. 337; 1913 c. 668; 1915 c. 533 s. 18; 1917 c. 174; 1917 c. 500 s. 1–3*]

Referendum. SECTION 1317*m*—12*a*. 1. (a) No bonds shall be issued by any county board under the provisions of section 1317*m*—12 in excess of two-fifths of one per centum of the total assessed valuation of the county, until the proposition for their issue shall have been submitted to the people of the county and adopted by a majority of the electors voting thereon. The total amount of bonds outstanding at any one time, issued by sole action of the county board of any county under the provisions of section 1317*m*—12, shall in no case exceed one per centum of the total assessed valuation of the county.

(b) The county board may by resolution provide that there be submitted to the electors of the county at any regular or legally called special election the question as to

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whether or not bonds shall be issued under the provisions of section 1317*m*—12 in excess of the limits specified in this subsection, in which case said board shall enact a bonding resolution in general accordance with the provisions of subsection 1 of section 1317*m*—12, which resolution shall become fully effective upon approval of the bond issue by a majority of the electors voting thereon.

2. Whenever a number of qualified electors of any county equal to or more than ten per cent of the number of votes cast therein for governor at the last general election shall present to the clerk thereof, a petition in writing, signed by them, praying that the electors thereof may have submitted to them the question whether or not bonds shall be issued under the provisions of section 1317*m*—12, and shall file such petition with such clerk at least thirty days prior to the first Tuesday of April or thirty days prior to the Tuesday succeeding the first Monday of November in the even-numbered years, next succeeding, the county clerk shall forthwith make an order providing that such question shall be submitted on the first Tuesday of April or on the Tuesday succeeding the first Monday of November in the even-numbered years, as the case may be, next succeeding the date of such order.

3. The county clerk shall give notice of such election in the same manner notice is given of the general county election at least twenty days before such election, and the election on such question shall be held and conducted and the returns canvassed in the same manner in which the election for county officers is conducted and the returns thereof canvassed.

4. The ballots for such election shall be provided by the county clerk, and shall be substantially in the following form:

FOR BONDS ☐ AGAINST BONDS ☐

Mark an X in the square under the one you wish to vote for.

5. The county board of any county which has heretofore voted to issue bonds for highway improvement under the provisions of section 1317*m*—12 or of section 1317*m*—12*a* of the statutes, or of both of said sections, may, by a two-thirds vote of the members present at any regular or special meeting, by resolution, change the type or width of surfacing anticipated to be built or designated to be built on any portion of highway with the proceeds of the sale of said bonds, to a different type or width of surfacing, if said board shall determine that such change will best serve the public interest. If said change of type or width of surfacing shall result in a decreased cost of the improvement, the board may, by resolution, determine not to issue the portion of the bonds so rendered unnecessary or the board may, by resolution, determine to issue the said bonds and to use the proceeds thereof to augment the funds made available under the bonding resolution for the improvement of other portions of highways when said funds are inadequate to build the type or width of surfacing on said portions determined by the board to be necessary to serve the public interest. If said change in type or width shall result in an increased cost of the improvement the length of the improvement may be decreased accordingly. [*1913 c. 668; 1917 c. 500 s. 4; 1921 c. 516*]

Town bonds for highway improvement. SECTION 1317*m*—13. 1. Any town, if the electors thereof shall so determine by a majority vote of the electors at a regular town meeting, or a special meeting duly called therefor, may raise money for original improvement of any portions of the system of prospective state highways, by issuing town semi-annual interest payment coupon bonds bearing interest at a rate not exceeding five per cent per annum, running not more than ten years and not exceeding with all other town indebtedness the constitutional limit; such bonds not to be sold at less than par. Provided that the money obtained shall be promptly deposited with the county treasurer of the county to the credit of the highway fund to be expended in such town in the construction of the particular road or roads designated in the ordinance or resolution authorizing the issuance of said bonds. Such bonds shall be in the form approved by the state highway commission, printed from the plates provided for bonds of like character, and the blanks therefor ready for signing shall be furnished by said commission at cost and paid for out of the general fund of the town.

2. Bonds issued under this section shall be divided as to denominations and due dates as determined by the electors, and the resolution authorizing the same shall specify the total amount of the issue, the amount of the proceeds to be expended on each particular road, the time of payment of principal and interest, the place thereof, which shall be at the office of the county treasurer of the county within which the town is located, and the money shall be returned thereto by the town treasurer out of the town levy in time to promptly make such payment, and the manner in which the bonds shall be negotiated; and the resolution or ordinance shall also provide for a direct annual tax sufficient to pay the interest as the same falls due and to pay the principal within the time fixed therefor.

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All bonds shall be signed by the chairman of the town and the town clerk in their official capacities. Provided, however, that the issue of said bonds may be conditioned upon money being privately contributed by those deeming themselves especially interested in the making of said improvement sufficient to pay the interest thereon from time to time until they fall due, being deposited in the county treasury to the credit of the town highway bonds, in which case, levy of town taxes therefor may be suspended until there shall be necessity therefor. The deposit aforesaid shall be sufficient, if in an amount actually invested to the satisfaction of the county treasurer, to seasonably produce the money necessary to pay such interest, and this shall apply to bonds heretofore issued or voted to be issued upon substantially such plan.

3. As soon as any instalment of interest on any issue of town bonds under this section shall have been paid at the county treasurer's office, the treasurer shall cancel the coupons and file them with the town clerk of the town.

4. The proceeds of town bonds shall be available for state aid to the extent of the tax levy in the town each year to pay the face of such bonds, and the petition for county aid for such year under section 1317*m*—5 shall include such amount and the county board shall grant such petition the same as in case of a tax voted under such section, provided that if there shall be a county levy for such year on account of highway bonds issued by the county for the construction of the same road for which the town bonds were issued, such county levy shall be deemed a granting of the petition to the extent such county levy duplicates such town levy, and the county clerk, in making notification to the state highway commission under subsection 2 of section 1317*m*—8, shall include the town tax levy for the ensuing year to pay said bonds where the money is to be, or had already been, expended under the supervision of the state highway commission, and the amount of the appropriation for state aid for highways apportioned to the county for the benefit of the town shall be retained in the county treasury in the town fund for the payment of said bonds, and shall be applied thereon, in which case the surplus created by the combined state funds and town levy may be used as the electors of the town may determine to extend the construction of prospective state highways in said town, and this provision shall apply to any town bonds heretofore issued under this section as well as such as may hereafter be issued.

5. A town which has or shall issue bonds under the foregoing, if its electors at any meeting, general or special, shall so determine, may issue supplementary town bonds to the amount of state aid which the state highway commission may, in writing, filed with the town clerk, estimate may be awarded for the benefit of the town under subsection 4 of this section, and in such case all provisions of subdivisions 2 and 3 of such section shall apply and be complied with as in case of the original bond issue, and the state aid on account of which such supplementary bonds shall be obtained by the county treasurer as soon as practicable and be applied with the proceeds of any required tax levy, in payment of the principal of and interest on such bonds, as the same fall due; provided such bonds shall be so made payable that the proceeds of such tax levy and such state aid will be so available, and the treasurer shall so apply the same, but no part of the state aid shall be applied on such interest.

6. On and after July 1, 1917, if the electors of any town shall vote to issue bonds under the provisions of this section, the proceeds of such bond issue shall not be available to obtain state aid, and the county board of any county shall not allot any portion of the state highway aid hereafter allotted to the county to any town on account of such bond issue. The county board may determine to issue county bonds in an amount equal to the amount of the bond issue by the town, in general accordance with the provisions of section 1317*m*—12, and unless a county board shall so determine any action of a town in voting bonds under the provisions of this section shall be null and void, and the town board shall not issue or cause to be sold any bonds authorized by the electors of the town. [*1911 c. 337; 1913 c. 668; 1915 c. 533 s. 19; 1917 c. 174; 1917 c. 500 s. 5*]

Special improvement fund; consent; bonds. SECTION 1317*m*—14. Owners of lands abutting on any prospective state highway or section thereof of one mile or more in length, subject to be improved under sections 1317*m*—1 to 1317*m*—15, inclusive, and reaching back on either side one-quarter of a mile or less, who shall desire to have it improved under said sections, may, as an inducement, provide for payment in part of the town's portion of the expense by submitting to have such lands specially served, taxed for not exceeding five years at the rate of not exceeding ten dollars for each eighty rods of their respective frontages by filing consent thereto with the town clerk. In case of its being determined to make such improvement, the supervisors of the town, in such form as the state highway commission shall approve and regulate, may issue town special four per cent semiannual interest payment nontaxable coupon bonds, payable in equal portions each year, for the period mentioned in the consent, and thereby raise the special fund,

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provided that said bonds shall not be sold for less than par and not to nonresidents till residents shall first have reasonable opportunity, in the judgment of the supervisors of the town, to purchase the same. The proceeds of such bonds shall be deposited in the county treasury to the credit of the town for use solely in the improvement of the particular highway. [*1911 c. 337; 1911 c. 664 s. 49*]

Lien and payment of special bonds. SECTION 1317*m*—15. Such special bonds shall constitute tax liens upon the particular lands mentioned in the consent, and be paid as they fall due as town indebtedness, chargeable only to the particular lands, and in order that they may be, principal and interest, promptly paid according to their terms, the town clerk, each year, shall extend upon the tax roll against the several tracts of the land the amount of principal and interest to be collected on account thereof respectively for said year, and the same shall be collected as other town taxes, but be devoted to the special purposes of the levy, provided that no such special bonds shall be issued unless owners of two-thirds of the tracts of lands abutting on each side of the highway proposed to be improved, in writing consent thereto. [*1911 c. 337*]

SECTION 1317*m*—16. [*Repealed by 1919 c. 679 s. 63*]

SECTIONS 1317*m*—20 to 1317*m*—24. [*Repealed by 1917 c. 198 s. 1*]

BRIDGES.

Town tax for. SECTION 1318. The supervisors of any town are authorized to levy a tax on all the taxable property of the town, to be placed on the tax roll and collected as other taxes, for the purpose of rebuilding, repairing and maintaining suitable and permanent bridges and causeways across any river, stream, creek, swamp or marsh in such town, whenever they shall deem it necessary for the public convenience; but no such tax shall be levied except with the assent of all the supervisors, and shall not exceed the sum of three hundred dollars for any one bridge or causeway, and not more than one such tax shall be so levied and collected in any one year. [*1869 c. 152 s. 113, 114; R. S. 1878 s. 1318; Ann. Stats. 1889 s. 1318; Stats. 1898 s. 1318*]

Bridges; construction; repair; petition; county aid. SECTION 1319. 1. Whenever any town board shall file its petition with the proper county board setting forth the fact that said town has voted to construct or repair any bridge wholly or partly within such town, designating as near as may be the location of such bridge, and further stating that such town has provided for the payment of such proportion of the cost of such construction or repairs as is required by this section, the said county board, except as hereinafter provided, shall appropriate such sum as is required by this section, to be paid by the county and shall cause such sum to be levied upon taxable property of the county as will, with the amount provided by said town, be sufficient to defray the expense of erecting or repairing such bridge so petitioned for, and such money, when collected, shall be paid out on the order of the chairman of the county board and county clerk whenever the said town board and the county state road and bridge committee shall notify them that the work has been completed and accepted. In any county wherein no county aid has heretofore been provided by the county board under the provisions of this subsection, the county board may in its discretion refuse to appropriate any sum or may appropriate such sum as is required.

Cost. 2. When such bridge to be constructed or repaired is located wholly or partly within a town having a total valuation of four hundred thousand dollars or more according to the last assessment as equalized by the county board, the county shall pay the cost in excess of two hundred dollars until the cost is four hundred dollars. When the cost exceeds four hundred dollars the town and county shall each pay one-half the cost of such construction or repair.

Same. 3. When such bridge to be constructed or repaired is located wholly or partly within a town having a total valuation of less than four hundred thousand dollars according to the last assessment as equalized by the county board, the county shall pay the cost in excess of one-twentieth of one per cent of said total valuation until the total cost is equal to one-tenth of one per cent of said total valuation. When said total cost exceeds one-tenth of one per cent of said total valuation the town and county shall each pay one-half the cost of such construction or repair.

Emergency. 4. Whenever the construction or repair of any bridge lying wholly or partly within any town is required to be made without delay, by reason of being washed out or damaged by floods or other cause, the town may file its petition with the county clerk and the county state road and bridge committee setting forth the facts respecting such immediate necessity for construction or repairs. It shall then be the duty of the town board and the county state road and bridge committee to arrange for the reconstruc-

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tion of the said bridge with the least possible delay. The town board is hereby authorized to borrow the entire cost of the said bridge and to include the town's share of such cost in the next succeeding tax levy, provided that if the said town's share of such cost shall exceed the amount produced by a tax of two mills upon the assessed valuation of said town, a special town meeting to act upon the question of voting funds shall be required. The construction or repair of a bridge performed and accepted pursuant to this subsection, shall entitle the town to county aid to an amount of money equal to that which the town would have been entitled to if it had filed its petition with the county board as hereinbefore set forth, and the county board shall levy such sum upon the taxable property of the county; provided, however, that the county board shall not appropriate money under this subsection to reimburse any town for the construction or repair of any bridge, the cost of which would not be sufficient to authorize the county to aid the town in construction of such bridge under the other provisions of this section.

Approaches. 5. In determining the cost of the construction or repair of any such bridge the cost of constructing or repairing any approach at the end thereof shall not be considered as a part of the cost of such construction or repair.

Supervision. 6. The county state road and bridge committee shall co-operate with the board of such town; and such board and the said committee shall have full charge and authority to act in the letting, inspecting and acceptance of the work.

Work must be substantial. 6a. No order shall be drawn as provided in subsection 1 of this section, unless such bridge be constructed in a workmanlike manner of either steel, concrete or stone construction, or a combination of these materials.

County board. 7. Nothing herein contained shall be construed to prohibit any county board from constructing or repairing any bridge in its county if it shall so desire; and if the whole of the cost of the construction or repairs of any bridge or bridges is to be borne by any county, or any county shall arrange with such town so as to assume and have exclusive charge of such work, then the county state road and bridge committee shall direct the letting, inspecting and acceptance of such work in such manner as it may deem proper.

Taxable property. 8. Nothing herein contained shall authorize the levy of any tax upon the property in any city or incorporated village required by law to maintain its own bridges.

Vote. 9. Supervisors from such cities or villages so required to maintain their own bridges, shall have no vote on the granting or determining of such petition, or in providing a tax therefor.

Tax, limit. 10. No more than one mill on the dollar on the equalized valuation of the property in any county shall be levied for the aforesaid purpose, and for all other county bridges, in any one year, unless the county board, by a two-thirds vote of all the members entitled to vote on such proposition shall decide in favor of a larger sum, and in that case an amount not to exceed one mill on the dollar of such equalized valuation may be levied in addition to the one mill herein provided for and no order shall be drawn on account of such levy except upon the certificate of the county treasurer that the money produced by said levy has come to his hands to pay such order. [*1869 c. 152 s. 115, 116; R. S. 1878 s. 1319; 1879 c. 126; 1881 c. 315; 1885 c. 187; 1889 c. 508; Ann. Stats. 1889 s. 1319; 1895 c. 180; 1897 c. 269; Stats. 1898 s. 1319; 1903 c. 225 s. 1; 1905 c. 288 s. 1; Spl. S. 1905 c. 1 s. 1; Supl. 1906 s. 1319; 1907 c. 118; 1909 c. 397; 1911 c. 435; 1919 c. 458; 1921 c. 341*]

Contracts for use of roadways across dams. SECTION 1319*m*. 1. The town board of any town in this state is authorized to enter into contract with the owner or owners of any dam and roadway thereon constructed and maintained in, over, and across any river in such town for the use of such roadway for highway purposes for such period of time as the board may determine, and upon such terms as the board may agree upon with such owner or owners. Provided, that the roadway over and across such dam shall at all times be kept in proper repair and condition by the owner or owners thereof.

2. Whenever any town board shall file its petition with the proper county, setting forth the fact that said town board has voted to lease the right to use any roadway, as provided in subsection 1 of this section, designating as near as may be the location of such dam and roadway, and stating the amount agreed to be paid to the owner or owners of such dam and roadway for the use thereof, the said county board shall appropriate a sum equal to one-half the amount so agreed to be paid for such use, and shall cause such sum to be levied upon the taxable property of the county, and such money, when collected, shall be paid out on the order of the chairman of the county board and county clerk whenever the said town board shall notify them that a contract for the use of such roadway

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has been executed. The money so appropriated shall be paid for the purpose herein provided to the treasurer of said town. [*1911 c. 571*]

Villages separate road districts. SECTION 1319*n*. Every village in this state, whether such village be incorporated under general or special law or both, shall constitute a separate road district. No part of the streets or highway of any such village shall be in any road district established by the town board, nor under the control of the town officers, provided that bridges across navigable streams other than those within the provisions of section 1325*i* of the statutes shall be built, paid for, maintained and repaired by the town and village jointly, the expense to be borne by each in proportion to their equalized valuation as is fixed by the county board, where such navigable stream is the boundary line between any village and any town; or where the bridge is built wholly within the limits of an incorporated village and the span of such bridge exceeds two hundred feet in length. [*1885 c. 265; 1887 c. 78; Ann. Stats. 1889 s. 894a; Stats. 1898 s. 894a; 1899 c. 284; Supl. 1906 s. 894a; 1907 c. 118; 1915 c. 72; 1915 c. 604 s. 78, 79; 1915 c. 631; 1915 c. 636 s. 6; Stats. 1917 s. 894a; 1919 c. 691 s. 54*]

Villages may join in building bridges. SECTION 1319*o*. Any two villages situated on opposite sides of a river or other body of water, whether such villages or either of them is incorporated under the general statutes or under special law, may jointly build a bridge or bridges across such river or other body of water, or purchase or lease from the owner or owners thereof any such bridge or bridges and all appurtenances thereto belonging, together with any charter and privileges granted by this state for the erection and maintenance of such bridge or bridges, and also such rights of way as may be needed in widening or otherwise extending such bridge or bridges, upon such terms as may be agreed upon with the owners of the property, who are hereby authorized to make a sale or lease thereof to such villages; provided, that the amount to be paid as rent under any such lease shall not exceed one hundred dollars per annum, and that the sum to be paid for the purchase of any such bridge shall not exceed twenty thousand dollars. [*1881 c. 245; Ann. Stats. 1889 s. 925a; 1897 c. 287 s. 92; Stats. 1898 s. 925a; Stats. 1917 s. 925a; 1919 c. 691 s. 54*]

Borrowing money for bridges. SECTION 1319*p*. For the execution of the powers conferred by the preceding section each such village may borrow not to exceed ten thousand dollars and issue its bonds therefor in the manner provided by chapter 67 of the statutes. The proportion of the liability of each such village for the accomplishment of the objects authorized in the preceding section shall be determined by the president and trustees of both villages, or by such other officers as may from time to time be authorized to execute the corporate powers of such villages respectively. [*1881 c. 245; Ann. Stats. 1889 s. 925a sub. 4-10; 1897 c. 287 s. 93; Stats. 1898 s. 925b; Stats. 1917 s. 925b; 1919 c. 691 s. 54; 1921 c. 576 s. 13*]

Bridge across navigable stream. SECTION 1320. Any county, town, city or village bordering upon or through which any navigable or meandered stream runs, and any city or incorporated village situate within five miles of the Wisconsin river may levy and collect a tax, in the same manner that other taxes are levied and collected, not exceeding five mills on the dollar of the last assessed valuation of the taxable property thereof, for the purpose of building, purchasing or maintaining or aiding in building, purchasing or maintaining a bridge across such stream, or issue its bonds for such purpose for an amount not exceeding five per centum on such valuation; and any two adjoining towns having a highway on the line between them crossing such navigable or meandered stream may levy and collect a tax in the manner above provided for the purpose of building, purchasing or maintaining or aiding in building, purchasing or maintaining a bridge across such stream, or issue their bonds as above provided; but if a tax shall have been levied for such purpose in any such county, town, city or village its bonds for such purpose shall not be issued for an amount exceeding the difference between such tax and five per centum of such assessed valuation. [*1874 c. 229 s. 1, 2, 5; 1877 c. 252; R. S. 1878 s. 1320; 1885 c. 345; 1887 c. 285; Ann. Stats. 1889 s. 1320; 1893 c. 132; 1897 c. 332; Stats. 1898 s. 1320*]

Election to be held. SECTION 1321. No such tax shall be levied or bonds issued for the purpose mentioned in the preceding section by any county, town, city or village, unless the question of levying such tax or issuing such bonds shall have been submitted to a vote of the electors of such county, town, city or village, and approved in the manner prescribed by chapter 67 of the statutes. [*1874 c. 229 s. 3; R. S. 1878 s. 1321; 1885 c. 345; Ann. Stats. 1889 s. 1321; Stats. 1898 s. 1321; 1921 c. 576 s. 14*]

Municipalities may construct bridges. SECTION 1321*a*. 1. Any city, village or town bordering upon or through which any navigable or meandered stream runs, is authorized and empowered either alone or jointly to build, purchase or maintain or to aid in building, purchasing or maintaining a free bridge across such stream, in the manner hereinafter

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provided. Any such city, village or town may, by gift, purchase or condemnation proceedings as provided in sections 61.36, 61.37 and 61.38, acquire land for the purpose of building approaches to such bridge.

2. Whenever any such municipality or municipalities, by their respective boards or councils, shall file a petition with the state highway commission setting forth that said municipality or municipalities desire either alone or jointly to construct such bridge, designating the parts of the municipality or the municipalities to be connected by said bridge, and setting forth that said bridge will be necessarily more than four hundred seventy-five feet in length not including approaches, and that said bridge is necessary, the state highway commission shall within sixty days from the date of filing said petition fix a time and place for a public hearing on said petition at some convenient point within the limits of the said municipality or one of the municipalities and give ten days' notice of said hearing by publication in at least one newspaper published in the municipality or one of the municipalities concerned, or in a newspaper most likely to give notice of such hearing.

3. If the said commission, after such hearing shall find that such bridge is necessary, it shall then locate the same and if the same as located will be necessarily more than four hundred seventy-five feet in length, not including approaches, the said commission shall determine the character and kind of bridge adapted to the location and estimate the cost thereof, and shall file with the clerk or clerks of the municipality or municipalities petitioning for such bridge its determination including a description of the location of such bridge, the character thereof and the estimated cost of constructing the same.

4. Within ten days from the filing of said findings of said commission the governing body of the municipality shall adopt and file an initial resolution embodying a copy of such findings and complying with the requirements of subsection (1) of section 67.05. Thereupon bonding procedure shall be had as provided by chapter 67 of the statutes.

6. Whenever such municipality or municipalities shall have previously voted the issue of its bonds for the purpose of constructing any such bridge either alone or in conjunction with another municipality, the said municipality or municipalities, the county or counties in which they are located, and the state shall pay for the construction of such bridge as follows: provided, however, that not more than six such bridges shall be constructed under this section in any one year:

(a) Where such bridge is located wholly within one municipality or is constructed by a municipality alone, such municipality shall pay one-third the cost thereof. Any municipality situated within five miles of such bridge may contribute towards the cost and maintenance thereof a sum not to exceed one-sixth thereof. Such sum may be accepted by the municipality or municipalities building such bridge and may be used to apply towards it or their share of the cost of the bridge.

(b) When such bridge is located between two municipalities and is constructed by them jointly, then said municipalities shall pay together one-third thereof to be borne by each in proportion to the equalized valuation of each as fixed by the last county board, and if said municipalities are in different counties, each shall then pay one-sixth thereof.

(c) The county shall in all other cases pay one-third of the cost, except when such bridge is located on or across the line between two counties and in that case each county shall pay one-sixth of such cost.

(d) The state shall in all cases pay one-third of the cost of constructing such bridge.

(e) The cost of any bridge now being constructed or which may hereafter be constructed under the provisions of this section shall include the cost of any approaches, embankments or other necessary appurtenances, the cost of any new right of way required, the purchase or acquirement of any existing structure and such other costs as shall be a necessary portion of the bridge project.

7. The said highway commission shall consider all petitions under this section in the order of their receipt and allot each bridge certified as a necessity its full share of said aid. If the amount appropriated for any year shall not be sufficient to pay the state share of all bridges certified under this section in full, the appropriation for the ensuing year may be drawn upon to supply such sums as are necessary.

8. When the commission shall have filed with the municipality or municipalities, findings favorable to the construction of said bridge, and the said municipality or municipalities shall have provided for the payment of its or their proportion of the cost thereof, and have so certified to said commission, said commission shall then certify the amount to be paid by the state to the state treasurer and the amount to be paid by the county or counties to the county clerk or clerks thereof. Upon receipt of the certification of the amount necessary to be raised by the county as its share of such bridge, the county clerk thereof shall present the same to the county board at its next annual or special meeting, and said county board shall thereupon appropriate the amount to be paid by the county. The

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amount to be raised by the county may be raised by appropriation, tax or by bonds, but nothing in this section shall be construed as requiring a general election within the county. The share of any such municipality shall be paid at the time required by the state highway commission to the county treasurer of the county in which such municipality is located, and the amount to be paid by the state shall be paid upon the order of the state highway commission to the county treasurer of such county, and where two counties are contributing to the cost of constructing such bridge, one-half of the state share shall be paid to the respective treasurers of each of said counties and the total amount thus paid shall be expended upon the order of the state highway commission for the construction of said bridge.

9. The construction of such bridge shall be under the supervision and control of the state highway commission, which shall make and execute all contracts for such construction and all moneys paid therefor shall be paid upon the order of said commission.

10. After such bridge shall have been constructed it shall be under the control and management of the board or boards or council of the respective municipality or municipalities which have voted to construct said bridge, and any matter relating to the control and management thereof upon which the said boards and council cannot agree, shall be determined by the state highway commission.

11. The maintenance of such bridge shall be borne by the municipality or municipalities constructing the same in proportion to the assessed valuation of each as fixed by the county board.

12. When any municipality or municipalities have constructed a bridge under this section, the property in such municipality shall thereafter be subject to taxation by the county for the construction and repair of bridges within such county under section 1319 of the statutes. [*1901 c. 430; Supl. 1906 s. 1321a; 1907 c. 118; 1911 c. 663 s. 151; 1913 c. 628; 1915 c. 418; 1919 c. 201; 1921 c. 422 s. 41; 1921 c. 576 s. 4, 15; 1921 c. 578*]

Bridges, state trunk highway. SECTION 1321*b*. 1. Whenever any county, by its county board shall file a petition with the state highway commission setting forth that said county desires the construction or reconstruction of a bridge on the state trunk highway system, or on a road or street within a city of the fourth class, forming a direct connection between portions of the state trunk highway system, across any navigable waters in said county, or on which said county may border, and that said construction or reconstruction is necessary, the state highway commission shall fix a time and place for hearing and hear said petition in the manner provided in section 1321*a* of the statutes. If the state highway commission shall deem the construction or reconstruction of a bridge on the state trunk highway system, or on a road or street within a city of the fourth class, forming a direct connection between portions of the state trunk highway system, across any navigable waters, to be desirable, it may, on its own motion, call a hearing in the matter, in the manner provided by section 1321*a*. Notice of any such hearing shall be served on the county board, or boards, of the county or counties likely to be especially benefited by such construction or reconstruction, by registered letter addressed to the county clerk or clerks thereof.

2. If the state highway commission, after such hearing shall find that said construction or reconstruction is necessary it shall locate the place at which the bridge should be constructed or reconstructed, and if the bridge at such location will necessarily be more than three hundred feet long, not including approaches, the said bridge project shall be constructed or reconstructed at the expense of the state and counties especially benefited as hereinafter provided. The commission shall determine the character and kind of bridge adapted to the location, shall determine which counties are especially benefited thereby and the proportionate especial benefit of each county, shall estimate the cost of the bridge project, and shall file with the county clerk or clerks of the county or counties in or between which said bridge project is to be constructed or reconstructed its findings, including a description of the location of such bridge project, the character and kind thereof and the estimated cost of construction or reconstruction, including the cost of any approaches, embankments or other necessary appurtenances, the cost of any new right of way required, the purchase or acquirement of any existing structure and such other costs as shall be a necessary portion of the bridge project.

3. The commission shall, at the time of filing its said findings, also certify to the said county clerk or clerks the proportion of the cost of said bridge project to be borne by the county or counties deemed especially benefited, and shall certify to the state treasurer and secretary of state the amount to be paid by the state as its portion of the cost thereof.

4. The county, or counties, shall pay fifty per cent of the cost of the project and the state fifty per cent. If more than one county is deemed especially benefited, the counties' shares shall be apportioned to each in proportion to the especial benefits respectively de-

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rived as determined by the state highway commission. Upon receipt of the certification by the state highway commission of the amount necessary to be provided by any county as its share of the cost of any construction or reconstruction pursuant to this section, the county clerk shall present the same to the county board at its next annual or special meeting and it shall then be the duty of the said county board to provide the amount to be paid by the county. The amount so to be provided by the county may be provided by appropriation, tax, or bonds, or in any manner by which funds may lawfully be made available for road or bridge construction, but nothing in this section shall be construed as requiring an election upon such question by the county. The county board may, if it sees fit, assess not to exceed forty per cent of its share of the cost of any construction or reconstruction, pursuant to this section, as a special benefit, against the municipality or municipalities deemed, by the said board to be especially benefited by the bridge project and determine the proportions, if more than one municipality is deemed especially benefited. Within five days of the adjournment of the meeting of the county board the county clerk shall certify the action of the county board in the matter to the state highway commission.

5. All assessments against municipalities under this section shall be certified to the clerks thereof within five days of the adjournment of the county board. It shall then be the duty of the municipality through its board or council to provide the amount so assessed either by a direct tax, or by the issue and sale of its serial bonds, which shall bear interest at a rate not exceeding six per cent and run not more than twenty years. Such bonds shall be issued directly by the board or council and divided as to denominations and due dates as may be determined by such board or council. Money so obtained shall be promptly deposited with the county treasurer to the credit of the bridge project.

6. Subject to the control and supervision of the navigable waters of the state conferred by law upon the railroad commission and the control exercised by the government of the United States, the construction of such project shall be under the supervision and control of the state highway commission. All moneys available therefor from the counties benefited shall be deposited in the state treasury and paid out on order of the state highway commission.

7. The state highway commission shall consider all petitions under this section with petitions under sections 1321*a*, 1321*c* and 1325*k* in order of their receipt and shall construct each bridge found necessary and eligible, in such order, and all appropriations available for use under section 1321*a* shall be available to carry out the provisions of this section in the same manner as under section 1321*a* of the statutes.

8. Any toll bridge in Wisconsin on the state trunk highway system, or on a road or street within a city of the fourth class forming a direct connection between portions of the state trunk highway system, may be purchased or acquired in the general manner outlined for the construction or reconstruction of bridges under this section, and the cost of such purchase or acquirement shall be determined, apportioned and paid in accordance with the provisions of this section just as the cost of new bridge projects is determined, apportioned and paid. If the state highway commission is unable to agree with the owners of such toll bridge as to purchase price, the said toll bridge may be condemned, by exercising the right of eminent domain, in the following manner: The state highway commission shall petition the railroad commission of Wisconsin to fix a time and place for public hearing in the matters of the just compensation to be paid for the taking of the said toll bridge as required by section 1797*m*—82 of the statutes, and subsequent procedure shall be as required by sections 1797*m*—82 to 1797*m*—86, inclusive, of the statutes, and acts amendatory thereto. The word "municipality," as used in such sections, shall be construed to mean the state highway commission in all proceedings brought under this section. Any toll bridge so purchased or acquired may be later reconstructed under the provisions of this section in the same manner as other free bridges may be reconstructed.

9. The cost of maintaining and operating any bridge on the state trunk highway system or on a road or street within a city of the fourth class, forming a direct connection between portions of the state trunk highway system, which has been or shall be built, purchased or acquired under the provisions of sections 1321*a*, 1321*b*, 1321*c*, or 1325*k* shall be paid by the state and by the counties determined to have been especially benefited, in such proportions and manners as shall be determined by the state highway commission and said commission may first set aside each year from the funds provided for the maintenance of the state trunk highway system in that year an amount sufficient to pay the state's share, as determined, of the cost of maintaining and operating any such bridge. The county board may assess not more than forty per cent of its share of the cost of such maintenance and operation against the municipalities within such county determined to have been especially benefited, to be paid by them in proportion to such benefits.

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10. Whenever any municipality shall have been deemed, by the county bridge, to be especially benefited through the construction or reconstruction of a bridge under the provisions of this section or of section 1321c, the property in such municipality shall thereafter be subject to taxation by the county for the construction and repair of bridges within such county under section 1319 of the statutes. [*1921 c. 439 s. 2*]

Bridges on state boundary. SECTION 1321c. 1. Whenever any county, by its county board, shall file a petition with the state highway commission, setting forth that said board desires the construction or reconstruction of a bridge across a stream bordering on said county, which stream is also a portion of the state boundary, and that said construction or reconstruction is necessary, the said commission shall fix a time and place for hearing said petition in the manner provided in section 1321a of the statutes. If the state highway commission shall deem the construction or reconstruction of a bridge over a stream which forms a portion of the state boundary to be desirable, it may, on its own motion, call a hearing in the matter in the manner provided in section 1321a of the statutes. Notice of any such hearing shall be served on the county boards of the counties in this state deemed likely to be especially benefited by such bridge project, by registered letter addressed to the county clerk, and on the state highway department of the neighboring state by registered letter addressed to the secretary thereof.

2. (a) If the state highway commission, after such hearing, shall determine that the conditions so warrant, it shall make such investigation as may be necessary to determine the most favorable location, the character and kind of bridge best adapted for such location, and estimate the cost thereof, including the cost of any approaches, embankments, or other necessary appurtenances, the cost of any new right of way required, the purchase or acquirement of any existing structure, and such other costs as shall be a necessary portion of the bridge project.

(b) The state highway commission shall then negotiate with the state highway department of the adjoining state and shall have authority to determine, jointly with the highway department of the other state, the proportions of the cost of the bridge structure to be borne by each of the states in conjunction with its subdivisions, such determination to be based upon the interest of each state in said bridge project and upon the benefits derived by each state therefrom.

3. If the state highway commission, after such hearing, investigation and negotiations with the highway department of the adjoining state, shall find that the construction or reconstruction projected is necessary and warranted, and that provision has been made or will be made by the adjoining state, or any of its subdivisions to bear its, or their proportion of the cost thereof, it shall file certificates to that effect with the county clerks of the counties in this state, deemed to be especially benefited by the said bridge construction project. Such certificate shall state the entire cost of the project and the portion of said cost to be borne by this state and by each of the counties deemed especially benefited. In no case shall the total apportionment of cost to the counties deemed especially benefited exceed the amount to be paid by the state of Wisconsin itself.

4. The bridge project shall be constructed or reconstructed under the provisions of section 1321b, of the statutes, and the procedure subsequent to the receipt, by the county clerk or clerks of the county or counties deemed especially benefited by such construction or reconstruction, of the said certificate of the state highway commission, shall be in accordance with the provisions of said section.

5. Subject to the control and supervision of navigable waters, conferred by law upon the railroad commission, and the control exercised by the government of the United States, the construction or reconstruction of such bridge project shall be under the joint supervision and control of the state highway commission of this state and of the state highway department of the other state concerned. If the highway department of the other state is not authorized to act jointly with this state, in such bridge project, arrangements may be made with such subdivisions of the other state as may have proper authority, represented by its proper officers. Control shall be exercised in the manner deemed most expedient by the two departments, or by the highway department of this state and the officers of the subdivision of the other state concerned in the said construction. All contracts for construction or reconstruction shall be between the two states jointly, and the contractor; or between this state and such subdivisions of the other state as may participate in the construction, and the contractor; and all moneys available from this state or its subdivisions shall be deposited in the state treasury of this state and shall be paid out only upon order of the state highway commission.

6. After such bridge project shall have been completed, it shall be controlled, operated and maintained in such manner as shall be determined from time to time by the proper representatives of the two states. Authority is hereby conferred upon the high-

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way commission of this state to co-operate with the proper representatives from any adjoining state or subdivision thereof, in the operation and maintenance of any free bridge over a stream forming the state boundary, by the two states, or with any subdivision of the other state, on such terms as may be deemed equitable by the highway commission and the authorized representatives of the other state or subdivision thereof. The highway commission may determine that a portion, not more than fifty per cent of this state's portion of the cost of maintenance and operation of such bridge project, shall be paid by the counties determined to have been especially benefited, in the proportion of such benefits.

7. Any toll bridge across any stream forming the boundary between this state and another state, including all approaches and other appurtenances, may be purchased or otherwise acquired by this state jointly with any other state or subdivision thereof, and the procedure in determining upon such purchase or acquirement and providing the funds therefor shall be the same as is provided for the construction or reconstruction under this section. If the state highway commission is unable to agree with the owners of such toll bridge as to purchase price, the said toll bridge may be condemned, by exercising the right of eminent domain, in the following manner: The state highway commission shall petition the railroad commission of Wisconsin to fix a time and place for public hearing in the matters of the just compensation to be paid for the taking of the said toll bridge as required by section 1797*m*—82 of the statutes, and subsequent procedure shall be as required by sections 1797*m*—82 to 1797*m*—86, inclusive, of the statutes, and acts amendatory thereto. The word "municipality," as used in such sections shall be construed to mean the state highway commission, in all proceedings brought under this section. Any toll bridge so purchased or acquired may be later reconstructed under the provisions of this section in the same manner as other free bridges may be reconstructed.

8. Any bridge constructed, reconstructed, purchased or acquired under the provisions of this section, shall be free from tolls forever.

9. The state highway commission shall consider all petitions under this section with petitions received under sections 1321*a*, 1321*b* and 1325*k* of the statutes, in the order of their receipt, and shall construct each bridge found necessary and eligible in such order, and all appropriations made for use and available under section 1321*a* shall be available for use to carry out the provisions of this section in the same manner as for use under section 1321*a*, of the statutes.

10. The state highway commission shall have authority to defray the portion of the cost of constructing or reconstructing any bridge chargeable to the state of Wisconsin, under the provisions of sections 1321*b* and 1321*c* of the statutes, out of state and federal funds made available for construction of roads and bridges, under the provisions of sections 1312 and 1317, inclusive, section 20.04, and section 20.49 of the statutes, and acts supplementary or amendatory thereto.

11. In order to carry out the purposes of this section the state highway commission is authorized to add to the state trunk highway system any bridge, to whose construction, acquirement or maintenance the state may contribute under this section, and any road or street forming the most reasonable and practicable connection from any bridge over a stream which is a portion of the state boundary to the state trunk highway system; provided that neither the state nor the county shall be required to assist in the construction, reconstruction or maintenance of any streets not eligible to become portions of the state trunk highway system, as provided in section 1313 of the statutes. [*1921 c. 439 s. 2*]

Rates of toll; regulation of use. SECTION 1321*e*. Any such city, village, town or county immediately after the construction and completion of a bridge according to the provisions of sections 1320 and 1321 shall have the power and the legal right to demand, receive and collect tolls for passing over such bridge at rates not exceeding the following: For any vehicle, whether drawn by one or two horses, mules or oxen, ten cents for passage both ways the same day; for horses, mules or cattle in droves of ten or less, three cents a head, and where the same are in droves of more than ten, two cents a head; sheep or hogs in droves of ten or less, two cents a head, if in droves of more than ten, one cent a head, and each footman shall be permitted to pass over such bridge free of charge. The common council of any such city and the board of any such village, town or county may regulate the use of such bridge for the crossing of traction engines and other ponderous articles and make reasonable charges therefor. [*1901 c. 430 s. 1; Supl. 1906 s. 1321b; 1907 c. 118; Stats. 1919 s. 1321b; 1921 c. 439 s. 1*]

SECTION 1322. [*Repealed by 1921 c. 576 s. 5*]

Strength of bridges and culverts. SECTION 1322*m*. From and after the passage and publication of this act, no iron, steel, stone or concrete bridge or culvert of more

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than six feet in length of span shall be constructed in any highway in this state unless it shall be designed, according to standard engineering practice, to have sufficient strength to carry, without planking, any load that may be driven or propelled upon, on or along such bridge or culvert, of not more than fifteen tons, and no iron, steel, stone or concrete bridge or culvert of more than six feet in length of span shall be repaired unless such repairs shall be of a substantial character, strengthening such bridge or culvert as much as is practicable, and shall at least leave such bridge or culvert in such condition that it shall have sufficient strength, to carry safely the load for which it was originally designed. No culvert of six feet or less in length of span shall be constructed or rebuilt unless such construction or rebuilding shall leave such culvert in such condition that it shall have sufficient strength to safely carry, without planking, any load that may be driven or propelled upon, on or along such culvert, of not more than eighteen tons. Nothing in this section shall be held to prohibit the renewal of the stringers or planks of any wooden floored iron or steel bridge without making further repairs, unless, upon complaint, and for the public safety further repairs are ordered by the state highway commission. [*1911 c. 642; 1919 c. 269*]

Liability for deficiency in strength. SECTION 1322*m*. Any town, city, village or county which shall construct or repair, or cause to be constructed or repaired, any bridge or culvert, mentioned in section 1322*m*, shall be liable for any and all damages resulting from failure to comply with the provisions of section 1322*m* of the statutes. Such parts of section 1347*b* of the statutes as are in conflict with sections 1322*m* and 1322*n* of the statutes are repealed. [*1911 c. 642*]

Liability of owners of traction engines. SECTION 1322*o*. The owner or owners of any engine and all other vehicles or loads, the weight of which, exclusive of equipment and load drawn, is more than fifteen tons, whether such engine is propelled by steam or other power, or any person who propels or causes such an engine to be propelled or otherwise moved or driven upon or along any bridge or culvert constructed in compliance with section 1322*m* of the statutes, or constructed and repaired in compliance with said section, shall be liable for any damage caused to any such bridge or culvert by such engine by propelling, driving or moving the same upon or along such bridge or culvert, and no city, village or town shall be liable to the owner or owners or to the persons in charge of any such engine for any damage sustained by him or them while propelling or moving any such engine over or along any such bridge or culvert. [*1911 c. 642*]

Fast driving. SECTION 1323. Any county board or any bridge committee appointed thereby, any common council, board of village trustees or the supervisors of any town may put up and maintain at the expense of the county, city, village or town, as the case may be, in conspicuous places at each end of any bridge therein built or maintained at the expense thereof, the length or span of which bridge is not less than twenty-five feet, a notice with the following words in large letters: "One (or some other number not greater than ten dollars) dollar fine for driving or riding on this bridge faster than a walk;" and whoever shall drive or ride on any animal faster than a walk on any such bridge upon which such a notice shall then be shall forfeit for every such offense the sum mentioned in such notice; and the chairman of the county board or of such committee, mayor of the city, president of the board of trustees or chairman of the town board of the county, city, village or town which maintains such bridge, wholly or in part, shall sue for and collect all such forfeitures in the name of and for the use thereof. [*1869 c. 70 s. 1; 1869 c. 152 s. 117; 1876 c. 230 s. 1; R. S. 1878 s. 1323; Ann. Stats. 1889 s. 1323; Stats. 1898 s. 1323*]

Same on free bridge. SECTION 1324. The owner of any bridge of like span, kept and maintained wholly for public use free of toll, or for the use of which toll is charged, shall have the same authority to put up notices thereon and fix therein like penalties for driving or riding faster than a walk thereon, and may sue in his own name and for his own use for any forfeiture incurred by any person violating such notice. [*1876 c. 230; R. S. 1878 s. 1324; Ann. Stats. 1889 s. 1324; Stats. 1898 s. 1324; 1915 c. 223*]

Injuring bridge. SECTION 1325. Whoever shall wilfully injure any bridge maintained at the public expense or any bridge mentioned in the preceding section shall for every such offense forfeit treble damages, to be collected as provided in the two preceding sections, and may also be prosecuted and punished as provided by law. [*1869 c. 152 s. 119; 1876 c. 230 s. 2; R. S. 1878 s. 1325; Ann. Stats. 1889 s. 1325; Stats. 1898 s. 1325*]

Maintenance of bridges owned jointly. SECTION 1325*a*. All swing or draw bridges built or purchased by any city and town or by any other two municipalities, and so situated that a part thereof is in one municipality and a part in another, shall be operated and maintained at the joint expense of the municipalities which built or purchased them in proportion to the amount of the cost thereof borne by each. If either such municipality shall not provide for or pay its full share of such expense in any year the other may pro-

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vide for or pay it, and upon paying the same may recover of the municipality in default its share of the same, with interest from the time of payment and costs of suit; provided, that no action to recover the same shall be brought until thirty days after demand of payment is made. [*1882 c. 130; Ann. Stats. 1889 s. 1325a; Stats. 1898 s. 1325a*]

Joint ownership of bridge. SECTION 1325*b*. Any town or towns may purchase and hold, in severalty or in common, any bridge or bridges and the approaches thereto or any interest in either or both, that are or may be legally erected over any stream or river which divides or forms the boundary line between them; and any city or village may unite with such town or towns in purchasing any such bridge or bridges erected over any stream or river which divides or forms the boundary line between it and such town or towns, and may hold the same in common therewith. But no such purchase shall be made by any town, city or village until the question of making the same shall have been submitted to the electors thereof in the manner provided in section 1321 and a majority of those voting therein shall vote in favor of making the same. [*1882 c. 155; Ann. Stats. 1889 s. 1325b sub. 1, 2; Stats. 1898 s. 1325b*]

Contracts and bonds. SECTION 1325*c*. When any such municipality has voted to purchase any such bridge the board or common council thereof may make and execute all necessary contracts and other papers relating to such purchase and care for and control the bridge or bridges. If the purchase is made jointly the papers relating thereto and the care and control of the property shall be executed and exercised jointly by the boards or board and council which represents the purchasers. The vote of the electors of any such town, village or city in favor of the purchase of any such bridge or bridges shall be sufficient authority for the board or common council thereof, either as sole or joint purchaser, to issue and negotiate bonds for the purpose of paying for the same; but no such bonds shall be issued until such board or council has complied with the conditions prescribed by section 943, and when issued they shall be subject to the provisions of section 944. [*1882 c. 155; Ann. Stats. 1889 s. 1325b sub. 3, 4; Stats. 1898 s. 1325c*]

Aid by county. SECTION 1325*d*. The county board of any county bounded in part by a river which is also a state boundary line may aid any municipality of such county in the construction of a bridge across such river or any part thereof, by an appropriation therefor not exceeding one-third of the cost of such bridge. [*1897 c. 40; Stats. 1898 s. 1325d*]

Contract with foreign county. SECTION 1325*e*. The board of supervisors of any county in this state bordering on any navigable stream which is the boundary line between such county and a county in another state is hereby authorized in conjunction with the board of supervisors of such adjoining county in such other state, to construct and maintain a bridge or bridges across such river at a place or places within the limits of such county as may be agreed upon by said respective boards of supervisors, whenever said board of supervisors in this state shall deem it necessary, and to enter into a contract with such board of supervisors of the adjoining county of such other state for the construction, maintenance and repair of such bridge or bridges. [*1903 c. 94 s. 1; Supl. 1906 s. 1325e; 1907 c. 118*]

County boards may levy tax and issue bonds; certain cities excepted. SECTION 1325*f*. The board of supervisors of such county in this state, as aforesaid, is hereby authorized to levy a special tax on all the property of such county, excepting property within the corporate limits of any city in such county which builds and maintains its own bridges, or bond said county, exempting from any tax, levy or any liability whatsoever for the payment of said bonds, all property within the corporate limits of any city in such county which builds and maintains its own bridges, for such part of the cost of building, maintaining and repairing said bridge or bridges as shall be allotted to said county by any arrangement between the said respective boards of supervisors, respecting the building, maintaining, repairing or rebuilding the said bridge or bridges. Provided, that nothing herein contained shall be construed to contravene the provisions of sections 1319, 1320 and 1321 of the statutes, or as authorizing the levy of any tax on the property in any city which builds or maintains its bridges. [*1903 c. 94 s. 2; Supl. 1906 s. 1325f; 1907 c. 118; 1911 c. 663 s. 151*]

Bridges, how constructed. SECTION 1325*g*. Said bridge or bridges shall be constructed and maintained so as to offer and afford reasonable, adequate and proper means for the passage of boats, vessels, saw logs, floating timber and rafts through the same so as not to obstruct or materially interfere with the navigation of such river. [*1903 c. 94 s. 3; Supl. 1906 s. 1325g; 1907 c. 118*]

Safety gates on drawbridges. SECTION 1325*h*. Whenever a complaint is lodged with the railroad commission by any person, firm, corporation, or association, or anybody politic or municipal organization to the effect that any bridge within the state, equipped

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with a draw which is opened to allow the passage of boats, is not equipped with gates or other safety devices, the commission may give notice to the proper party or parties in interest of the filing of complaint, and may proceed to investigate the same, and to hold a hearing thereon in the manner provided for hearings in section 1797—12. If after such investigation the commission shall determine that public safety requires the erection and maintenance of gates or other safety devices at the points involved in the complaint, it may enter an order requiring the county, city, village, town, corporation or person whose duty it is to maintain such bridge, to erect and maintain at such points such gates or other safety devices of such kind as it may prescribe; and such gates or other safety devices of such kind shall thereupon be erected at such points within the time fixed by the commission and thereafter maintained, unless such order shall be modified by the commission, or shall be set aside on appeal in the manner provided in section 1797—16. The commission may proceed to conduct the investigations, hold the hearings, and make the orders provided for in this section upon its own motion in the same manner and with the same effect as though complaint were filed. [*1913 c. 518*]

SECTION 1325*i*. [*Repealed by 1921 c. 422 s. 42*]

Reconstruction of bridges. SECTION 1325*k*. 1. Whenever any county, town, city or village, or two or more counties, or any county and any municipality or any municipalities, jointly, by their respective boards or councils, shall file a petition with the highway commission setting forth that said county or counties, or such county and municipality or any said municipality or municipalities jointly maintain or maintains a free public bridge across a navigable stream forming the boundary line between two or more counties, and located not less than two miles from the nearest boundary of any incorporated city or village, and that it is necessary to reconstruct such bridge, the highway commission shall fix a time and place for hearing and hear said petition in the manner provided in section 1321*a* of the statutes.

2. If the said commission after hearing said petition shall find that said petition is true and that a reconstruction of said bridge is necessary, it shall locate the place at which it should be reconstructed, and if the same at such location will be necessarily more than five hundred feet in length not including approaches, the same shall be reconstructed at the expense of the state and counties as hereinafter provided; and the commission shall determine the character and kind of bridge adapted to the location and estimate the cost thereof, and shall file with the respective county clerks of the counties between which such bridge is to be reconstructed its findings including a description of the location of such bridge, the character thereof and the estimated cost of constructing the same.

3. The commission shall at the time of filing its said findings also certify to said county clerks the proportion of the cost of said bridge to be borne by each county, and shall certify to the state treasurer the amount to be paid by the state as its proportion of the cost thereof.

4. The respective counties shall pay two-thirds the cost of reconstructing said bridge each in proportion to the last preceding valuation equalized by the state tax commission and the state one-third the cost thereof. Upon receipt of the certification of the amount necessary to be raised by the county as its share thereof the county clerk shall present the same to the county board at its next annual or special meeting, and the said county board shall thereupon appropriate the amount to be paid by the county. The amount so to be raised by the county may be raised by appropriation, tax or bonds, but nothing in this section shall be construed as requiring an election upon such question by the county.

5. Subject to the control and supervision of the navigable waters of the state conferred by law upon the railroad commission of Wisconsin, the construction of such bridge shall be under the supervision and control of the said highway commission, which shall make and execute all contracts for such construction, and all moneys available therefor from the state and said counties shall be deposited and paid out in accordance with the provisions of section 1321*a*.

6. After such bridge shall have been constructed it shall be under the control and management of said counties, and any matter relating to the control and management thereof upon which the boards cannot agree shall be determined by the said highway commission.

7. The maintenance of such bridge shall be borne by the counties constructing the same in proportion to the assessed valuation of each as fixed by the state tax commission.

8. The state highway commission shall consider all petitions under this section with petitions under section 1321*a* in the order of their receipt, and shall allot each bridge under this section and section 1321*a* state aid in such order and all appropriations made for use and available under section 1321*a* shall be available for use to carry out the provisions of this section in the same manner as for use under section 1321*a* of the statutes.

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9. Whenever any municipality has constructed a bridge under this section, the property in such municipality shall thereafter be subject to taxation by the county for the construction and repair of bridges within such county under section 1319 of the statutes. [*1917 c. 661*]

Interstate toll bridges. SECTION 1325*m*. 1. Any town, or any village or city however organized, bordering upon any navigable waters which form the boundary line between this and another state, may construct, maintain and operate a foot and wagon toll bridge over and across such waters, commencing at a point within the limits of such town, village or city, or may acquire, maintain and operate any such toll bridge which spans any such waters, whether such bridge is located wholly or partly only within the boundaries of this state and within the limits of such town, village or city.

2. Before any such toll bridge is constructed or acquired under this section proceedings shall be had as provided in sections 927—11 to 927—19, inclusive, of the statutes, and all of the provisions of said sections shall apply to and govern the construction or acquisition and the maintenance and operation of a toll bridge hereunder, including the provisions, relating to the method of raising funds, in the same manner and to the same extent as the same apply to and govern the construction or acquisition and maintenance and operation of a plant or equipment or any part thereof for the production, transmission, delivery or furnishing of heat, light, water or power, constructed or acquired under the provisions of said sections, except that any bonds or mortgage certificates issued and sold for the purpose of securing funds for the payment of any such toll bridge shall also be a general liability of the town, village or city issuing the same. [*1915 c. 231; 1917 c. 24*]

Interstate railroad bridges must have approaches convenient to public. SECTION 1325*n*. It shall be the duty of any corporation incorporated under the laws of this state and which have been granted a franchise or permit by the United States congress to construct, maintain and operate a railroad bridge and provide for the passage of pedestrians, wagons, vehicles and all kinds of street railway and motor cars across the waters forming a boundary line between this and any other state and to forever maintain such bridge in accessible and serviceable condition, to construct or cause to be constructed, approaches making such bridge accessible and serviceable for the use of pedestrians, wagons, vehicles and all kinds of street railway and motor cars as a connection between this state and the state connected therewith by such bridge, so that such bridge shall be accessible and serviceable to pedestrians, wagons and vehicles and all kinds of street railway and motor cars at the time such bridge is used for railroad service, and if any such corporation shall fail or refuse to comply with the provisions of this act within one year from the time such bridge is used for railroad service the charter of such corporation granted by this state shall thereupon be ipso facto forfeited without any further action whatever and such corporation shall forthwith discontinue the transaction or operation of its business in this state. [*1913 c. 449; 1915 c. 604 s. 28; 1915 c. 636 s. 3*]

OBSTRUCTIONS.

Highways; obstruction; penalty. SECTION 1326. 1. Any person who shall obstruct any public highway in this state by wilfully or maliciously placing or causing to be placed therein any depression, ditch, humps or embankments of earth, logs, stone or stones, nails, glass or other materials or substances intended or calculated to impede or incommode the lawful use of such highway, or who shall place any obstruction in any ditch constructed for draining the water from any such highway shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars.

Removal. 2. The superintendent of highways of any township or district where such obstruction may exist upon written notice from any resident of this state shall cause such obstruction immediately to be removed, and in case of failure to cause the removal of such obstruction within a reasonable time after service of such written notice shall forfeit not less than ten nor more than twenty-five dollars.

Obstructions in highways. 3. It shall be unlawful for any highway superintendent or any other person having the supervision of the building, rebuilding or repairing of any highway to place any materials in the traveled track thereof, in piles or rows without leveling the same off before sunset of the same day or placing upon such piles or at both ends of such rows a red glass lamp or lantern lighted within one hour after sunset and containing sufficient oil or fuel to keep the same burning from dark until daylight; and in grading or repairing any highway it shall be unlawful for such highway superintendent or other person to place sod or stones in the center or tracks therein without rolling or otherwise bringing the same down to a smooth and even surface with the remainder of the traveled

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track. Any person violating any of the provisions of this subsection shall be punished by a fine of not less than ten nor more than one hundred dollars. [*1869 c. 152 s. 101; R. S. 1878 s. 1326; Ann. Stats. 1889 s. 1326; Stats. 1898 s. 1326; 1909 c. 143; 1913 c. 703; 1913 c. 773 s. 107*]

Railroad cars obstructing country highways. SECTION 1326*m*. It shall be unlawful to stop any railroad train or electric train upon or across any highway or street crossing or to leave any car or locomotive standing upon or across any highway or street crossing outside the limits of incorporated cities for a longer time than ten minutes, except in case of accident. [*1907 c. 70*]

Penalty. SECTION 1326*n*. Any conductor or other person who shall violate any of the provisions of section 1326*m*, shall be fined for every offense not more than twenty-five dollars and costs of prosecution, or shall be imprisoned in the county jail not more than fifteen days. [*1907 c. 70; 1911 c. 663 s. 152*]

Barrage of highways undergoing repairs. SECTION 1326*o*. 1. The supervisors of any town may erect or cause to be erected upon any highway in said town, a fence or barrier to close the same or any portion of same to traffic or travel during the progress of repair or construction on any portion of any such highway, erecting such barriers at both ends of the portion of such highway thus designed to be closed to travel. Such barrier may be made of wood or any other material, so arranged as to indicate that the highway is closed and shall be kept lighted at night by placing lanterns thereon and such barrier may be kept and maintained until the repair or construction work is completed and the road material sufficiently set and hardened to make the same suitable for public travel without detriment or damage to the said highway in the opinion and discretion of the supervisors of said town.

2. Any person who shall remove, take down, alter the position of, destroy, pass over or beyond any barrier so erected, and travel with any vehicle however propelled, upon any portion of the highway closed by the erection of a barrier, or travel on foot on any highway thus closed, by walking across, along or upon the central part of such highway and treading upon the cement, asphalt, macadam or other materials being placed or having been placed upon such highway as a part of the repair or construction thereof shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten or more than one hundred dollars, or by imprisonment in the county jail for a period of not less than ten or more than sixty days, or by both such fine and imprisonment. [*1919 c. 684*]

Injuring highway. SECTION 1327. Whoever shall injure any highway by obstructing or diverting any creek, watercourse, sluiceway, or by drawing logs or timber on the surface of any road or bridge or by any other act shall be liable in treble damages, to be recovered by the superintendent of highways of the town or district within which the injury was done, in his name of office, to be expended by him in the repair of the roads in his town or district, if the highway taxes therein are payable in labor; otherwise he shall pay the amount recovered to the town treasurer, who shall credit it to the highway fund. [*1869 c. 152 s. 125; R. S. 1878 s. 1327; Ann. Stats. 1889 s. 1327; Stats. 1898 s. 1327*]

Removal of trees. SECTION 1328. If any trees shall fall or be felled by any person from any occupied land into any highway any person may give notice to the occupant of the land from which such tree shall have fallen to remove the same within twenty-four hours; and if such tree shall not be removed within that time, but shall continue in such highway, such occupant shall forfeit the sum of fifty cents for every day thereafter until such tree shall be removed; but the amount so forfeited shall not exceed ten dollars for one tree. [*1869 c. 152 s. 110; R. S. 1878 s. 1328; Ann. Stats. 1889 s. 1328; Stats. 1898 s. 1328*]

Obstruction of road by trees. SECTION 1329. In case any person shall cut down or fell any tree on inclosed land not occupied by him so that it shall fall into the highway, unless by the order or consent of the occupant, such person shall pay to the occupant of such land the sum of one dollar for every day the same shall remain in such highway, together with all other damages which such occupant may sustain; but the amount so to be recovered shall not exceed twenty dollars for one tree. [*1869 c. 152 s. 111; R. S. 1878 s. 1329; Ann. Stats. 1889 s. 1329; Stats. 1898 s. 1329*]

Electric lines on highways; place of poles; penalty. SECTION 1329*a*. 1. Any person, firm or corporation may, with the written consent of the supervisors of the town, construct and operate a line of telegraph, telephone or electric wires for the purpose of transmitting messages, light or power along or within the limits of any highway, subject to the restrictions and conditions herein contained.

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2. All poles used in the construction of such lines shall be set in such manner as not to interfere with the use of such highway by the public nor with the use of the adjoining land by the owner thereof; and all wires strung upon such poles shall be not less than twenty-four feet above the ground at all crossings and not less than fourteen feet above the ground at all other places.

3. But no tree shall be cut, trimmed or the branches thereof cut or broken in the construction or maintenance of any such line without the consent of the owner of the tree.

4. Any person, firm or corporation erecting any telephone, telegraph, electric light or other pole or stringing any telephone, telegraph, electric light or other wire in violation of the provisions of this act shall forfeit a sum not less than ten nor more than fifty dollars to be recovered in an action in the name of the state.

5. Any person, firm or corporation whose written application for permission to construct such lines within the limits of any highway of any town, has been refused, or when such application shall have been on file with the town clerk for twenty days and no action shall have been taken thereon, such applicant may file with such town clerk a notice of appeal to the county court. The town clerk shall thereupon make return of all the papers and action of the board to the county court, and such court shall proceed to hear and try and determine such appeal, without a jury, on ten days' notice by the town board, or the applicant, or the adverse party. The order entered by the county court shall be final unless an appeal therefrom to the circuit court of such county shall be filed within thirty days after the entry of such order. All proceedings after such appeal from the order and decision of the county court shall conform to the rules of the proceedings of such circuit court. [*1895 c. 84; Stats. 1898 s. 1329a; 1907 c. 313; 1913 c. 215; 1921 c. 422 s. 43*]

ENCROACHMENTS.

Removal of encroachments. SECTION 1330. In every case where any public highway has been or shall be encroached upon by any fence, building or other fixture the supervisors of the town shall make an order under their hands requiring the occupant of the land through or by which such highway runs and to which such fence, building or fixture shall be appurtenant to remove the same beyond the limits of such highway within thirty days; every such order shall specify the width of the road, the extent of the encroachment and the place or places in which the same may be with reasonable certainty; and they shall cause a copy of such order to be served upon such occupant. [*1869 c. 152 s. 102; R. S. 1878 s. 1330; Ann. Stats. 1889 s. 1330; Stats. 1898 s. 1330; 1913 c. 83*]

Nonremoval, penalty and judgment. SECTION 1331. If the occupant upon whom a copy of such order shall be served shall not deny such encroachment as provided in the next section and the fence, building or other fixture causing such obstruction shall not be removed within thirty days after the service of a copy of such order, such occupant shall forfeit fifty cents for every day after the expiration of that time during which such encroachment shall continue. In all cases where an action shall be commenced against the occupant of any land to recover the penalty herein imposed for neglecting to remove any encroachment and a judgment shall be rendered for such penalty, the court shall, in and by such judgment, adjudge and order that such occupant remove or cause the removal of such encroachment within a time to be fixed by the judgment, and if he neglect or refuse to obey such order the supervisors of the town may, immediately after the expiration of the time so fixed, remove or cause the removal thereof, and, by an action commenced for that purpose, recover from such occupant the cost thereof together with the costs of the action. [*1869 c. 152 s. 103; R. S. 1878 s. 1331; Ann. Stats. 1889 s. 1331; 1891 c. 154 s. 1; Stats. 1898 s. 1331*]

Jury to try question. SECTION 1332. If the occupant upon whom a copy of such order shall be served shall, within thirty days after the service thereof, deny such encroachment in writing addressed to the supervisors, and deliver such denial to one of them, said supervisors, or some of them, shall apply to a justice of the peace of the county for a precept, which he shall issue and direct to any constable of the county commanding him to summon six disinterested freeholders thereof to meet at a certain time, not less than four days after the issuing thereof, at the office of such justice to inquire into the premises; and the constable to whom such precept shall be directed shall give at least three days' notice to one of the supervisors of the town and to the occupant of the land of the time and place at which such freeholders are to meet. [*1869 c. 152 s. 104; R. S. 1878 s. 1332; Ann. Stats. 1889 s. 1332; Stats. 1898 s. 1332*]

Proceedings. SECTION 1333. On the day specified in the precept the jury so summoned shall be sworn by such justice well and truly to inquire whether any such encroachment has been made as described in the order of the supervisors, and by whom;

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and the witnesses produced by either party shall be sworn by the justice, and the jury shall hear the proofs and allegations which may be produced and submitted to them; and in case any person summoned as a juror shall not appear or shall be incompetent his place may be supplied by a talesman as in other cases. The issue raised by such order and the written denial thereof shall be tried before such justice in the manner civil actions are tried in justices' courts; the jury may, in the discretion of the justice and in the presence of an officer appointed by him, view the premises. After the question has been submitted to the jury they shall be kept together in charge of an officer until they agree or are discharged; if they fail to agree they may be discharged, in which case the justice shall issue another precept commanding the officer to summon six other freeholders of the county for the trial of said issue, and so do until a jury shall agree upon a verdict. [*1869 c. 152 s. 105; R. S. 1878 s. 1333; Ann. Stats. 1889 s. 1333; 1891 c. 360 s. 2; Stats. 1898 s. 1333*]

Removal of encroachment. SECTION 1334. If the jury find that any such encroachment has been made by the occupant of the land or any former occupant thereof they shall make and subscribe a certificate in writing of the particulars of such encroachment and by whom made, and return the same to the court, which shall be filed in the office of the town clerk; and the occupant of the land, whether such encroachment shall have been made by him or by any former occupant, shall remove the fence, building or other fixture causing such encroachment within thirty days after the filing of such certificate, under forfeiture of fifty cents for each day after the expiration of that time during which such encroachment shall continue. If such occupant shall not so remove the encroachment the supervisors of the town may, immediately after the expiration of said thirty days, remove or cause it to be removed, and they may also, in an action commenced for that purpose, recover of him the expense of so doing, together with the costs of such action. [*1869 c. 152 s. 106; R. S. 1878 s. 1334; Ann. Stats. 1889 s. 1334; 1891 c. 154 s. 2; 1891 c. 360 s. 3; Stats. 1898 s. 1334*]

Judgment; execution. SECTION 1335. If the jury find that any such encroachment has been made the occupant shall pay the costs of such inquiry, and the justice shall tax the costs thereof, including jurors,' witnesses,' and constables' fees and the expense of viewing the premises, if a view has been had, and enter a judgment in his docket in favor of the town and against the occupant of the land; and if such judgment shall not be paid in ten days after it is entered the justice shall issue an execution for its collection, which may be directed to any constable of the county, commanding him to levy such costs and his fees thereon of the goods and chattels of such delinquent and make return thereof to such justice within thirty days from its date; the justice, constable, jurors and witnesses shall be entitled to the same compensation as for other similar services before justices of the peace. [*1869 c. 152 s. 107; R. S. 1878 s. 1335; Ann. Stats. 1889 s. 1335; 1891 c. 360 s. 4; Stats. 1898 s. 1335*]

Costs against town; appeal. SECTION 1336. If the jury find that no encroachment has been made they shall so certify and shall also ascertain and certify the damages which the occupant shall have sustained by such proceedings; which damages, together with the costs of the proceedings, shall be paid by the supervisors, and shall be a charge in their favor against the town in which they shall have been elected. Either party to such proceeding may appeal to the circuit court of the proper county from the verdict or determination of the jury, and the matters therein shall be tried as an original action brought in said court. Such appeal shall be made in the manner and within the time now fixed by law for making appeals from judgments of justices of the peace. [*1869 c. 152 s. 108; R. S. 1878 s. 1336; 1883 c. 31; Ann. Stats. 1889 s. 1336; Stats. 1898 s. 1336*]

Removal when not required to be made. SECTION 1337. No person shall be required to remove any fence under the above provisions when the land inclosed or partly inclosed by such fence is in annual crop (emblement), unless the same shall have been made within three months next before the making of the order for the removal thereof. The provisions of this section shall not apply to cities and incorporated villages. [*1869 c. 152 s. 106; R. S. 1878 s. 1337; Ann. Stats. 1889 s. 1337; 1893 c. 183; Stats. 1898 s. 1337; 1901 c. 218 s. 1; Supl. 1906 s. 1337; 1907 c. 118; 1919 c. 343*]

DEFECTIVE HIGHWAYS.

Refusal of town to repair. SECTION 1338. 1. If any town, or towns in case of a town line highway, whether wholly within one county or upon the line between two or more counties, either by its or their proper officers, or by a majority vote of its or their electors, pursuant to section 1291 of the statutes, or otherwise, voting on such question, shall refuse,

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fail or neglect to open and put in reasonable condition for travel a highway, within one year from the date when the same has been laid out, or refuse, fail or neglect to repair any public highway or build or repair any bridge thereon, in such town or towns, any fifteen freeholders, whether residents or not of such town or towns, may appeal from such decision refusal, failure or neglect to the county board of the county in which such highway or bridge is wholly situated, by notice in writing served on the chairman or chairmen of such town or towns. For the purpose of this act all highways and bridges on town lines, which shall have been apportioned between said towns for the purpose of maintenance, such apportioned part of such highway or highways and bridges thereon, shall be considered as wholly within the county wherein the town to which such part of said highway or bridge so apportioned, is situated; provided, that in case of town line highways, and bridges thereon, which are also upon lines between two or more counties and which said highways or bridges have not been apportioned between such towns for the purpose of maintenance, then such appeal may be made to the county board of either or any county, bounded in whole or in part by such highway. When an appeal is taken as hereinbefore provided for, the county board shall, at the next regular meeting thereafter, either by a majority of its members or by a committee of not less than three, examine such highway or bridge, and if after such examination they shall determine that it ought to be opened and put in reasonable condition for travel or ought to be repaired, the said county board shall thereupon appropriate therefor sufficient funds to defray the estimated cost of opening or repairing such highway or building or repairing such bridge, and the chairman of such county board shall cause the said highway to be opened and put in reasonable condition for travel or cause such bridge to be repaired or built, and keep an accurate account of the expense thereof, and such expense when audited and allowed by the county board shall be charged to such town or towns and added to the next county tax apportioned thereto and collected therewith.

2. Provided, however, in case such highway is laid out in accordance with a decision of commissioners reversing the decision of supervisors on appeal as provided by sections 1276 to 1282, inclusive, of the statutes, then in case appeal is taken as hereinbefore provided for, the county board shall at the next regular meeting thereafter appropriate sufficient funds to defray the estimated costs and expense, of opening and putting such highway in reasonable condition for travel, and the chairman of said county board shall immediately after said meeting cause such highway to be opened and put in reasonable condition for travel, or cause the same to be repaired, keep an accurate account of the expense thereof; and such expense when audited and allowed by the county board, shall be charged to such town, or towns, in such amounts and in such proportion as said county board shall determine and added to the next county tax apportioned thereto and collected therewith. Provided, further, that no highway which shall have been laid out in accordance with a final decision of commissioners, as provided in sections 1276 to 1282, inclusive, or for which appeal for the opening thereof has been taken to the county board, as provided in this section, shall be discontinued by any town or towns prior to the time said highway is actually opened for public travel.

3. Provided, however, in case of town line highways, and bridges thereon, which are also upon the line between two or more counties, and which highways and bridges have not yet been apportioned between the adjoining towns for the purpose of maintenance, and where an appeal may be taken to the county board of either or any of the counties bounded in whole or by said highway or highways as hereinbefore provided, the expense incurred in opening and putting in reasonable condition for travel any such highway, or in repairing same, or in building or repairing any bridge thereon, shall be paid primarily by the county to which the appeal is taken, and by said county apportioned among all of the counties which are bounded in whole or in part by such highway, and the proportionate share of such costs and expense shall be paid by the other adjoining county or counties to the county to which the appeal is taken, upon presentation of a proper claim therefor by the latter, and when such expense shall have been paid in the manner aforesaid by the counties liable therefor same shall be charged by the respective counties to their proper town or towns and added to the next county tax apportioned to such town or towns and collected therewith. [*1873 c. 224; R. S. 1878 s. 1338; Ann. Stats. 1889 s. 1338; 1895 c. 284; Stats. 1898 s. 1338; 1911 c. 531; 1913 c. 766; 1915 c. 83*]

Damages caused by defects. SECTION 1339. If any damage shall happen to any person, his team, carriage or other property by reason of the insufficiency or want of repairs of any bridge, sluiceway or road in any town, city or village, the person sustaining such damage shall have a right to sue for and recover the same against any such town, city or village, provided, however, that no action shall be maintained by a husband on account of injuries received by the wife, or by a parent on account of injuries

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received by a minor child; but if such damage shall happen by reason of the insufficiency or want of repairs of a bridge, sluiceway or road which any county shall have adopted as a county road and is by law bound to keep in repair, such county shall be liable therefor and the claim for damages shall be against the county. If such damages shall happen by reason of the insufficiency or want of repairs of a bridge erected or maintained at the expense of two or more towns the action shall be brought against all the towns liable for the repair of the same and upon recovery of judgment the damages and costs shall be paid by such towns in the proportion in which they are liable for such repairs; and the court may in its discretion direct the judgment to be collected from or issue execution against each town for its proportion only. No such action shall be maintained against any county, town, city or village unless within thirty days in the case of any county, town or village, and fifteen days in the case of any city, after the happening of the event causing such damage, notice in writing signed by the party, his agent or attorney shall be given to the county clerk of the county, a supervisor of the town, one of the trustees of the village or mayor or city clerk of the city against which damages are claimed, stating the place where such damage occurred, and describing generally the insufficiency or want of repair which occasioned it and that satisfaction therefor is claimed of such county, town, city or village. No notice given hereunder shall be deemed insufficient or invalid solely because of any inaccuracy or failure therein in stating the time, describing the place or the insufficiency or want of repairs which caused the damage for which satisfaction is claimed, provided it shall appear that there was no intention on the part of the person giving such notice to mislead the other party and that such party was not in fact misled thereby; and provided further, that the amount recoverable by any person for any damage or injury so sustained shall in no case exceed five thousand dollars. No action shall be maintained to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless such accumulation shall have existed for three weeks. [*R. S. 1849 c. 16 s. 103; R. S. 1858 c. 19 s. 120; 1869 c. 152 s. 120; 1872 c. 46; 1875 c. 86; R. S. 1878 s. 1339; 1885 c. 454; Ann. Stats. 1889 s. 1339, 1339a; 1893 c. 85; 1897 c. 236; Stats. 1898 s. 1339; 1899 c. 305 s. 1; Supl. 1906 s. 1339; 1907 c. 118; 1913 c. 142*]

Officers, when liable. SECTION 1340. If any such bridge, sluiceway or road, at the time of the occurrence of such damage, shall have been insufficient or out of repair in consequence of the neglect or default of the superintendent of highways of the town or district in which the same is situated or in consequence of the neglect or default of any commissioner appointed by the county board, then the town or county against which any judgment shall have been recovered by reason of such defect may recover the amount of such judgment against any such overseer [superintendent] or commissioner. [*1869 c. 152 s. 121; R. S. 1878 s. 1340; Ann. Stats. 1889 s. 1340; Stats. 1898 s. 1340*]

Liability of wrongdoer; parties; pleading. SECTION 1340*a*. Whenever any damage shall happen to any person or property in any town, city, village or county by reason of any defect in any highway, street, alley or other public ground, or from any other cause for which any such corporation would be liable, and such damage shall be caused or produced by, or arise from, the wrong, default or negligence thereof and of any person or private corporation, such person or private corporation responsible for such wrong, default or negligence shall be primarily liable therefor; but such town, city, village or county may be sued in the same action with the person or private corporation so primarily liable, and the complaint may allege such primary liability. If the town, city, village or county shall deny the allegation concerning its primary liability and show upon whom such liability rests the court shall enter judgment for the amount plaintiff is entitled to against all the defendants shown by the verdict or finding to be liable for such damage; but judgment against the town, city, village or county shall not be enforceable until execution has been issued against the parties found to be primarily liable and returned unsatisfied in whole or in part; on such return being made the town, city, village or county made a defendant in such action shall be bound by the judgment therein to pay whatever amount is unpaid thereon, which amount shall be collected in the same way that other judgments against such corporation are collected. In any action brought against any town, city, village or county to recover such damages in which it shall be alleged in the answer that the defendant is not primarily liable and that some person or private corporation is so liable and such person or corporation is not made a party, the plaintiff may amend his complaint as provided in section 2834, and if any such action shall be brought against any person or private corporation, such town, city, village or county not being made a party, the plaintiff

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may amend his complaint in like manner by making the proper corporation a party. [*1889 c. 471 s. 1, 2; Ann. Stats. 1889 s. 1339b, 1339c; Stats. 1898 s. 1340a*]

MISCELLANEOUS.

Trees, ownership of. SECTION 1341. All trees standing or lying on any land over which any highway shall be laid out shall be for the proper use of the owner of such land or person otherwise entitled thereto, except such of them as may be requisite to make or repair the highways or bridges on the same land or within one mile of the same; but no trees reserved for shade or ornament shall be used for such purpose. [*1869 c. 152 s. 122; R. S. 1878 s. 1341; Ann. Stats. 1889 s. 1341; Stats. 1898 s. 1341*]

Injuring shade trees. SECTION 1342. Any person owning or occupying land adjoining any highway may plant or set out trees on each side of said highway contiguous to his land, which trees shall not be set in the highway more than ten feet from the margin thereof, and if any person shall cut down, injure or destroy any tree that may have been or shall be so planted or set out or which shall have been left on the side of such highway for shade he shall be liable to treble damages to the owner or occupant of such adjoining lands. [*1869 c. 152 s. 132; R. S. 1878 s. 1342; Ann. Stats. 1889 s. 1342; Stats. 1898 s. 1342*]

Hedges and protection fences. SECTION 1343. Whenever any owner or occupant of any land, bordering upon any highway excepting a street or alley in a city or village, through which any highway passes may wish to plant and cultivate any hedge or live fence along the margin of his lands it shall be lawful for any such person to set or plant any such hedge or live fence precisely on the line of such highway and also to place on the margin of such highway a protection fence, not to occupy more than six feet of the margin or edge of such highway, and such protection fence, when placed opposite any hedge or live fence actually set or planted, shall be permitted by the superintendent of highways and all other persons to remain for the term of seven years; provided, that the supervisors may grant permission in writing to the owner of any hedge or live fence to continue such protection fence any term of time they may deem necessary. [*1869 c. 152 s. 127; R. S. 1878 s. 1343; Ann. Stats. 1889 s. 1343; Stats. 1898 s. 1343*]

Shade trees along highways; bounties for planting and cultivating. SECTION 1344. Every person along or through whose lands any highway may pass may plant and cultivate on one or both sides thereof, where he shall own land, trees of such varieties as commonly grow at least forty feet in height, set two rods or less apart in a row within eight feet of the outer line of the highway, and when such trees shall reach twelve feet in height the superintendent of highways shall, if the same be growing thriftily, give such owner, on his request, a certificate that he accepts such trees as public shade trees. Thereafter such trees shall be public shade trees and be protected as public property, but the title thereto and to their fruit shall remain in the owner; and such owner, so long as he shall maintain such trees, replacing such as die, shall receive an annual bounty of three cents for each rod of highway along which such trees are planted on one side and six cents if on both sides, to be credited upon his highway taxes. For the protection of such trees while growing such owner may, by leave of the superintendent, inclose the same by a fence. [*1868 c. 87 s. 1, 2; R. S. 1878 s. 1344; Ann. Stats. 1889 s. 1344; Stats. 1898 s. 1344; 1907 c. 18*]

Mutilation of shade trees. SECTION 1344*m*. 1. It shall be unlawful for any person to injure, mutilate, cut down or destroy any shade tree growing on or within any street or highway in any incorporated village in this state, unless express permission so to do be first granted by the board of trustees of such village.

2. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment for not less than ten nor more than thirty days. [*1911 c. 459; Stats. 1917 s. 904m; 1919 c. 691 s. 62*]

Shade trees in Milwaukee. SECTION 1344*n*. The village board of any village in any county having a population of one hundred fifty thousand or more may direct, regulate and require the planting and preserving of shade trees and shrubs and the caring for the same in and along the public streets and on the public grounds of said village. It may also order shade trees to be set out and cared for along any street or portion thereof at the cost of the property fronting on such street; notice requiring said work to be done shall first be given, and upon the refusal of such owner to do such work, the village board may then cause the same to be done as herein provided, and may levy a tax for the whole or any part of the cost thereof upon the respective pieces of property adjoining said por-

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tion of said street, and every tax shall be entered by the clerk and collected, in the manner prescribed in section 61.42 subsections (2) and (3) of the statutes. [*1917 c. 142; Stats. 1917 s. 904n; 1919 c. 691 s. 62*]

Injuring trees. SECTION 1345. Every person who shall cut down, break, girdle, bruise or mar the bark or in any other manner injure any public or private shade tree growing on the side of or in any highway, or allow any animal under his control to do any injury to any such tree, or hitch any horse or other animal thereto shall pay five dollars damages for every such act, to be collected by the superintendent of highways for the benefit of the highway fund, and such person shall be further liable to the owner of the land in treble damages. Every officer having any charge of a highway who shall cut down, destroy or damage any such shade tree shall forfeit twenty-five dollars, one-half to the use of the person prosecuting therefor. [*1868 c. 87 s. 3; R. S. 1878 s. 1345; Ann. Stats. 1889 s. 1345; Stats. 1898 s. 1345*]

Tunnel under highway. SECTION 1346. Any person owning land lying on both sides of any highway is hereby authorized to construct a tunnel under such highway, also the necessary fences for the passage of stock, and other purposes, to and through the same, in such manner as will not interfere with or endanger travel on such highway. All such tunnels shall not be less than twenty-five feet in length and shall be maintained by the person constructing the same, and the owner of such property shall be liable for all damages which may be occasioned by reason of the failure to keep the same in repair; provided, that the electors of any town at an annual town meeting may by vote authorize the construction of any designated tunnel therein of the length of not less than sixteen feet. The chairman of every town shall see that all tunnels in his town are made in accordance with the provisions of this section and that they are kept in good repair. [*1869 c. 59 s. 1, 2; R. S. 1878 s. 1346; Ann. Stats. 1889 s. 1346; 1891 c. 49; Stats. 1898 s. 1346*]

Sidewalks; damages and repairs. SECTION 1346*a*. Any person residing in any town may build and construct sidewalks along the line of any street or highway, of any suitable material, not exceeding eight feet wide, upon premises owned or occupied by him, and keep the same in repair; and any person who shall pile timber, wood, posts or lumber, or lead or drive any team or animal, or place any offal upon, or otherwise obstruct the travel on any sidewalk built as aforesaid or otherwise, or wilfully injure the same shall be liable to a fine of two dollars for every such offense, and shall also be liable to the owner thereof for all damages. Whenever the public convenience or safety requires any such sidewalk to be repaired, the board of supervisors shall give written notice to the parties owning the property in front of which such sidewalk is laid, if known and residing in said town, and if unknown or not residents thereof, shall post written notices in three or more public places in said town requiring such repairs to be made, and also prescribing that unless such sidewalk therein specified be repaired, to the satisfaction of such board within three days thereafter, they will repair the same at the expense of the property; and if the same be not in such time repaired, the board shall repair it and certify to the town clerk the cost of the repairs, together with a description of the property in front of which the repairs are made, and said town clerk shall add such cost to the next tax roll, opposite to the description of property returned, and the said cost shall be collected as other taxes. [*R. S. 1878 s. 1346a; Ann. Stats. 1889 s. 1346a; 1897 c. 13; Stats. 1898 s. 1346a; 1901 c. 278 s. 1; Supl. 1906 s. 1346a; 1907 c. 118*]

Public walk to station or wharf. SECTION 1346*b*. If any sidewalk be built in a town in front of farming property to connect a village with a railroad station or wharf, such sidewalk shall be maintained and kept in repair by the town board, and the board is hereby authorized to assess the expense thereof as a part of the highway tax in their town. [*1901 c. 278 s. 2; Supl. 1906 s. 1346b; 1907 c. 118*]

Substitution of cinder walks. SECTION 1346*c*. In any town situated in any county having a population of three hundred thousand or over, whenever public convenience or safety requires that any sidewalk in such town, whether constructed of wood, cinders, concrete, brick, stone or of any other material whatsoever, be repaired, the same may be rebuilt and the defective sidewalk removed and replaced with cinder sidewalk, in lieu of other material, at the option of such town board of supervisors. In exercising the powers herein conferred the supervisors shall follow the procedure established by section 1346*a*, as to notice, the making of repairs, the certifying to the town clerk of the cost thereof, and the adding of such cost by such town clerk to the next tax roll, opposite to the description of property returned. Such cost shall be collected as other taxes. [*1917 c. 149*]

Application of chapter. SECTION 1347. The provisions of this chapter shall extend to all parts of the state except where special provisions inconsistent therewith have

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been or shall be made by law in relation to particular counties, towns, cities or villages. [*1869 c. 152 s. 126; R. S. 1878 s. 1347; Ann. Stats. 1889 s. 1347; Stats. 1898 s. 1347*]

Water for public use; credit on tax. SECTION 1347*a*. 1. Any owner or occupant of real estate bordering on a public traveled highway who shall establish and maintain thereon, adjacent to such highway and easily accessible, a sufficient supply of good drinking water for the public use in a tank or trough at least six feet in length and not less than twelve inches in width, which shall be securely placed at least one and one-half feet above the surface of the highway, shall receive each year from the supervisors of the town in which such watering place is maintained a certificate setting forth the fact that such tank or trough and water supply has been maintained, which shall entitle him to a credit of five dollars for that year on the highway tax for which he is liable by reason of his ownership or occupancy of such real estate; provided, that such watering place shall have been maintained for one year next preceding the time such tax becomes due and that such certificate shall not be issued for any such place established within two miles, by the line of the highway, of a previously established and then existing watering place on account of which a certificate has been issued. Any controversy arising under this section shall be decided by such supervisors, subject to appeal to the county judge.

2. Any town at its annual meeting may determine that no person shall be entitled to any credit upon the highway tax, as herein provided. [*1883 c. 237; 1885 c. 21; Ann. Stats. 1889 s. 1347a; 1891 c. 191; Stats. 1898 s. 1347a; 1913 c. 461*]

Engines upon highways; regulations; damages. SECTION 1347*b*. 1. The owner or owners of any steam engine, or any person who propels or causes such an engine to be propelled or otherwise moved or used along or upon any public highway in any town shall be liable for all damages that may be caused thereby to such highway, or any sluiceway, culvert or bridge thereon, or to any person or corporation by reason of the propelling or otherwise moving or using the same upon any such highway in the following cases:

(1) When such engine with its equipments and attachments and whatever it may be moving upon the highway shall weigh more than ten tons exclusive of the animals by which it is moved, if it is so moved.

(2) When any such engine shall be set up or used within the limits of any such highway, for any other purpose than to be propelled or otherwise moved along or upon it.

(3) When any such engine shall be left unattended within the limits of any such highway.

(4) When any such engine shall be in such highway, whether standing or moving and the person in charge shall not signal and stop it when it is approached within fifteen rods in either direction by any team or any person riding or driving any animal, and desiring to pass such engine, or when the person or persons in charge of such engine shall neglect or refuse to render all proper assistance within their power to enable such team or persons to pass in safety.

(5) When the person in charge of any steam engine shall neglect to span any bridge or culvert, before crossing the same, with hardwood planks, at least two inches thick and twelve inches wide, or other sound planks of like width, at least three inches thick, so that the engine wheels shall rest thereon in crossing such bridge or culvert.

2. The amount recovered by any town under the provisions of this section, shall, when collected, be credited to the town highway fund.

3. Any person in charge of any steam engine having mud lugs on the drive wheels thereof, who shall neglect to span any bridge or culvert before crossing the same with planks of the kind and in the manner as provided in paragraph 5 of subsection 1 of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than five nor more than twenty-five dollars or by imprisonment in the county jail not exceeding twenty days. [*1885 c. 175; 1889 c. 509; Ann. Stats. 1889 s. 1347b; 1891 c. 367; Stats. 1898 s. 1347b; 1899 c. 197 s. 1; 1903 c. 424 s. 1; Supl. 1906 s. 1347b; 1907 c. 118; 1909 c. 255*]

SECTION 1347*b*—1. [*Stats. 1913 s. 1347b—1; repealed by 1915 c. 257*]

Width of sleighs. SECTION 1347*b*—1. 1. On and after the first day of January, 1919, it shall be unlawful for any person, firm, or corporation in this state to sell any new or first hand draft sleigh, No. 5 and upwards, manufactured after said date, to any person or persons residing in this state for use herein, unless the runners of such sleigh shall measure from center to center four feet and six inches. And on and after such date it shall be unlawful for any person or persons to use upon any of the public highways of this state any such sleigh, purchased at first hand after said first day of January, 1919, unless the runners shall measure from center to center four feet and six inches.

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2. Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars. [*1917 c. 605*]

Use of water. SECTION 1347*c*. The general public shall have the right to use and take water from any spring, creek or running water that may be found running in or across the limits of any public highway, provided that this section shall not interfere with the tunneling or piping of water for the purpose of draining or improving lands on either side of such highway. [*1897 c. 224 s. 1; Stats. 1898 s. 1347c*]

SECTION 1347*m*. [*Repealed by 1909 c. 101*]

Drag roads. SECTION 1347*n*. 1. The town board of each town shall designate such highways as in their judgment, by reason of amount of travel and grade conditions, should be known as drag roads, and shall divide the same into sections as will best carry out the purposes and provisions of this section. The town board shall cause such roads to be dragged when the conditions of such highway require such work and shall provide an earth road drag for each section, which shall be not less than seven feet in length.

2. The town board shall appoint a dragman for each section whose duty it shall be to drag such highway under the directions of the town board, or may contract to have any section dragged and may pay such compensation for such work as such board may deem proper. In either case preference shall be given to residents on land abutting such sections. The town board may remove a dragman on any section from his position for failure to properly perform his duty and may make another appointment for such section at any time.

3. The supervisors of each town shall, when they assess the highway tax in their respective towns, levy a sufficient tax to carry out the provisions of this section.

4. It shall be unlawful for any person or persons to place loose earth, weeds, sods, or other matter on the portion of a road which has been dragged and so maintained in good condition, or to place any material in such a manner as to interfere with the free flow of water from the dragged portion of the road to the side gutters or ditches; provided that this restriction shall not apply to deposits of earth or other material that may be made by the authority of the proper road officials, if necessary, for filling or raising the elevation of a given section of road or other necessary construction work. [*1909 c. 284; 1915 c. 62; 1917 c. 198 s. 2*]

SECTION 1347*t*. [*1907 c. 552 s. 8; repealed by 1911 c. 337*]

Bequests and donations for highways. SECTION 1347*t*. Any town, city or village to which is or has been bequeathed or donated money or other property for the construction of a proposed highway or the improvement of an existing highway, either or both of the terminals or any part of which highway are outside the limits of such town, city or village, may accept such bequest or donation, and with the consent of the councils of the cities, the boards of the towns and villages and the boards or other bodies in control of any state lands, through or into which such proposed highway may be constructed or such existing highway may be improved, which permission said councils and boards are hereby authorized to grant, may enter such towns, cities, villages, and state land, and may do all other things necessary for the purpose of carrying out the terms and conditions of such bequest or donation. [*1917 c. 334, 579*]

Mill tax for highway aid to adjoining municipalities. SECTION 1347*u*. Any city, of the fourth class, however organized, may appropriate a sum not to exceed one-fourth of one mill on each dollar of the assessed valuation of such city, according to the last preceding assessment therein, for the purpose of aiding any adjoining town, city or village in the construction or improvement of any highway or part thereof in accordance with the terms and conditions of any bequest or donation to such adjoining town, city or village, and any part of such moneys so appropriated may be expended within or without the corporate limits of such city. [*1917 c. 579 s. 2; Stats. 1919 s. 959—131; 1921 c. 422 s. 33*]

SECTION 1348. [*Renumbered section 30.09 by 1919 c. 247 s. 13*]
SECTION 1349. [*Renumbered section 30.10 by 1919 c. 247 s. 14*]
SECTION 1350. [*Renumbered section 30.11 by 1919 c. 247 s. 15*]
SECTION 1351. [*Renumbered section 30.12 by 1919 c. 247 s. 16*]
SECTION 1352. [*Renumbered section 30.13 by 1919 c. 247 s. 17*]
SECTION 1353. [*Renumbered section 30.14 by 1919 c. 247 s. 18*]
SECTION 1354. [*Renumbered section 30.15 by 1919 c. 247 s. 19*]
SECTION 1355. [*Renumbered section 30.16 by 1919 c. 247 s. 20*]
SECTION 1356. [*Renumbered section 30.17 by 1919 c. 247 s. 21*]
SECTION 1357. [*Renumbered section 30.18 by 1919 c. 247 s. 22*]
SECTION 1358. [*Repealed by 1919 c. 247 s. 23*]
SECTION 1359. [*Repealed by 1919 c. 446 s. 1*]

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SECTION 1359*a*. [*Repealed by 1913 c. 579*]
SECTION 1360. [*Repealed by 1919 c. 446 s. 1*]
SECTION 1361. [*Repealed by 1919 c. 446 s. 1*]
SECTION 1362. [*Repealed by 1919 c. 446 s. 1*]
SECTION 1362*a*. [*Repealed by 1913 c. 579*]
SECTION 1363. [*Repealed by 1919 c. 446 s. 1*]
SECTION 1363*n*. [*Repealed by 1913 c. 579*]
SECTIONS 1364 to 1368, inclusive. [*Repealed by 1919 c. 446 s. 1*]

CHAPTER 76*aa*.

DRAINS.

FARM DRAINAGE LAW.

Farm drainage law. SECTION 1368—1. Sections 1368—1 to 1368—30, both inclusive, of the statutes, and all subsequent amendments thereto, shall be known as the "Farm Drainage Law." [*1919 c. 446 s. 2*]

Definitions. SECTION 1368—2. Whenever used in the farm drainage law the following terms and expressions shall mean unless otherwise indicated:

1. "Benefits" shall include all pecuniary advantages accruing to lands and corporations from the construction of the proposed drains.

2. "Board" or "drainage board" means the board and the members thereof created and appointed under section 1368—4 of the statutes.

3. "Chief engineer" means the chief engineer of the state of Wisconsin.

4. "Cost of construction" shall include damages to lands and corporations both within and without a "drainage," the necessary reasonable fees and expenses of the board, the cost of surveying, a reasonable attorney's fees for petitioners and the board and all other reasonable necessary expenses incurred in the organization of and in the construction and completion of the work included within such "drainage."

5. "Corporation" means all private and public corporations including drainage districts, farm "drainages" and all other drainage corporations.

6. "County treasurer" means the treasurer of the county in which is located the county court having jurisdiction of any "drainage."

7. "Court" or "county court" means the court of the county in which the "drainage" is located or the court having jurisdiction of the proceedings in any "drainage" located in more than one county.

8. "Drainage," when appearing in quotation marks, shall refer to the lands or districts sought to be organized or included and lands organized and included in a drainage project.

9. "Judge" or "county judge" shall refer to the judge, or the person sitting for the judge, of the county court having jurisdiction of the proceedings of any "drainage."

10. "Land" or "lands" means lands, easements, and servitudes.

11. "Mortgagee" shall include every person holding a mortgage or an assignment of a mortgage against lands within a "drainage" whose name and post-office address is known to the board or whose mortgage or assignment is legally recorded and contains the post-office address of such mortgagee or assignee.

12. "Drain" shall mean an open ditch, a pipe line tile, levee, pump or other device for the drainage of water from land or the protection of land from water. [*1919 c. 446 s. 2*]

Proceeding before county court. SECTION 1368—3. 1. Orders fixing the time and place of hearing on all petitions and reports filed in the county court shall be made either by the court or the presiding judge or the person sitting in his place.

2. All notices required to be given under the farm drainage law, unless otherwise therein specifically provided, shall be given by posting a written notice in three public places on or in the immediate vicinity of the lands proposed to be draned at least ten days before the time fixed for hearing.

3. Service of any notice in the manner required by sections 2636 and 2637 of the statutes, on all owners and mortgagees of lands proposed to be drained or crossed by the drains to be constructed, at least ten days before such hearing shall be sufficient notice.

4. Failure to post or serve notice as provided by subsections 2 and 3 of this section or to announce any adjournment shall not defeat the jurisdiction either of the court or of the

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drainage board. If failure to give legal notice to any person entitled thereto be discovered before an order or judgment is entered, the court shall adjourn the hearing and direct the giving of proper notice. If failure to give such legal notice be discovered after an order or judgment is entered, the court may order the person not served with notice to show cause before such court why he should not be bound by the order or judgment already entered.

5. Notice of lis pendens shall be filed in the office of the register of deeds of the county in which are located any lands affected by any drainage proceedings under the farm drainage law but failure to file such notice shall not affect the jurisdiction of the court or board.

6. Any petition, proof of service, report, order, judgment, or other paper filed or entered under the farm drainage law may be amended, modified, or corrected at any time, either before, at, or after hearing thereon but no amendment, modification or correction of any order or judgment shall be made after the issue of money obligations based thereon that will render the same more difficult of collection.

7. In case the county judge is interested in any "drainage" or is otherwise disqualified to act in any hearing, he shall call in to act in his stead in such hearing some other county judge or a circuit judge or a court commissioner of his county, not disqualified.

8. All objections or remonstrances made to the jurisdiction of the court or to the sufficiency or legality of any petition, report, or assessment or to the equity of any assessment or to any award of damages shall be in writing and filed in court and shall set forth clearly and in detail such objections. For satisfactory cause the court may adjourn any hearing for a period of not to exceed one month at any one adjournment.

9. Several petitions may be filed in any proceeding and additional signers may be added to the petition with like force and effect as if they had signed the original petition or petitions at any time before the sufficiency of the signers of the petition or petitions has been adjudicated.

10. The adjournment of any meeting or hearing beyond the time or failure to act within the time provided in the farm drainage law shall not affect the jurisdiction of either the county court or the drainage board.

11. Failure to act at or adjourn any hearing shall not affect the jurisdiction of the court but a subsequent hearing shall be had and notice of time and place thereof shall be given. [*1919 c. 446 s. 2*]

Appointment of farm drainage board; qualification of members; term. SECTION 1368—4. Upon the filing of the first petition for drainage under the provisions of the farm drainage law, the county court shall appoint in writing a farm drainage board which shall be constituted and have the powers and duties and receive the compensation herein provided for, as follows:

1. Such board shall consist of three competent suitable persons, residents of such county, one of whom shall preferably be an experienced farmer and familiar with drainage and one shall be to some extent familiar with drainage engineering, if such person be available.

2. At the time of their first appointment one member shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. Upon the expiration of their several terms of office the county court shall appoint a successor, whose term of office shall be for three years and until a successor is appointed and qualified. The county court may remove any member of the board for cause after notice given and may fill any vacancy.

3. Each member of the board shall take and file the official oath.

4. Ownership of or interest in lands sought to be drained shall not disqualify any person from acting as a member of such board, but the county court may in its discretion appoint a suitable person in his place to act as the third member of such board with reference to the particular "drainage" in which such member is interested.

5. A majority of such board shall constitute a quorum to do business and in the absence of two members one member may adjourn any meeting and make announcement thereof.

6. Such board, when all of its members shall have been duly sworn and qualified, shall be a permanent body corporate and shall have charge of all drains hereafter constructed under the farm drainage law and that have been heretofore constructed in attempted compliance with statutory enactment, except drainage district drains and except that drains now in process of construction under the existing town drain statutes, may be completed thereunder.

7. Such board shall organize by electing one of its members president and another of its members secretary.

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8. The secretary shall keep a separate record of all proceedings and accurate minutes of all hearings held in each "drainage."

9. Each member of the board shall keep an accurate statement of his necessary expenses and of the services rendered by him together with the dates thereof.

10. Each member of the board shall receive as compensation for his actual necessary services five dollars per day of eight hours and proportionately for fractions of days for actual time spent in rendition of services and his actual reasonable expenses. Such compensation and expenses shall be filed in the county court as a bill and when allowed by that court shall be paid by the county treasurer out of any moneys in his hands belonging to such "drainage."

11. The board may borrow money in the name of a proposed "drainage" to defray the expenses of organization. [*1919 c. 446 s. 2; 1919 c. 671 s. 22*]

Who may petition; what must be alleged. SECTION 1368—5. 1. Whenever lands will be improved and the public health or public welfare will be promoted by drainage the owner or owners of a majority of such lands or a majority of the owners owning one-third in area of such lands or a majority of the county board in which such lands are situated or a majority of the town board or boards of supervisors of the town or towns in which such lands are situated, may file in the county court a petition or petitions setting forth:

(a) A description of such lands and that same will be improved by drainage.

(b) That the public health or public welfare will be promoted by such drainage.

(c) A map or sketch of the area sought to be drained with the proposed drains shown thereon.

(d) That the benefits arising from such drainage will exceed the cost of construction.

(e) A proposed name or number for such "drainage."

(f) A prayer for such "drainage."

(g) Such petition need not be verified and in place of the foregoing paragraph (d) a petitioner or petitioners may file with the petition a written agreement that such petitioner or petitioners will pay such portion of the cost of construction as exceeds the benefits to all lands and corporations resulting from the construction of the proposed work.

2. Upon filing such petition the court or judge thereof shall by order refer the same to and direct the board to report thereon. [*1919 c. 446 s. 2*]

Board and an engineer to examine lands; notice of same; report. SECTION 1368—6. 1. So soon as the petition shall be referred to the board, the board shall with the aid of an engineer examine the lands described in the petition and all other lands that the board believes will be benefited or damaged by the proposed work and shall consider whether the drains as proposed in the petition are satisfactory.

2. The board shall fix a time and place of hearing on such petition which place shall be on or conveniently near the lands described in the petition.

3. At least ten days' notice of the time and place of such hearing describing the lands described in the petition shall be given to all interested parties by serving a copy of such notice on each head of family residing on any of the lands described in the petition or by leaving a copy at his residence with a member of his household to whom the contents shall be explained or in the absence of such resident by posting the same upon or at the front door of such residence and by posting the same in three public places on or near the lands described in the petition.

4. Such notice may be in substantially the following form:

"Notice is hereby given that the drainage board of .... county will meet on the .... day of ...., 19.., at .... o'clock, .. M. at the (here describe the place of meeting) to consider the petition filed in the county court of .... county to drain lands among which are the following: (here describe the lands described in the petition). All persons interested may appear and be heard on the petition.

Dated ....

....
....
....
Drainage Board.

5. Such hearing may be adjourned to such time and place within the county as the board, after consideration thereof with those interested persons present, shall determine convenient. Public announcement shall be made of the time and place of such adjourned hearing but in case of failure to make such announcement notice thereof shall be given as provided in subsection 2 of section 1368—3 of the statutes.

6. At such hearing or adjourned hearing the board shall ascertain the sufficiency of the signers of the petition, shall hear all present that desire to be heard for or against the petition and within thirty days shall report to the court:

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(a) Whether the petition has the required number of signers;

(b) Whether the lands described in the petition will be improved by drainage;

(c) Whether other lands in the vicinity, draining to, from, or through the proposed drains, require drainage and if so describe the same;

(d) Whether such drainage is feasible;

(e) Whether the public health or public welfare will be promoted by the proposed work;

(f) Whether the drains proposed in the petition will best accomplish the drainage prayed for and the area that should be drained. If the proposed drains are not satisfactory the board shall recommend other drains;

(g) Whether the benefits from such work will exceed the cost of construction;

(h) Such other facts as in the opinion of the board will aid the court in its decision upon the report; and may recommend to the court an increase or decrease in the area proposed in the petition to be drained;

(i) The board shall attach to its report proof of the posting and service of notice of hearing on the petition together with a copy of its minutes of such hearing.

7. If the area recommended by the board for drainage exceeds two hundred acres it shall, prior to the hearing on its report, procure and file a report of the chief engineer on (a) The location, design, feasibility and cost of the proposed outlet drains; (b) a general description of the additional drainage necessary to reclaim the land fully for general agricultural purposes, and the probable cost of the same; (c) a general comparison of the benefits in the different parts of the district on the basis of the location and design of the proposed drains, and the physical features of the land to be drained. The report of the chief engineer shall also include a report of the college of agriculture of the University of Wisconsin on (d) quality and character of soils and subsoils; (e) a soil map of the district; (f) the present agricultural value of the lands; (g) the kinds of crops to which such lands will be adapted after drainage. The chief engineer and the college of agriculture shall furnish such reports when requested so to do. Such reports and the report of the commissioners shall be prima facie evidence of the facts therein contained.

8. The chief engineer upon receipt of a request for the report required in the preceding subsection, shall direct the board as to the necessary survey. Upon the completion of the survey the chief engineer shall make his report.

9. Upon the filing of such report together with the report of the chief engineer, if such report be necessary, the court or judge shall fix a time and place of hearing thereon and cause notice of such hearing to be given to the owners of all lands by posting a copy of the order as provided in subsection 2 of section 1368—3 of the statutes; and to all mortgagees by mailing a copy of such order to such mortgagees at their post-office addresses, if known to the board or shown upon the recorded mortgages, at least ten days before such hearing.

10. The order fixing such hearing may be in substantially the following form and a copy of such order may be served as notice of such hearing:

County court for .... county,

In the matter of the .... drainage.

Whereas a report has been filed in this court by the county drainage board recommending the drainage of the following described lands: (here describe the lands reported for drainage).

It is ordered that said report be heard and examined before this court on the .... day of ...., 19.., at .... o'clock .. M. at the (here state the place of hearing) at which time and place all interested persons may appear and be heard. All objections must be in writing and comply with subsection 8 of section 1368—3 of the statutes.

Dated ....

[*1919 c. 446 s. 2*] County Judge.

Hearing on report; findings; costs. SECTION 1368—7. 1. If on such hearing the court shall find (a) That the petition or petitions have sufficient signers, (b) that the lands described in the petition or petitions together with any additional lands recommended by the board for drainage will be improved by the proposed work, (c) that the public health or public welfare will be promoted thereby, and (d) that the benefits from such proposed work will exceed the cost of construction, the court shall make an order organizing such "drainage" and direct the board to proceed with all convenient speed.

2. If the court finds the first three facts above stated but finds that the benefits from such work will not exceed the cost of construction and a petitioner or petitioners shall, within ten days, file with the court a bond with sufficient surety or sureties to be approved by the court conditioned for the payment of the excess of the cost of construction over benefits or shall deposit and leave with such court such sum of money as the court shall

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determine will cover such excess, the court shall organize such "drainage;" otherwise the court shall deny the petition, shall tax the taxable costs of the proceedings and shall assess the same against the petitioners' lands described in the petition pro rata per acre.

3. The court may include in a "drainage" any lands requiring drainage and lying adjacent to the lands described in the petition and shall not lose jurisdiction by reason of bringing in lands not described in the petition. [*1919 c. 446 s. 2*]

Board with an engineer to lay out drains; assess benefits and damages; estimate and distribute cost of construction. SECTION 1368—8. 1. Whenever a "drainage" is organized the board shall with the aid of an engineer (approved by the chief engineer if the area is more than two hundred acres):

(a) Lay out drains of sufficient depth and capacity to adequately drain the lands proposed to be drained and in determining the depth and capacity of such drains the board shall consider whether other lands lie above and drain in the direction of, through, and along the general course of the proposed drains;

(b) Assess the benefits that will accrue to each parcel of land and corporation benefited, and in assessing the benefits to farm lands the board shall ascertain and consider the depth, character and quality of the surface and subsoils, the thoroughness of drainage, the difficulty of drainage, the uses to which the land when drained will be adapted and all other material elements entering into the increase in the value of such land resulting from the proposed work;

(c) Award damages to such lands and corporations as will be damaged thereby;

(d) Estimate the cost of construction;

(e) Assess the cost of construction against the benefited lands and corporations in proportion to the benefits received;

(f) Prepare profiles and specify the grades of all drains;

(g) Prepare a map of such "drainage" showing the boundaries thereof and the location of all drains; and

(h) Report the same to the court in writing. If the area is more than two hundred acres such report shall be submitted to the chief engineer who shall return it within ten days with his approval or disapproval.

2. The assessment of benefits and awards of damages shall be in substantially the following form:

Description of land or name of corporation.	Assessed benefits.	Assessed for construction.	Damages.	Net assessment for construction.
Section 6, Town.....	.....	.....	.....	.....
Range ....., SE¼ NE¼.....	$650.00	$425.00	$10.50	$414.50
Lot 1	400.00	200.00	.....	200.00
Village of	2,500.00	1,250.00	666.00	584.00
B. G. & Q. Ry. Co.....	1,000.00	500.00	600.00	.....
Town of	.....	.....	150.00	.....

3. If the damages to any land or corporation shall exceed the assessment for cost of construction levied against such land or corporation, such excess shall be paid out of the assessment for cost of construction levied against all lands and corporations.

4. Upon the filing of such report the court or judge shall fix a time and place of hearing and direct that notice thereof be given by posting and serving a copy of the order in the manner provided by subsection 9 of section 1368—6 of the statutes. [*1919 c. 446 s. 2; 1921 c. 422 s. 44*]

Report confirmed. SECTION 1368—9. At the hearing on the report provided by section 1368—8 of the statutes the court shall hear all objections filed thereto; shall amend and correct the same to conform with the facts proven, and shall confirm the same as amended and corrected, and direct the board to enter into a contract or contracts and to proceed with the work. When the board is required, by the court, to advertise for bids, the advertisement shall be for such time, in such manner, and under such conditions as the court shall direct, and the work shall be let to the lowest responsible bidder unless in the opinion of the board the bid is unreasonably high and a lower bid can be obtained. The board may continue the letting of the work from time to time, and may reject any and all bids. [*1919 c. 446 s. 2; 1921 c. 575*]

Collection of assessments; additional assessments. SECTION 1368—10. 1. All assessments and additional assessments for cost of construction, and all assessments and additional assessments for supplemental cost of construction, when confirmed by the court shall be certified to and recorded in the office of the register of deeds of the county in which the lands assessed therefor are located and shall thereafter be liens on such lands.

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2. All such assessments for construction shall become due and payable at once unless the court shall by order direct that the same may be paid in annual instalments not exceeding fifteen in number.

3. The first instalment shall become due and payable on the first day of September following the date of confirmation thereof and one instalment shall become due and payable, together with all accrued interest, on the first day of September of each succeeding year thereafter.

4. All such assessments shall draw interest from the date of confirmation of the same at the rate of six per cent per annum and such interest and the interest on any unpaid instalments shall be payable annually.

5. In case the original assessment for cost of construction or for supplemental cost of construction shall not be sufficient to complete the work authorized and confirmed by the court, the court may direct the levy of additional assessments of cost of construction apportioned on the benefits previously confirmed by the court; but in no case shall the total assessments for cost of construction including assessments for supplemental cost of construction against any land or corporation exceed the benefits assessed against the same unless a person or persons interested shall agree to pay such excess and shall furnish the court with sufficient security therefor substantially as outlined in subsection 2 of section 1368—7 of the statutes. [*1919 c. 446 s. 2*]

Other lands may be joined to "drainage;" proceedings. SECTION 1368—11. 1. If the original work authorized and confirmed by the court does not sufficiently drain any lands assessed or if the owners of other lands desire to secure to such other lands the benefits of the work installed, any such owner may petition for the construction of the necessary supplemental drains or for the inclusion of his lands within such "drainage."

2. Such petitioner and all other persons whose lands will be directly affected by the work proposed in such petition may in writing waive any or all notices of hearings and may consent to the immediate filing of a report laying out drains, assessing benefits and supplemental benefits and otherwise in substantially the form provided by section 1368—6 of the statutes and to immediate hearing thereon, upon which hearing the court may enter an order confirming the same as provided in section 1368—7 of the statutes.

3. In the event that no waiver or consent is filed by all persons immediately interested the procedure on such petition shall be substantially as outlined in sections 1368—5 to 1368—9, both inclusive, of the statutes. [*1919 c. 446 s. 2*]

Board may borrow money. SECTION 1368—12. Subject to the approval of the judge the board may borrow money at a rate of interest not exceeding six per cent per annum and issue notes or bonds of a "drainage" therefor but such obligations shall become due and payable not later than one year beyond the time fixed for the payment of the assessments on which they are based and shall be a lien on the assessments for cost of construction confirmed by the court except that obligations issued to meet the cost of construction of supplemental work shall be a lien only upon the assessments levied for the purpose of meeting the cost of construction of such supplemental work. [*1919 c. 446 s. 2*]

Secretary to certify assessments. SECTION 1368—13. The secretary shall keep a separate record of all assessments in each "drainage" and shall before the first day of December in each year certify to the clerk of the town, city, or village the amount due from each tract, parcel, and easement of land and corporation located or assessed in such municipality. [*1919 c. 446 s. 2*]

Same, insertion in tax roll. SECTION 1368—14. 1. Each city, town, and village clerk shall insert in the tax roll for each year the amounts of the unpaid assessments and interest thereon due that year against the respective lands and corporations as certified to him by the secretary of the board. Such assessments and interest shall be collected by the treasurer of each respective town, city, and village and if unpaid, returned by him to the county treasurer. Such assessments and interest shall be kept separate from general taxes and if unpaid shall be sold in the same manner as general taxes and a separate certificate of sale shall be issued therefor in substantially the same form as certificates of sale of lands for general taxes. If taxes and drainage assessments against the same lands are sold at the annual tax sale they shall be sold together to the same bidder. After the expiration of three years from the issuing of a drainage assessment certificate a deed substantially in the same form as a tax deed may be issued thereon. No drainage assessment deed shall cut off any unpaid or subsequent drainage assessment or tax nor shall any tax deed cut off any drainage assessment.

2. All drainage assessment certificates shall bear ten per cent interest from date of sale, and the provisions of section 75.20 of the statutes with reference to limitations on actions and issue of deeds on certificates of sale of lands sold for nonpayment of general taxes shall apply to drainage assessment certificates.

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3. In case of failure to certify or collect the unpaid assessments in any one year or if mistakes are made in certifying or collecting assessments the same may be certified, corrected, and collected in any subsequent year. [*1919 c. 446 s. 2*]

Highway law, when to apply. SECTION 1368—15. Whenever a drain is constructed, widened, deepened, or repaired across, or it is necessary to construct, remove, or repair any bridge on, any highway the procedure shall be as provided in, and the cost of such work and the maintenance of such drain shall be borne and apportioned as provided by statute with respect to highways in drainage districts. [*1919 c. 446 s. 2*]

Railway crossing, how effected. SECTION 1368—16. 1. Whenever a drain is constructed, widened, deepened, or repaired across, or whenever it becomes necessary to open the right of way or yards of a railway company for the passage of dredges and machinery, the procedure, the duties and liabilities of both the "drainage" and the railway company shall be as provided by statute in drainage districts with respect to crossings and openings through railway rights of way and yards.

2. Whenever in the construction, cleaning or repairing of any drain it shall be necessary to remove or raise any sluice or pipe carrying water or other fluid, or any wire, conduit or cable used for electricity or for any other purpose for the passage of a dredge or other machinery, the procedure, the duties and liabilities of the "drainage" and the owner of such sluice, pipe, wire, conduit or cable shall be as provided by statute in drainage districts. [*1919 c. 446 s. 2*]

Same; highway crossings. SECTION 1368—17. Any drain across any highway or right of way shall be constructed according to like specifications, and at the same time that the drain above such right of way or highway is constructed. [*1919 c. 446 s. 2*]

County treasurer to be treasurer of "drainage." SECTION 1368—18. Moneys collected for or payable to any "drainage" shall be turned over to or paid to the county treasurer of the county whose court has jurisdiction thereof and such treasurer shall keep a separate account for each separate "drainage" and pay out the funds of such "drainage" only upon the order of the court or upon proper warrants of the drainage board. [*1919 c. 446 s. 2*]

Annual report of board. SECTION 1368—19. 1. On or before the first day of September of each year the board shall file with the county court a separate report on each "drainage" under its supervision. Such report shall set forth:

(a) What repairs will be necessary for the ensuing year;

(b) The probable cost of such repairs;

(c) An estimate of the necessary incidental expense for the coming year;

(d) An assessment for the incidental expense and necessary repairs of the "drainage" proportioned on the confirmed benefits assessed against all lands and corporations.

2. The court shall examine and may amend or modify the report and when the same shall be made satisfactory, the court shall approve the same and the board shall thereupon apportion such assessment against the lands and corporations benefited.

3. The board, on approval of the court, may make necessary repairs and if no money is available or assessed therefor may assess the same in its annual report. [*1919 c. 446 s. 2*]

Drainages may be consolidated. SECTION 1368—20. 1. Two or more "drainages," petitioned for or in process of organization or fully organized, may, upon the petition of interested persons, upon the recommendation of the board, or upon the initiative of the court, be consolidated into one "drainage" upon such terms as may be just; if the court, after hearing had upon notice to all persons interested, shall be of the opinion that such "drainages" will be benefited by such a consolidation.

2. Where a drain, heretofore, or hereafter constructed privately or in attempted compliance with any statutory procedure, except drainage district drains, shall be included in any "drainage" petitioned for or consolidated with any "drainage" organized under the farm drainage law the court may, upon hearing after notice given order it to become a part thereof or consolidated with such "drainage" on such terms as may be just.

3. In case the court shall determine that it is advisable to consolidate "drainages" heretofore organized, or a "drainage" heretofore organized with a "drainage" organized under the farm drainage law, and the records, assessments and boundaries of any such "drainage" heretofore organized are lost or are incomplete, indefinite or unsatisfactory, the court may upon notice direct a reassessment of the lands within or benefited by any such "drainage" and determine the boundaries thereof, following the general procedure outlined in the farm drainage law, so far as the same may be applicable. [*1919 c. 446 s. 2; 1919 c. 702 s. 66*]

Drainage area in more than one county. SECTION 1368—21. 1. Where a drainage area too small to be profitably drained under the drainage district law is in more than one

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county, the petition shall be filed in the court of the county containing the largest acreage proposed for drainage by the petition, and the court and board of the county containing such largest acreage shall organize the "drainage."

2. In cases arising under this section copies of all orders and judgments shall be filed in the county court of each of the other counties in which the proposed "drainage" is located. All moneys collected for such joint drainage in such other counties shall be transmitted to the treasurer of the county wherein the county court has jurisdiction. [*1919 c. 446 s. 2*]

Guardian ad litem for persons under disability. SECTION 1368—22. In case a minor or other incompetent person is interested in any lands lying within a proposed "drainage" the court or judge shall appoint some reputable attorney as guardian ad litem for such incompetent person to represent him upon the organization of the "drainage," the assessment of benefits against and award of damages to his lands. Failure to make such appointment shall not avoid the proceedings but when such failure is discovered a guardian ad litem shall be appointed and an order be served upon such guardian ad litem to show cause why such incompetent be not bound by all prior proceedings therein. On such hearing the court shall enter such order or judgment as the facts warrant. [*1919 c. 446 s. 2*]

Damage to land outside to be paid by "drainage." SECTION 1368—23. A "drainage" shall be liable for such damages as may result to lands outside its boundaries from the work done therein. The word "damages" in this section shall be construed to mean only such damages as could be recovered against a natural person for like injury resulting from like work. [*1919 c. 446 s. 2*]

Assessments apportioned, when. SECTION 1368—24. When a parcel of land assessed as a single tract becomes divided into smaller parcels the board shall apportion the assessment to be collected from each parcel in such manner as shall be equitable. [*1919 c. 446 s. 2*]

Appeals. SECTION 1368—25. 1. The board or any interested person aggrieved may, within thirty days after the entry of an order organizing or refusing to organize a "drainage" or confirming assessments of benefits or awards of damages, appeal therefrom to the circuit court of the same county in which the court entering the order is located. On such appeal all issues, except benefits and damages shall be tried by the court and issues arising with respect to benefits and damages shall be tried by the court unless a jury trial thereon is demanded.

2. Notice of appeal and an undertaking to be approved by the county judge to pay the taxable costs of such appeal must be filed in the county court within thirty days after the date of the entry of the order appealed from.

3. The report and order appealed from, and the records in such proceedings, shall be certified by the county court to the circuit court within ten days after the appeal is taken.

4. The board or any person who shall have been a contestant in circuit court on an appeal from the county court may, within thirty days from the date of entry of any order or judgment of the circuit court on such appeal, appeal therefrom to the supreme court of the state of Wisconsin and the general statutes with reference to appeals from the circuit court to the supreme court shall apply to such appeal. The time for appeal shall run from the time of the entry of the order without notice. [*1919 c. 446 s. 2*]

Board a public corporation. SECTION 1368—26. The board is a public corporation and shall be subject to all rules of law applicable to such organizations. It shall have the power to protect and maintain all drains under its jurisdiction and may report to the court all matters on which it desires advice and when authorized by the court or judge may institute all necessary actions. The court shall at all times have supervision over the board and may at any time require it to report on any matters connected with its duties. [*1919 c. 446 s. 2*]

Who may go upon lands, for what purpose. SECTION 1368—27. Members of the board, the chief engineer, and persons intending to bid on or to whom contracts have been let for the construction of the work within any "drainage" and their respective agents and employes shall have the right to go upon any lands proposed for inclusion or included within any "drainage," provided they do no unnecessary damage to the same, for the purpose of making surveys, inspecting soils, ascertaining the difficulties of the work and all other necessary purposes in organizing a "drainage" and constructing, maintaining, and repairing the drains therein and shall not be guilty of trespass therefor. [*1919 c. 446 s. 2*]

Curative provisions; limitation of actions. SECTION 1368—28. All drains which shall have been heretofore constructed in attempted compliance with any statutory procedure, except drainage district drains or which shall hereafter be constructed under the farm drainage law, and which have been in actual use for a period of three years are hereby declared to be legal drains, and watercourses so far as they have been constructed

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and in actual use and no action shall be brought by any person to nullify or avoid the proceedings taken with reference thereto because of any defect or irregularity in such proceedings after three months from the passage and publication of this act. [*1919 c. 446 s. 2*]

Liberal construction of the law. SECTION 1368—29. The farm drainage law shall be liberally construed to promote the public health, the public welfare, agriculture, horticulture, and mining; and the court shall have an equitable jurisdiction over all proceedings thereunder. [*1919 c. 446 s. 2*]

Other statutes applicable. SECTION 1368—30. Sections 1379—32*b* and 1379—32*c* of the statutes shall apply to all drainages under this act and all proceedings and actions thereunder shall be in the proper county court and such court is hereby given power to act under said sections. [*1919 c. 446 s. 2; 1919 c. 702 s. 67*]

SECTIONS 1369 to 1371*a*. [*Repealed by 1913 c. 579*]

SECTIONS 1372 to 1379—10. [*Repealed by 1919 c. 446 s. 1*]

DRAINAGE DISTRICT LAW.

Name of drainage law. SECTION 1379—10*a*. Sections 1379—10*a* to 1379—40, inclusive, of the statutes shall be known as the "Drainage District Law." [*1919 c. 557 s. 2*]

Terms defined. SECTION 1379—10*b*. Whenever used in the drainage district law, the following terms and expressions shall have the following meanings unless otherwise indicated:

"Commissioner" means a commissioner of a drainage district;

"Court" means the circuit court having jurisdiction of the district;

"Corporation" shall include all corporations, both private and public, counties, towns, cities, villages, other drainage districts and all other drainage corporations;

"Cost of construction" shall include reasonable attorney fees for petitioners and commissioners, damages to lands and corporations both within and without the district, and all expenses, of whatever nature, incurred in the organization of and in the construction and completion of the work of a drainage district;

"District" shall include drainage districts organized under this or any previous drainage district law;

"Drain" shall mean an open ditch or tile, pipe line, levee, pump, or other device for the drainage of water from land or the protection of land from water;

"Land" or "lands" shall include lands, easements and servitudes;

"Mortgagee" shall include every person and corporation whose mortgage or assignment thereof, if there be an assignment, are legally recorded and contain the post-office address of such mortgagee or assignee;

"Net damages" is the difference between the damages awarded to and the assessments for "cost of construction" assessed against any land or corporation, in case the damages awarded to, exceed the assessments for "cost of construction" assessed against, such land or corporation;

"Chief engineer" shall refer to the chief engineer of the state of Wisconsin appointed under section 34.01 of the statutes. [*1919 c. 557 s. 2*]

Proceeding equitable; courts to supervise commissioners. SECTION 1379—10*c*. 1. All proceedings under the drainage district law are equitable in their nature. The court shall at all times have supervision over the commissioners and may require them to report on any matter connected with their duties and after hearing may remove any commissioner from office for neglect of duty, malfeasance in office or other good cause. The court may in any proceeding bring in new parties upon such terms as shall be just with like force and effect as if they were original parties to said proceeding.

2. The court or presiding judge may at any time require commissioners to give new or additional bonds to the clerk of the court and fix the amount thereof. Such bonds shall run to the clerk of the court and his successors in office as obligees, and shall be conditioned for the faithful discharge of their duties as such commissioners and the faithful accounting for and application of district moneys which shall come into their hands.

3. All drainage district proceedings, files and records may be amended or corrected as the facts warrant.

4. The plans of the district or any part thereof may be modified by the court at any time on petition of the commissioners or any interested person and notice to the owners of any lands affected thereby. [*1919 c. 557 s. 2*]

Modification of orders do not impair securities. SECTION 1379—10*d*. 1. All orders of confirmation made in drainage district proceedings may be modified by the court at

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any time on such notice as the court may order, but no assessment shall be decreased to the detriment of the owner of bonds or notes which are liens on such assessment.

2. Sections 1379—10*a* to 1379—40, inclusive, of the statutes shall neither render more difficult the collection of bonds or notes heretofore issued by any drainage district, nor impair the obligation of any contract made by such district; neither shall any assessment of supplemental benefits nor any reassessment of benefits disturb any assessment for construction previously confirmed by the court while bonds or notes secured thereon are unpaid. Confirmed assessments shall remain liens upon the same lands and claims against the same corporations in the same amounts as when first assessed and recorded until the district bonds and notes based thereon are paid or refunded. [*1919 c. 557 s. 2*]

Guardian ad litem. SECTION 1379—10*e*. 1. In all proceedings under the drainage district law in which any infant or incompetent person is interested, the court shall appoint a reputable attorney guardian ad litem to represent such infant or incompetent person.

2. In case of failure to serve notice on any interested infant or incompetent, or to assess his lands, he may be brought into court, a guardian ad litem appointed for him and the same proceedings had as in the case of a competent person. [*1919 c. 557 s. 2*]

Orders made by court or presiding judge; notice. SECTION 1379—10*f*. 1. Orders fixing the time and place of hearing on all petitions and reports filed in court requiring hearings shall be made either by the court or the presiding judge thereof and may be made nunc pro tunc.

2. Any notice of hearing on any petition or report, unless otherwise in the drainage law specified, shall be sufficient in form and substance if it recites:

(a) That such petition or report has been filed;
(b) The place of filing;
(c) That it is subject to the inspection of all persons interested;
(d) If a petition, the prayer, or the substance of the prayer;
(e) The time, place and court of hearing.

3. All notices required to be served under the drainage district law, unless otherwise therein specifically provided, shall be served by publishing such notice in at least one newspaper published in each county where any part of such district is situated once in each week for three successive weeks and by posting the same in three public places in each of the towns within which any part of the lands within such district are located.

4. Whenever the required notice of hearing under the drainage district law has been served in the manner required by sections 2636 and 2637 of the statutes on all interested parties at least twenty days before the time fixed for hearing, such service shall be sufficient to give the court complete jurisdiction of all such interested parties and of all lands in the district without publication, posting or mailing or other service of such notice.

5. Failure to serve notice on any party or parties entitled thereto shall not defeat the jurisdiction of the court. Such party may, by a written waiver filed in court or by appearance, waive such notice or may be required to show cause why he should not be bound by the proceedings.

6. Any notice required under the drainage district law may be signed by the commissioners, or a majority of them, by a judge or court commissioner or by the clerk of the court.

7. In case of service of any notice or other paper the certificate of the public officer or the affidavit of any person who made the service, publication, posting or mailing, or who knows the facts, shall be sufficient proof thereof. [*1919 c. 557 s. 2*]

Hearings. SECTION 1379—10*g*. 1. Except hearings on remonstrances against benefits or damages, any hearing on any matter arising under the drainage district law may be had in any county of the circuit in which such proceedings are pending.

2. Any hearing under the drainage district law may be adjourned by the court or presiding judge thereof, or, in his absence, by the clerk of the court.

3. All issues arising under the drainage district law, except issues of benefits and damages, shall be tried by the court without a jury. Upon demand of the remonstrant the trial of the issues of benefits and damages shall be had before a jury. [*1919 c. 557 s. 2*]

Consolidations; existing districts, by what law governed. SECTION 1379—10*h*. 1. In case petitioners are before the court for the organization of two or more drainage districts and the court shall be of the opinion that the territory in the proposed districts should be included in one district, or in a less number of districts than the petitions call for, the court may by order organize such territory into such number of districts as it shall deem best to comply with the purposes of the drainage district law, or the court may

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annex any territory asking to be organized as a drainage district to a district already organized.

2. All districts heretofore organized in circuit courts under the laws of Wisconsin, and all districts now in the process of organization in such courts, as soon as such districts are organized (or before if the court so orders), shall come under the operation of the drainage district law. [*1919 c. 557 s. 2*]

Assessments to bear interest; when payable. SECTION 1379—10*i*. 1. All assessments for construction, supplemental assessments for construction, additional assessments and assessments for repairs shall bear interest at the rate of six per centum per annum from the date of the confirmation of the assessment, unless the court order the interest to commence at a later date, which interest shall be collected in the same manner as the principal of the assessment.

2. Unless otherwise ordered by the court, all assessments for construction, additional assessments and assessments for repairs shall be due and payable September first next after such assessments are confirmed.

3. All assessments for construction, assessments for repairs and additional assessments shall be apportioned on the sum of all benefits then in force. [*1919 c. 557 s. 2*]

Remonstrances. SECTION 1379—10*j*. All remonstrances shall be in writing, verified by a remonstrant, and filed and served on the petitioners, or their attorney or, if commissioners have been appointed, upon the commissioners or their attorney. [*1919 c. 557 s. 2*]

Lis pendens. SECTION 1379—10*k*. Notice of lis pendens containing descriptions of the lands in the proposed district shall be filed in the office of the register of deeds of the county where such lands are situated at the time of or after the filing of the petition for the organization of a drainage district. Failure to file such notice of lis pendens shall not affect the jurisdiction of the court. [*1919 c. 557 s. 2*]

Costs; judgments. SECTION 1379—10*l*. 1. In all district contests the court may award and apportion the taxable costs. Costs if awarded against the commissioners shall not go against them personally, but shall be paid out of the district funds or from funds received from the petitioners unless the court otherwise orders.

2. In case the petition be dismissed before the appointment of commissioners, judgment for costs shall be entered against the petitioners and in favor of the remonstrant and further judgment shall be entered against the petitioners in favor of any petitioner or other persons who shall have advanced moneys, rendered services, or incurred other liabilities in the prosecution of such proceedings for the amount of such moneys, services and incurred liabilities.

3. In case the proceedings be dismissed after the appointment of commissioners, judgment shall be entered against the petitioners and in favor of the commissioners for all costs, expenses, and liabilities incurred by them or by the petitioners in the prosecution of such proceedings and for the benefit of those who have rendered services or advanced or loaned money to the petitioners or to the commissioners for the prosecution of such proceedings.

4. Before any such judgment is entered, a petitioner or the commissioners shall file with the clerk of the court a duly verified itemized statement of all costs, attorney's fees, and other liabilities incurred by such petitioner or the commissioners in the prosecution of such proceedings upon which an order shall be issued requiring the petitioners to show cause why judgment should not be entered against the petitioners for the amount of costs, attorney's fees and other liabilities. Notice of hearing of such order to show cause shall be given to the petitioners by publication of such order as provided in subsection 3 of section 1379—10*f* of the statutes. Such order need not contain an itemized statement of such account, but shall state where such account is filed.

5. The petitioners shall as between themselves contribute to the payment of such judgment in proportion to the number of acres of land owned by them within the boundaries of the proposed district at the time of filing the petition. [*1919 c. 557 s. 2*]

Official oath and bond. SECTION 1379—10*m*. 1. Commissioners shall take and file the official oath and execute and file an official bond in such sum as the court shall fix which bond shall be approved by the court.

2. A majority of the commissioners shall constitute a quorum and a concurrence of a majority in any matter within their duties shall be sufficient for its determination. [*1919 c. 557 s. 2; 1919 c. 703 s. 19*]

A petitioner may withdraw his name; when. SECTION 1379—10*n*. At any time before but not after the hearing is begun on any petition filed under the drainage district law any petitioner thereon may withdraw his or its name from the petition upon filing in court an undertaking with sufficient sureties to be approved by the court, conditioned that

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in case the withdrawal of names shall reduce the number of signers below the number required by section 1379—11 of the statutes, or any other section of the statutes under which such petition is filed, and thereby the jurisdiction of the court be lost, such withdrawing petitioner will pay into court the costs of such drainage proceeding made and incurred prior to and including the making and entry of the order denying the prayer of the petition and will pay into court the expenses incurred on such petition prior to his withdrawal. [*1919 c. 557 s. 2*]

Appeals to supreme court. SECTION 1379—10*o*. The time within which an appeal to the supreme court may be taken from any judgment or appealable order in drainage proceedings is limited to thirty days from the date of entry thereof, except that the time limited to any remonstrant, shall be thirty days from the service of written notice of entry of any such judgment or order. No notice of entry of judgment or order need to be given except to remonstrant. [*1919 c. 557 s. 2*]

Notice to railroad companies. SECTION 1379—10*p*. Railroad companies shall file with the secretary of state a paper stating the name and post-office address of the person upon whom may be served notice of any proceedings under the drainage district law, and when such paper has been so filed notice, in addition to the notice by publication, shall be given to such person by registered mail or personally within five days after the first publication of such notice. An affidavit of such service shall be filed by the commissioners with the proof of publication of such notice. [*1919 c. 557 s. 2*]

Adverse examinations. SECTION 1379—10*q*. The remonstrant, the commissioners, the petitioners, and the engineer of any drainage district may be examined adversely under sections 4068 and 4096 of the statutes. [*1919 c. 557 s. 2*]

Acquisition of land by condemnation. SECTION 1379—10*r*. Any district may acquire lands or property rights either within or without the district, whenever such acquisition shall become necessary. [*1919 c. 557 s. 2; 1919 c. 702 s. 68*]

Organization of districts, petition for. SECTION 1379—11. 1. Whenever a majority of the owners of land within a proposed drainage district who represent one-third in area of the lands of said proposed drainage district or whenever the owner or owners of more than one-half of the lands within such district desire to organize a drainage district, such owner or owners may file in the circuit court of any county in which the lands or any part of them are situated a petition setting forth:

(a) The proposed name of the district.

(b) The necessity for the proposed work describing it.

(c) A general description of the location, character and plans of the proposed drains.

(d) A general description of the lands intended to be included in the district.

(e) That the public health or public welfare will be promoted and that the benefits will exceed the damages and costs of construction.

(f) The names and addresses of the owners and mortgagees of all lands in the district, so far as known to the petitioners.

(g) A prayer for the organization of a drainage district.

(h) If the purpose of such petition is the enlargement, repair, or maintenance of a drain, heretofore constructed under any law of this state, said petition shall give a general description of the same with such particulars as the petitioners may deem important.

2. No petition having as many signers as are required by subsection 1 of this section shall be declared void, but the court may at any time permit the petition to be amended in form and substance to conform to the facts, if the facts justify the organization of a district. All petitions for the organization of the same or substantially the same district filed prior to the final hearing of a petition shall be considered by the court as one petition and as filed with the first petition and all signatures to such petitions shall be counted in determining the jurisdiction of the court.

3. If any minor or incompetent person has land in any proposed district or proposed annex to any district the general guardian or next of kin of such minor or incompetent may for him and on his behalf join in the petition for the organization of such district or the annexation of territory thereto.

4. The territory in a district need not be all in one body provided that it be so situated that the public health or the public welfare will be promoted by such drainage of each separate body thereof and that the benefits of the proposed work in each separate body will exceed the damages from and the costs of construction of the proposed work therein and provided, further, that the court shall be satisfied that the proposed work can be more cheaply done or maintained in a single district than otherwise.

5. The agent of any owner of land in a proposed district may sign such owner's name to the petition for the organization of a proposed district and any other petition made

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under the drainage district law. The authority of such agent shall be in writing and be filed in the court but need not be acknowledged, sealed or witnessed.

6. Any owner of land within the proposed district or adjoining thereto may at any time ask to be joined as a petitioner and the court may permit such owner to be so joined with like force and effect for all purposes as if he had signed the original petition and his land shall be counted in determining whether enough lands are represented by the signers of the petition to give the court jurisdiction. [*1919 c. 557 s. 2*]

Time and place of hearing; notice. SECTION 1379—12. 1. On such petition being filed, the court or presiding judge shall fix a time and place of hearing thereon and order notice.

2. Thereupon unless personal service be obtained as provided in subsection 4 of section 1379—10*f* of the statutes, the petitioners shall cause twenty days' notice of the filing of such petition to be given (a) by posting notice thereof in three public places in each of the towns, portions of which are within the boundaries of the proposed district; (b) by serving or causing to be served a copy of such notice on each owner and mortgagee, of land within such proposed district residing in any county in which any land of such proposed district is situated in the manner provided by sections 2636 and 2637 of the statutes, and (c) by publishing a copy thereof at least once a week for three successive weeks in some newspaper published in each county in which any part of the proposed district is situated.

3. If any owner or mortgagee of land within a district is a nonresident of the county in which the proposed district lies, the petition shall be accompanied by an affidavit (a) giving the name and post-office address of such nonresident owner or mortgagee if such are known, and (b) if unknown, stating that upon diligent inquiry his name or post-office address (whichever may be the fact) cannot be ascertained. The petitioners shall mail a copy of such notice aforesaid to each nonresident owner and mortgagee whose name and post-office address is known, ten days before the day fixed for hearing on the petition.

4. Personal service of such notice outside of the state of Wisconsin shall have the same effect as personal service in the state of Wisconsin.

5. The posting, publication, serving and mailing of such notice of hearing, as hereinbefore provided, shall give the court jurisdiction of all persons and corporations interested and of all lands within the boundaries of such proposed district and of the subject matter of said proceedings for all the purposes of the drainage district law.

6. It shall not be necessary to serve notice of hearing on the petition, upon any petitioner. All petitioners shall be deemed in court upon such hearing by virtue of their having signed the petition. [*1919 c. 557 s. 2*]

Failure to serve notice; how corrected. SECTION 1379—13. Failure to serve, publish, post or mail notice of hearing on the petition as hereinbefore provided shall not deprive the court of jurisdiction. Such unserved party may appear and waive notice, or the court or presiding judge, or in his absence the clerk of the court, may adjourn the hearing on the petition and direct notice of the adjourn-hearing to be served on the unserved party at least ten days before the date of the adjourn-hearing in the manner that the court or judge shall determine. [*1919 c. 557 s. 2*]

Owner or mortgagee, rights of; rules of procedure. SECTION 1379—14. 1. Any owner or mortgagee of land in a proposed district or any person who will be directly affected by the organization of such district may by remonstrance contest (a) the sufficiency of the petition; (b) the sufficiency of the signers of the petition; (c) the sufficiency of the notice; (d) the constitutionality of the drainage district law; (e) the jurisdiction of the court; specifying in detail his objections.

2. The affidavit of any signer of such petition stating that he has examined and is acquainted with the locality of such proposed district and that such petition is signed by a sufficient number of owners of the land in such district to satisfy the provisions of the drainage district law shall be prima facie evidence of the facts therein stated. In case any guardian or corporation signs a petition, such guardian or agent of the corporation knowing the facts may make such affidavit.

3. The affidavit of any petitioner or his agent or guardian giving affiant's name, age, and residence and stating that such petitioner owns land in the district and describing such land by government or other definite description shall be prima facie evidence of the facts in such affidavit stated and may be filed and used as evidence of the sufficiency of the signers of such petition. Such affidavit may state the number of acres in the tracts described and owned by the affiant.

4. All deeds made for the purpose of establishing or defeating the prayer of such petition, and not made in good faith and for a valuable consideration shall be held to be a

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fraud and the holders of such deeds shall not for the purposes of these proceedings be considered to be the owners of the land described therein.

5. If the court or presiding judge thereof shall find that the petition has not been signed as required by section 1379—11 of the statutes, the petition shall be dismissed and judgment entered against the petitioners as provided in section 1379—10*l*.

6. But if it shall appear that the petition is signed by the number of landowners required by section 1379—11 of the statutes, the judge shall so find and shall order all necessary amendments to the petition and shall appoint three suitable, competent persons as commissioners and fix their preliminary bond. [*1919 c. 557 s. 2*]

Qualification of commissioners; to keep records. SECTION 1379—14*a*. 1. Ownership of lands within the district shall not disqualify a person from acting as commissioner. Commissioners must reside within fifty miles of the drainage district and within the state of Wisconsin. Such commissioners shall hold their office for a term of five years and until their successors are appointed and qualified. They shall receive for their services five dollars per day of eight hours and proportionately for fractions of days for actual time spent in rendition thereof and their actual reasonable expenses.

2. Appointments to fill expired terms of commissioners and vacancies shall be made by the court or presiding judge; and commissioners appointed to fill vacancies shall hold office the residue of the unexpired term and until their successors are appointed and qualified.

3. The removal of any commissioner from the state or from the fifty-mile limit hereinbefore provided for, shall render his office vacant.

4. Any commissioner may resign to the court or presiding judge thereof and the court or presiding judge may accept his resignation and appoint a successor who shall serve the balance of the unexpired term.

5. Commissioners shall keep an accurate record of all payments made by them and shall take vouchers for such payments and shall keep accurate and true written minutes of their proceedings. They shall keep a separate account of the moneys received for the payment of the principal and interest of bonds and notes of such district and shall keep a separate general fund account in which they shall keep all other moneys of the district and in no case shall they draw on the bond and interest fund account for any other purpose than the payment of the principal and interest of the bonds and notes of such district.

6. The commissioners shall keep a record: (a) Of the number, (b) series, (c) date, (d) principal, (e) rate of interest, (f) date of maturity, (g) date when interest is due, and (h) payment of each bond and note, and (i) if a bond or note is refunded it shall be marked "Refunded by No. ...."

7. The commissioners shall keep in their office a complete record of the assessed lands and the assessments against the same and shall on said record mark "Paid" any and all assessments and instalments that are paid, whether to them or to the town treasurer or county treasurer.

8. When any assessment which is a lien on land shall have been fully paid the commissioners shall in writing, under seal of their district, execute a satisfaction of such lien which satisfaction may be recorded in the office of the register of deeds. [*1919 c. 557 s. 2*]

Powers of commissioners. SECTION 1379—14*b*. The commissioners when qualified shall, in addition to other powers expressly granted or necessarily implied, have the following powers:

(a) To go upon any land in or adjoining such district themselves or by their agents and employes and perform all acts necessary to the making of surveys, taking of levels and laying out all necessary work and after the organization of the district for the purpose of constructing, repairing and maintaining all work.

(b) Subject to the approval of the court, to purchase or condemn such lands and structures both within and without the district as shall be necessary for the construction, cleaning out, repair and maintenance of the work.

(c) To bring all necessary actions for the collection of funds, moneys and forfeitures belonging to such district and for the protection and preservation of all works and property thereof and may obtain injunctions to prevent unlawful interference with the performance of their duties or the exercise of any of their powers.

(d) To appoint not exceeding three fire wardens in their district whose duty it shall be to watch for and report fires in and in the vicinity of such district and to co-operate with the commissioners of the district and town fire wardens in preventing and extinguishing fires. Such fire wardens shall receive three dollars and fifty cents per day and their actual necessary expenses for each eight-hour day service necessarily performed by them and a proportional sum for each fraction of a day, which compensation and expenses shall be

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paid by the district and included in their assessment for repairs next thereafter reported to the court. [*1919 c. 557 s. 2*]

Actions on official bonds. SECTION 1379—15. Suits may be brought upon the commissioners' bond for any breach thereof in the name of the clerk of the court and the amount recovered shall be applied to the construction of the work or paid to the injured party or be put into the district's general fund as justice may require and the court order. [*1919 c. 557 s. 2*]

Organization of board, appointment and duties of chief engineer. SECTION 1379—16. 1. Within ten days after the commissioners have qualified they shall meet and organize by electing from their number a president, secretary and treasurer. So soon as practicable after their organization the commissioners shall employ a district engineer, to be approved by the chief engineer, and fix his compensation; they shall personally examine the lands within the district and shall request the chief engineer for a report with reference to the district. The district engineer shall, under the direction of the chief engineer, make a preliminary survey of the district and shall render such service to the chief engineer in the preparation of his report to the commissioners as the chief engineer may demand. The commissioners shall then make a preliminary report to the court wherein they shall report:

(a) Whether said proposed work is necessary or will be of utility in carrying out the purposes of the petition;

(b) Whether the proposed work will promote the public health;

(c) Whether the proposed work will promote the public welfare;

(d) Whether the total benefits from the proposed work will exceed the cost of construction thereof and in arriving at such benefits and cost of construction they shall include the benefits and damages both within and without the district from such proposed work;

(e) Whether it will probably be necessary in performing such work to enter upon and do work in any waters that may be navigable, the character thereof and whether the proposed work will materially obstruct or interfere with the general navigability thereof; and whether any other public rights in or use of said waters will be materially impaired;

(f) The boundaries of such district according to the lines of government subdivisions or fractions thereof wherever possible, but such boundaries shall not be so changed from those in the petition described as to deprive the court of jurisdiction.

2. The commissioners shall file with and as a part of their preliminary report the report of the chief engineer on: (a) The location, design, feasibility and cost of the proposed outlet drains. (b) A general description of the additional drainage necessary to reclaim the land fully for general agricultural purposes, and the probable cost of the same. (c) A general comparison of the benefits in the different parts of the district on the basis of the location and design of the proposed drains, and the physical features of the land to be drained. The report of the chief engineer shall also include a report of the college of agriculture of the University of Wisconsin on (d) the quality and character of the soils and subsoils; (e) a soil map of the district; (f) the present agricultural value of the lands; (g) the kinds of crops to which such lands will be adapted after drainage. The chief engineer and the college of agriculture shall furnish such reports when requested so to do. Such reports and the report of the commissioners shall be prima facie evidence of the facts therein contained. [*1919 c. 557 s. 2*]

Preliminary report to the court. SECTION 1379—17. 1. Upon the filing of the preliminary report the court or presiding judge thereof shall fix a time and place of hearing thereon at some general or special term of said court not less than thirty nor more than sixty days from the filing of said report. Notice of such hearing shall be given as provided in subsection 3 of section 1379—10*f*. Such notice shall describe all lands included in the district not described in the petition and state that such lands are sought to be included in the district and also shall describe all lands excluded from the district by such report which were by the petition included therein and shall state that such lands are sought to be excluded from the district.

2. Where lands are sought to be included in the district which were not included in the petition, notice to the owners and mortgagees of such lands shall be served as provided in subsection 2 of section 1379—12.

3. Any interested party may remonstrate against such report or against any material part thereof.

4. If the court shall find in favor of the remonstrant on any jurisdictional question or if such report be that the benefits from such proposed work will not exceed the damages and cost of construction or that such proposed work will not promote the public health or

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the public welfare or the report of the chief engineer is that the proposed drainage is not feasible and no remonstrance against his report is filed, the petition shall be dismissed.

5. If the preliminary report be that the benefits of such work or the work proposed by the commissioners in such report will exceed the damages and cost of construction and that the public health or the public welfare will be promoted thereby and no remonstrance thereto is filed, or if on the trial of the issues made on such report the court finds that the benefits will exceed the damages and cost of construction and that the public health or the public welfare will be promoted by such proposed work, the court shall make and file its findings in writing and confirm such report or direct amendment thereof to conform to the findings and when so amended confirm the same and direct the commissioners to proceed with the work.

6. If the court confirms the preliminary report and it appears that in doing the proposed work it will not be necessary to enter upon any waters which may be navigable or remove any dam, such district shall upon the confirmation of such preliminary report be fully organized as a body corporate with all the powers specified in section 1379—14*b* of the statutes.

7. If it shall appear from the preliminary report or upon the hearing thereon that it will be necessary to enter upon any waters that may be navigable or to acquire and remove any dam or obstruction therefrom or clean out, widen, deepen or straighten any stream that may be navigable the court shall so find and direct the commissioners to file with the railroad commission of the state of Wisconsin certified copies of the petition, the preliminary report and such other papers as the court shall direct, together with an application setting forth that the public health or the public welfare will be promoted by the removal of any such dam, or other obstruction from, or by the straightening, cleaning out, deepening or widening of such waters or stream and that other public rights in and public uses of such waters or stream will not be materially impaired, which application shall be duly verified.

8. Upon the filing of such application the railroad commission shall forthwith fix a time for the hearing thereon not less than three nor more than eight weeks from the date of filing, at the courthouse of the county in which such proceeding is pending, or at such other place as the railroad commission shall deem most convenient.

9. Notice of hearing upon such application shall be given to all persons interested in the manner provided by section 31.06 of the statutes.

10. At such hearing the railroad commission shall hear all interested persons. The railroad commission may in its discretion make an independent investigation of the situation.

11. In the performance of duties and the exercise of powers hereunder, the railroad commission shall have the powers conferred upon it by sections 1797*m*—1 to section 1797*m*—109, inclusive, of the statutes, in so far as the same may be applicable.

12. Upon the conclusion of the hearing and investigation on such application if the railroad commission shall find that the public health and the public welfare will be promoted by the removal of any dam or other obstruction from, or by the straightening, cleaning out, deepening or widening of any such waters or stream; that the work proposed is necessary to the proper operation of the proposed drainage system, and will not materially impair the navigability of any such water or stream and will not materially impair any other public right in or public uses of such water or stream, it shall so find, which findings shall in addition thereto establish the minimum level at which such waters may be maintained, which findings shall at once be transmitted to the clerk of the court in which such drainage proceeding is pending.

13. The railroad commission may also approve the plan for the work in such waters or stream, or may amend and modify such plan and approve the same and shall file a copy thereof with its findings. The railroad commission may at any time, on the application of any person interested further amend such plan when the same can be done without materially impairing the navigability of any such waters, and without materially impairing any other public right.

14. Any interested person being dissatisfied with any findings of the railroad commission shall have the right to bring an action for the review of the same as prescribed in sections 1797*m*—64 to 1797*m*—71, inclusive, of the statutes.

15. If the railroad commission shall find that the public health and the public welfare will be promoted by the removal of any dam or other obstruction from, or by the straightening, cleaning out, deepening or widening of any such waters or stream; that the work proposed is necessary to the proper operation of the proposed drainage system and will not materially impair the navigability of or any other public right in any such waters or stream, permission and authority is hereby granted to the drainage commissioners to:

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(a) Do all acts necessary in and about the surveying, laying out, constructing, repairing, altering the course of, enlarging, cleaning, deepening, widening, protecting and maintaining any drain, in, through or upon such waters and stream both within and beyond the limits of the district;

(b) Procure, purchase or condemn by proceedings had under chapter 32 of these statutes, riparian rights, rights of flowage, dams and waterpowers in such waters and streams both within and beyond the limits of the district.

16. In all cases a drainage district shall be liable to the owner of riparian rights, rights of flowage, dams and waterpowers for any and all property taken and for all damages which may be occasioned to such property by reason of any work done on it, and such damages shall be determined either by agreement, award of damages or by condemnation proceedings and the same shall be paid by the district before the work is done in the same manner in which payments are made where lands are acquired by railroad companies under condemnation proceedings.

17. In all cases where the railroad commission shall find that work is necessary in any navigable waters or stream, and shall find that such work will promote the public health and welfare, and will not materially impair the navigability of or any other public rights in any such waters or stream, and when the court shall have found as required by subsection 5 of section 1379—17, and upon the filing of such findings the court shall confirm such preliminary report, such district shall be fully organized; otherwise such proceeding shall be dismissed.

18. The order of the court entered upon the hearing of the preliminary report of the commissioners, shall be final unless appealed from within thirty days. [*1919 c. 557 s. 2; 1919 c. 703 s. 20*]

Action after confirmation of preliminary report. SECTION 1379—18. 1. Immediately after the confirmation of the preliminary report, the commissioners shall proceed to have all necessary levels taken and surveys made, and lay out the proposed work and report in writing to the court:

(a) Whether the starting points, routes and termini of the proposed work and the proposed location thereof, as in the petition contained, are in all respects proper and feasible, and if not, shall report such as are most proper and feasible and whether pump drainage is necessary.

(b) What lands and corporations within the districts as by them reported will be damaged, and the awards or damage thereto.

(c) The cost of construction.

(d) What lands and corporation within the district as by them reported will be benefited by the proposed work, and their assessments of benefits against the same.

(e) If the cost of construction of any particular part of the work so proposed to be done should be assessed upon any particular lands or corporations, their assessments of such cost against the same.

(f) Their assessment of the part of the cost of construction (not provided for in paragraph (e) of this section) against the other benefited lands and corporations in such district, in proportion to the benefits assessed.

(g) The estimated annual cost of maintenance and operation.

(h) Maps, plans, profiles and specifications of the proposed work.

2. The commissioners shall not be confined to the points of commencement, routes or termini of the drains or the number, extent or size of the same, or the location, plan or extent of any drain as proposed by the petitioners, but shall locate, design, lay out and plan the same in such manner as to them shall seem best to promote the public health or welfare and to drain or to protect the lands of the parties interested with the least damage and greatest benefit to all lands affected thereby. And any plan proposd by the commissioners, may, on application of any person interested, on hearing hereinafter provided for, or on the application of the commissioners, be altered by the court, by written order, in such manner as shall appear to the court to be just. If the commissioners find that the proposed district as described in the petition filed will not embrace all the lands that will be benefited by the proposed work or that it will include lands that will not be benefited and are not necessary to be included in said district for any purpose, they may extend or contract the boundaries of the proposed district so as to include or to exclude all such lands as the case may be; and the boundaries adopted and reported by them may, upon the hearing of their report as hereinafter provided, upon their application or that of any person interested, be altered by the court in such manner as shall appear to be just; provided, that the alteration of boundaries shall not so enlarge or contract the proposed district as to deprive the court of jurisdiction.

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3. Before filing such report the commissioners shall present it to the chief engineer, who shall return it with his approval or disapproval within ten days. [*1919 c. 557 s. 2*]

Roads on spoil banks. SECTION 1379—18*a*. Whenever a road can be economically built on the spoil bank of any district ditch and is needed to open and render available for settlement the lands of such district and the materials of such spoil bank are of a kind reasonably suitable for road making, the commissioners may cause one spoil bank of its ditches to be so graded and leveled as to be a reasonably safe road, and when the same is used for public travel two years the same shall be a public highway and the town in which such road is located shall be liable for the maintenance and repair thereof. [*1919 c. 557 s. 2*]

County lands, how treated. SECTION 1379—18*b*. 1. County lands in any proposed district may be assessed by benefits and assessed for construction and awarded damages the same as other lands.

2. Notice of hearing on the report assessing benefits against county lands shall be served on the clerk of such county in the same manner as upon resident landowners. [*1919 c. 557 s. 2*]

Permission to cross state lands. SECTION 1379—18*c*. In case it is necessary to run a drain across state lands, the commissioners of public lands shall on petition of the commissioners in writing grant permission to do so. [*1919 c. 557 s. 2*]

Notice of hearing. SECTION 1379—19. Upon the filing of the report provided for in section 1379—18 of the statutes, notice of the time and place of hearing thereon shall be given as provided in subsection 3 of section 1379—10*f* of the statutes. [*1919 c. 557 s. 2*]

Owners and mortgagees, rights of at hearing. SECTION 1379—20. 1. Any owner or mortgagee of lands within said district or corporation assessed may remonstrate against such report because:

(a) The court lacks jurisdiction.

(b) The commissioners lack jurisdiction.

(c) Remonstrant's lands, specifying them, are assessed too high, or other lands, specifying them, are assessed too low, or that remonstrant if a corporation should not be assessed or is assessed too high.

(d) Specified lands are assessed, which ought not to be assessed.

(e) Specified lands or corporations should be assessed which are not assessed.

(f) The damages allowed to specified lands or corporations are excessive or are too low.

(g) The plan for such proposed work should be changed, specifying the proposed change.

2. In the trial of all remonstrances on benefits or damages, evidence may be introduced showing what benefits are assessed against and what damages are awarded to the lands in the district and such benefits and damages may be compared to determine whether they are equitable and just. Evidence may be introduced of the condition of the various tracts of land in said district and of the cost of further drainage or under-drainage necessary to give any assessed tract (the assessment against or award of damages to which is in contest) a drainage equal to other tracts in said district, and any and all other evidence may be introduced which tends to establish what assessments against and awards to lands under contest would be equitable and just as compared with other lands in the district.

3. If the court finds that the report requires modification or amendment, it shall so order and the commissioners shall immediately file such modified and amended report with the court. [*1919 c. 557 s. 2*]

Confirmation of assessments and awards. SECTION 1379—21. 1. When all remonstrances relating to the validity of the proceedings as a whole or to the feasibility or practicability of the general plan of the proposed work have been determined, the court may confirm the assessments against, and the awards of damages to all lands and corporations as to which no remonstrance remains undetermined, and confirm said report as to all other matters not in contest or already tried, and direct and empower the commissioners to proceed with the work.

2. As soon as any remonstrance shall be determined, the court shall by order confirm such determination.

3. The order provided for in subsection 1 of this section shall not be entered until the court shall find that the "cost of construction" of the work necessary under such order will not exceed the assessments of benefits against those lands and corporations whose assessments of benefits and awards of damages are sought to be confirmed by such order. [*1919 c. 557 s. 2*]

Assessments, when payable; annual reports. SECTION 1379—22. 1. At the time of confirmation of any report or at any time thereafter, before bonds or notes of the district, which are liens on the assessments, are issued, the court may order the assessments

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for construction against both lands and corporations or either therein contained to be paid in not more than fifteen annual instalments and assessments for repair in not more than three annual instalments, of such amounts and at such times as will be covenient for the accomplishment of the proposed work, or for the payment of the principal and interest of the notes or bonds of such district that the court shall grant authority to issue for the construction or repair of such work. The court shall also fix the date on which the first instalments of the assessments for construction shall become due, which shall be September first, not more than five years after the date of the order, and each of such instalments shall draw interest at six per centum per annum from the date of such order, such interest to be payable annually.

2. Unless otherwise ordered, such assessments shall be payable at once. Assessments for construction, additional assessments and assessments for repairs and interest thereon shall be a first lien upon the lands assessed from the time of recording the order of confirmation of the same in the office of the register of deeds of the county in which the lands are situated until paid, and shall take precedence over all other liens and mortgages, whether accruing prior to the time of the filing of the petition under the drainage district law or not, excepting only liens for general taxes.

3. Any owner of land or any corporation assessed for construction or repairs may, at any time before the commissioners have entered into a contract to borrow money upon notes or bonds based upon such assessment, pay into court the amount of the assessment against his land or any tract thereof, or against such corporation together with the interest thereon at the rate of six per centum from the date of entry of the order of confirmation to the date of such payment.

4. In July of each year, the commissioners shall file with the clerk of the court an annual report containing: (a) An itemized statement of their receipts and expenditures during the preceding year ending June thirtieth, showing the balance on hand at the date of their last prior report, the sources and amounts of all receipts, the dates, purposes for which made, and amounts of all expenditures, and the balance on hand together with the vouchers for such expenditures, which statement shall be verified by the oath of one or more of the commissioners, (b) a statement of all bonds paid or issued during the preceding year, (c) a statement of all work done during the preceding year, specifying where the same was done and the cost thereof, (d) a statement of what repairs will be necessary during the coming year, where such repairs are needed and the probable cost thereof, (e) the sum that will be necessary for incidental expenses for the next succeeding year, (f) such assessments against the lands and corporations as will cover such necessary repairs, maintenance and incidental expenses, which assessment shall be known as "assessment for repairs."

5. At any time after the filing of such report and before the hearing thereon any owner or mortgagee of lands within the district may file and serve on the commissioners objections to such report specifying the items objected to and the grounds of objection.

6. Such annual report shall be heard by the court or presiding judge on the third Tuesday of August each year or as soon thereafter as may be convenient, and the court shall examine such report, hear all objections to the same and fix and determine the amounts of such assessments. [*1919 c. 557 s. 2*]

SECTION 1379—22*l*. [*Repealed by 1919 c. 557 s. 1*]

SECTION 1379—22*m*. [*Stats. 1913 s. 1379—22m; repealed by 1915 c. 517*]

SECTION 1379—22*m*. [*Stats. 1917 s. 1379—22m; repealed by 1919 c. 557 s. 1*]

SECTION 1379—22*n*. [*Repealed by 1913 c. 633*]

Unpaid assessments to be returned to town, village or city clerk. SECTION 1379—23. 1. If an assessment against any land is not paid to the commissioners when due, the commissioners shall, on, or before December first, certify the same to the clerk of the town, city or village in which the delinquent lands are situated, as due and unpaid, and such clerk shall enter the same in the tax roll of that year against the land assessed, but in a column separate from the general tax, and the same shall be collected in the same manner as general taxes are collected, except only that the personal property of natural persons and private corporations, and all lands other than those against which assessments shall have been made, shall not be liable to seizure and sale therefor.

2. When commissioners shall fail to certify to the proper town, city or village clerk any one or more drainage assessments for construction or repair, or additional assessment, against any lands in the district, at the proper time, they may certify the same to such clerk at any time thereafter, whether in the same or any subsequent year.

3. In case any such clerk fails to place any assessment certified to him, on the tax roll against the land or corporation assessed, such assessment shall be placed upon the tax roll of such town, city or village for any subsequent year. In case such clerk places on such

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roll an erroneous sum the same shall be corrected on the tax roll of any subsequent year after the error is discovered. [*1919 c. 557 s. 2*]

Assessments returned as delinquent taxes, when. SECTION 1379—24. 1. Such assessments against lands as are not paid to the commissioners or to the town, city or village treasurer shall be returned by such treasurer to the county treasurer, in the same manner and at the same time as delinquent taxes, but separately therefrom. The county treasurer shall advertise the same in his list of lands to be sold for unpaid taxes, and unless paid to him prior to the tax sale, he shall sell such lands for the taxes and drainage assessments against the same treating such drainage assessments the same as, but keeping them separate from, the unpaid taxes on his records. When he issues certificates of sale of land for taxes and drainage assessments, he shall issue a separate certificate for the amount of drainage assessments, penalties and accrued interest thereon. No extra advertising fee shall be added to the certificate of sale for drainage assessments when the land was at the same time sold for taxes as well as for drainage assessments. In case the tax on any land shall be paid and the drainage assessment not paid the county treasurer shall proceed to sell such land for drainage assessment or assessments in the same manner in which he would proceed if the taxes thereon were unpaid. The tax certificate and the drainage assessment certificate on the same land may be assigned separately or together but at the public sale they shall be offered and sold together.

2. The treasurer of the county in which any part of a drainage district is situated, shall keep in the books of account of such county, a separate account with each district. In each such account he shall credit the district with (a) All sums received by the county in payment of drainage assessments of that district, penalties and interest thereon; (b) all sums received by the county as principal on the sale of drainage assessment certificates at the tax sale (except such certificates as shall be sold to the county); (c) all sums received by the county for principal, penalties and interest on sale or assignment of drainage assessment certificates, after the county has bid them in; (d) the principal and accrued interest on all drainage assessment certificates up to the date of the drainage assessment deed, in case the county has taken a deed to itself on any drainage assessment certificate and (e) any and all other sums received by the county on account of such district.

3. In such accounts the county treasurer shall charge to each district all sums paid to its commissioners.

4. The county treasurer shall, on demand of the commissioners, pay to the commissioners the balance of moneys held by the county for their district, and shall take and file in his office receipts therefor.

5. After the expiration of three years from the issuing of a drainage assessment certificate, a deed shall issue thereon in the same manner and upon the same notice or affidavit of nonoccupancy now required for the issuance of tax deeds, which deeds shall be in substantially the same form as tax deeds, provided that no such drainage assessment deed shall cut off or adversely affect any drainage assessment or instalment of any assessment falling due after the assessment or instalment upon which such deed is issued, nor shall it cut off or adversely affect any additional assessment or assessment for repairs that may thereafter be made or fall due. No tax deed shall cut off any drainage assessment nor shall any drainage assessment deed cut off any tax.

6. The rules of law applying to the collection of taxes and sale of lands for taxes and issuance of tax deeds shall, unless in conflict with the drainage district law, apply to the collection of and sale of lands for drainage assessments and issuance of drainage assessment deeds. Drainage assessment certificates shall draw ten per centum of interest annually. [*1919 c. 557 s. 2*]

Clerk to certify lands affected. SECTION 1379—25. Immediately after the entry of any order confirming any assessment for construction or additional assessment, or any assessment for repairs (if the latter assessment be payable in instalments) the clerk of the court shall certify to the register of deeds in each county, where assessed lands are situated, a true description of the lands in such county assessed and the sum assessed for construction or repair against such lands, and such register shall thereupon file and record such copy and the same after it is filed shall be notice of the lien of such assessments. [*1919 c. 557 s. 2*]

Plan for enlargements. SECTION 1379—26. 1. Whenever the commissioners are petitioned by the owners of one-tenth of the lands in their district to repair or enlarge existing drains or to lay out and construct new drains in such district, or whenever the commissioners shall be of the opinion that the plan and scheme of drainage of the district are or will be insufficient to effect a thorough drainage of such district or any portion thereof, and that enlarged or supplemental drains are required to effect such drainage, they shall cause to be prepared plans and specifications for the enlargement of existing drains or for

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the construction of sufficient supplemental drains, to complete the drainage of such district, and shall estimate the cost of construction thereof together with the cost of all additional bridges that said district must build, and shall apportion and assess such cost of construction upon the several benefited parcels of lands and corporations, as provided in section 1379—18 of the statutes, and in subsection 3 of this section.

2. They shall award to each parcel of land or corporation the damages caused to it by such supplemental work.

3. All supplemental benefits shall be so apportioned and assessed that all assessed lands and corporations shall be required to pay a sum total for the construction of the total drainage proportionate to the actual benefits received by such lands and corporations from the total drainage.

4. The commissioners shall then file a report stating:

(a) That the drains constructed or authorized are insufficient to effect a thorough drainage of such district or the part thereof therein specified and the facts relative thereto.

(b) The descriptions of all lands and corporations previously assessed for benefits or awarded damages.

(c) The assessed benefits then in force.

(d) All assessments for construction confirmed against such benefited lands and corporations.

(e) Whether the cost of construction already confirmed, together with the cost of construction by them proposed for such supplemental work, will exceed the benefits already confirmed.

(f) An assessment of supplemental benefits warranted by the work done and the proposed work upon all the benefited lands and corporations as the facts warrant, whether previously assessed benefits or not, and the assessment for construction provided for in subsection 1 of this section.

(g) A prayer for such relief as the facts may justify. [*1919 c. 557 s. 2*]

Enlargements governed by sections 1379—10a to 1379—40. SECTION 1379—27. The provisions of sections 1379—10*a* to 1379—40, inclusive, of the statutes where applicable and not in conflict with, shall apply to the proceeding authorized by section 1379—26. [*1919 c. 557 s. 2*]

Validity of assessments, how inquired into. SECTION 1379—28. 1. Whenever the validity of any assessment is questioned and such question is brought to the attention of the court by any interested person, the court shall fix a time and place of hearing and require all interested persons to show cause why such assessment be not validated.

2. Such order to show cause shall be served in such manner and upon such persons as the court shall direct.

3. Any person or corporation objecting to the validation of such assessment must, on or before the day fixed for hearing, file in the office of the clerk of the court a remonstrance stating his objections as required by section 1379—20 of the statutes. Such remonstrances shall be heard and determined in the manner provided for remonstrances filed under said section and an order entered thereon.

4. Such order shall direct all necessary amendments, shall cure all defects in the former proceedings, shall render valid and binding the former order of confirmation or such order of confirmation as amended by the court. [*1919 c. 557 s. 2*]

Private drains not to be connected with district drains; violations, penalty. SECTION 1379—28*a*. 1. No person or corporation shall connect any drain with a district drain or remove any spoil bank except under written plans and specifications approved by the commissioners of which the commissioners shall preserve a copy.

2. Any person or corporation violating the provisions of this section shall be punished by a fine of not less than five nor more than twenty-five dollars, and shall be liable to the district for all damages caused by such violation. [*1919 c. 557 s. 2*]

Drains across railroads or railroad yards; removal of sluices, wires, etc. SECTION 1379—29. 1. The commissioners shall have the right to lay out and construct all necessary drains, across any railway right of way or yards in their district, and any railway company whose right of way or yards crosses the line of any proposed drain, shall open its right of way or yards and permit such drain to cross the same as soon as such drain is constructed to such right of way or yards. The term "railway company" as used in this section shall include steam, electric, interurban and street railways.

2. Every district shall be liable to a railway company, whose right of way or yard or tracks any of its drains cross, for the reasonable cost of opening its right of way and of the culverts and bridges made necessary by such drain crossing such right of way, yards or tracks but not of more expensive character than the average other culverts or bridges constructed on the same division of the railway across streams or ditches approximately

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the same width and depth and within one hundred miles of such district ditches. Such cost shall be included in the cost of construction and awarded as damages to such railway company in the report of benefits and damages.

3. Whenever it becomes necessary to open a railway right of way in order to permit the passage of dredges and machinery in cleaning or repairing any district drain, the reasonable cost thereof shall be ascertained by the commissioners and awarded to the railway company as damages in the report of the commissioners when assessing the cost of repairs.

4. Openings shall include the removal of all fences, tracks and bridge structures to the width specified in the report of the commissioners and replacing the same in substantially as good condition as they were prior to the removal thereof.

5. Upon receiving fifteen days' notice in writing, any railway company across whose right of way any such drain, is laid out, shall open its right of way or yards to permit the commissioners and their contractors, agents or employes to construct, clean or repair such drain across its right of way and yards, and shall permit the passage of dredges and other machinery used in the construction, cleaning or repairing of such work through such right of way.

6. For every day that such railway company fails, after the end of fifteen days from service of such notice, to open its right of way or yards as hereinbefore required it shall forfeit twenty-five dollars to the district to be collected in an action as other forfeitures are collected or set off against any damages that may have been awarded to such company and shall be liable to the contractor delayed for all damages caused by such delay. If such railway company fails to so open its right of way or yards the commissioners may at any time after the expiration of such fifteen days, open such right of way or yards along the lines of such drains, and construct, clean, or repair the same and may recover from such railway company the reasonable expense of opening the same. Such district shall so prosecute the work through such railway right of way and yards as not to delay traffic upon such railway for longer time than is absolutely necessary.

7. Whenever in the construction, cleaning or repairing of any drain it shall be necessary to remove or raise any sluice or pipe carrying water or other fluid, or any wire, conduit or cable used for conducting electricity or for any other purpose for the passage of a dredge or other machinery, the owner of such sluice, pipe, wire, conduit, or cable upon being given fifteen days' written notice stating the place where such dredge or other machinery will pass and that such removal or raising is necessary, shall raise or remove the same and allow passage of such dredge or other machinery. The reasonable expense of such work shall be paid by the district or its contractor.

8. If upon fifteen days' notice as aforesaid the owner or owners of such sluice, pipe, wire, conduit or cable shall fail to remove the same, the commissioners may do so and such owner or owners shall forfeit ten dollars per day to the district for each day that such dredge or other machinery is delayed by such failure and shall be liable to the contractor delayed for all damages caused by such delay. [*1919 c. 557 s. 2*]

Insufficient and additional assessments. SECTION 1379—30. 1. If in the first assessment for construction (whether for original or supplemental work) the commissioners shall have reported to the court a smaller sum than is needed to complete the work of construction or if in any year an additional sum is necessary to pay the principal or interest on lawful indebtedness of such district, additional assessments on the lands and corporations benefited, proportioned on the sum of all benefits which have been confirmed by the court and are then in force, shall be made under the order of the court or presiding judge thereof. Such additional assessments and the total prior assessments for construction shall not exceed the total amount of the benefits then in force. Such additional assessments may be made without notice, and may be made payable in instalments, and shall be treated and collected in the same manner as the original assessments for construction.

2. The commissioners of such district shall have the same power to borrow money and issue notes or bonds based upon such additional assessments that is given to them in the case of original assessments. [*1919 c. 557 s. 2*]

Substitutes for omitted assessments. SECTION 1379—31. 1. Omission to assess benefits or to assess for construction or to make additional assessments or to assess for repairs or to award damages to any lands or corporations in the district shall neither affect the jurisdiction of the court to confirm the report nor render any assessment voidable, but the commissioners shall, as soon as they learn of the omission, either agree with the omitted corporations or owners of the omitted lands upon the proper assessments and awards of damages, or they may make such assessments and awards as shall be just and shall report the facts, together with such assessments and awards to the court.

2. If such assessment or award is not agreed upon, the court shall fix a time and place of hearing on such report and direct what notice shall be given to the owner of such lands

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or to such corporations. The owner of such lands or the corporations affected may file a remonstrance against the confirmation thereof because such assessment is too high or the award of damages too low and issues may be made up as provided by section 1379—20 and trial had as provided by section 1379—10*g* of the statutes.

3. This section shall be retroactive. [*1919 c. 557 s. 2*]

Inequity only defense against assessment. SECTION 1379—31*a*. No drainage assessment shall be void or voidable for irregularity in the proceedings unless it be shown that such assessment is inequitable. [*1919 c. 557 s. 2*]

Borrowing money. SECTION 1379—31*b*. 1. The court may at any time on or after the appointment of the commissioners and before the confirmation of the report levying the assessments for construction, authorize them to borrow money upon the note or notes of the district for the purpose of carrying on the proceedings, such note or notes not to run for more than two years and to bear interest at a rate not exceeding six per centum per annum.

2. The commissioners may upon order of the court borrow money not exceeding the amount of assessments for construction, additional assessments and assessments for repairs, unpaid at the time of borrowing, for the construction or repair of any work which they shall be authorized to construct or repair or for the payment of any indebtedness they may have lawfully incurred and may secure the same by notes, or bonds of the district bearing interest at a rate not to exceed six per centum per annum, and not running beyond one year after the last instalment of the assessments on the account of which the money was borrowed shall fall due, which notes or bonds shall not be held to make the commissioners personally liable but shall constitute a lien upon the assessments for construction and repair.

3. Whenever the commissioners shall desire to borrow money upon the notes or bonds of a drainage district, to be paid during a series of years and after a period of not exceeding three years, they shall by public advertisement first invite proposals to furnish the money desired at the most favorable rate of interest, or if bonds or notes shall be issued at six per centum, proposals to purchase the same at the best premium. If such advertisement is made without success and if they shall have been unable to sell such notes or bonds at par or above, they may, subject to the approval of the court, sell the same at private sale at the best price they can obtain therefor.

4. If at any time the commissioners shall find that they have not or will not have enough funds in the district treasury to pay any bonds, notes or other lawful indebtedness of the district when the same shall become due or if any extraordinary emergency requires borrowing, the court upon proof of the facts showing the necessity therefor shall authorize the district to borrow money to pay the same or meet such emergency. If such loan exceed three thousand dollars and runs beyond one year, it shall be made only upon notice published as required by subsection 3 of section 1379—10*f* of the statutes. When necessary, additional assessments to pay such loans shall be made under section 1379—30 of the statutes.

5. The commissioners may obtain from the county treasurer of the county in which drainage assessment certificates are held in trust, the assessment certificates covering lands in such district and use such assessment certificates as collateral security for the payment of such loan. Such assessment certificates shall not be sold by the pledgee for less than their face and six per cent interest from their date. When the commissioners obtain such assessment certificates from the county treasurer they shall give a receipt therefor giving the dates and numbers of such certificates. The commissioners shall, on the minutes of their proceedings, spread a copy of such receipt and a memorandum stating by whom such assessment certificates are held as collateral. All of the loans made under this subsection may be renewed, but in no event shall they exceed the face and interest of the bonds and notes of the district and accrued interest which are paid by the money so borrowed. All loans heretofore obtained by the commissioners of any district for the payment of bonds and interest of the district wherein assessment certificates have been pledged as collateral to the loan, are hereby validated, and the withdrawals of certificates from the county treasurer for the purpose of securing such loans heretofore obtained are hereby validated.

6. The court may on the petition of the commissioners or of the holder of any bond, interest coupon or other district obligation authorize the commissioners to refund any lawful indebtedness of the district by taking up and canceling any or all of its outstanding notes and bonds as fast as they become due (or before they are due if the holders thereof will surrender the same) and issue in lieu thereof new notes or bonds of such district payable in such longer time as the court shall deem proper, not to exceed in the aggregate the amount of all notes and bonds of the district then outstanding and the unpaid accrued interest thereon, and bearing interest not to exceed six per centum per annum.

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7. When the indebtedness of the district has been refunded or is about to be refunded, as provided above, the court may on petition of one or more landowners, or of the commissioners, extend the time in which to pay assessments for construction to September first next before a like portion of the refunding bonds, which are liens thereon, become due, in which event the face of all unpaid past due assessments so extended together with all interest, penalties and charges shall be a lien on the lands against which the assessments were originally made, and the court may make all orders and do all other things necessary to carry into effect such extension of time. [*1919 c. 557 s. 2*]

Advertising for bids; commissioners not to be interested. SECTION 1379—31*c*. 1. In all cases where the work to be done at any time under the direction of the commissioners shall in their opinion cost to exceed two thousand dollars unless the court has authorized the district itself to do the work the commissioners shall advertise for bids on such work in some newspaper published in the county in which the petition is filed, and may in their discretion advertise in one or more newspapers published elsewhere. Such advertisement shall particularly set forth the time and place when and where the bids will be considered, the kind of work to be let and the terms of payment. The commissioners may continue the letting from time to time and shall in the advertisement reserve the right to reject any and all bids.

2. Such work shall be let to the lowest responsible bidder unless in the opinion of the commissioners the lowest bid is unreasonably high and a lower bidder can be obtained.

3. No commissioner shall be interested directly or indirectly in any contract with the district or for any work or material in or for such district, or for the sale of machinery or materials therefor or thereto, or in the wages of or supplies of men or teams employed on any such work in or for such district, or deal in securities of such district. [*1919 c. 557 s. 2*]

Net damages payable before taking land. SECTION 1379—31*d*. The net damages awarded to the owners of lands shall be paid or tendered before the commissioners or their contractor shall be authorized to enter the lands, to which an award is made, for the construction of any drain, thereon. If the owner is unknown or the commissioners cannot for any other reason safely pay him they may deposit such net damages with the clerk of the court for the benefit of the owners or parties entitled thereto, to be paid or distributed as the court shall direct, and such payment shall have the same effect as a tender to and acceptance of damages by the persons entitled thereto. This section shall not prevent commissioners, their agents, servants or employes going upon such lands to do any work necessary prior to the confirmation of their report filed under section 1379—18 of the statutes. [*1919 c. 557 s. 2*]

Lands assessed but not drained, may be connected with the district drain; proceedings. SECTION 1379—31*e*. 1. When any person owning lands within the district, which have been assessed for construction, shall present to the commissioners an affidavit that he, or they, own land (describing the same) within the district, that the same has been assessed for construction, needs drainage, and is shut off from access to any drain of such district; or that, by reason of the slope of the land it is impractical for him to drain said land to any such drain, without crossing the lands of other owners, and asking that a drain be laid out from affiant's lands to such district drain, the commissioners shall fix a time and place of hearing upon such application, and within thirty days after the filing of said affidavits shall give notice thereof by posting such notice in three public places in such district or its vicinity, at least ten days before the time of hearing, and by serving such notice at least five days before such hearing on the occupants of all lands through or along which such proposed drain may pass, and upon the owners of such lands, if such owners are known and reside within the district.

2. Such notice shall be served personally or by leaving a copy thereof at the usual place of abode of each occupant and each owner of such lands residing in the district, across, through or along which lands it is proposed to lay out such drain.

3. At the time and place fixed by such notice the commissioners shall meet and if the facts set out in the application are true, and they decide that a drain is necessary and that the benefits will exceed the cost of construction thereof, they shall by order lay out a drain to the district drain to which applicant's lands may be drained as a public drain and shall assess the benefits and cost of construction and award the damages to all lands and corporations in the district benefited or damaged by such proposed drain. Such order shall contain a description of the location of the drain and specifications therefor. If it is found that the cost of construction will exceed the benefits the application shall be denied unless the applicant pays to the district such excess.

4. The commissioners shall cause notice of such assessments and awards to be served upon each occupant of assessed lands and land across which such drain shall be laid, and

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upon each owner of the assessed lands, who resides in such district, in the same manner as the previous notice is herein by subsection 2 required to be served within ten days after the making of such order laying out the drain, but failure to make such service within ten days shall not render such order void.

5. Such order shall be final unless appealed from to the court having jurisdiction of the district, within thirty days after the serving of such last notice.

6. A copy of such order together with proof of the service of the several notices shall be filed in the office of the clerk of the court within ten days after such order is made, but failure to file it within ten days shall not render such order void. A copy of such order shall be filed in the office of the register of deeds of the proper county and thereafter the assessments shall be a lien upon the lands so assessed.

7. Within thirty days after the time for appeal from such order shall have expired or after such order is confirmed on appeal, the commissioners shall proceed to construct such drain and may borrow the necessary money to pay therefor not exceeding the benefits assessed and the excess money so deposited. When such drain is constructed it shall be a public drain and part of the drainage system of the district. Additional assessments necessary to complete such drain not exceeding such benefits may be assessed as provided in section 1379—30 of the statutes. [*1919 c. 557 s. 2*]

Adjacent lands may be joined to a district. SECTION 1379—31*f*. 1. Whenever owners of lands adjacent to any district desire such lands annexed to such district, they may file in the office of the clerk of the court a petition for annexation signed by more than one-half of the owners of lands in the proposed annex, which signers shall represent more than one-third of the lands in the proposed annex or signed by the owners of more than one-half of the lands in the proposed annex together with a description of the lands which they desire annexed to such district, and the names of owners of all such lands so far as the same are known, with a plat showing the original district and proposed annex.

2. Thereafter the provisions of sections 1379—10*a* to 1379—40, inclusive, of the statutes, shall, so far as applicable, apply to the proceedings for the annexation of territory, except that the commissioners of the original district shall be the commissioners of the enlarged district. [*1919 c. 557 s. 2*]

Benefited lands may be annexed. SECTION 1379—31*g*. 1. Whenever any lands or corporation outside a drainage district are in fact receiving the benefits of any drain of such district, the commissioners, when their attention is called thereto or any owner of land in such district may report such facts to the court and petition that the benefited lands, describing them, be brought into such district and assessed for the benefits by them received from such drain.

2. Upon the filing of such report and petition, the court shall enter an order directing that the owners of such lands be notified of the filing of such report and the contents thereof, and requiring such owners to show cause at a time and place therein fixed, not less than twenty days after such report is filed why their said lands should not be brought into the district and assessed.

3. At the time and place fixed for hearing on such report, any such owner may remonstrate against such petition.

4. If the court shall be satisfied that such lands or any of them are receiving benefits from any drain, the court shall so find in writing and shall order the benefited lands to be made a part of such district.

5. The commissioners shall, after the time for appeal is past, assess benefits and cost of construction against and award of damages to each tract of annexed lands and make a report to the court thereon.

6. The court shall fix a time and place of hearing on such report and direct what notice shall be given to the owners of such lands and corporations assessed. Any owner of such land or any corporation affected may file a remonstrance against the confirmation thereof and the issues arising thereon shall be made up as provided by section 1379—29 of the statutes and tried as provided by section 1379—10*g* of the statutes. [*1919 c. 557 s. 2*]

District liable for damage to outside property, when. SECTION 1379—31*i*. The drainage district shall be liable for any and all damages that result to lands lying outside of its boundaries because of the work done in such district. The word "damages" in this section shall be construed to mean such damages and only such damages as could be recovered against natural persons for like injury, resulting from like work. No action or proceedings shall be taken to collect such damages to outside lands until such damages have actually resulted. [*1919 c. 557 s. 2*]

Districts not to overlap; each liable to other for damages. SECTION 1379—31*j*. The boundaries of no district shall in any manner conflict with the boundaries of any other district and if through the construction of any proposed drain increased cost shall be en-

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tailed upon a lower district in providing means to carry off the waters or remove the sediment flowing from the higher district, the higher district shall be liable for such increased cost. The amount of such increased cost may be agreed upon between the commissioners of such districts subject to the approval of the court, or may be recovered in an action which shall be tried by the court without a jury. [*1919 c. 557 s. 2*]

Assessments of land subsequently subdivided. SECTION 1379—31*k*. In case any tract of land in a drainage district assessed for benefits as a single tract is divided in ownership, the commissioners of such district shall apportion the sum to be collected in any year thereafter for construction, additional assessment or assessments for repairs, against such tract, in such manner as shall be just and equitable between the several divisions of the divided tract. [*1919 c. 557 s. 2*]

Certification of assessments. SECTION 1379—31*l*. Confirmed assessments against any city, village or town shall be certified by the commissioners, as such assessments become due, to the clerk thereof, and by such clerk, placed upon the next tax roll. Whenever such assessments exceed one-fourth of one per cent of the assessed value of the property in such city, village or town for the last previous assessed valuation, such assessment shall be paid in instalments of one-fourth of one per centum of such valuation for each year until paid unless the court shall order them paid in smaller amounts. [*1919 c. 557 s. 2*]

Bridges. SECTION 1379—31*m*. 1. (*a*) Whenever the construction of a drainage ditch across a public highway shall make necessary the construction or reconstruction of any bridge, the district and the officers in charge of the maintenance of the bridge shall endeavor to come to an agreement as to the most practicable and desirable method of constructing or reconstructing the said bridge. In case they are unable to agree, the matter shall be referred to the court for determination.

(*b*) If it shall be determined to reconstruct or add to the bridge existing at the time of such crossing, the district shall pay the costs incident thereto. If it shall be deemed most practicable and desirable to construct a new bridge, the district shall pay to the unit of government responsible for the maintenance of the bridge for use in constructing the new structure such sum as shall be deemed equivalent to the value of the bridge in place at the time of constructing the drainage ditch.

2. If it is desired to construct a new bridge across any drainage ditch, the officers in charge of such construction shall notify the drainage commissioners by registered letter addressed to the secretary thereof. If said commissioners shall within ten days file with such officers a written order to that effect, it shall be obligatory on such officers to construct such new bridge of such clear span as the said commissioners shall order and in such manner as to make possible the removal of its superstructure to permit the passage of such floating dredge. In case such order of the commissioners shall require the bridge to be built of greater span than is necessary for proper drainage of flood waters, any excess cost resulting from such order shall be paid by the district. If such bridge shall be required to be built in such manner as to permit the removal of its superstructure to afford passageway for dredges any increased cost of maintenance and the cost of such removal, when required, shall be paid by the district. [*1919 c. 557 s. 2; 1921 c. 550*]

Purchase and operation of machinery and apparatus. SECTION 1379—31*n*. 1. Whenever the commissioners of one or more districts file in the office of the clerk of the court a petition praying that the district or districts be authorized to purchase, operate and maintain necessary machinery, apparatus, and other appliances to construct and keep in repair the drains within their districts and to employ labor and do all things necessary to satisfactorily operate such machinery and apparatus, the court shall fix a time and place of hearing on such petition.

2. Notice of the time and place of hearing on such petition shall be given as provided in section 1379—10*f*.

3. Any interested person or corporation may appear and contest such petition.

4. If the court is satisfied that it will be for the best interests of the district or districts to own the necessary machinery and appliances and do the work itself or themselves it shall so find and authorize the purchase of such machinery; otherwise it shall by order dismiss such petition. When more than one district is interested the court shall determine the proportion of the cost of the machinery to be paid by each district.

5. If there are insufficient funds with which to purchase machinery and appliances the commissioners shall levy an additional assessment to pay therefor together with the cost of the proceeding on such petition. [*1919 c. 557 s. 2*]

Certain proprietors may obtain more thorough drainage than the district affords. SECTION 1379—31*o*. 1. Whenever the owners of land in a part of a drainage district desire a more thorough or different drainage than the drains of such district then constructed or planned will give, a majority of such owners may petition the commissioners to grant

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such more thorough or different drainage. The commissioners shall examine such lands and report the facts to the court.

2. If the court shall be satisfied that the public health or public welfare will be promoted by such more thorough or different drainage and that the benefits therefrom will exceed the damages and costs of construction the court shall (a) Order a subdistrict of such drainage district formed; (b) give it a name or number; (c) fix its boundaries and (d) order the commissioners of said district (1) to make and report a plan and specifications for such more thorough or different drainage, (2) to estimate the cost of construction thereof, (3) to estimate the cost of all additional bridges thereby made necessary, and (4) to assess benefits against and award damages to all lands and corporations in such district benefited or damaged by such more thorough or different drainage, as provided in section 1379—18 of the statutes.

3. Thereafter the proceedings under this section shall, so far as possible, conform to the proceedings under sections 1379—19 to 1379—40, inclusive, of the statutes. [*1919 c. 557 s. 2*]

Consolidation of districts. SECTION 1379—31*p*. 1. Whenever the owners of at least ten per cent of the lands in each of two or more districts under the jurisdiction of the courts of the same circuit petition that such districts be consolidated, any such court having jurisdiction of one or more such districts may consolidate two or more such districts, and give a name to the consolidated district and appoint commissioners therefor.

2. Whenever such drainage districts are under the jurisdiction of courts of different circuits, such petition shall be addressed to the court having under its jurisdiction the largest area.

3. The court may order the consolidation of two or more districts and the records of all such districts shall be certified to the clerk of such court and the circuit court of such county shall thereafter have jurisdiction of said consolidated district and said records shall be the records of said consolidated district. The court shall give a name to the consolidated district and appoint commissioners therefor.

4. Assessments made against lands and corporations in the several districts so consolidated shall remain in full force and effect and the lien thereof shall not be affected by such consolidation.

5. After such consolidation, the benefits of such consolidated district may be reassessed, to render them just and equitable as a basis for future assessments, but such reassessments shall in no manner affect or render more difficult of collection any bonds, notes or other valid obligations of either of the districts consolidated. Bonds, notes and other obligations of the original districts shall remain liens on the same assessments that they were liens on when they were issued. [*1919 c. 557 s. 2*]

Assessment of one district by another. SECTION 1379—31*q*. Whenever one district shall have assessed another district for special benefits and such assessments shall have been confirmed by the court, or whenever a money judgment shall have been rendered against any district, the clerk of the court in which such judgment shall be rendered or assessment confirmed, shall certify such assessment or judgment to the commissioners of the district liable thereon and such commissioners shall assess upon the lands and the corporations of such district a sufficient sum to pay such assessment or judgment, but the court may order that such assessment or judgment be payable in instalments. [*1919 c. 557 s. 2*]

Inequitable assessments. SECTION 1379—31*r*. At any time after the expiration of five years from the confirmation of the report of the commissioners, provided for in section 1379—20*a* of the statutes, upon petition of at least one-tenth of the owners of lands within a district or of the owners of at least one-tenth of the lands within such district, setting forth that such original assessments of benefits is inequitable and unjust, the court shall direct the commissioners to reassess the benefits in such district. The commissioners shall report such reassessment to the court. Notice of hearing thereon shall be given as provided in subsection 3 of section 1379—10*f* of the statutes. The issues shall be made up as provided in section 1379—20 of the statutes and tried as provided in section 1379—10*q* of the statutes. The court shall on such hearing confirm the report, or direct how the same shall be modified and when so modified shall confirm the same. Such reassessment shall take the place of all prior assessments and thereafter all assessments for construction, additional assessments and assessments for repair shall be based on the sum of all assessments of benefits then in force. [*1919 c. 557 s. 2*]

Complaints of inadequate drainage; notice; hearing. SECTION 1379—31*s*. 1. Whenever the commissioners of any district, or whenever the owners of more than one-tenth of the lands within any such district shall file with the court a petition in writing setting forth: (a) That the drains constructed within such districts do not afford an adequate

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outlet for drainage; (b) that it is necessary in order to give an adequate outlet to remove certain dams or other obstructions from waters or streams, or to deepen, straighten or widen the same either within or beyond the boundaries of such district; (c) that the public health and the public welfare will be promoted by such work and that the navigability of, and other public rights in, such waters or streams will not be materially impaired, the court shall fix a time and place of hearing thereon which shall not be less than thirty days nor more than sixty days after the date of such filing. Notice of such hearing shall be posted and published in the manner required by subsection 3 of section 1379—10*f* of the statutes, and by service on the owner of any dam sought to be removed and upon all riparian owners and corporations affected thereby in the same manner as service of a summons in the circuit court.

2. Upon such hearing any person interested may appear and contest the sufficiency of the petition and the necessity for such work.

3. The affidavit of any landowner in the district to the effect that the petition is signed as required by the statute shall be prima facie evidence of that fact.

4. If the court shall find that the petition has the proper number of signers, and that to afford an adequate outlet it is necessary to remove dams or other obstructions from waters and streams which may be navigable, or to straighten, clean out, deepen or widen any such waters or streams either within or beyond the limits of such district, the court shall direct the commissioners to file an application with the railroad commission of the state of Wisconsin as provided in subsection 7 of section 1379—17 of the statutes. Thereafter such proceedings shall be had as are provided for in subsections 8 to 17, inclusive, of section 1379—17 of the statutes, so far as the same may be applicable.

5. Within thirty days after the filing of the findings of the railroad commission in the office of the clerk of the circuit court the commissioners of the district shall proceed to estimate the cost of such work, including the expenses of the proceeding, together with the damages which will result from the work and shall file with the court within a reasonable time a report in writing in which they shall award damages to all lands damaged by such work, and they shall assess the cost of such work against the lands in said district in proportion to the assessment of benefits then in force; but if the commissioners are of the opinion that such additional work will result in greater benefits to any or all of the lands within such district than the assessment of benefits then in force they shall as a part of such report reassess the lands of such district for benefits, which reassessment shall be based upon the actual benefits to such lands and the assessment for cost of construction and all future assessments shall be based upon such reassessment of benefits.

6. Upon the filing of such report such proceedings shall be had as are prescribed by sections 1379—19 and 1379—20 of the statutes in so far as the same may be applicable.

7. In the event that the commissioners shall have failed to levy a sufficient assessment to cover the cost of the removal of such dam and the construction of such other work they may levy such additional or supplemental assessments against the lands in such district as may be necessary. [*1919 c. 557 s. 2*]

Irrigation with drainage water. SECTION 1379—31*t*. 1. Whenever any owner of land in a district desires to take water from a district drain for irrigation purposes, he may apply to the commissioners for the right to take such water specifying the number of acres that he desires to irrigate and where the same is located and accompanied by a map thereof and stating what he is willing to pay for such irrigation privilege. If the commissioners believe that such irrigation will not injure other lands in the district and that the surplus water will be returned to the district drain before it leaves the lands of the applicant, they shall report the facts to the court and petition the court to authorize them to grant the privilege.

2. Twenty days' notice of hearing thereon shall be served on the owners of all lands within one-quarter of a mile of the land to be irrigated.

3. If the court shall find that such irrigation will not injure the district or other lands therein, the court may grant permission to the commissioners to contract with the applicant for such irrigation privilege which contract shall provide for an annual rental to be paid by the irrigator to the district on the first day of September in each year. Such contract shall not extend beyond five years. [*1919 c. 557 s. 2*]

Obstructions to flow of water. SECTION 1379—31*u*. 1. Whenever any embankment, grade, culvert or bridge (including the approaches to such culvert or bridge) built or maintained by any person or corporation across any natural watercourse or natural draw so obstructs such watercourse or draw that waters therein are set back or diverted upon lands in any district, such person or corporation shall so enlarge the waterway through such embankment, grade, culvert or bridge and the approaches thereof that it will not set back or divert such waters upon lands in such district.

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2. The commissioners or the owners of land upon which such water is set back or diverted may serve notice upon such person or corporation to enlarge the waterway through such embankment, grade, bridge or culvert or to make new openings therein sufficient to let the waters pass without flooding such lands.

3. In case the owner or person or corporation maintaining such embankment, grade, bridge or culvert fails for sixty days after such notice is served to so enlarge the waterway or make the necessary new waterways through such embankment, grade, bridge or culvert to permit such waters to pass without such setting back or diversion, the commissioners or injured landowner may report the facts to the court and petition that such owner or maintainer be required to enlarge such waterway.

4. The court or presiding judge shall fix a time and place of hearing on such report and petition and order the owner or maintainer of such embankment, grade, bridge or culvert to show cause why he should not be required to so enlarge such waterway or make such new waterway.

5. Such order to show cause shall be served on such owner or maintainer or both, if named in the petition, as provided in sections 2636 and 2637 of the statutes at least ten days before such hearing.

6. If the court shall be satisfied that such embankment, grade, bridge or culvert so obstructs such watercourse or draw that it causes water to be set back or diverted upon lands in such district, the court shall order the owner or maintainer of such embankment, grade, bridge or culvert to so enlarge the waterway or to construct a new waterway through the same.

7. The period of time that such embankment, grade, bridge or culvert has been built or maintained shall be no defense to such proceeding for the enlargement of the waterway through the same or the requiring of a new waterway to be constructed.

8. Failure of such owner or maintainer to comply with the order of the court shall be punishable as for a contempt and such owner or maintainer failing to comply with such order shall be liable to the injured party for all damages. [*1919 c. 557 s. 2*]

Levees, bulkheads, reservoirs and machinery. SECTION 1379—31*v*. 1. Whenever it is necessary to the successful drainage or protection of any district or of any considerable area of such district, the commissioners may purchase, construct, maintain and operate all necessary levees, bulkheads, reservoirs, silt basins, holding basin, floodways, engines and other machinery, pumps and pumping stations.

2. If the same will cost more than two thousand dollars and the same has not been included in the report under section 1379—18, the court shall order a hearing on such notice as is required in proceedings to purchase machinery under section 1379—31*a* of the statutes.

3. After such hearing the court may authorize the purchase and construction prayed for or any part thereof or refuse the same. [*1919 c. 557 s. 2*]

SECTION 1379—31*v* [1379—31*va*]. [*Repealed by 1919 c. 557 s. 1*]

Liberally construed. SECTION 1379—31*w*. The provisions of section 1379—10*a* to section 1379—40, inclusive, of the statutes shall be liberally construed. [*1919 c. 557 s. 2*]

Certain corporations may acquire land to promote drainage. SECTION 1379—32. Whenever it shall become necessary for any corporation organized under the laws of this state for the purpose of constructing, maintaining and operating drains, ditches, canals or the like for the drainage and for reclaiming wet, submerged, overflowed and swamp lands, in order to promote the public health or welfare, to acquire any real estate for the purpose of constructing, maintaining, or operating any canals, drains, ditches or the like it may purchase the same with the approval of the court, or may acquire such real estate by condemnation. [*1893 c. 245 s. 1; 1905 c. 419 s. 43; Supl. 1906 s. 1379—32; 1907 c. 118; 1919 c. 571 s. 2*]

SECTION 1379—32*a*. [*Repealed by 1919 c. 557 s. 1*]

SECTION 1379—32*b* [1905]. [*Repealed by 1919 c. 557 s. 1*]

Penalty for placing obstructions in ditches. SECTION 1379—32*b*. 1. It is hereby declared to be unlawful for any person, without the written consent of the drainage commissioners, to place any dam, sluice, bulkhead, log, timber, pole, lumber, brush, stone, earth, or other obstruction of any kind to the free flow of water in any ditch constructed under any drainage law of this state.

2. Any person or persons violating the provisions of this section shall upon conviction thereof be fined not less than one dollar nor more than twenty-five dollars and costs of prosecution for the first offense and not less than ten dollars nor more than one hundred dollars and costs of prosecution for each subsequent offense, and shall in addition be liable in damage to the drainage district and to all persons whose ditches or lands are injured by such obstruction for all damage and injury caused by such obstruction. [*1911 c. 541*]

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SECTION 1379—32c. [*Repealed by 1919 c. 557 s. 1*]
SECTION 1379—32d. [*Repealed by 1919 c. 557 s. 1*]
SECTIONS 1379—33 to 1379—39. [*Repealed by 1919 c. 571 s. 3*]

Special commissioners for adjacent districts. SECTION 1379—40. 1. Whenever a condition shall arise out of the relationship of two or more adjacent drainage districts, for which no provision is made by any other subsection of the drainage district laws of Wisconsin, a special commissioner shall be appointed for each of said districts by the court or courts having jurisdiction thereof to adjust all matters in controversy arising out of said condition, and if there be an even number of districts affected the special commissioners shall choose another disinterested commissioner. All special commissioners shall take an oath to support the constitution of the United States and that of the state and faithfully discharge their duties to the best of their ability. The special commissioners shall employ such help as is necessary to investigate the problem at hand, and shall report their findings and the necessary order based thereon to said court or courts. Notice of filing said order shall be given as provided in section 1379—24, and unless said order is appealed from to the supreme court by the commissioners of any district affected within thirty days of said confirmation, the commissioners of all districts affected shall enforce said order. The special commissioners shall receive five dollars a day and necessary traveling expenses while actually engaged in said work. All expenses connected with said work shall be assessed to all districts affected on a pro rata acreage basis. [*1913 c. 633*]

MISCELLANEOUS.

Drains may be altered. SECTION 1380. Any drain, ditch or watercourse laid out and constructed under the provisions of this chapter may be altered, widened, deepened or discontinued by the same authority, and upon like application, petition and proceedings, so far as applicable, required to be taken for laying out and constructing the same. [*R. S. 1878 s. 1380; Ann. Stats. 1889 s. 1380; Stats. 1898 s. 1380*]

Drainage of public lands. SECTION 1381. The county board or town board may locate and construct any drain, ditch or watercourse through the lands of other persons for the purpose of draining any of the lands known as swamp and overflowed lands, belonging to their respective counties or towns; the proper board shall cause a survey, plat and profile thereof to be made in the manner hereinbefore provided, and fix by agreement or by an award the damages for lands taken, to be made and filed in the manner prescribed to them respectively in this chapter. An appeal may be taken from such award of damages and proceedings had thereon in like manner as is hereinbefore provided, and like proceedings shall be had thereon. The work of constructing such drain or ditch shall be let to the lowest bidder in the manner directed by such county or town board; and when completed the costs of the same, including all compensation for damages and all fees and expenses, shall be paid out of the swamp land fund belonging to such county or town and not otherwise. [*1862 c. 398 s. 13, 14; R. S. 1878 s. 1381; Ann. Stats. 1889 s. 1381; Stats. 1898 s. 1381*]

Repair of drains. SECTION 1382. Each person to whom any portion of a drain, ditch or watercourse shall have been assigned, in the manner provided in this chapter, to maintain and keep in repair shall keep and maintain the same in repair so long as he shall remain the owner of the lands on account of which the same was so assigned to him, and his heirs and assigns thereof forever afterwards. [*R. S. 1878 s. 1382; Ann. Stats. 1889 s. 1382; Stats. 1898 s. 1382*]

Injury to drain, etc. SECTION 1383. Whoever shall fill up or place any obstruction in any canal, drain, ditch or watercourse dug, built, laid out or opened under the authority of this state, any county board, common council, village trustees, town board or drainage commission, or who shall in any way break or interfere with the walls or embankments of any such canal, drain, ditch or watercourse, and any person who shall fill up or in any manner obstruct or injure any canal, drain, ditch or watercourse dug, built, laid out or constructed by any private person or private corporation shall forfeit for each such offense not more than one hundred dollars nor less than one dollar and be liable for all damages resulting therefrom; and the boards of the proper county, village and town and the common council of the proper city shall immediately cause any obstruction placed in any canal, drain, ditch or watercourse dug, built, laid out or opened under its authority to be removed and any injury done thereto to be repaired. [*1862 c. 398 s. 12; 1874 c. 325 s. 1; R. S. 1878 s. 1383; Ann. Stats. 1889 s. 1383; 1893 c. 87; Stats. 1898 s. 1383*]

Proceedings on complaint of obstruction. SECTION 1384. Whenever any such drain, ditch or watercourse has, from any cause, become obstructed so that the natural flow

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of water along the same is prevented any person feeling himself aggrieved thereby may make complaint to the supervisors of the town where such obstruction is, who shall view the same, and, on being satisfied that the same is so obstructed, shall make an order, under their hands, stating the nature of such obstruction with reasonable certainty and directing the owner or occupant of the lands charged with the maintenance and repair thereof to remove such obstruction within a reasonable time, to be fixed in such order, having reference to the season of the year and the condition of the ground, and shall cause a copy of such order to be served upon such owner or occupant. If such obstruction be not removed by such owner or occupant within the time so fixed, or in case it be denied, then within the time fixed by the certificate of the jury, as hereinafter provided, such owner or occupant shall forfeit the sum of fifty cents for every day during which such obstruction shall thereafter continue; and the supervisors may cause the same to be removed and charge the expenses thereof on the lands so charged with the maintenance and repair of such drain, ditch or watercourse, and shall order the town clerk to enter the same upon the next tax roll as a tax upon such lands; and the money when collected shall be paid out on the order of the supervisors to defray the expenses of removing such obstruction. If such supervisors refuse or neglect to act upon such complaint within fourteen days after it has been made to them, or if they shall refuse to make such order, the person who made the complaint may, within fourteen days after such refusal or neglect, appeal to some justice of the peace of the county in which such drain, ditch or watercourse lies, or if it lies in adjoining towns in two counties, to some justice in either, from such failure or refusal to act or make such order; such appeal shall be taken in the manner, and all proceedings thereon, including the giving of bonds by the appellants, shall be as prescribed by sections 1276 to 1280, both inclusive, so far as they are applicable to ditches, drains and watercourses. If upon such appeal the commissioners selected under said sections find that such ditch, drain or watercourse has become so obstructed as to prevent the natural flow of water along the same they shall make such an order as the supervisors should have made, and cause it to be filed within ten days after the date thereof in the office of the clerk of the town in which the ditch, drain or watercourse lies, or in each adjoining town if it lies in them. The supervisors of such town or towns shall, within five days after such filing, proceed to enforce such order in the manner hereinbefore prescribed, and may be compelled to do so by mandamus. If the finding of the commissioners is favorable to the appellant the town or towns in which the ditch, drain or watercourse lies shall pay all the costs of the appeal; if the action of the supervisors is sustained by the commissioners such costs shall be paid by the appellant. [*1874 c. 325 s. 2; R. S. 1878 s. 1384; Ann. Stats. 1889 s. 1384; 1893 c. 208; Stats. 1898 s. 1384; 1921 c. 422 s. 45*]

Trial of issue. SECTION 1385. If the owner or occupant upon whom a copy of such order shall be served shall, within ten days after the service thereof, deny, in writing, such obstruction and deliver the same to one of said supervisors, the said supervisor shall proceed to cause a jury to be summoned, and like proceeding shall be had as in case of an encroachment upon a highway, as provided in chapter 64i. [*1874 c. 325 s. 3; R. S. 1878 s. 1385; Ann. Stats. 1889 s. 1385; Stats. 1898 s. 1385*]

Removal of obstruction. SECTION 1386. If the jury find an obstruction to the natural flow of the water in such drain, ditch or watercourse they shall make a certificate under their hands, describing such obstruction with reasonable certainty, and fix a time within which the same shall be removed, and stating the total cost of such proceeding, which shall be filed in the office of the town clerk and a copy thereof served upon such owner or occupant, who shall remove such obstruction and pay such costs within the time fixed in such certificate; and in case he shall fail so to do the supervisors may cause such obstruction to be removed, and the expenses of such removal and the unpaid costs of such proceedings shall be collected as a tax as provided in section 1384. [*1874 c. 325 s. 4; R. S. 1878 s. 1386; Ann. Stats. 1889 s. 1386; Stats. 1898 s. 1386*]

Costs if no obstruction. SECTION 1387. If the jury find that there is no obstruction they shall certify the same and shall ascertain what damages the owner or occupant has sustained by reason of such proceeding; also all the costs and expenses of such proceeding, and shall state the same, and in such case the said damages, fees and expenses of such proceeding shall be paid by the town and charged to and collected by the town from the parties complaining of such obstruction. [*1874 c. 325 s. 5; R. S. 1878 s. 1387; Ann. Stats. 1889 s. 1387; Stats. 1898 s. 1387*]

Order as evidence. SECTION 1388. Every order of the supervisors of any town or towns or of the county board of any county laying out, altering, straightening or discontinuing any drain, ditch or watercourse under the provisions of this chapter, the record thereof or a certified copy of such record shall be presumptive evidence of the

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facts therein stated and of the regularity of all the proceedings prior to the making of such order. [*1871 c. 64 s. 6; R. S. 1878 s. 1388; Ann. Stats. 1889 s. 1388; Stats. 1898 s. 1388*]

Construction of levee. SECTION 1388*a*. Any six freeholders residing in any town and being interested in the protection of lands therein from overflow by water may make written application to the supervisors thereof for the construction of a levee for the protection of such lands; such application shall briefly describe the proposed levee, state the points at which it is to begin and end, the general route to be followed, height and manner of construction and any other matter that may appertain thereto and ask that a day be appointed to consider it. Such supervisors shall, within fifteen days after the receipt of such application, set a day for hearing the petitioners and any others who may be interested, and may, if they think proper, proceed to establish such levee. All the provisions of this chapter relating to the construction and maintenance of drains, ditches and watercourses are made applicable to the construction and maintenance of such levees except so far as verbal changes may need to be made in the proceedings taken thereunder; and for the purposes of this section the words drain, ditch and watercourse may be construed to mean levee. [*1887 c. 314; Ann. Stats. 1889 s. 1388a; Stats. 1898 s. 1388a*]

Culverts and outlets to permit natural drainage. SECTION 1388*b*. 1. Whenever any town, city, village or railway company shall have heretofore constructed and now maintains or hereafter shall construct and maintain any public highway or road grade through, over and across any marsh, lowland or other natural depression over or through which surface water naturally flows and percolates, and the stopping of the said flow and percolation of said water by said highway or road grade causes any crop or land to be flooded, watersoaked or otherwise damaged, such town, city, village or railway company shall construct, provide and at all times maintain a sufficient ditch or ditches, culverts or other outlets to allow the free and unobstructed flow and percolation of said water from said lands, and to prevent said lands from becoming flooded, watersoaked or otherwise damaged by said water. Provided, however, that the foregoing shall not apply to public highways or road grades now or hereafter used to hold and retain water for cranberry purposes.

2. Any town, city, village or railway company which shall fail to provide such necessary ditches or culverts or other outlets shall be liable for all damages caused by reason of such failure or neglect. [*1913 c. 159*]

Connecting ditch or sluiceway across railroad right of way. SECTION 1388*c*. Whenever the owner or owners of any land desire to drain the same by a blind or open ditch, and to properly drain such land, a connecting ditch or sluiceway should be constructed across the right of way of any railroad company, such owner or owners shall file with the depot agent of such company nearest to said land a written petition stating the kind of ditch proposed to be built by such owner or owners and requesting the railroad company to construct a ditch or sluiceway across its right of way which will conform thereto. Within sixty days after the filing of such petition the railroad company shall construct such ditch or sluiceway and the petitioners shall pay the labor cost of such construction. [*1915 c. 623*]

Hearings regarding culverts, etc. SECTION 1388*d*. In case of the failure or refusal of any railroad company to comply with any of the provisions of sections 1388*b* and 1388*c*, the person, firm or corporation or the town, village or city aggrieved thereby may file a complaint with the railroad commission setting forth the facts. The commission shall investigate and determine the matter in controversy, in accordance with the provisions of sections 1797—1 to 1797—38, inclusive, and any order it shall make in said proceeding shall have the same force and effect as an order in any other proceeding properly begun under and by virtue of the provisions of said sections. [*1917 c. 310*]

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CHAPTER 76*b*.

FENCES.

Fence viewers. SECTION 1389. The supervisors in their respective towns, the aldermen of cities in their respective wards, and the trustees of villages in their respective villages shall be fence viewers. [*R. S. 1858 c. 17 s. 20; 1872 c. 41; 1875 c. 285; R. S. 1878 s. 1389; Ann. Stats. 1889 s. 1389; 1895 c. 14; Stats. 1898 s. 1389*]

Legal fences. SECTION 1390. All fences not less than fifty-four inches high consisting of boards firmly fastened to posts well set, not more than nine feet apart, the space between the ground and the bottom board and each space between the boards being not more than eight inches; all fences consisting of five barbed wires with at least thirty-six barbs each to the rod, firmly fastened to posts well set, not more than sixteen feet apart with one good stay between the posts, the top wire not less than forty-eight inches high at the place of attachment, the bottom wire being not more than seven inches from the ground, the space between the bottom and the second wires being not more than seven inches, between the second and third wires not more than eight inches, between the third and fourth wires not more than twelve inches, and between the fourth and top wires not more than sixteen inches, measurements to be made at the place of attachment; all fences consisting of a combination of wire and pickets with posts well set, not more than fifteen feet apart and connected by three or more wires not less in size than No. 9, with pickets not less than four feet long, and set not more than six inches apart, the pickets securely fastened to the wires; and all fences consisting of rails, timbers, wires, boards or stone walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches or hedges, or other things which shall be considered equivalent to either of the fences herein mentioned in the judgment of the fence viewers within whose jurisdiction the same may be, shall be deemed legal and sufficient fences. Fences on marsh lands may be made by a ditch or by a fence combined with a ditch or ditches not more than twelve feet in width, equal amounts of material being taken from or equal space occupied on each side of the division line; but the construction of such a fence shall not relieve the owner of swine from liability for any damage they commit upon the inclosed premises of an adjoining owner. [*R. S. 1849 c. 14 s. 1; R. S. 1858 c. 17 s. 1; 1861 c. 133 s. 1; R. S. 1878 s. 1390; 1880 c. 107, 158; 1881 c. 119; 1882 c. 201; 1889 c. 278; Ann. Stats. 1889 s. 1390, 1390a; Stats. 1898 s. 1390*]

Legal fences; space between ground and bottom. SECTION 1390*a*. 1. No fence constructed or rebuilt after the passage of this act shall be deemed a legal and sufficient fence unless the same shall be constructed or rebuilt in either of the following manners:

(a) A fence made of strong woven wire, the strands to be not less than No. 12 wire; cross wires or meshes to be not less than No. 16 wire. If cross wires are used they are to be not more than twelve inches apart, and if meshes, they are not to exceed eight inches square; the height to be not less than twenty-six inches, with three barbed wires at the top, the top wire being not less than fifty inches from the ground; the posts to be not more than sixteen feet apart.

(b) A fence made of strong woven wire, the strands to be not less than No. 12 wire; cross wires or meshes to be not less than No. 16 wire. If cross wires are used they are to be not more than twelve inches apart, and if meshes, they are not to exceed eight inches square; the height to be not less than thirty inches, with two barbed wires at the top, the top wire being not less than fifty inches from the ground; the posts to be not more than sixteen feet apart.

(c) A fence made of strong woven wire, the strands to be not less than No. 12 wire; cross wires or meshes to be not less than No. 16 wire. If cross wires are used they are to be not more than twelve inches apart, and if meshes, they are not to exceed eight inches square; the height to be not less than forty-six inches, with one barbed wire at the top, the top wire being not less than fifty inches from the ground; the posts to be not more than sixteen feet apart.

(d) A fence made of strong woven wire, the strands to be not less than No. 12 wire; cross wires or meshes to be not less than No. 16 wire. If cross wires are used they are to be not more than twelve inches apart, and if meshes, they are not to exceed eight

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inches square; the height to be not less than fifty inches, with posts not more than twenty feet apart.

(e) A fence not less than fifty inches high consisting of boards firmly fastened to posts well set, not more than eight feet apart, the space between the ground and bottom board and each space between the boards to the height of thirty inches being not more than six inches.

(f) A fence not less than fifty inches high, consisting of two boards and three barbed wires firmly fastened to posts well set not more than eight feet apart, the bottom board being not more than six inches from the ground and the space between the bottom board and the second board being not more than six inches, and the space between the second board and the first wire not more than six inches.

(g) A fence consisting of a combination of wire and pickets with posts well set not more than sixteen feet apart and connected by three or more wires not less than No. 12, with pickets not less than four feet long woven in or fastened thereto, and set not more than six inches apart.

(h) All fences consisting of rails, boards or stone walls or any combination thereof, and all brooks, rivers, ponds, creeks, ditches or hedges, which shall in the judgment of the fence viewers, within whose jurisdiction the same may be, be considered equivalent to either of the fences herein mentioned.

2. All measurements herein mentioned shall be made at the place of attachment in all cases.

3. In all fences the space between ground and the woven wire and between the ground and the bottom of the pickets shall not be more than four inches. [*1905 c. 374 s. 1; Supl. 1906 s. 1390a; 1907 c. 91, 118*]

Partition fences. SECTION 1391. The respective occupants of adjoining lands, used and occupied for farming purposes, and the respective owners of adjoining lands when the lands of one of such owners is used and occupied for farming purposes, shall keep and maintain partition fences between their own and next adjoining premises in equal shares so long as either party continues to so occupy the same, and such fences shall be kept in good repair throughout the year unless the occupants of the lands on both sides otherwise mutually agree. And owners of lands who do not maintain and keep in repair lawful partition fences shall not be entitled to recover any damages whatever for trespasses by the animals of owners of any adjoining lands with whom partition fences might have been maintained if such lands had been inclosed. [*R. S. 1849 c. 14 s. 2; R. S. 1858 c. 17 s. 2, 9; R. S. 1878 s. 1391; 1880 c. 138; 1880 c. 307; Ann. Stats. 1889 s. 1391; Stats. 1898 s. 1391; 1915 c. 618*]

How partition made. SECTION 1392. Every partition of the fence or of the line upon which partition fences are to be built between adjoining owners, made by the owners thereof in writing, signed, sealed and witnessed by two witnesses, or by the fence viewers, in writing under their hands, in the cases and in the manner hereinafter provided, after being recorded in the town clerk's office, shall oblige such owners, their heirs and assigns, so long as such adjoining land on each side respectively shall remain in the same ownership, and after a severance of ownership until a new partition of such fence shall be made, to build and maintain such fence agreeably to said partition. But neither such owner nor his heirs or assigns shall be bound to build or maintain any part of such partition fence during any time when none of such adjoining lands shall be so occupied. [*R. S. 1849 c. 14 s. 7, 18; R. S. 1858 c. 17 s. 7, 18; R. S. 1878 s. 1392; 1880 c. 138 s. 2; Ann. Stats. 1889 s. 1392; Stats. 1898 s. 1392; 1915 c. 618*]

Removal of fence. SECTION 1392*a*. When any owner or occupant of land shall build a fence before the location of the boundary line between such land and any land adjoining the same and the location of such line shall establish the fact that said fence is on such adjoining land, the ownership thereof shall be in the person who built it or his grantee, devisee or heirs, but such fence shall be removed to the boundary line within thirty days after the location thereof and the service of written notice upon the person who built it or who has acquired his rights, by the owner or occupant of the land upon which the fence is situated; such notice shall be served personally or by leaving a copy thereof at the usual place of abode of such person with some member of his family of suitable age and discretion who shall be informed of the contents thereof; if the removal is not made within thirty days thereafter the party who served or caused such notice to be served may remove the fence to the boundary line and set it up there and recover the expense of so doing from the other party; provided, that no such fence shall be removed between the first day of April and the first day of November unless by agreement of the owners or occupants of the adjoining lands. [*1883 c. 202; Ann. Stats. 1889 s. 1392a; Stats. 1898 s. 1392a*]

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Division of partition fence. SECTION 1393. 1. A division of a partition fence, or the line upon which a partition fence between adjoining lands shall be built, may be made by fence viewers in the following cases:

(1) When a division of a partition fence, or the line upon which a partition fence between adjoining lands shall be built, shall not have been made in the manner prescribed by section 1392 of the statutes, either of the owners of adjoining lands may have the line between his land and the adjoining land of any other person divided, and the portion upon which the respective owners shall erect their share of the partition fence assigned, regardless of whether his land be inclosed or not and regardless of whether such adjoining land be inclosed or not.

(2) When any lands belonging to different persons in severalty shall have been occupied in common or without a partition fence between them and one of the occupants shall be desirous to occupy his part in severalty, and the other shall refuse or neglect, on demand, to divide with him the line where the fence ought to be built or to build a sufficient fence on his part of the line, when divided, the occupant desiring it may have the same divided and the share of each assigned.

(3) When any controversy shall arise about the right of the respective occupants in partition fences or their obligation to maintain the same, either party may have the line divided and the share of each assigned.

2. In either such case application may be made to two or more fence viewers of the town where the lands lie or to two or more fence viewers of two towns, if the lands lie in two towns, who, after eight days' notice in writing to each party to be served as a summons is in a civil action before a justice of the peace, shall, in writing under their hands, divide the partition fence or line and assign to each owner or occupant his share thereof; and in each of said cases they shall also therein direct the time within which each party shall build or repair, as may be proper, his share of the fence, having regard to the season of the year, and shall file such decision in the town clerk's office, who shall record the same. If either party shall refuse or neglect to build or repair within the time so assigned his part of the fence the other may, after having completed his own part, build or repair such part and recover the expense thereof as provided in section 1397 of the statutes. [*R. S. 1849 c. 14 s. 6, 12, 13; R. S. 1858 c. 17 s. 5, 6, 12, 13; R. S. 1878 s. 1393; Ann. Stats. 1889 s. 1393; Stats. 1898 s. 1393; 1915 c. 618; 1919 c. 205*]

Partition of fences in water. SECTION 1394. Where a partition fence running into the water is necessary to be made the same shall be done in equal shares unless otherwise agreed by the parties, and in case either party shall refuse or neglect to make or maintain the share belonging to him similar proceedings shall be had as in case of other fences and with the like effect. [*R. S. 1849 c. 14 s. 4; R. S. 1858 c. 17 s. 17; R. S. 1878 s. 1394; Ann. Stats. 1889 s. 1394; Stats. 1898 s. 1394*]

Partition when land bounded by water. SECTION 1395. When the boundary line between inclosed lands of different persons is a river, brook, pond or creek, which of itself is not a sufficient fence, and it is impracticable, without unreasonable expense, for a partition fence to be built on the true boundary line, and either owner or occupant shall refuse to join in making a partition fence on either side thereof, or if they shall disagree respecting the same, either party may apply to two or more fence viewers of the town, who, after giving notice as provided in section 1393, shall proceed to view such river, brook, pond or creek; and if they shall determine that the same is not a sufficient fence and that it is impracticable, without unreasonable expense, to build a fence on the true boundary line they shall, in writing under their hands, determine how or on which side thereof the fence shall be built or whether partly on one side and partly on the other, and assign to each owner or occupant his share thereof and the time within which the respective parties shall build the same, and file such determination in the office of the town clerk, who shall record the same. If either party shall refuse or neglect to build within the time so assigned his part of the fence the other may, after having completed his own part, build such part and recover the expense thereof as hereinafter provided. If said fence viewers shall determine that it is impracticable, either from the formation of the banks of such river, brook, pond or creek or from any other cause, to maintain any fence along or near said boundary line they shall give written notice to the parties of such determination. [*R. S. 1858 c. 17 s. 10, 11; 1872 c. 57; R. S. 1878 s. 1395; Ann. Stats. 1889 s. 1395; Stats. 1898 s. 1395; 1915 c. 618*]

Compulsory repair of fence. SECTION 1396. In case any person shall neglect to repair or rebuild any partition fence which by law he ought to maintain the aggrieved party may complain to two or more fence viewers of the town, who, after giving notice as provided in section 1393, shall examine the same, and if they shall determine such fence is insufficient they shall signify the same to the delinquent party and direct him

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to repair or rebuild the same within such time as they shall deem reasonable. If such fence shall not be repaired or rebuilt within the time so fixed, the complainant may repair or rebuild the same and recover the expense thereof as hereinafter provided. [*R. S. 1849 c. 14 s. 3; R. S. 1858 c. 17 s. 3; R. S. 1878 s. 1396; Ann. Stats. 1889 s. 1396; Stats. 1898 s. 1396; 1915 c. 618*]

Cost of repairs. SECTION 1397. 1. Whenever any owner or occupant shall have built, repaired or rebuilt any fence in pursuance of the preceding sections which the adjoining owner or occupant shall have been lawfully directed by fence viewers to build, repair or rebuild, and have failed to do within the time prescribed, he may call upon any two or more fence viewers of the town, who shall, after having given notice to such adjoining owner or occupant as provided in section 1393, examine such fence and ascertain the expense thereof; and if they shall adjudge such fence sufficient they shall give to such party a certificate under their hands of such decision and of the amount of the expense of such building or repairing, and the fees of the fence viewers who made such order and of their own; and thereupon such party may demand the amount of such ascertained expense, together with such fees, from such adjoining owner or occupant; and in case of neglect and refusal to pay the same for one month after so demanded the amount of such expenses and fees together with interest at the rate of one per cent a month shall constitute a special charge and lien against such adjoining lands and may be recovered in the manner provided in subsection 2 of this section.

2. The person to whom such certificate shall be executed and delivered may file the same with the town clerk of the town in which the lands charged with such expense are located. Upon the filing of such certificate such town clerk shall issue his warrant for the amount thereof upon the town treasurer payable to such person. The amount so paid together with interest at the rate of one per cent a month shall be included by the town clerk in the next tax roll as a special charge against such lands and such charge shall be collected by the town treasurer with the other taxes in such town. Any such charge remaining unpaid shall be added to the list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the land as for delinquent taxes; and all proceedings in relation thereto shall be the same in all respects as in the case of land sold for other delinquent taxes. Every county treasurer who shall collect or receive any moneys on account of such delinquent charges shall pay the same to the treasurer of the proper town. [*R. S. 1858 c. 17 s. 4; R. S. 1878 s. 1397; Ann. Stats. 1889 s. 1397; Stats. 1898 s. 1397; 1915 c. 618*]

Apportionment of cost of fence. SECTION 1398. When, in any controversy that may arise between occupants of adjoining lands as to their respective rights in any partition fence, it shall appear to the fence viewers that either of the occupants had, before any complaint made to them, voluntarily erected the whole fence, or more than his just share of the same, or otherwise become proprietor thereof, the other occupant shall pay for so much as may be assigned to him to repair or maintain; the just value thereof which he ought to pay shall be ascertained by proceeding as prescribed in the next preceding section. [*R. S. 1849 c. 14 s. 8; R. S. 1858 c. 17 s. 8; R. S. 1878 s. 1398; Ann. Stats. 1889 s. 1398; Stats. 1898 s. 1398*]

Partition fence on newly-inclosed land. SECTION 1399. When any uninclosed land shall afterwards be inclosed the owner or occupant thereof shall pay for one-half of each partition fence standing upon the line between his land and the inclosure of any other owner or occupant, unless such line shall have been theretofore divided, in which case he shall pay the value of the fence on the part of such line so assigned to him; and the value thereof at the time in either case shall be ascertained on the application of either as provided in section 1397, in case the parties do not agree; and if such owner or occupant shall neglect or refuse to pay the same for sixty days after the value has been so ascertained and demand made the proprietor of such fence may recover such value with the fence viewers' fees and costs. [*R. S. 1849 c. 14 s. 9, 15; R. S. 1858 c. 17 s. 15; R. S. 1878 s. 1399; Ann. Stats. 1889 s. 1399; Stats. 1898 s. 1399*]

SECTION 1400. [*Repealed by 1919 c. 416*]

Fence on town line. SECTION 1401. In all cases where the line upon which a partition fence is to be made or to be divided is the boundary line between towns or partly in one town and partly in another a fence viewer shall be taken from each town; and divisions of such fences by them or by agreement of the parties shall be recorded in the office of the clerk of each town. [*R. S. 1849 c. 14 s. 16; R. S. 1858 c. 17 s. 16; R. S. 1878 s. 1401; Ann. Stats. 1889 s. 1401; Stats. 1898 s. 1401*]

Fees of viewers; neglect of duty. SECTION 1402. Each fence viewer shall, for services rendered by him in accordance with the provisions of this chapter, be entitled to the following fees, viz.: One dollar per day for the time he shall be so necessarily

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employed; for each mile actually and necessarily traveled in the performance of any service required, four cents; twenty-five cents for serving any notice or other process upon each person named therein, and twelve cents per folio for all writing required and actually done. Said fees shall be paid by the parties to the controversy, equally, and if they shall neglect to pay the same within thirty days after the services shall have been performed each fence viewer having rendered service may recover from such parties jointly double the amount of such fees. Any fence viewer who, when requested, unreasonably neglects to perform any duty required of him shall forfeit five dollars and be liable to the party injured for all damages consequent upon such neglect. In the performance of any duty required under this chapter fence viewers may administer oaths. [*R. S. 1849 c. 14 s. 21, 22; R. S. 1858 c. 17 s. 21, 22; R. S. 1878 s. 1402; Ann. Stats. 1889 s. 1402; 1893 c. 155; Stats. 1898 s. 1402*]

Record of partition. SECTION 1403. Every partition of a division fence or line made by fence viewers, signed and recorded as hereinbefore provided, and the record or a certified copy thereof, shall be presumptive evidence of the regularity of all the proceedings prior to the making thereof. [*R. S. 1878 s. 1403; Ann. Stats. 1889 s. 1403; Stats. 1898 s. 1403*]

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TITLE XV.

Public Health, Medical Societies and the Burial of the Dead.

CHAPTER 76*bb*.

STATE BOARD OF HEALTH AND VITAL STATISTICS.

How constituted; terms. SECTION 1404. The state board of health and vital statistics, heretofore established, is continued and shall consist of seven members. Their terms of office, beginning with the first Monday of February in the year of appointment, shall be seven years and until their respective successors are appointed, and they shall continue as at present arranged so that the term of office of one shall expire each year. [*1876 c. 366 s. 1; R. S. 1878 s. 1404; Ann. Stats. 1889 s. 1404; Stats. 1898 s. 1404; 1919 c. 362 s. 32*]

Meetings; quorum. SECTION 1405. The board shall meet in January and June in each year and at such other times and at such places as may be directed by the board or its president, except that the January meeting shall be held at Madison. A majority shall be a quorum. The board may adopt by-laws for its government not inconsistent with law. [*1876 c. 366 s. 3; R. S. 1878 s. 1405; Ann. Stats. 1889 s. 1405; Stats. 1898 s. 1405*]

Officers; compensation and supplies. SECTION 1406. 1. A member of the board shall be chosen president thereof, and his term of office shall be fixed and determined by said board, and his duties shall be such as may be prescribed by the by-laws of said board, or by the statutes of the state. The board shall also elect a secretary either from their own number or otherwise, who shall hold his office subject to removal at discretion by a vote of five members of the board at a regular meeting, and while in office he shall be a member of the board. All printing required by the board in the performance of its duties shall be performed by the state printer upon the order of the president and secretary of said board, and the cost thereof shall be charged to the appropriation to said board.

2. Suitable apartments shall be provided in the capitol by the superintendent of public property for the state board of health and vital statistics which shall be properly equipped with fireproof vaults for the safe preservation of all the official records, and the superintendent of public property shall furnish the said board with all necessary office furniture. The superintendent of public property shall also furnish the said board with all necessary office supplies, stationery, books, postage and other material, and such office supplies, stationery, books, postage and other material furnished shall be charged against the annual appropriation to said state board of health and vital statistics. [*1876 c. 366 s. 3-6, 11; R. S. 1878 s. 1406; 1885 c. 107; 1887 c. 452 s. 5; 1889 c. 526; Ann. Stats. 1889 s. 1406, 1409e; Stats. 1898 s. 1406; 1905 c. 433 s. 1; Supl. 1906 s. 1406; 1907 c. 118, 469; 1911 c. 636; 1913 c. 772 s. 62; Stats. 1919 s. 1022—5; 1921 c. 12 s. 3*]

SECTION 1406*m*. [*Renumbered section 36.225 by 1919 c. 33 s. 6*]

GENERAL FUNCTIONS.

General authority. SECTION 1407. The said board shall have general supervision throughout the state of the interests of the health and life of citizens, and shall especially study the vital statistics of the state and endeavor to put the same to intelligent and profitable use. They shall make sanitary investigations and inquiries respecting the causes of disease, especially epidemics, the causes of mortality, and the effects of localities, employments, conditions, habits and circumstances, and shall diffuse such information as they may deem proper. They shall voluntarily, or when required, advise public boards or officers in regard to location, drainage, water supply, disposal of excreta, heating and ventilation of any public building or institution, and shall recommend from time to time, works of hygiene for the use of the public schools. They shall send their secretary or a committee to any part of the state whenever deemed necessary

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to investigate the cause and circumstances of any special or unusual disease or mortality or to inspect any public building; and such officers shall have full authority to do any necessary act therefor. The board shall, in October of each even-numbered year, report to the governor their transactions, investigations and discoveries during the preceding term and such suggestions for legislation as they think fit. [*1876 c. 366 s. 2, 3; R. S. 1878 s. 1407; 1887 c. 452 s. 5; Ann. Stats. 1889 s. 1407; Stats. 1898 s. 1407; 1899 c. 351 s. 22; 1905 c. 433 s. 2; Supl. 1906 s. 1407; 1921 c. 422 s. 46*]

Water and sewerage systems, how approved. SECTION 1407—1. Before any city or village shall institute a water system, or system for water supply for the domestic use of its inhabitants, or a system of sewerage for the disposition of its sewage, such city or village shall submit to the state board of health the plans and specifications for such system, and both of the water system and the sewerage system if a sewerage system exists or is proposed, and the state board of health shall examine such plans and specifications for the proposed system and the sanitary and hygienic features thereof; and no such system shall be installed or put in operation until the state board of health shall issue its certificate that such proposed system will not be in any respect insanitary or dangerous to the public health. [*1905 c. 433 s. 3; Stats. 1919 s. 1407 par. 2; 1921 c. 422 s. 46*]

Sewerage systems in cities and villages. SECTION 1407—2. 1. When any city or village shall establish and construct a system of sewerage, for which the plans and specifications have been approved by the state board of health, the outflow from such system may be discharged into any ditch or drain laid out or constructed pursuant to law.

2. Such city or village or the owner of any parcel of land through which such ditch or drain is constructed may apply to the circuit court of the county in which the land is located to have ascertained and determined the compensation to which the owner of land may be entitled for the damages for the additional burden, if any, upon his land caused by the use of such ditch or drain for the outflow from said system of sewerage. No injunction to restrain the city or village from using such system of sewerage or from discharging the outflow therefrom into the ditch or drain shall be granted until the compensation shall have been finally fixed and determined and payment thereof refused. Unless within six months after the city or village has completed its system of sewerage the owner of any parcel of land through which such ditch or drain is constructed shall institute proceedings to have his compensation fixed and determined as herein provided, he shall be forever barred from commencing any action or proceeding to recover the same. The proceedings hereunder shall be conducted in accordance with the provisions of the statutes relating to the determination of the compensation of the landowner where the right of eminent domain has been exercised by railroad companies, and all the provisions of law relating to that subject so far as possible shall apply to proceedings hereunder. [*1917 c. 430; Stats. 1919 s. 1407—1; 1921 c. 422 s. 46*]

ORGANIZATION OF THE BOARD.

State board of health; organization. SECTION 1407*a*—1. 1. The state board of health shall establish the following bureaus, together with such other bureaus as said board may from time to time determine:

(1) Bureau of vital statistics;
(2) Bureau of sanitary inspection and sanitary engineering;
(3) Bureau of tuberculosis and contagious disease;
(4) Bureau of public information and education. [*1913 c. 674*]

State health officer. SECTION 1407*a*—2. 1. The secretary and executive officer of the state board of health shall hereafter be designated and known as the state health officer. All duties, liabilities, authority, powers and privileges heretofore or hereafter imposed or conferred by law upon the secretary or the executive officer of the state board of health are hereby imposed and conferred upon the state health officer, and all laws relating or referring to the secretary or the executive officer of the state board of health shall apply, relate or refer to the state health officer so far as such laws are applicable. [*1913 c. 674*]

Districts; deputy state health officers. SECTION 1407*a*—3. 1. The state board of health shall from time to time divide the state into five sanitary districts. They shall appoint for each such district a deputy state health officer. Such deputy state health officers shall possess the same qualifications required of the state health officer. Each deputy state health officer shall hold his office during efficiency and good behavior and may be removed for cause by the state board of health after having been given an opportunity to be heard in his own defense. No deputy state health officer shall, during his term of office engage in any occupation which would conflict with the performance of his official duties. Each deputy state health officer shall receive an annual salary to be fixed by the state board of

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health, but which shall not exceed three thousand dollars, and shall receive his expenses actually and necessarily incurred in the performance of his official duties.

2. The deputy state health officer shall have jurisdiction throughout his district; and he shall have the right of entry into any workshop, factory, dairy, creamery, slaughterhouse or other place of business or employment, when in pursuit of his official duties. The deputy state health officer shall carry out the instructions of the state board of health and shall make such investigations and reports as said state board of health may require. He shall, when required by the state board of health, with the help of local health officers, inspect and report upon the sanitary conditions of streams and sources of public water supplies, schools and schoolhouses, dairies, creameries, slaughterhouses, workshops, and factories, and of all places where offensive trades or industries are conducted in his district.

3. Such deputy state health officer shall also make careful inquiry, when required by the state board of health, as to the effects of the different kinds of employment upon the health of employes and operators, with special reference to tuberculosis and to lead and phosphorous poisoning and other industrial diseases, and in all such investigations and inquiries he shall have the power to administer oaths in regard to all matters pertaining thereto. He shall respond promptly when called upon for advice or assistance by any board of health or health officer within his jurisdiction, and it shall be his duty, and he is hereby authorized to enforce any public health statute, or rule or regulation of the state board of health or of any local board of health or health officer within his district, when such local board of health or health officer neglects or refuses to enforce such statute, rule or regulation, after due notice by him or by the state board of health.

4. Each deputy state health officer, under the direction of the state board of health and subject to laws, rules and regulations relating to the public health, shall, in addition to such other duties as are or may be imposed upon him, perform the following duties:

(1) Keep himself informed as to the work of each local health officer within his district;

(2) Aid each local health officer within his district in the performance of his duties, and particularly on the appearance of any contagious disease;

(3) Assist each local health officer within his district in making an annual sanitary survey of the territory within his jurisdiction, and in maintaining therein a continuous sanitary supervision;

(4) Call together the local health officers within his district or any portion of it from time to time for conference upon the authority of the state board of health;

(5) Adjust questions of jurisdiction arising between local health officers within his district;

(6) Study the causes of excessive mortality from any disease in any portion of his district;

(7) Promote efficient registration of marriages, births, deaths, and accidents;

(8) Inspect from time to time all labor camps within his district, and enforce the regulations of the state board of health in relation thereto;

(9) Endeavor to enlist the co-operation of all the organizations of physicians within his district in the improvement of the public health therein. [*1913 c. 674*]

Dissemination of hygienic knowledge. SECTION 1407*a*—4. 1. The state board of health shall co-operate with the several educational institutions and the school system of this state in disseminating information to the general public in all matters pertaining to health, and shall use the research facilities of the university for the preservation and improvement of the public health under such rules and regulations as may be agreed upon with the regents of the university, and facilitate the special instruction of students in sanitation, hygiene and vital statistics in any school or department of the University of Wisconsin in such manner which is not inconsistent with and which does not interfere with the orderly and efficient administration of the public health work. [*1913 c. 674*]

Local health officers; duties. SECTION 1407*a*—5. 1. Health officers of towns, villages and cities, in addition to such other duties as are or may be lawfully imposed upon them and subject to the provisions of the public health laws and the rules and regulations of the state board of health and under the direction of the deputy state health officer of their respective districts, shall perform the following duties:

2. Make an annual sanitary survey and maintain a continuous sanitary supervision over the territory within their jurisdiction;

3. Make a sanitary inspection periodically of all school buildings and places of public assemblage, and report thereon to those responsible for the maintenance of such school buildings and places of public assemblage;

4. Promote the spread of information as to the causes, nature and prevention of prevalent diseases, and the preservation and improvement of health;

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5. Take such steps as may be necessary to secure prompt and full reports by physicians of communicable diseases, and prompt and full registration of births and deaths;

6. Enforce within their jurisdiction the provisions of the public health law and the rules and regulations of the state board of health;

7. Attend the annual conferences of sanitary officers called by the state board of health, and local conferences within his sanitary district to which he may be summoned by the deputy state health officer or upon the approval of the state board of health. [*1913 c. 674*]

Authority and powers of state board of health. SECTION 1407*a*—6. 1. The state board of health shall have supervision of the health and life of the citizens of the state and possess all powers necessary to fulfill the duties prescribed in the statutes and to bring action in the courts for the enforcement of health laws and health rules. They shall have power to make sanitary inspections and surveys in all parts of the state and, after due notice, to enter upon and inspect private property in regard to the presence of cases of infectious and contagious diseases and to determine the cause and source of disease. The state board of health at any regular or special meeting may in its discretion empower the state health officer to act for the board upon such matters as it may determine in issuing and enforcing orders in compliance with the public health laws and rules and regulations adopted by the board. Whenever any person, firm or corporation, feels himself or itself aggrieved by any order of a state health officer, they may have a right of appeal to the state board of health.

2. The state board of health shall have power to establish quarantine and to order and execute what is reasonable and necessary for the prevention and suppression of disease; to close schools and churches; forbid public gatherings when deemed necessary to control epidemics; to condemn and abate conditions causative of disease; to regulate and prescribe, by means of rules and regulations, the character and location of plumbing, drainage, water supply, disposal of sewage, garbage or other waste material; the sanitary condition of streets, alleys, outhouses, cesspools and all sanitary features connected therewith.

3. The board shall have power to adopt and enforce rules and regulations governing the duties of all health officers and health boards and any violation of said rules shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense. All rules adopted and published in conformity with this section shall bear the seal of the state board of health and be attested by the state health officer. Such rules and regulations shall be published in the official state paper and distributed in pamphlet or leaf form to all health officers and any citizen asking for the same. Such rules and regulations shall not be effective until thirty days after their publication.

4. All rules and regulations adopted and published by the state board of health, and all orders issued by said board in conformity with law shall be in force and shall be prima facie lawful; and all such orders, rules and regulations shall be valid and in force, and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose or until altered or revoked by the state board of health. Any member of the state board of health shall have power to administer oaths, certify to official acts, issue subpœnas, compel the attendance of witnesses, and production of papers, books, documents, and testimony. In case of the failure of any person to comply with any order of the board, or any subpœna lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any county, or the judge thereof, on application of any member of the state board of health, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein.

5. Every witness who shall appear before the board by its order, shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of properly verified vouchers. But no witness subpœnaed at the instance of parties other than the board shall be entitled to compensation from the state for attendance or travel unless the board shall certify that his testimony was material to the matter investigated. Fees and mileage paid under this section shall be charged to the general appropriation for the state board of health.

6. The state board of health may, in any investigation, cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

7. A full and complete record shall be kept of all proceedings had before the board on any investigation, and all testimony shall be taken down by the stenographer appointed by the board.

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8. The state board of health may employ such clerical and other assistants as are necessary for the proper performance of the work of the board, and they may distribute appropriate powers and duties to the employes of the board not inconsistent with the constitution or the laws of this state.

9. The board may, from time to time, employ competent persons to render sanitary service and make or supervise practical and scientific investigations and examinations requiring expert skill and prepare plans and reports relative thereto.

10. The state health officer may issue warrants to any sheriff, constable, or policeman to apprehend and arrest such persons who disobey the quarantine orders or other rules and regulations of the board. Each warrant shall be forthwith executed by the officer to whom directed, who shall make due return of the execution thereof to the state health officer.

11. If the owner or occupant of any premises whereon any nuisance detrimental to the public health exists, fails to comply with any order of the board for the abatement or removal thereof, any member of the board, their agents or employes may enter upon the premises to which such order relates, and abate or remove such nuisance. The expense of such abatement or removal shall be paid by the owner or occupant of such premises or by the person who caused or maintained such nuisance, and such expense shall be a lien upon the lands upon which the nuisance was maintained.

12. Nothing in sections 1407*a*—1 to 1407*a*—6, inclusive, shall be construed to empower or authorize the board of health or its representative to interfere in any manner with the individual's right to select the physician or mode of treatment of his choice. [*1913 c. 674; 1917 c. 145*]

POLLUTION OF STREAMS AND WATER SUPPLY.

Survey of sanitary properties of water supplies. SECTION 1407*m*. 1. The state board of health is authorized to act with the United States geological survey in determining the sanitary and other conditions and nature of the natural water supplies of the state of Wisconsin, such water survey to have for its objects:

(a) To determine the nature and condition of the unpolluted natural water supplies of the state;

(b) To determine to what extent the natural waters are being contaminated by sewerage from cities;

(c) To determine to what extent the natural waters are being polluted by industrial wastes, such as come from glucose factories, creameries and such other sources which produce pollution, and in what way these wastes might be utilized for beneficial purposes;

(d) To investigate water-borne diseases and assist in determining the best source of water supplies.

2. The state board of health is hereby empowered and instructed to make such rules and regulations in conjunction with the United States geological department as may be necessary to carry into effect the provisions of this act. [*1913 c. 568 s. 1, 2; 1913 c. 773 s. 81*]

Definitions; state board of health in charge of ice, water supply and sewage disposal. SECTION 1407*m*—1. (1) The following terms as used in this section mean:

(a) "Waters of the state" includes those portions of Lake Michigan and Lake Superior bordering upon the state of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells and bodies of surface or ground water, whether natural or artificial, within the boundaries of this state or subject to its jurisdiction.

(b) "Sewage," the water carried wastes created in and to be conducted away from residences of one or more families and public buildings as defined in section 2394—41 of the statutes; and industrial establishments, together with such ground, surface and storm water as may be present.

(c) "Waterworks," or "water supply system," all structures, conduits and appurtenances by means of which the water is delivered to consumers excepting the piping and fixtures inside the buildings served, and the service pipes from the building to the street main.

(d) "Water supply," the sources and their surroundings from which water is supplied for drinking or domestic purposes.

(e) "Sewerage system" and "sewage treatment and disposal," all structures, conduits and pipe lines by which sewage is collected and disposed of, excepting the plumbing system inside and in connection with the individual building served, and the service pipes from the building to the street main.

(f) "Refuse," all matters not heretofore defined as sewage produced from industrial or community life, subject to decomposition.

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(g) "Owner" shall mean the state, county, township, city, village, corporation, firm, company, institution, or individual owning or operating any sewerage, waterworks or water supply systems, water supply, sewerage systems and sewage and refuse disposal plants.

(2) The state board of health shall have general supervision and control over the waters of the state insofar as their sanitary and physical condition affects the public health or comfort, and it may make and enforce rules and regulations, and order the necessary changes or additions to correct and prevent pollution. It shall investigate all sources of water or ice supply and all water or sewerage systems and sewage or refuse disposal plants and keep complete records of all such investigations. It shall have power to compel the operation of such systems and plants in a manner which shall protect the public health and comfort, or to order their alteration, extension or replacement by other structures when deemed necessary.

(3) The state board of health shall, when requested, consult with and advise owners having installed or about to install water supply and sewerage systems or sewage and refuse disposal plants, as to the most appropriate source of water supply and the best method of providing for its purity, or as to the best method of disposing of sewage or refuse, with reference to the existing and future needs of all communities or persons which may be affected thereby. It may conduct such investigations and experiments relating to the purification of water and the treatment of sewage or refuse; hold such public meetings and attend, or be represented, at such meetings or conventions inside, or outside, the state as may in its judgment tend to the benefit of public health, or the protection of water supplies and the purification of sewage and refuse. No owner shall be required to bear the expense of such consultation, advice or experiments. Advice that may be given shall be only of such nature as to outline the best course to pursue, and in no case shall the state board of health be required to prepare plans.

(4) Every owner shall file with the state board of health a certified copy of the complete plans of its proposed water supply or sewerage system and sewage or refuse disposal plant, to be of such scope and in such detail as may be satisfactory to the state board of health. The said board may require when it deems necessary any owner of a water supply or sewerage system, sewage or refuse disposal plant, to file with it complete plans and specifications of existing systems or plants and such other information and records concerning the maintenance, operation and other details of water or sewerage systems, sewage or refuse disposal plants as the said board may require. It shall be the duty of the owner thereof to furnish such information and records within such time as the said board may prescribe.

(5) Whenever the state board of health finds that any water supply or sewerage system, or sewage or refuse disposal plant, on account of defective design, inadequacy, incompetent supervision or inefficient operation is in anyway tending to produce a menace to health or comfort, or is creating a nuisance, it shall issue an order to the owner having charge of such system or plant, to secure such operating results as said board shall prescribe, which results shall be produced within such time as shall be satisfactory to the state board of health. If the prescribed results be not produced within the time specified, the said board may order the owner or person having charge of such system or plant to make such changes as the board may direct to safeguard health and comfort.

(6) When the conditions cannot be sufficiently improved by mere change in the method of operation, the state board of health shall issue an order requiring the owner of the system or plant to make such alterations or extensions to said system or plant, or to install such new system or plant, as the board may determine necessary to correct existing improper conditions.

(7) No owner shall install a water or sewerage system, or sewage or refuse disposal plant, nor materially alter or extend any such existing system, without having first submitted complete plans and specifications for the installation, alteration, or extension, together with such information as the state board of health may require, for its approval. All construction shall take place in accordance with the approved plans. In case it shall become necessary or desirable to make material changes in plans or specifications, such changed plans or specifications, together with a statement of the reasons for the alterations, shall be submitted to the said board for approval. The state board of health shall have power to make and enforce such rules and regulations under the provisions of sections 1407*m*—1 to 1407*m*—4 of the statutes as it may deem reasonable and proper. Before plans are drawn or application filed for a prospective water supply or sewerage system or sewage or refuse disposal plant, a preliminary statement concerning the improvement may be made to the state board of health, whereupon the said board shall, if requested, outline the general requirements of the case, conformity with which would meet

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with the board's approval. Whenever application shall be made to the state board of health for approval of plans or installations under the provisions of sections 1407*m*—1 to 1407*m*—4 of the statutes, it shall be the duty of the board to examine the plans and conditions without delay, and, as soon as possible thereafter, approve or disapprove said plans or installations, or state the conditions under which approval will be granted.

(8) Whenever the state board of health shall find that the water supply for any public or private source of ice supply is, or is likely to become, prejudicial or dangerous to health or comfort from any cause, it shall order that said source of water for ice supply shall be closed. Or the board may order that such devices shall be installed or such measures instituted as shall be sufficient to remedy existing conditions, if in its judgment such conditions can be remedied in a satisfactory manner by said devices or measures. The state board of health shall be empowered to make and enforce such rules and regulations as it may deem proper regarding the selection and care of sources of ice supply and the methods employed in harvesting, manufacturing, storing and handling ice.

(9) All records as may be required by the state board of health under its rules and regulations adopted pursuant to sections 1407*m*—1 to 1407*m*—4 of the statutes shall be kept by the owners, and the state board of health shall be supplied with certified copies of all such records and such other information as it may require. Agents of the state board of health shall be allowed entry to all buildings, structures, and premises of owners supplying the public or industrial plants with water, ice, sewerage systems, sewage or refuse disposal service, or to all private properties for the purpose of collecting samples, records, and information, and ascertaining whether the rules and regulations and orders of said board are complied with.

(10) Every approval given by the state board of health under this act may be subject to modification and change by said board after due notice.

(11) In all matters, except in the formulation and adoption of rules and regulations, the state health officer is hereby authorized and empowered to act as and for the state board of health in enforcing and carrying out the provisions of sections 1407*m*—1 to 1407*m*—4, inclusive, of the statutes.

(12) Nothing in this act shall be construed to alter, amend, repeal, impair, or affect any of the provisions of sections 1797*m*—1 to 1797*m*—109 or of chapter 31 of the Wisconsin statutes.

(14) (a) In exercising the powers conferred by sections 1407*m*—1 to 1407*m*—4, inclusive, the state board of health may require the sewerage system, or sewage or refuse disposal plant of any town, village or city to be so planned and constructed that it may be connected with the sewerage system, or sewage or refuse disposal plant of any other town, village or city, so that the water supply and health of any community in the same general drainage district may be properly protected, and may, after a hearing, upon due notice to all municipalities involved, order the proper connections to be made.

(b) In case the sewerage system, or sewage or refuse disposal plant of any town, village or city is connected, as aforesaid, with that of any other town, village or city, compensation shall be determined and paid in the manner hereinafter provided to the municipality whose system or plant is subjected to such service by the municipality receiving such service.

(c) As soon as possible after the first day of January of each year following said connection and service, the sewerage commission or board, body, department or official having charge and control of the sewerage system, or sewage or refuse disposal plant of any municipality furnishing the service aforesaid, shall determine the sum of money which is a reasonable compensation to charge any municipality which has been furnished the aforesaid service, and report the same to the city clerk of said serving municipality who shall, on or before the first day of August of each year, certify said report to the clerk of the municipality which received said service. Thereafter the clerk of said municipality receiving said service shall, at the same time and in the same manner that other local taxes are extended on the tax roll, and in addition to all other taxes, extend a sufficient amount opposite each valuation on the tax roll of said municipality to realize the total amount of said sum certified to him in said report, which tax shall be collected at the same time and in the same manner as other local taxes are collected, and when collected shall be paid over to the treasurer of the municipality which furnished said service; provided that if, due to delay in determination, by arbitration or by the court as hereinafter provided, of the reasonable sum to be paid for such service, such sum cannot be extended on the tax roll of any particular year, the same shall be extended on said tax roll as soon as possible after the final determination of said sum.

(15) If any municipality shall deem such charge unreasonable, it may, upon resolution of its governing board or body within twenty days after the filing of said report with

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its clerk, elect to submit the reasonableness of such sum to arbitration in the following manner:

The objections to the reasonableness of such sum may be submitted to three reputable and experienced engineers, one to be chosen by each municipality, and the third by the other two, who shall act as referee engineers. If the engineers so chosen are unable to agree, then the vote of the majority shall be the decision of the referee engineers. The referee engineers herein provided for shall affirm or modify the sum determined by the municipality furnishing the service, and shall submit their decision within thirty days of their appointment unless such time be extended by mutual agreement of said municipalities concerned, and said decision shall be reported in writing to the two municipalities concerned and shall be binding upon said municipalities. An election to proceed by arbitration, as herein provided, shall be construed as a waiver of the right to proceed by an action in the circuit court, as hereinafter provided. Two-thirds of the fees and expenses of said referee engineers shall be paid by the municipality requesting such arbitration, and the balance shall be paid by the other municipality.

(16) Any municipality receiving service as aforesaid, and dissatisfied with the sum certified to it as compensation for the aforesaid service by another municipality, may, within twenty days after service of the report of the aforesaid sum upon its clerk, commence an action in the circuit court of the county in which the municipality furnishing such service is located to determine the amount of compensation which it shall pay for such service, in which action a copy of the complaint shall be served with the summons upon the municipality rendering the service. The answer of the municipality rendering the service shall be served within twenty days, whereupon said cause shall be at issue and stand ready for trial upon fifteen days' notice to either party. All such actions shall have precedence over any civil cause of a different nature, except actions wherein the state or a department of state government is a party, and the said court shall always be deemed open for trial thereof, and the same shall be tried and determined as other civil actions. Either party to said action, within thirty days after service of a copy of the judgment of said court, may appeal to the supreme court as in other actions. In case said court shall determine that a reasonable compensation for said service is a sum equal to, or greater than the sum certified to the clerk of the municipality commencing said action, the costs of said action shall be paid by the municipality commencing said action, otherwise by the municipality furnishing the service. [*1911 c. 412; 1917 c. 430; 1919 c. 447 s. 1, 2; 1919 c. 510*]

Appeal from state board of health. SECTION 1407*m*—2. If in any case any order of the state board of health, made in pursuance to the provisions of sections 1407*m*—1 to 1407*m*—4, inclusive, is not acceptable to any owner affected thereby, such owner shall have the right of appeal, to wit: The objections to and the necessity for and reasonableness of such order may be submitted to three reputable and experienced engineers, one to be chosen by the owner, to which such order of the state board of health applies, one chosen by the said board, and the third by the other two, who shall act as referee engineers. If the engineers so chosen are unable to agree, then the vote of the majority shall be the decision of the referee engineers. The referee engineers, herein provided for, shall affirm or modify the order of the said board, and shall submit their decision within thirty days from the date of their appointment, unless such time be extended by mutual agreement of said owner and board, and said decision, as reported in writing to the said board, with recommendations, shall be enforced by said board in the manner provided for in sections 1407*m*—1 to 1407*m*—4, inclusive, of the statutes. Until the rendering of such report by the engineers, changing or modifying the order of the state board of health, the order of the board as first issued shall be in full force and effect. An election to proceed by arbitration under this section shall be construed as a waiver of the right to proceed by an appeal under section 1407*m*—3. Two-thirds of the fees and expenses of said referee engineers shall be paid by the owner requesting such adjudication, and the balance to be paid by the state board of health. [*1911 c. 412; 1911 c. 664 s. 65; 1919 c. 447 s. 1, 2*]

The same. SECTION 1407*m*—3. Any owner, as defined herein, dissatisfied with any order or regulation of the state board of health issued under the provisions of sections 1407*m*—1 to 1407*m*—4, inclusive, of the statutes, may commence within twenty days after the service of such order or regulation, an action in the circuit court of Dane county against the state board of health as defendant, to vacate and set aside any such order or regulation on the ground that such order is not necessary for the protection of the public health or comfort, in which action a copy of the complaint shall be served with the summons. The answer of the state board of health shall be filed within twenty days, whereupon said cause shall be at issue and stand ready for trial upon fifteen days' notice to either party. All such actions shall have precedence over any civil cause of a different nature, except actions wherein the state or a department of state government is a party,

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and the said court shall always be deemed open for trial thereof, and the same shall be tried and determined as other civil actions. Either party to said action within twenty days after service of a copy of the order or judgment of the circuit court of Dane county, may appeal to the supreme court. [*1911 c. 412; 1911 c. 664 s. 65; 1919 c. 447 s. 1, 2*]

Penalty for violations. SECTION 1407*m*—4. If any owner shall fail to comply with any order of the state board of health before the expiration of the time specified for compliance therewith, or in case of appeal, fail for a period of twenty days after final judgment affirming the board's order to obey said order or in good faith to begin to obey the same, such owner shall be held and declared to be creating a public nuisance which may be enjoined as provided by section 3180*a*, and such owner shall forfeit to the state of Wisconsin a sum of not less than ten dollars nor more than five thousand dollars for each day such failure continues. All forfeitures shall be recovered by the state in civil action brought by the attorney-general, and such forfeitures when collected shall be paid into the general fund of the state treasury. [*1911 c. 412; 1911 c. 664 s. 65; 1919 c. 447 s. 1, 2*]

SECTION 1407*m*—5. [*Repealed by 1919 c. 447 s. 1*]

Attorney-general to act as legal adviser. SECTION 1407*m*—6. It shall be the duty of the attorney-general to act as legal adviser to the state board of health, and assist such board in the enforcement of the provisions of sections 1407*m*—1 to 1407*m*—6, inclusive. [*1911 c. 412; 1911 c. 664 s. 65*]

FURTHER FUNCTIONS.

Power as to contagious diseases; effect of rules. SECTION 1408. The board shall have power to establish such systems of inspection as in their judgment may be necessary to ascertain the presence of the contagion or infection of Asiatic cholera, diphtheria, scarlet fever, smallpox, leprosy, typhus or ship fever, yellow fever or other dangerous contagious disease—the words dangerous contagious disease as used in this chapter meaning such diseases as the board shall designate as contagious and dangerous to the public health; and any member or duly authorized agent or inspector of said board may enter any building, vessel, railway car or other public vehicle to inspect the same and remove therefrom any person affected by such a disease, and for this purpose may require the person in charge of any vessel or public vehicle, other than a railway car, to stop the same at any place, and may require the conductor of any railway train to stop his train at any station or upon any sidetrack for such time as may be necessary. The board may also, from time to time, make, alter, modify or revoke rules and regulations for guarding against the introduction of any such disease into the state, for the control and suppression thereof within it, for the quarantine and disinfection of persons, localities and things infected or suspected of being infected by such disease, for the transportation of dead bodies, for the speedy and private interment of the bodies of persons who have died from dangerous contagious disease, for the proper observance of the provisions of sections 4608*a* and 4608*b*, for the proper sanitary care of jails, asylums, schoolhouses, hotels and all other public buildings and the premises connected therewith, and, in emergency, may provide those sick with any such disease with necessary medical aid and with temporary hospitals for their accommodation and also for their nurses and attendants. The board may declare any or all of its rules and regulations made in accordance with the provisions of this section to be in force within the whole or any specified part of the state and make them applicable to any vessel, railway car or public vehicle of any kind. Such rules and regulations, if of general application, shall be published in the official state paper; but whenever, in the judgment of the board, it shall be necessary so to do special rules, regulations or orders may be made for any city, village or town without being so published, and the service of copies thereof upon the proper city, village or town officers shall be sufficient notice thereof. Rules, regulations or orders made in accordance herewith shall, for the time being and until revoked, supersede all local rules, regulations or ordinances that may be in conflict therewith. All health officers, local boards of health, sheriffs, constables, policemen, marshals and other officers and employes shall respect and enforce the rules and regulations made in pursuance hereof in every particular affecting their respective localities and duties. Any person who shall neglect or refuse to obey such rules and regulations or who shall wilfully obstruct or hinder the execution thereof shall be punished for each offense by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment. It is the duty of all city, county, town and village officers, of all local boards of health and all officers and persons in charge of all institutions, buildings, vessels and vehicles within this section to co-operate with the state board of health in carrying out these provisions, and if such co-operation be refused or withheld

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said board may execute its rules and regulations by agents of its own appointment, and all expenses incurred in so doing shall be paid by the county, city, town or village the officers of which have failed to so co-operate and in behalf of which expenses have in consequence thereof been incurred; provided, that such liability for expenses shall not exist if they are incurred for the prevention and control of Asiatic cholera and the state has created a fund for that purpose. [*1876 c. 366 s. 10; R. S. 1878 s. 1408; 1887 c. 452 s. 1–4; Ann. Stats. 1889 s. 1408, 1409a–1409d; Stats. 1898 s. 1408*]

SECTION 1408*a*. [*1917 c. 53; renumbered section 40.70 sub. (1), (2) and (7) by 1917 c. 578 s. 2 and 1917 c. 677 s. 10*]

SECTION 1408*a*—1. [*1917 c. 97; renumbered section 40.70 sub. (6) by 1917 c. 671 s. 38*]

SECTION 1408*b*. [*Renumbered section 40.70 sub. (3) by 1917 c. 578 s. 2*]

SECTION 1408*c*. [*Renumbered section 40.70 sub. (4) by 1917 c. 578 s. 2*]

SECTION 1408*d*. [*Renumbered section 40.70 sub. (5) by 1917 c. 578 s. 2*]

STATE SANITARY INSPECTOR.

Appointment. SECTION 1408*m*—1. In addition to the officials and appointees provided for by sections 69.04, 1404 and 1406 of the statutes, the state board of health is hereby empowered to provide for and establish in connection with the present public health organization, a state sanitary inspector. [*1911 c. 636*]

Duties and powers in general. SECTION 1408*m*—2. It shall be the duty of the sanitary inspector to assist in promoting the work of the state board of health in such manner as the board may direct, to the end that the laws and rules adopted by said board for the preservation of the public health may be strictly enforced in the various parts of the state. The inspector shall have the same right of inspection in regard to all matters affecting the public health as has been, or may be, conferred upon the state, or local boards of health. [*1911 c. 636*]

Duties specified. SECTION 1408*m*—3. The sanitary inspector shall, under the direction of the board and with full authority to act for the board, make thorough and complete investigations of nuisances, sources of sickness, infectious or contagious diseases, water supplies, and sewerage disposal systems, the sanitary condition of public buildings, jails, schoolhouses, school grounds, hotels and such other work as is found necessary to improve the general sanitary and hygienic conditions. The inspector shall make special investigations concerning the prevalence of tuberculosis in any locality. He shall assist the state board of health in enforcing the laws and rules adopted by the board for the prevention, control and reporting of tuberculosis. [*1911 c. 636*]

Report of investigations. SECTION 1408*m*—4. The inspector shall immediately after the completion of an investigation, report in writing to the secretary of the state board of health, a complete account of the essential facts disclosed by the investigation, together with the recommendations made and the work done to better safeguard the public health. [*1911 c. 636*]

Qualifications. SECTION 1408*m*—5. The sanitary inspector shall be a medical practitioner in good standing, holding a Wisconsin license, and must possess such other qualifications as the state board of health may determine are necessary in order to successfully carry on the work. [*1911 c. 636*]

SECTIONS 1408*m*—6 and 1408*m*—7. [*Repealed by 1913 c. 772 s. 63*]

HOTELS AND RESTAURANTS.

Regulation of hotels and restaurants. SECTION 1408*m*—10. 1. The following terms as used in this section shall be construed as follows:

(a) The term "hotel" shall mean and embrace all buildings or other structures kept, used and maintained as places wherein sleeping accommodations are offered for pay to transient guests with or without meals in which five or more rooms are used for the accommodation of such transient guests, and shall also mean and embrace all buildings or places used in connection therewith.

(b) The term "restaurant" as used herein shall mean and embrace all buildings or other structures kept, used and maintained as places wherein meals or lunches are served without sleeping accommodations for transient guests, together with all buildings or places used in connection therewith.

(c) The term "public health and safety" as used herein shall be construed to mean the highest degree of protection against infection, contagion and disease that a hotel or restaurant will reasonably permit.

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Permits. 2. On or before January 1, 1914, and each year thereafter, every person, firm or corporation now engaged in the business of conducting a hotel or restaurant, or both, and every person, firm or corporation who shall hereafter engage in conducting such business, shall procure a permit from the state board of health for each hotel or restaurant so conducted or proposed to be conducted; provided that one permit shall be sufficient for each combined hotel and restaurant where both are conducted in the same building and under the same management. Each permit shall expire on the thirty-first day of December next following the issuance. No hotel or restaurant shall be advertised or held out to the public as such or be maintained and conducted in this state, after the taking effect of this act, without a permit therefor; and no permit shall be transferable.

Fees. 3. The annual fee for a permit to conduct a hotel or restaurant in this state shall be two dollars; provided that for hotels containing more than thirty sleeping rooms used for transient guests, the fee shall be three dollars. All such fees shall be paid to the secretary of the state board of health before said permit is issued, and the secretary of the said board shall, weekly, pay into the state treasury all fees collected for permits issued during the preceding week.

Application. 4. The board of health shall, upon request therefor, furnish to any person, firm or corporation desiring to conduct a hotel or restaurant, the necessary application blank for a permit which the applicant shall fill in, stating the full name and address of the owner or lessee of the building, or both, the lessee and manager of such hotel or restaurant, together with a full description of the building and property to be used or proposed to be used for such business and stating the location of the same and such other information as the state board of health may require. Such application, upon its return to the state board of health, shall be accompanied by the permit fee herein required.

Rule of health and safety. 5. It shall be the duty of every person, firm or corporation owning, managing, controlling or maintaining any hotel or restaurant in this state to conduct and maintain the same with a strict regard to the public health and safety and it shall be unlawful for any person, firm or corporation owning, managing or maintaining any such hotel or restaurant to conduct or maintain the same in violation of the provisions of this section or in violation of any rule, regulation or order made or adopted by the state board of health, as herein provided.

Authority and duty of board. 6. It shall be the duty of the state board of health, and it shall have power, jurisdiction and authority in addition to other powers and duties conferred upon it by law:

(a) To engage or appoint such assistants or inspectors as may be needed in carrying out the provisions of this section and such inspectors or appointees shall possess such qualifications as the state board of health may determine are necessary to successfully carry on the work, to fix their compensation and to assign to them their duties;

(b) To administer and enforce the laws relating to the public health and safety and sanitation in hotels and restaurants;

(c) To investigate, ascertain, declare and prescribe what alterations, improvements or other means or methods are reasonably necessary for the protection of the public health and safety in hotels and restaurants;

(d) To ascertain and fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption of improvements and other means or methods to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the public health and safety in hotels and restaurants;

(e) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities to carry out the provisions of this section and proper rules to govern its proceedings and to regulate the mode and manner of all investigations, inspections and hearings; such rules and regulations shall not be effective until ten days after their publication. A copy of such rules and regulations shall be delivered to every citizen making application therefor.

Judicial review. 7. Any person, firm or corporation in interest, being dissatisfied with any order of the state board of health, may commence an action in the circuit court for Dane county against the commission as defendant to vacate and set aside any such order on the ground that the order is unlawful, or that any such order is unreasonable, in which action the complaint shall be served with the summons. The procedure to review orders of the board and for the reconsideration of matters not fully heard by the board as provided and prescribed in sections 2394—68 and 2394—69 shall, so far as applicable, govern in such action or proceedings.

Effect of orders. 8. All orders of the state board of health in carrying out the provisions of this section, in conformity with law, shall be in force, and shall be prima facie lawful; and all such orders shall be valid and in force, and prima facie reasonable and law-

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ful until they are found otherwise in an action brought for that purpose pursuant to the provisions of subsection 7 of this section, or until altered or revoked by the board.

Penalty. 9. Any person, firm or corporation owning, leasing, managing or conducting any hotel or restaurant in violation of any of the provisions of this section or in violation of any rule or regulation of the state board of health shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than two hundred dollars; and any person, firm or corporation conducting a hotel or restaurant in violation of any order of the state board of health, after such order shall have been served upon or directed to such person, firm or corporation, shall be deemed guilty of a misdemeanor and upon conviction thereof shall forfeit five dollars for each and every day of such noncompliance with such order; provided, that if any action to modify or set aside such order shall have been commenced pursuant to subsection 7 of this section, such forfeiture shall not be exacted or commence to run until after the lapse of a reasonable time after the termination of said proceeding.

Accounting. 10. All fees paid to the state board of health, as herein provided, shall be paid into the general fund and shall be credited to the appropriation account provided by law for the state board of health.

Industrial commission; joint experts. 11. Nothing contained in this section shall be construed to affect the authority of the industrial commission relative to places of employment or the adoption and enforcement of rules relative to elevators, boilers, fire escapes, fire protection or the construction of public buildings. The state board of health and the industrial commission may employ jointly experts, inspectors or other assistants. [*1913 c. 648; 1917 c. 129*]

DUTIES OF SECRETARY AND LOCAL OFFICERS.

Duties of secretary. SECTION 1409. The secretary shall be the executive officer of the board; he shall keep a record of its transactions and have the custody of its books, papers and all other property; he shall, so far as practicable, communicate with other similar state boards and local boards of health within this state, and file and keep all reports of correspondence; he shall prepare and distribute to local boards blank forms and instructions as may be necessary, and collect all such information and statistics as concern the work of the board and perform all other duties which may be prescribed by law or the by-laws of the board. He shall also be superintendent of vital statistics and under the directions of the secretary of state collect the statistics of marriages, births and deaths and prepare and publish the report thereof required by law. [*1876 c. 366 s. 4, 9; R. S. 1878 s. 1409; Ann. Stats. 1889 s. 1409; Stats. 1898 s. 1409; 1905 c. 416 s. 4; Supl. 1906 s. 1409; 1907 c. 118; 1907 c. 469 s. 1*]

Reports to board. SECTION 1409*a*. The health physician and the clerk of the board of health in every town, city and village shall each, at least once a year, report to the state board their transactions and such facts as shall be required, upon blanks and according to instructions furnished, and shall also make special reports whenever required. All officers of the state, the physicians of all mining, manufacturing and other companies or associations, all presidents, officers and agents of any company incorporated by or transacting business under the laws of this state, shall, when requested, furnish, so far as practicable, the state board or its secretary any information required touching the public health; and every person refusing to comply with the provisions of this section shall forfeit ten dollars. [*1876 c. 366 s. 7, 8; R. S. 1878 s. 1410; Ann. Stats. 1889 s. 1410; Stats. 1898 s. 1409a*]

PREVENTION OF BLINDNESS OF INFANTS.

Infants; inflammation of the eyes; prevention. SECTION 1409*a*—1. For the prevention of ophthalmia neonatorum, or blindness in the new born babe, the state board of health and vital statistics shall, annually, cause to be prepared and put up in proper containers a one per cent solution of nitrate of silver, and shall also prepare instructions for its use. Said containers and instructions shall be distributed by said board, free of all charges, to all local health officers within the state in quantities sufficient to enable them to, and they shall, deliver to each physician and midwife one container and one copy of the instructions. It shall be the duty of the attending physician or midwife in each confinement case to use the said solution as directed in said instructions. [*1909 c. 59; 1913 c. 344*]

Infants; blindness; prevention; report. SECTION 1409*a*—2. 1. In any confinement case not attended by a physician or midwife, if one or both eyes of an infant become inflamed, swollen and red, and show an unnatural discharge at any time within two weeks after its birth, the nurse, parents, or other attendant having charge of such infant shall report in writing, within six hours thereafter, to the health officer of the city, village, or

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town in which the parents of the infant reside, the fact that such inflammation, swelling, redness, or unnatural discharge exists.

Health officer; duty. 2. On receipt of such report the health officer shall immediately give to the parents or person having charge of said infant a warning of the dangers to the eye, or eyes, of said infant, and a copy of the instructions prepared pursuant to section 1409*a*—1 of the statutes; and shall employ at the expense of the said city, village, or town, a competent physician to examine the case reported and to provide such treatment as may be prescribed by the state board of health and vital statistics in its instructions. [*1909 c. 59; 1913 c. 344*]

Midwife. SECTION 1409*a*—3. Any woman accustomed to attend confinement cases shall be subject to the same penalty for violation as physicians or nurses. [*1909 c. 59*]

Penalty for violation. SECTION 1409*a*—4. Any person who violates, neglects, or refuses to observe the provisions of sections 1409*a*—1, 1409*a*—2 or 1409*a*—3 shall be punished by a fine of not more than one hundred dollars for each offense. [*1909 c. 59; 1911 c. 663 s. 168*]

LICENSES TO PLUMBERS.

Plumbers' license; jurisdiction; definitions. SECTION 1409*a*—5. (1) (a) A journeyman plumber is hereby defined to be any person other than a master plumber, who, as his principal occupation, is engaged in the practical installation of plumbing.

(b) A master plumber is hereby defined to be any person skilled in the planning, superintending and the practical installation of plumbing and familiar with the laws, rules and regulations governing the same.

(c) A plumber's apprentice is hereby defined to be any person other than a journeyman or master plumber who, as his principal occupation, is engaged in learning and assisting in the installation of plumbing and drainage.

(2) In any city or village of this state, having either systems of waterworks or sewerage, no person, firm or corporation, shall engage in or work at the business of a master plumber or journeyman plumber, unless licensed so to do by the state board of health in the manner herein provided.

(3) The state board of health is hereby authorized and empowered to grant and issue licenses and permits to master plumbers and journeymen plumbers as hereinafter provided for. [*1897 c. 338; Stats. 1898 s. 959—53; 1909 c. 491; 1913 c. 731; 1919 c. 383; Stats. 1919 s. 959—53; 1921 c. 396 s. 91*]

License of plumbers by state board of health. SECTION 1409*a*—6. (1) Any person desiring to engage in or work at the business of a journeyman plumber or master plumber, not heretofore licensed, in any city or village of this state having either systems of waterworks or sewerage, shall apply to the state board of health for a license and be by said board examined as to his fitness for such work either as a journeyman plumber or as a master plumber as the case may be.

(2) Any person, firm or corporation desiring to engage in or work at the business of installing plumbing, or who shall install plumbing in connection with the dealing in and selling of plumbing material and supplies in any city or village of this state having either systems of waterworks or sewerage, shall be required at all times to have a licensed master plumber in charge, who shall be responsible for the proper installation of all such plumbing. Any person, firm or corporation selling or dealing in plumbing materials or supplies but not engaged in the installation of plumbing, shall not be required to employ or have a licensed master plumber as provided for by this section. [*1897 c. 338; Stats. 1898 s. 959—54; 1913 c. 731; 1919 c. 383; Stats. 1919 s. 959—54; 1921 c. 396 s. 91*]

Examiners; compensation; revocation of licenses. SECTION 1409*a*—7. (1) The state board of health shall, within sixty days after the passage and publication of this act, appoint, and shall have power to remove, three plumbing examiners, of whom one shall be a practical master plumber, one shall be a practical journeyman plumber and one shall be a member or an employe of the state board of health, to be known as the committee of examiners for the examining of journeyman and master plumbers as to their qualifications and fitness to be entitled to licenses to engage in the work of master plumbers and journeyman plumbers herein provided for. Such examiners shall be exempt from the provisions of chapter 16 of the statutes. The state board of health shall have power and authority and it shall be its duty to prescribe, amend and enforce rules and regulations for the examination and licensing of journeyman and master plumbers consistent with this act.

(2) Each member of said committee of examiners, except a regular employe or the secretary of the state board of health, shall receive a compensation of ten dollars per day and expenses for each day in which such member is actually engaged in attendance

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upon the meetings of the committee, to be audited and paid out of the general fund of the state treasury and charged against the appropriation account of the state board of health to carry into effect the provisions of sections 1409a—5 to 1409a—12, inclusive, of the statutes.

(3) The licenses of journeyman and master plumbers provided for in section 1409a—5 of the statutes shall be issued by the state board of health upon evidences, as shown by the examination, of the fitness of the applicant for the business or practice of a master plumber or a journeyman plumber as the case may be.

(4) The state board of health shall have power to revoke any journeyman or master plumber's license if same was obtained through error or fraud, or if the recipient thereof is shown to be incompetent, and for a second wilful violation of any rules and regulations prescribed by the state board of health; provided, that before any license shall be revoked, the holder thereof shall have notice, in writing, enumerating the charges, and at a specified date named therein, not less than five days after the service of such notice, be given a hearing by said board and have an opportunity to produce testimony in his behalf. The state board of health shall have power to appoint, by an order in writing, its secretary or any competent person to take testimony, who shall have power to administer oaths, issue subpœnas and compel the attendance of witnesses, and the decision of the state board of health shall be based on its examination of all testimony and records. Any person whose license has been revoked may, after the expiration of one year from the date of such revocation, apply for a new license. [*1897 c. 338; Stats. 1898 s. 959—55; 1913 c. 731; 1919 c. 383; Stats. 1919 s. 959—55; 1921 c. 396 s. 91*]

Exemptions; regulations; inspectors. SECTION 1409a—8. (1) All persons engaged on or before January 1, 1920, in the plumbing business in this state in cities and villages having either systems of waterworks or sewerage, either as master plumbers or journeyman plumbers, and not heretofore licensed, shall be respectively licensed as such by the state board of health without examination, upon the payment to the state board of health of the license fee hereinafter provided. No person who desires to engage in the business or practice of plumbing, either as a master plumber or a journeyman plumber, after January 1, 1920, shall be granted a license until he has passed a satisfactory examination. Before any applicant for a journeyman plumber's license shall be permitted to take such examination, he shall pay to the state board of health the examination fee as herein provided for, and any applicant for a master plumber's license shall pay to the state board of health at the time of filing such application the sum of twenty-five dollars.

(2) The state board of health shall prescribe and shall have power to amend the rules and regulations governing plumbing, drainage, sewerage and plumbing ventilation in connection with all buildings in this state and may prescribe minimum standards which shall be uniform throughout the state. This act shall not be construed to deny the right to any local governing body having jurisdiction to adopt and enforce additional rules and regulations relating to plumbing, drainage, sewerage and plumbing ventilation not inconsistent with the provisions of this act or the rules and regulations prescribed by the state board of health.

(3) The state board of health is empowered to employ, promote and remove plumbing inspectors and other assistants as needed, to fix their compensation and assign their duties. Such salaries, compensations and expenses shall be paid out of the general fund of the state treasury and charged against the appropriation account of the state board of health for carrying out the provisions of sections 1409a—5 to 1409a—12, inclusive, of the statutes. [*1897 c. 338; Stats. 1898 s. 959—56, 959—57; 1913 c. 731; 1919 c. 383; Stats. 1919 s. 959—55a; 1921 c. 396 s. 91*]

Licenses and permits. SECTION 1409a—9. (1) All master plumbers not heretofore licensed engaged in business as such in cities and villages of this state having either systems of waterworks or sewerage, desiring to continue as such, are hereby required to procure a master plumber's license from the state board of health within sixty days after January 1, 1920, the fee for which license is hereby fixed at twenty-five dollars, such license, unless sooner revoked, to expire on December thirty-first, next after the issuance thereof, but no examination shall be required of such master plumbers making such application for license within the time hereby limited. Commencing January 1, 1920, and annually thereafter during the month of January of each year, a renewal fee of fifteen dollars shall be paid to the state board of health for a renewal of such license by all master plumbers, theretofore licensed, continuing in business as such in cities or villages having either systems of waterworks or sewerage within this state, provided that any person who neglects or fails to have his license renewed as above provided may have the same renewed by making application therefor within thirty days after January thirty-first, and upon payment of five dollars revival fee and fifteen dollars renewal fee.

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(2) All journeymen plumbers not heretofore licensed, engaged in business as such in cities and villages having either systems of waterworks or sewerage, desiring to continue in business as such are hereby required to procure a journeyman plumber's license from the state board of health within sixty days after January 1, 1920, the fee for which license is hereby fixed at two dollars, such license, unless sooner revoked, to expire on December thirty-first, next after the issuance thereof, but no examination shall be required of such journeyman plumbers making such application for license within the time hereby limited. Commencing January 1, 1920, and annually thereafter during the month of January of each year, a renewal fee of one dollar shall be paid to the state board of health for a renewal of such license by all journeyman plumbers, theretofore licensed, continuing in business as such in cities or villages having either systems of waterworks or sewerage within this state. Provided, that any person who neglects or fails to have his license renewed as above, may have the same renewed by making application therefor within thirty days after January thirty-first, and upon the payment of one dollar revival fee and one dollar renewal fee.

(4) All licenses issued during any year, unless sooner revoked, shall expire on December thirty-first of such year.

(5) A master plumber's license shall entitle the owner thereof to all the rights and privileges of a journeyman plumber.

(6) The fees for any person hereafter desiring to engage in the business of a journeyman plumber or a master plumber in cities or villages in this state having either systems of waterworks or sewerage and not licensed within sixty days after January 1, 1920, shall be respectively two dollars and twenty-five dollars.

(7) The state board of health may issue temporary permits to engage in the work of a master plumber or a journeyman plumber on payment of the fees prescribed in this act; such permits may be revoked by the state board of health at any time, and if on examination a license is granted, the fee paid for the permit shall run for the same period as though paid for a license. For the purpose of assisting in its work of issuing such temporary permits, the state board of health may appoint agents without compensation.

(8) Any person working as an apprentice at the business or practice of plumbing, for such time as the state board of health may prescribe in its rules and regulations for the licensing of plumbers and desiring to take an examination for a license as a journeyman plumber, may file his application for such examination with the state board of health as herein provided, and upon giving due notice of the filing of such application with said board, may be granted a permit by the state board of health to pursue said work in the capacity of journeyman plumber until such time as said examining board shall have an opportunity to examine him. When deemed necessary, the state board of health may authorize and empower one member of said examining board, or one of the plumbing inspectors employed by the state board of health, to hold and conduct a special examination to determine the qualifications of an applicant for a temporary permit, the results of such examination to be reported in writing by the examiner to the state board of health.

(9) The state board of health may license without examination, upon the payment of the required fee, applicants licensed under the laws of other states having requirements for licensing and regulating plumbing which are determined by the state board of health to be equivalent to the requirements of this state. [*1913 c. 731; 1913 c. 773 s. 88; 1919 c. 383 s. 1, 3; Stats. 1919 s. 959—55b; 1921 c. 396 s. 91*]

Penalties. SECTION 1409*a*—10. (1) Any person who shall engage in the work of a master or a journeyman plumber for compensation without a permit or a license as provided in sections 1409*a*—5 to 1409*a*—10, inclusive, of the statutes, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than ten dollars nor exceeding fifty dollars, or imprisonment in the county jail not exceeding thirty days for each and every violation thereof. Each day of such violation shall constitute a separate offense.

(2) Any person who shall violate any of the provisions of sections 1409*a*—5 to 1409*a*—10, inclusive, of the statutes, or shall do any act prohibited in sections 1409*a*—5 to 1409*a*—10, inclusive, or shall fail or refuse to perform any duty lawfully enjoined within the time prescribed by the state board of health, or shall fail, neglect or refuse to obey any lawful order given or made by the state board of health, or any judgment or decree made by any court in connection with the provisions of sections 1409*a*—5 to 1409*a*—10, inclusive, for such violation or refusal shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not more than three months or by a fine not exceeding one hundred dollars.

(3) Any master plumber who shall employ an apprentice on any plumbing work, representing him to be a journeyman plumber, or who shall charge for the services of such apprentice a journeyman plumber's wage, shall be deemed guilty of a misdemeanor

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and upon conviction thereof shall be punished by a fine of not more than twenty-five dollars or by imprisonment in the county jail not more than thirty days. Each day of such violation shall constitute a separate offense. [*1897 c. 338; Stats. 1898 s. 959—59; 1913 c. 731; 1919 c. 383 s. 2; Stats. 1919 s. 959—56; 1921 c. 396 s. 91*]

Inspectors of plumbing. SECTION 1409*a*—11. The council of each city of the first, second and third class, however organized, having a system of waterworks or sewerage, or the officer or board of any such city to whom such authority is delegated, shall appoint and may for cause remove one or more inspectors of plumbing who shall be practical plumbers, and the council of any city of the fourth class, however organized, and the village board of any village may appoint and may for cause remove one or more inspectors of plumbing who shall be practical plumbers or other skilled sanitarians or persons familiar with plumbing and competent to perform the duties of such office. The compensation of such inspector or inspectors shall be determined by the council or village board, as the case may be and shall be paid from the city or village treasury; they shall inspect all plumbing work in the city or village for which appointed, whether such work be new or consist of alterations or repairs; and shall report to the council, village board or other appointing body, as the case may be, all violations of any law, ordinance, or by-law relating to such work; and shall perform such other appropriate duties as may be required. [*1897 c. 338; Stats. 1898 s. 959—57; 1913 c. 731; 1919 c. 362 s. 24; 1919 c. 383; Stats. 1919 s. 959—57; 1921 c. 396 s. 91*]

Rules for materials, etc. SECTION 1409*a*—12. (1) Each city of the first, second and third class having a system of waterworks or sewerage shall, and any city of the fourth class and any village may, by ordinance or by-law, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures by and through which supply or waste water or sewage is used or carried, and provide that they shall not be placed in any building therein except in accordance with plans which shall be approved by the board of public works, where such board exists, or the board of health of such city or village, or such person or persons as either of said boards may designate; and shall further provide that no plumbing shall be done, except in case of repairing leaks, without a permit being first issued therefor upon such terms and conditions as such city or village shall prescribe; provided that no such ordinance, by-law, rule or regulation prescribed by any such city or village shall be inconsistent with this act or any rule or regulation adopted or prescribed by the state board of health; and provided further, that no city or village shall be authorized to or require the licensing of journeyman or master plumbers or prevent any such plumbers who are licensed under the provisions of this act from engaging in or working at the business for which they are respectively licensed in any place in this state.

(2) The provisions of sections 1409*a*—5 to 1409*a*—12, inclusive, shall apply only to cities and villages having a population of three thousand or more according to the last federal census. [*1897 c. 338; Stats. 1898 s. 959—58; 1913 c. 731; 1919 c. 383; Stats. 1919 s. 959—58; 1921 c. 396 s. 91*]

CHAPTER 76*c*.

PRACTICE OF PHARMACY.

Practice of pharmacy; state board members must be active practitioners. SECTION 1409*b*. 1. The board of pharmacy of this state, as heretofore constituted, is continued, and the rules, regulations and by-laws thereof, so far as they are not inconsistent with the provisions of this chapter, shall continue in effect. Such board shall consist of five members who shall be resident pharmacists. All members of such board hereafter appointed shall be actively engaged in the practice of pharmacy at the time of their appointment. They shall be appointed for a term of five years and until their successors are qualified.

2. The Wisconsin pharmaceutical association shall annually elect three pharmacists, whose election shall be certified to the governor by the president and secretary of such association, from which number or from the persons previously so elected and certified the governor shall fill any vacancy in the board of pharmacy, whether occurring by the expiration of a term or otherwise. [*1882 c. 167; 1885 c. 146; 1887 c. 460; Ann. Stats. 1889 s. 1410a; 1895 c. 227 s. 1, 2, 14; Stats. 1898 s. 1409b; 1907 c. 456; 1919 c. 362 s. 32*]

April for board's annual meeting. SECTION 1409*c*. 1. Said board shall hold an annual meeting in the month of April, the time and place to be designated by its president and secretary. Three members shall constitute a quorum. At such meeting the president, secretary and treasurer shall be elected for the term of one year and until their suc-

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cessors are qualified; the secretary and treasurer may or may not be members of the board. By-laws may be made by the board for its government and the regulations of the performance of its duties.

2. Meetings of the board shall be held at least once in three months for the examination of applicants for registration as pharmacists and assistant pharmacists and for the transaction of other business; thirty days' public notice of meetings held for such examination shall be given in such manner as the by-laws provide.

3. All applicants for registration who make application in accordance with the by-laws of the board and the provisions of this chapter, shall be examined and if found competent shall be granted certificates.

4. The board shall cause the prosecution of all persons violating any of the provisions of this chapter, report annually to the governor and the Wisconsin pharmaceutical association upon the condition of pharmacy in this state, and give therein a record of its proceedings, the receipts and disbursements, and the names of all persons registered as pharmacists or assistant pharmacists.

5. The secretary shall keep a record of the proceedings of the board and a book in which he shall enter the names and the places of business of all persons registered under this chapter; such book shall be prima facie evidence as to who are registered pharmacists or registered assistant pharmacists. He shall receive a salary to be fixed by the board and be reimbursed the amount actually and necessarily expended for traveling and other expenses in the performance of his official duties. He shall give such bond as the board may from time to time require. [*1895 c. 227 s. 3; Stats. 1898 s. 1409c; 1907 c. 456; 1913 c. 772 s. 96, 97; 1915 c. 325*]

Registration; assistants; character a test. SECTION 1409*d*. 1. All persons now registered as pharmacists or assistant pharmacists by such board may continue to practice their profession by complying with the provisions of this chapter. Certificates of registration as pharmacists shall be issued to such persons of twenty-one years of age or over as shall have had five years' practical experience in a drug store or drug stores, in which prescriptions of medical practitioners were compounded during that time and who shall pass a satisfactory examination under the board of pharmacy and comply with the provisions of this chapter. The board of pharmacy may, in its discretion, grant certificates of registration as pharmacists, to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state; provided, that such other state shall require a degree of competency equal to that required of applications in this state. Every person making application for registration on the basis of registration in some other state shall make such application in the form prescribed by the board and shall, at the time thereof, pay fifteen dollars, ten dollars of which shall be refunded if such application is denied.

2. Provided, that graduates of the several courses of the department of pharmacy of the university of this state and of other universities and colleges giving like courses shall be entitled to such certificates upon proof of two years' practical experience in such a drug store or stores, the passing of such examination and compliance with the other provisions of this chapter.

3. Proof of experience, graduation and character herein required shall be made to the satisfaction of the board.

4. Every registered pharmacist shall be entitled to continue the practice of his profession by annually, at such time as the board of pharmacy may determine, making application thereto for the renewal of his certificate and paying the fee hereinafter required; if he fails to procure a certificate of renewal for sixty days after the secretary of the board shall have given him a second notice of the expiration of his registration, he shall cease to be such a pharmacist within the meaning of this chapter, and shall not become such until he shall be examined as provided in this section.

5. The board of pharmacy may refuse to grant a certificate of registration to any person guilty of felony or gross immorality, or who is addicted to the use of alcholic liquors or narcotic drugs to such extent as to render him unfit to practice pharmacy; and the board of pharmacy may, after due notice and hearing, revoke a certificate for like cause, or any license or certificate which has been procured by fraud. [*1895 c. 227 s. 4, 5; Stats. 1898 s. 1409d; 1901 c. 340; Supl. 1906 s. 1409d; 1907 c. 118, 456; 1915 c. 325*]

Registration as assistants. SECTION 1409*e*. Certificates as assistant pharmacists shall be issued to such persons as shall be eighteen years of age or over and have had two years' practical experience in drug stores in which the prescriptions of medical practitioners were compounded during such time, and as shall pass a satisfactory examination before said board and comply with the provisions of this chapter; the fact of such experience shall be shown to the satisfaction of the board. Every registered assistant phar-

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macist may continue to be such by annually, at such time as the board of pharmacy may determine, making application thereto for a renewal of his certificate and paying the prescribed fee; failure to obtain such renewal for sixty days after the secretary of such board shall have given a second notice of the expiration of his registration shall terminate the right of any person to be a registered assistant pharmacist within the meaning of this chapter, and such right can only be acquired by compliance with the provisions concerning original registration. The issuance of either of the certificates provided for in this chapter shall entitle the person to whom it is issued to be registered in the proper class. [*1895 c. 227 s. 6; Stats. 1898 s. 1409e*]

Drugs; merchants' sale permits. SECTION 1409*e*—1. In rural districts where there is no person licensed as a pharmacist, or as an assistant pharmacist, within less than three miles, the board of pharmacy may issue permits to dealers in general merchandise to sell such drugs and medicines as may be specified by the board, which permit shall run for a period of one year. [*1907 c. 456*]

Fees; refundment; merchant's. SECTION 1409*f*. 1. Any person who shall wilfully make a fraudulent statement or representation to procure registration for himself or any other person under the provisions of this chapter, or who shall violate any such provisions for which a specific penalty or forfeiture is not declared, shall for each and every such offense forfeit fifty dollars.

2. Every person making application for registration shall, at the time thereof, pay five dollars, one dollar of which shall be refunded if such application is denied.

3. Every person applying for the renewal of a certificate shall, at the time of making application, pay such fee as the board may have fixed, not exceeding two dollars for a registered pharmacist and one dollar for a registered assistant pharmacist.

4. Every person applying for a permit to dealers in general merchandise to sell drugs and medicines as provided in section 1409*e*—1, shall pay such fee as the board of pharmacy may fix, not exceeding five dollars.

5. Every certificate of registration as a registered pharmacist or as a registered assistant pharmacist and every renewal thereof in force and every permit to dealers in general merchandise, shall be conspicuously exposed in the pharmacy or other places of business in which the person to whom it is granted is employed; failure or neglect to so expose the same shall subject such person to a forfeiture of ten dollars for each and every such failure or neglect. [*1895 c. 227 s. 7, 8, 10; Stats. 1898 s. 1409f; 1907 c. 456; 1919 c. 473 s. 1*]

Registered assistants' rights; proprietary medicines; what drugs open to general sale. SECTION 1409*g*. 1. Any person who shall retail, compound or dispense or permit to be retailed, compounded or dispensed drugs, medicines or poisons, except paris green put up in packages labeled "paris green, poison," or institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons in any town, city or village having five hundred or more inhabitants, unless such person shall be a registered pharmacist, or shall employ and place in charge of such pharmacy, store or shop a registered pharmacist, shall forfeit fifty dollars for each offense.

2. Provided, that a registered assistant pharmacist may compound and dispense prescriptions and vend drugs, medicines and poisons under the personal supervision of a registered pharmacist, and during the temporary absence of the registered pharmacist such drug store or pharmacy may be left in charge of a registered assistant pharmacist without incurring such forfeiture.

3. Temporary absence as used in this section shall mean such brief absences as are incident to the transaction of business, going to meals, etc. When it becomes necessary for the registered pharmacist to be absent for a longer period such drug store or pharmacy may be left in charge of an assistant pharmacist not to exceed ten days.

4. Any person who shall retail, compound or dispense or permit to be retailed, compounded or dispensed drugs, medicines or poisons, except paris green put up in packages labeled "paris green, poison," in his store or place of business in towns, cities or villages having less than five hundred inhabitants, or institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons in any town, city or village having less than five hundred inhabitants, unless such person shall be a registered pharmacist or registered assistant pharmacist, or shall employ and place in charge of such pharmacy, store or shop a registered pharmacist, or registered assistant pharmacist shall forfeit fifty dollars for each offense.

5. Nothing herein shall interfere with any practicing physician when dispensing his own medicines, or supplying his patients with such articles as may seem to him proper.

6. Nor interfere with the general sale of proprietary medicines if the same shall be sold in sealed packages labeled to comply with the federal pure food and drug law with

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the directions for using, together with the name of the manufacturer and his location; nor with the sale of alum, ammonia, borax, bay rum, bicarbonate of soda, cream of tartar, concentrated lye, olive oil, sal ammoniac, sal soda, sulphur, copperas, epsom salts, glauber salts, castor oil, glycerine, senna leaves, indigo, blue vitriol, turpentine, wood alcohol and denatured alcohol. [*1895 c. 227 s. 9; 1897 c. 257; Stats. 1898 s. 1409g; 1899 c. 289 s. 1; Supl. 1906 s. 1409g; 1907 c. 118, 456*]

Actions, prosecution of. SECTION 1409h. Actions for the recovery of the forfeitures or penalties imposed by this chapter may be instituted by any member of the board of pharmacy, and the members thereof are specially directed to institute actions for the violation of any of its provisions and also for the violation of the law regulating the sale of poisons. It is the duty of the district attorney of the county wherein any such violation may occur to prosecute the persons guilty thereof upon receiving notice from said board, any officer or agent thereof, or from any other source. [*1895 c. 227 s. 13; Stats. 1898 s. 1409h*]

CHAPTER 76*cc*.

PRACTICE OF EMBALMING.

Licenses and regulations. SECTION 1409—1. 1. The state board of health is hereby authorized and empowered to determine the qualifications necessary to enable any person to lawfully and properly embalm dead human bodies and disinfect the premises where such bodies may have been, and to adopt and enforce such other rules and regulations governing the education, examination, and licensing of funeral directors and embalmers as said board may consider necessary. The said board shall appoint a committee of examiners for the examining of embalmers, consisting of three licensed embalmers who, under the supervision of the state board of health, shall conduct all examinations and shall submit to the board its recommendations. The state board of health shall issue an embalmer's license to all persons who successfully pass such examination. No person shall embalm any dead human body, unless he or she shall hold a valid, unrevoked and unexpired license from the Wisconsin state board of health authorizing him or her to practice the art of embalming. It shall be unlawful for any person not a licensed undertaker, funeral director or embalmer as herein provided, to act as an embalmer, assistant embalmer, undertaker or funeral director, or to prepare dead human bodies for burial, cremation, or transportation, except under the immediate and personal direction of a licensed embalmer, and any person practicing the art of embalming, or advertising or holding himself out to the public as an embalmer, or undertaker, or funeral director, or using any other title intending to imply or designate him or her as an embalmer, undertaker or funeral director by card, sign, solicitation or otherwise without first obtaining a license from the state board of health, shall be deemed guilty of a violation of this section. Nothing in this section shall prohibit a person from caring for and burying the deceased members of his own family, or caring for and burying the dead without compensation.

2. The term "embalming" as used in this section shall be taken to mean the disinfection or preservation of the dead human body, entire or in part, by the use of chemical substance, embalmers' fluids or gases on the body, or by the introduction of the same into the body, by either arterial or cavity embalming or hypodermic injection of fluid ordinarily used in embalming. The finding of any such chemical substance, fluid or gas, ordinarily used in embalming, or any trace, evidence or appearance thereof upon a dead human body, the use of which is prohibited by law, except by a licensed embalmer, or the placing thereof upon a dead human body by any person who is not a holder of a valid, unrevoked and unexpired embalmers' license from the state board of health, shall constitute prima facie evidence of the violation of the terms of this section. Provided, that nothing in this section shall apply to any assistant embalmer who prepares dead human bodies for burial or cremation under the personal supervision of a licensed embalmer. Any undertaker or funeral director who on January 1, 1921, was engaged in the undertaking business shall be licensed by the state board of health without examination upon the payment to the state board of health of the fee required by section 1409—3.

3. After the first day of July, 1921, it shall also be unlawful for any licensed embalmer, funeral director, or undertaker to employ a student embalmer without a certificate of registration issued by the state board of health, pursuant to the provisions of

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section 1409—1. No student embalmer may independently practice embalming. A person is qualified to receive a certificate of registration as a student embalmer:

(a) Who is at least eighteen years of age;

(b) Who is of good moral character and temperate habits;

(c) Who has graduated from the eighth grade of a common school or who has completed an equivalent course of study as determined by the state board of health; and

(d) Who has entered upon the study of embalming under a licensed embalmer.

4. Every person who desires to obtain a certificate of registration as a student shall apply therefor to the state board of health in writing upon blanks prepared and furnished by the board. Each application shall contain proof of the particular qualifications required of the applicant and shall be verified by the applicant under oath. Whenever the provisions of this section have been complied with the state board of health, embalmers' department, shall issue certificate of registration as a registered student embalmer, as the case may be.

5. Every registered student, upon changing his place of employment shall notify the said authorities of the state board of health by filling out the proper blank.

6. A person is qualified to take an examination for embalmer's license who is:

(a) Twenty-one years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who is a graduate from the eighth grade of a public school, or who has completed an equivalent course of study; and

(d) Who shall have been employed for at least two years under a licensed embalmer as a registered student and shall have had at least two years of practical instructions in embalming and disinfecting under a licensed embalmer or embalmers, in all cases of embalming incident to said undertakers' ordinary business, provided the applicant has assisted in embalming at least fifty bodies; or

(e) Who has graduated from a school of embalming which requires as a prerequisite to graduation the completion of a course of study of at least ten weeks' duration, approved by the state board of health and the board of examiners for embalmers; and

(f) Who has studied embalming in this state under a licensed embalmer for at least one year under the provisions in paragraph (d). However, no credit shall be given for the study of embalming in this state under a licensed embalmer after the first day of July, 1921, unless the applicant during the period of study was a registered student. The time spent in the study of embalming under an embalmer, registered or licensed under the laws of another state or territory of the United States or of a foreign country or province, may be credited on the period of study required by the provisions of this paragraph.

7. The state board of health may, in its discretion, revoke and cancel any license or renewal of license issued by it when:

(a) The holder thereof is not a person of good moral character; or

(b) The holder thereof shall be guilty of gross or wilful malpractice of the science of emblaming; or

(c) The holder thereof shall be guilty of wilfully violating any rule or regulation of the state board of health, or any law or regulation of any municipality, governing the disposition of dead human bodies; or

(d) The holder thereof shall have wilfully signed a certificate of having embalmed or prepared a body when in fact some one else did it; or

(e) The holder thereof shall be guilty of gross or wilful neglect in the conduct of the profession; or

(f) The holder thereof shall have knowingly and wilfully made false statements to this board in his application for examination; or

(g) The holder thereof shall ship dead human bodies in violation of the transportation rules; or

(h) The holder thereof shall have been guilty of any violation of any rule or regulation of this board. [*1905 c. 420; Supl. 1906 s. 1409—1; 1907 c. 118; 1913 c. 51; 1919 c. 140; 1921 c. 464*]

Examination. SECTION 1409—2. Embalmers' examination shall be held at least once a year at such times and places as the said board may designate. [*1905 c. 420 s. 2; Supl. 1906 s. 1409—2; 1907 c. 118*]

Blanks; fee. SECTION 1409—3. Each application for an embalmer's license shall be made in writing, on blanks prescribed by the state board of health, and filed with the secretary of said board, and shall be accompanied by an examination fee of five dollars. [*1905 c. 420 s. 3; Supl. 1906 s. 1409—3; 1907 c. 118; 1911 c. 242; 1911 c. 663 s. 169; 1913 c. 773 s. 46; 1915 c. 446; 1921 c. 464*]

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Form. SECTION 1409—4. The license shall be signed by the president and secretary of the state board of health and the seal of the board affixed thereto. No license shall be issued or renewed for a period exceeding one year. [*1905 c. 420 s. 4; Supl. 1906 s. 1409—4; 1907 c. 118*]

Renewals. SECTION 1409—5. Any person holding an embalmer's license under sections 1409—1 to 1409—9, inclusive, may have the same renewed for not to exceed one year, by making and filing with the secretary of said board an application therefor within thirty days preceding the expiration of his or her license, upon blanks prescribed by the said board and upon payment of two dollars renewal fee; provided, however, that any person neglecting or failing to have his license renewed as above, may have the same renewed by making application therefor within thirty days after date of expiration, and upon payment of two dollars revival and renewal fees. All embalmers' licenses and all renewal licenses issued by said board shall expire on December thirty-first next succeeding the date of issuance thereof. [*1905 c. 420 s. 5; Supl. 1906 s. 1409—5; 1907 c. 118; 1911 c. 663 s. 169; 1919 c. 315; 1921 c. 464*]

Record of embalmers; notices, how given. SECTION 1409—6. The secretary of the state board of health shall keep a record, in which shall be registered the name and business address of every person to whom an embalmer's license has been granted, and the number and date of each license and the date of each renewal thereof. In the month of January of each and every year, the secretary of said board shall supply each licensed embalmer, and the various transportation companies within this state, with a list of all embalmers holding licenses, then in force, giving the names of said persons, their business address and the number of their license. The secretary of the board shall mail notices to all unlicensed undertakers in this state known to him, at least fifteen days before any embalmers' examination is to be held, advising them of the time and place where such examination is to be conducted. It shall be the duty of the secretary of the state board of health to prepare under the direction of said board, and cause to be printed, all blanks required by sections 1409—1 to 1409—9, inclusive, to be presented by the state board of health. The secretary of said board shall, at least ten days prior to the expiration of any license, mail a notice to such holder of license about to expire under sections 1409—1 to 1409—9, inclusive, advising him to that effect, and inclose him therewith a blank application for renewal thereof. The secretary of said board shall also mail a notice to each holder of a license under sections 1409—1 to 1409—9, inclusive, that has not been renewed in accord to the foregoing provisions, advising him of the expiration of his license, and the penalty for embalming dead human bodies without holding a license and the condition and terms upon which his license may be revived and renewed. All notices required to be mailed by provisions of sections 1409—1 to 1409—9, inclusive, shall be directed to the last known post-office address of the party to whom the notice is sent. [*1905 c. 420 s. 6; Supl. 1906 s. 1409—6; 1907 c. 118; 1911 c. 663 s. 169*]

Fees. SECTION 1409—7. The secretary of the state board of health shall keep a record of all fees received under sections 1409—1 to 1409—9, inclusive, and make a report thereof at the January and June meetings of said board. The fees collected by the state board of health shall be paid into the state treasury. [*1905 c. 420 s. 7; Supl. 1906 s. 1409—7; 1907 c. 118; 1911 c. 663 s. 169; 1913 c. 772 s. 62*]

Penalty. SECTION 1409—8. Any person who shall be guilty of the violation of any of the provisions of sections 1409—1 to 1409—9, inclusive, or who shall violate any rule or regulation prescribed by said board, for the preparation, embalming, shipping, or burial of any dead human body, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars or imprisonment in the county jail not less than ten days nor more than sixty days. [*1905 c. 420 s. 8; Supl. 1906 s. 1409—8; 1907 c. 118; 1911 c. 663 s. 169*]

Duty of district attorney. SECTION 1409—9. It shall be the duty of the district attorney of the county in which violation occurs, to prosecute all persons who violate the provisions of sections 1409—1 to 1409—9, inclusive. [*1905 c. 420 s. 9; Supl. 1906 s. 1409—9; 1907 c. 118; 1911 c. 663 s. 169*]

Penalty for failure to file death certificate. SECTION 1409—10. Any licensed undertaker who neglects, or refuses to file a death certificate and obtain a burial permit before interring, depositing in a vault or tomb, cremating or otherwise disposing of any dead human body, shall be prosecuted and fined as provided for by law. Upon being convicted and fined for a second offense it shall be the duty of the state board of health to at once revoke the license of such person, and thereafter for at least one year and until relicensed at a regular examination for the licensing of undertakers, the person whose license has been revoked shall not embalm dead human bodies under penalty of a fine or imprisonment, as provided by section 1409—8 of the statutes. [*1911 c. 242*]

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CHAPTER 76*d*.

DAIRY AND FOOD COMMISSIONER.

Appointment; term; supplies; assistants and report. SECTION 1410. The dairy and food commissioner shall be appointed by the governor, by and with the advice and consent of the senate, for a term of two years from the date of his appointment and until his successor qualifies. Such commissioner may, with the advice and consent of the governor, appoint assistants, who shall be experts in dairy products, and chemists who shall be practical analytical chemists; he may also, with such advice and consent, appoint agents for the inspection of milk dairies, factories, cheese factories, foods and drugs, and creameries, and to assist in the work of the dairy and food commission at such times and for such periods of time as may be required in the enforcement of the dairy and food laws or other laws required to be enforced by the said commissioner and ex officio superintendent of weights and measures. All such appointees shall have all the powers that are conferred by law upon any agent, inspector or assistant of the dairy and food commissioner. The commissioner shall be furnished with a suitable office in the capitol, and with such supplies and printing as may be necessary. He shall as soon as practicable after the thirtieth day of June in each year make a report to the governor and give therein an itemized statement of all expenses incurred by him, and of all fines collected, with such statistics and other information and suggestions as he may regard of value. [*1889 c. 452 s. 1, 2, 7, 9; Ann. Stats. 1889 s. 1410b, 1410c, 1410h, 1410j; 1893 c. 109; 1897 c. 228, 355; Stats. 1898 s. 1410; 1913 c. 772 s. 34; 1919 c. 362 s. 32*]

SECTION 1410—1. [*Repealed by 1913 c. 772 s. 35*]

Powers and duties of commissioner; legal assistance. SECTION 1410*a*. It shall be the duty of the commissioner to enforce the laws regarding the production, manufacture and sale, offering or exposing for sale or having in possession with intent to sell, of any dairy, food or drug product, the adulteration or misbranding of any article of food or drink, or condiment or drug and personally or by his assistants, inspectors or agents, to inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article of food, drink, condiment or drug made or offered for sale within this state which he may suspect or have reason to believe to be impure, unhealthful, misbranded, adulterated or counterfeit, or in any way unlawful, and to prosecute or cause to be prosecuted any person, firm or corporation engaged in the manufacture or sale, offering or exposing for sale or having in possession with intent to sell, of any adulterated dairy product or of any adulterated, misbranded, counterfeit, or otherwise unlawful article or articles of food or drink or condiment or drug. The district attorney of the county in which a violation of any such law has occurred shall, when called upon by the commissioner, his assistants, inspectors or agents, to do so, give all the aid he can to secure the execution of the law and shall prosecute cases arising under the provisions of this chapter or other provisions of these statutes relating to the manufacture, sale, offering or exposing for sale, of any adulterated dairy product or any adulterated, misbranded or otherwise unlawful foods, drinks, condiments or drugs. Such commissioner shall have power to appoint, with the approval of the governor, special counsel to prosecute or assist in the prosecution of any case arising under the provisions of these statutes imposing a penalty for adulterating dairy products, or foods, drinks, condiments or drugs, or practicing deception or frauds in the manufacture and sale thereof. The cost of such special counsel shall be charged to the appropriation for the dairy and food commissioner and ex officio state superintendent of weights and measures. All fines collected in prosecutions begun or caused to be begun by the dairy and food commissioner, his assistants, inspectors or agents, shall be paid into the state treasury. [*1889 c. 452 s. 3, 5; Ann. Stats. 1889 s. 1410d, 1410f; 1895 c. 30 s. 10; Stats. 1898 s. 1410a; 1905 c. 193 s. 1; Supl. 1906 s. 1410a; 1907 c. 118; 1911 c. 43; 1913 c. 772 s. 34; 1921 c. 187*]

SECTION 1410*aa*. [*1903 c. 144; repealed by 1913 c. 772 s. 35*]

Statistics relating to dairy industries. SECTION 1410*aa*. 1. The dairy and food commissioner shall compile at least once in two years statistics relating to the dairy industry in this state, and for such purpose may forward to the owner or manager of any creamery, cheese factory, condensery, or to any other person, firm, or corporation dealing in or manufacturing dairy products, blanks calling for specific information relating to such industry, and in case of cheese factories, the information shall be detailed so as to show

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the number of pounds each of American, Swiss, limburger and brick cheese made in each factory. These blanks shall, within sixty days from receipt thereof, be filled out and returned to the dairy and food commissioner and all questions thereon propounded and all information required by such blanks, so far as it is within the power of such person, firm, or corporation to answer or furnish the same, shall be answered and furnished. All local assessors, upon request of the dairy and food commissioner, shall collect and furnish information relating to dairy statistics as said commissioner may require. The dairy and food commissioner may take other necessary steps to secure full and complete information and statistics relating to the dairy industry, and to promote the welfare of that industry.

2. Any person, firm or corporation who is the owner or manager of any creamery, cheese factory or condensery, and any person, firm or corporation dealing in or manufacturing dairy products failing to comply with subsection 1, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, or imprisonment in the county jail not more than ten days. [*1915 c. 391; 1917 c. 86*]

SECTIONS 1410*ab* and 1410*ac*. [*Repealed by 1913 c. 772 s. 35*]

Access to buildings; samples of food, etc.; stencils for cheese. SECTION 1410*b*. The commissioner, his agent or assistant shall have free access to any barn or stable where any cow is kept or milked, or to any factory, building, dairy or premises where any dairy product is manufactured, handled or stored, when the milk from such cow or such product is to be sold or shipped, and may enforce such measures as are necessary to secure perfect cleanliness in and around the same and of any utensil used therein, and to prevent the sale of milk from cows diseased or fed upon unwholesome food. Either of them may enter any place or building in which there is reason to believe that any food, drink or drug is made, prepared, sold or offered for sale, and may open any package or receptacle of any kind containing, or which is supposed to contain, any article of food, drink or drug, and examine or analyze the contents thereof. Any such article or a sample thereof may be seized or taken for the purpose of having it analyzed; but if the person from whom it is taken shall so request, at the time of taking, the officer shall then and in the presence of such person securely seal up two samples of such article, one of which shall be for analysis under the direction of the commissioner, the other shall be delivered to the person from whom the sample or article was obtained. Said commissioner shall adopt a uniform stencil, bearing a suitable device or motto, a number and the words "Wisconsin full cream cheese" and a space for a number, and upon proper application therefor and under such regulations as to the custody and use thereof as he may prescribe, issue the same, with the proper number inserted, to the proprietor or manager of any cheese factory in this state; he shall enter in a book kept for that purpose the name, location and number of each factory using such stencil, no number being duplicated, and the name of the person thereat authorized to use the same. [*1889 c. 452 s. 4; Ann. Stats. 1889 s. 1410e; 1893 c. 228 s. 2, 3; 1895 c. 257 s. 1; 1897 c. 94 s. 1; Stats. 1898 s. 1410b*]

Buttermaker's and cheesemaker's license. SECTION 1410*b*—1. 1. For the purposes of this section the terms "buttermaker" and "cheesemaker" shall respectively mean and include a person employed or who may be employed in any butter or cheese factory who has charge of and supervision over the actual process of manufacturing butter or cheese, and shall not include a person employed in a butter or cheese factory for the purpose of aiding or assisting in the manufacture of such product. This act shall not affect a person making up a product produced on his own farm, nor shall it be deemed unlawful for a licensed cheesemaker employed in a licensed cheese factory to make butter or whey cream butter for the use or consumption only of the patrons thereof.

2. On and after the first day of January, 1916, no person shall engage in the manufacture of butter or cheese as a buttermaker or cheesemaker unless he shall have first secured a license from the dairy and food commissioner. Such license for butter or cheesemakers shall be issued by the dairy and food commissioner under such rules and regulations as he shall prescribe relating to the qualifications of applicants for securing licenses. Such qualifications shall include among other things: Previous record in operating and keeping in sanitary condition the butter or cheese factory in which he has been employed.

3. Application for a buttermaker's or cheesemaker's license shall be made upon an application blank furnished by the dairy and food commissioner. Upon receipt of any such application the dairy and food commissioner shall issue a permit to such applicant to carry on the work of a buttermaker or cheesemaker. Such permit shall have the full force and effect of a license to carry on the work of a buttermaker or cheesemaker only until a license shall have been issued to the applicant or until such applicant shall have been notified of the denial of such application. At the time such permit is issued, the dairy and

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food commissioner shall also furnish to the applicant the rules and regulations incident to securing a license and also suggestions relating to the proper method of operating butter or cheese factories.

4. Each application for such license shall be accompanied by a fee of one dollar payable to the dairy and food commissioner, and no license shall be issued until such fee is paid the dairy and food commissioner. In case license is refused, the fee accompanying the application shall be returned by the dairy and food commissioner to the applicant with notification of refusal.

5. Each buttermaker's or cheesemaker's license shall be subject to revocation by the dairy and food commissioner upon reasonable written notice that the licensee has violated any of the rules and regulations prescribed by the commissioner, or has violated any of the laws of the state relating to milk or cream, or milk or cream products.

6. Each buttermaker's or cheesemaker's license shall expire on the first day of January next succeeding the date of its issue. [*1915 c. 597; 1921 c. 318*]

Butter and cheese factory licenses. SECTION 1410*b*—2. 1. On and after January 1, 1916, no person, firm or corporation shall operate a butter factory or cheese factory in this state or on and after January 1, 1920, a receiving station as defined in subsection 9 of this section unless a license shall have first been granted by the dairy and food commissioner to such person, firm or corporation to operate such receiving station or depot or such butter factory or cheese factory at the place designated in such license. Such license shall be granted under such reasonable rules and regulations as the dairy and food commissioner may from time to time prescribe. Upon filing an application for a license to operate a receiving station or depot, or a butter factory or cheese factory, the dairy and food commissioner shall issue a permit to such applicant to operate such station or depot, or factory. Such permit shall have the full force and effect of a license to operate such station or depot, or factory only until a license shall have been issued to the applicant or until such applicant shall have been notified of the denial of such application.

2. As soon as convenient after the filing of such application, the dairy and food commissioner shall cause an investigation to be made of the conditions of such receiving station or depot or such butter factory or cheese factory for the purposes of determining whether or not a license is to be granted under the rules and regulations prescribed by him.

3. Each application for such license shall be made upon an application blank furnished by the dairy and food commissioner upon request and shall state the applicant's name and address and the exact location of the station or depot or factory for which such license is requested and such other information as the dairy and food commissioner may reasonably require and the dairy and food commissioner shall furnish to the applicant the rules and regulations incident to securing a license.

4. Each application shall be accompanied by a fee of two dollars payable to the dairy and food commissioner, and no license shall be issued until such fee is paid to the dairy and food commissioner. In case license is refused, the fee accompanying the application shall be returned by the dairy and food commissioner to the applicant with notification of refusal.

5. Licenses to operate a receiving station or a depot or a butter factory or cheese factory shall expire on the first day of January next following the date of issue but may be renewed without inspection on or before the first day of January of each year upon application of the licensee and upon payment of two dollars to the dairy and food commissioner; provided, where a butter and cheese factory are operated together in one plant only one license and fee shall be required.

6. No permit, license, or renewal shall be transferable.

7. The dairy and food commissioner is authorized, after reasonable notice, to close up any receiving station or depot or any butter or cheese factory which is being operated or conducted without a permit, license or renewal and to suspend or revoke any license if the licensee fails to comply with any of the provisions of this section or with any rule or regulation under which the license is granted, and he shall restore to full force and effect any license when the licensee fully complies with all of the provisions of this section and the said rules and regulations.

8. The owner or operator of any receiving station or depot or any butter or cheese factory being dissatisfied with any order of the dairy and food commissioner to close up the station or depot or factory owned or operated by him may commence an action in the circuit court for the county in which such station or depot or such factory is located against the commissioner as defendant to vacate and set aside any such order on the ground that the order is unlawful, or that any such order is unreasonable, in which action the complaint shall be served with the summons. The answer of the commissioner to the complaint shall be served and filed within ten days after service of the complaint, whereupon said

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action shall be at issue and stand ready for trial upon ten days' notice to either party. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions. No injunction shall issue suspending or staying any order of the dairy and food commissioner, except upon application to the circuit court or the presiding judge thereof, notice to the dairy and food commissioner and hearing.

9. For the purposes of this section the terms "receiving station or depot" or "station or depot" shall mean and include any building or place used in buying or receiving and shipping milk or cream and shall not mean and include or apply to the gathering or collecting of milk or cream by wagon or other similar vehicle or by automobile or other similar motor vehicle or to the distribution of milk or cream to its ultimate consumer. [*1915 c. 597; 1917 c. 83; 1919 c. 455 s. 2*]

Penalties. SECTION 1410*b*—3. Any person violating any of the provisions of sections 1410*b*—1 or 1410*b*—2 or any of the rules or regulations prescribed by the dairy and food commissioner under authority of said sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than thirty days, and the license issued to such person shall be revoked. [*1915 c. 597*]

Condensaries and canneries to be licensed. SECTION 1410*b*—5. 1. On and after April 1, 1920, no person, firm or corporation shall operate a condensary or canning factory in this state, without first obtaining a license therefor from the dairy and food commissioner, as hereinafter provided. Such licenses shall be granted under such reasonable rules and regulations as the dairy and food commissioner may, from time to time, prescribe. Upon filing application for a license to operate a condensary or canning factory, the dairy and food commissioner shall issue a permit to such applicant to operate the same. Such permit shall have the full force and effect of a license to operate such condensary or factory, only until a license shall have been issued to the applicant, or until such applicant shall have been notified of the denial of such application.

2. As soon as convenient after the filing of such application, the dairy and food commissioner shall cause an investigation to be made of the conditions of such condensary or canning factory, for the purpose of determining whether or not a license should be granted under the rules and regulations prescribed by him.

3. Each application for such license shall be made upon an application blank furnished by the dairy and food commissioner, upon request, and shall give such information as the dairy and food commissioner may reasonably require; and the dairy and food commissioner shall furnish to each applicant a copy of the rules and regulations incident to securing a license.

4. Each application shall be accompanied by a fee of twenty-five dollars, payable to the dairy and food commissioner, and no license shall be issued until such fee is paid. In case license is refused, the fee accompanying the application shall be returned by the dairy and food commissioner to the applicant, with the notification of refusal.

5. Licenses to operate a condensary or canning factory shall expire on the thirty-first day of March next following the date of issue, but may be renewed, without inspection, on or before the first day of April of each year, upon the application of the licensee, and upon the payment of twenty-five dollars to the dairy and food commissioner.

6. Licenses to operate a condensary or canning factory shall be deemed void, and shall be surrendered to the dairy and food commissioner, when the person, firm or corporation to whom they were granted discontinues the use of the building for which such license was granted, for a condensary or canning factory; or when another person, firm or corporation operates such condensary or factory.

7. The dairy and food commissioner is authorized, after reasonable notice, to revoke any license, when the licensee fails to comply with any of the provisions of this section, or with any rule or regulation promulgated and issued by the dairy and food commissioner relating to the operation of a condensary or canning factory; and he shall restore to full force and effect any license, when the licensee fully complies with all of the provisions of this section, and with the said rules and regulations.

8. Any person violating any of the provisions of this section, or any rule or regulation promulgated by the dairy and food commissioner under authority of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days, nor more than thirty days, and the license issued to such person shall be revoked.

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9. The owner or operator of any condensary or canning factory being dissatisfied with any order of the dairy and food commissioner to close up the condensary or canning factory owned or operated by him may commence an action in the circuit court for the county in which such condensary or factory is located against the commissioner as defendant to vacate and set aside any such order on the ground that the order is unlawful, or that any such order is unreasonable, in the same manner as is provided in subsection 8 of section 1410*b*—2 and the provisions of said subsection shall apply to and govern all actions commenced under the provisions of this subsection. [*1919 c. 651*]

Milk, adding foreign fats. SECTION 1410*b*—7. 1. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any condensed or evaporated milk which shall not conform at least to the minimum standards set forth in subsection 5 of section 4001—4*a* of the statutes, and which if contained in hermetically sealed cans does not bear stamped or labeled thereon, the name and address of the manufacturer, or jobber thereof, or dealer therein.

2. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell or exchange, or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products or articles or the derivatives thereof or under any fictitious or trade name whatsoever.

3. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to sell or exchange, or expose for sale or exchange, or have in possession with intent to sell or exchange, any condensed or evaporated or powdered skim milk in containers holding less than ten pounds avoirdupois net weight and each said container shall bear the name and address of the manufacturer, distinctly branded, indented, labeled or printed thereon, together with the words "condensed skim milk" or "powdered skim milk," as the case may be, in Roman letters of a size at least as large as any other words or letters appearing on said brand, indentation or label.

4. Any violation of any of the provisions of this section is hereby declared to be a misdemeanor and any person, whether individually or as a member of a partnership or as a responsible agent or officer of a corporation who shall be convicted of such violation, either on his own behalf or in the interests of a corporation shall be punished by imprisonment in the county jail for not less than thirty days nor more than sixty days or by a fine of not less than fifty dollars nor more than one hundred dollars or by both such fine and imprisonment.

5. The dairy and food commissioner, by himself or by his assistants, chemists, inspectors or agents, shall be charged with the enforcement of the provisions of this section.

6. Nothing in this section shall be construed to prohibit the shipment into this state from a foreign state and the first sale thereof in this state in the original package intact and unbroken, of any of the products or articles, the manufacture, sale or exchange of which or possession of which, with intent to sell or exchange, is prohibited hereby.

7. Should any subsection or subsections or any part of a subsection or subsections of this section become or be declared to be inoperative or void for any cause or reason whatsoever, the remainder of the subsections or of such subsections shall be and remain in full force and effect. [*1921 c. 409*]

Special dairy and food inspectors. SECTION 1410*b*—10. 1. Special dairy and food inspectors may be appointed by the dairy and food commissioner for any factory or plant which buys or receives milk or cream to be manufactured into butter or cheese, or to be condensed, or to be sold as market milk or cream, or for a group of such factories or plants or for any organization organized for the purpose of selling butter or cheese upon petition therefor signed by more than two-thirds of the regular patrons of such factory or plant, or by the officers of such factory or plant, or of the organization representing such group of factories or plants, and upon receiving satisfactory proof that such special dairy and food inspectors will be compensated in full for all services rendered and traveling expenses incurred upon and pursuant to such appointment as provided in this section. If the inspector is appointed pursuant to petition signed by the officers of an organization, such compensation and expenses shall be paid by such organization; if appointed pursuant to petition signed by patrons, each patron of the factory or plant shall pay such proportion of the total amount of such compensation and expenses as the amount of milk or cream delivered thereto by him bears to the total amount delivered thereto by all the patrons. The state shall not be liable for any such compensation.

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2. Each such special dairy and food inspector shall have all powers conferred by law upon dairy and food inspectors and shall at all times be under the supervision of the dairy and food commissioner and he shall make such reports to the dairy and food commissioner as the said commissioner may require. He shall supervise and inspect the weighing and testing of and shall inspect all milk or cream or butter or cheese delivered to such factory or plant, or group of factories or plants, and for such purpose may use any or all weighing or testing apparatus in such factory or plant. In addition to the duties herein specifically prescribed he shall perform such duties as the patrons or organizations compensating him or the dairy and food commissioner may direct. [*1917 c. 362; 1919 c. 104*]

Regulation of soda water beverage business. SECTION 1410*b*—11. 1. On and after January 1, 1918, no person, firm or corporation shall engage in the business of manufacturing or bottling any soda water beverage in this state without first obtaining a license therefor from the dairy and food commissioner as hereinafter provided. Such license shall be granted under such reasonable rules and regulations as the dairy and food commissioner may from time to time prescribe pertaining to the proper handling and storing of such beverages and the construction and sanitary condition of buildings and to the proper cleaning and sterilizing of all machinery, bottles or other containers used in and about the factory and all containers in which the product is sold and he may prescribe such standards of purity for all ingredients used in the manufacture of such beverages as will insure a pure and unadulterated product.

2. Each application for such license shall be made upon an application blank furnished by the dairy and food commissioner upon request and shall state the applicant's name and address and the exact location of the factory for which such license is requested and such other information as the dairy and food commissioner may reasonably require and the dairy and food commissioner shall furnish to the applicant the rules and regulations incident to securing a license.

3. Each application shall be accompanied by a fee of five dollars payable to the dairy and food commissioner, and no license shall be issued until such fee is so paid. In case license is refused, the fee accompanying the application shall be returned by the dairy and food commissioner to the applicant with notification of refusal.

4. Licenses to engage in the manufacture or bottling of any soda water beverage shall expire on the thirty-first day of December next following the date of issue but may be renewed without inspection on or before the first of January of each year upon the application of the licensee and upon the payment of five dollars to the dairy and food commissioner. This act shall not apply to any person, firm or corporation, or to any manufacturing plant engaged wholly or partially in the manufacture of malt liquors or beverages.

5. Licenses to engage in the manufacture or bottling of any soda water beverage shall be deemed void and shall be surrendered to the dairy and food commissioner when the person, firm or corporation to whom it was granted discontinues to use the building, room or apartment wherein such beverage is manufactured or bottled, or when another person, firm or corporation becomes owner, manager or operator of such establishment.

6. The dairy and food commissioner is authorized, after reasonable notice, to revoke any license if the licensee fails to comply with any of the provisions of this section or with any rule or regulation promulgated and issued by the dairy and food commissioner relating to manufacture or bottling of such beverages, and he shall restore to full force and effect any license when the licensee fully complies with all of the provisions of this section and the said rules and regulations.

7. Any person, firm or corporation engaged in the manufacture or bottling of any soda water beverage, whose license has been refused or revoked, being dissatisfied with such order of the dairy and food commissioner, may commence an action in the circuit court for the county in which such person, firm or corporation resides against the dairy and food commissioner as defendant to restore to full force and effect such license on the ground that the refusal or revocation of the license by the dairy and food commissioner is unlawful or unreasonable, in which action the complaint shall be served with the summons. The answer of the commissioner to the complaint shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the same shall be tried and determined as other civil actions. No injunction shall issue suspending or staying any order of the dairy and food commissioner, except upon application to the circuit court or the presiding judge thereof, notice to the dairy and food commissioner, and hearing.

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8. The term "soda water beverage" as used in this section means and includes all such beverages commonly known as soft drinks, as soda water, carbonated or uncarbonated or sweetened and flavored, and mineral and spring waters, carbonated or uncarbonated; and shall not include strong, spirituous, vinous, malt, ardent or intoxicating liquors.

9. Any person violating any of the provisions of this section or any rule or regulation promulgated by the dairy and food commissioner under authority of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than thirty days, and the license issued to such person shall be revoked. [*1917 c. 562, 657; 1917 c. 677 s. 11*]

Submission of articles for analysis; evidence. SECTION 1410*c*. The state board of health, medical officers of local boards of health, town and village boards or common councils may submit to the dairy and food commissioner samples of water or other drinks, of food or drugs for analysis, and the same shall be examined and reports made of the analysis thereof to the body or officer submitting the same as soon as practicable; such reports shall fully specify the results of the analysis and be signed by such commissioner; they shall be accepted in all courts and places as prima facie evidence of the properties or condition of the articles analyzed. [*1880 c. 252; 1889 c. 452 s. 6; Ann. Stats. 1889 s. 1410g, 1410k–1410p; Stats. 1898 s. 1410c*]

Dairy and food commissioner; food conventions; maximum expense of analyses. SECTION 1410*d*. The governor may authorize the commissioner or his assistants, chemists or inspectors, when not engaged in the performance of other official duties, to make such public exhibits as will tend to inform the public of the character of the work of the dairy and food and weights and measures department, and to give such aid in farmers' institutes, dairy and food and farmers' conventions and the agricultural department of the state university as may be deemed advisable. [*1889 c. 452 s. 6, 8; Ann. Stats. 1889 s. 1410g, 1410i; Stats. 1898 s. 1410d; 1907 c. 206; 1913 c. 772 s. 34; 1915 c. 119*]

SANITARY REGULATION OF BAKERIES.

Structural details of bakery and storage rooms. SECTION 1410*d*—1. 1. All buildings occupied for bakeries and confectionary establishments, and all buildings or rooms connected with, or part of such bakeries or confectionary establishments and used for storage of goods that are intended to be used in the preparation of the products of such establishments or for storage of the products of such establishments shall be well drained, and all plumbing therein, if any, shall be constructed in accordance with well established sanitary principles and of good workmanship; and the rooms thereof used for the manufacture, storage, or sale of bread and other food products, or for the storage of goods that are intended to be used in the preparation of such bread and other food products, shall be light, dry, and airy. The room or rooms used for the manufacture or storage of bread and other food products in bakeries and confectionary establishments shall have floors and side walls so constructed as to exclude rats, mice, and other vermin. Said floors shall have a smooth surface and be impermeable and may be constructed of wood, cement, or tile laid in cement.

Water-closets and ash pits; gases and odors. 2. No water-closet, earth closet, privy, urinal or ash pit shall be within the bake room or any other room used in the manufacture of bread or other food products in any bakery or confectionary establishment. All water-closets, urinals or privies connected with, part of, or within any building used as a bakery or confectionary shall be so arranged that gases or odors out of said closets, urinals, or privies cannot enter into any room used in the production or storage of food in any bakery or confectionary, and such closets, privies, or urinals shall be equipped with efficient natural or mechanical means of removing all odors or gases into the outer air. [*1903 c. 230 s. 1; Supl. 1906 s. 1636—61; 1907 c. 118, 486; 1909 c. 44; 1911 c. 446; 1917 c. 648 s. 2*]

Toilet facilities; cleansing of persons and quarters. SECTION 1410*d*—2. 1. All bakeries and confectionaries shall be provided with ample toilet facilities apart from the utensils used in the preparation of said foods to enable the workmen employed therein to keep their persons clean. Said bakeries and confectionaries shall also be provided with a separate place to enable the workmen to change their clothes and keep the same in a proper condition. The walls and ceilings of such rooms used for the manufacture or storage of bread or other food products, or for the storage of goods that are intended to be used in the preparation of such bread or other food products, shall be whitewashed at least as often as once in six months, or in lieu of such whitewashing, walls or ceilings may be painted once in two years and scrubbed at least once in six months; and the floors and

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side walls shall at all times be free from moisture and kept in a good state of repair. The floors, utensils, and furniture of such room as are used for the manufacture, storing, or sale of said food products and the wagons used for the delivery of said food products shall at all times be kept in a sanitary, clean condition. The furniture and utensils of such rooms shall also be so arranged so that the same can be easily and perfectly cleaned. The air within such bakery or confectionary establishment shall at all times be kept pure and free from noxious odors and harmful gases.

Rooms not to be used for habitation. 2. No room used as a bakery or confectionary shall be used as a habitation or sleeping place by any person, and such rooms used as bakeries or confectionaries shall not be used for any purpose except those incidental to the manufacture, storage, or sale of the products of such bakery or confectionary establishments.

Clothing. 3. All persons engaged in the manufacture of bread or other food products in bakery or confectionary establishments shall provide themselves with caps and slippers or shoes and an external suit of washable material, and wear these garments while engaged in the preparation, packing, or handling of food in or about bakeries or confectionaries, said garments to be used for that purpose only and to be kept at all times in a clean condition.

Filth, disease, decay and vermin. 4. No food shall be prepared, handled, or cared for in any unclean manner or near any filthy object in any bakery or confectionary establishment, nor by any person wearing filthy clothing, nor by any person afflicted with a loathsome or venereal disease. No goods that are decayed or have been contaminated by exposure to disease or filth, nor any goods to which vermin have had access, or which vermin have partly consumed or devoured, nor goods which have become unclean in any manner shall be used in the preparation of any product of a bakery or confectionary establishment. No person shall befoul any room or any utensil used in the preparation of food in any bakery or confectionary establishment.

Same; exposure for sale. 5. No bread, confectionery, or other food product of a bakery or confectionary establishment, shall be exposed in or about such establishment so that dust of a street or other filth, flies, or other insects or vermin may settle upon it; and while such bread, confectionery, or other food products of bakery or confectionary establishments are distributed in wagons, carts, baskets, boxes, or other containers of such bakery or confectionary establishments, they shall be well covered and protected from dust, filth, or insects, and shall not be handled in any unclean manner while being distributed. [*1903 c. 230 s. 2; Supl. 1906 s. 1636—62; 1907 c. 118, 486; 1911 c. 446; 1917 c. 648 s. 2*]

Height of rooms. SECTION 1410*d*—3. No new bakery or confectionary establishment shall be established or operated in a room the floor of which is more than five feet below the level of the street, sidewalk or adjacent ground, nor in any room the ceiling of which is less than eight feet high from the floor and no bakeshop nor confectionary shall be reopened in such a room where the same has not been used for a period of over six months. [*1903 c. 230 s. 3; Supl. 1906 s. 1636—63; 1907 c. 118, 486; 1917 c. 648 s. 2; 1919 c. 679 s. 64*]

Communicable diseases. SECTION 1410*d*—4. No person shall work or be employed in or about any bakery or confectionary establishment for the manufacture of food products during the time in which a case of contagious or infectious disease exists in the house in which such person resides, and not thereafter until such house has been properly disinfected; provided that such persons may be employed if the local board of health issue a certificate in writing that no danger of public contagion or infection would result from the employment of said person in such establishment. [*1903 c. 230 s. 4; Supl. 1906 s. 1636—64; 1907 c. 118; 1911 c. 446; 1917 c. 648 s. 2*]

Alterations in conformance with law; limitation of time. SECTION 1410*d*—5. 1. If in the opinion of the dairy and food commissioner it is necessary to have some action taken or that alterations, additions, or changes are required in or upon any premises occupied and used, or for which application for license to be occupied and used as bakeries or confectionaries, has been filed, in order to conform to the provisions of law for the regulation of bakeries and confectionary establishments, he shall serve a written notice, either personally or by registered mail upon the owner of, manager, or officer operating such bakery or confectionary establishment, requiring such action to be taken or such alterations, changes, or additions to be made within thirty days. Provided, however, that if the required alterations cannot be made with reasonable diligence within thirty days, the dairy and food commissioner shall extend the time for making such alterations, changes, or additions such reasonable time as may be required to complete the additions, changes,

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or alterations if due diligence is used, such extension of time in no case to exceed ninety days from receipt of notice, however.

2. It shall be the duty of every occupant, whether owner or lessees of any premises used as a bakery or confectionary establishment for the manufacture of food products to carry out the provisions of sections 1410*d*—1 to 1410*d*—8, inclusive, and make, or cause to be made, all changes, additions, and alterations necessary therefor. [*1903 c. 230 s. 5; Supl. 1906 s. 1636—65; 1907 c. 118, 486; 1911 c. 446; 1911 c. 664 s. 77; 1917 c. 648 s. 3*]

Bakery inspection; salary of inspector. SECTION 1410*d*—6. 1. It shall be the duty of the dairy and food commissioner and boards of health, both state and local, to see that the provisions of sections 1410*d*—1 to 1410*d*—8, inclusive, are enforced. The dairy and food commissioner, his agents and inspectors shall inspect and ascertain the sanitary condition of the bakery and confectionary establishments of the state and of such rooms, buildings, or apartments for which application for license to establish or operate a bakery or confectionary establishment therein has been filed, and shall examine such plans and specifications for buildings, rooms, or apartments to be occupied and used as bakery or confectionary establishments, as may be submitted to them with reference to the laws for their sanitary regulation, and shall require such action to be taken as may be needed to have bakery and confectionary establishments conform to the provisions of law. It is further provided that the dairy and food commissioner and the state board of health may employ jointly experts, inspectors or other assistants.

Licenses; revocation. 2. No building, room, or apartment shall be used for the purpose of establishing or operating a bakery or confectionary establishment for the manufacture of bread and other food products, unless a license is secured as provided in sections 1410*d*—1 to 1410*d*—8, inclusive. Application for a license shall be made to the dairy and food commissioner, by any person, firm, or corporation desiring to establish or conduct a bakery or confectionary for the manufacture of bread, confectionery, and other food products of such establishments. Such application shall be made in such form as the dairy and food commissioner may determine, and shall be accompanied by a license fee as provided in subsection 2*a* of this section. Blank applications therefor shall be prepared and furnished by the dairy and food commissioner. Said application shall describe the construction and condition of the building, rooms, or apartments in regard to the provisions of law for the regulation of such bakery and confectionary establishments in which it is desired to establish or operate such bakery or confectionary establishment; and if said building or room conforms to the provisions of law, the dairy and food commissioner shall grant a license permitting the use of such building, room, or apartments for the purpose of establishing and conducting a bakery and confectionary therein to the person, firm, or corporation having made application. The license so issued shall be deemed void, and shall be surrendered to the dairy and food commissioner, when the person, firm, or corporation to whom it was granted discontinues using the building, room, or apartment to which it applied as a bakery or confectionary establishment, or when another person, firm, or corporation becomes owner, manager, or operator of such bakery or confectionary establishment. Such license may also be revoked by an order of the court upon a second or any subsequent conviction of any violation of or failure to comply with any provisions of sections 1410*d*—1 to 1410*d*—8, inclusive. All licenses shall expire on the twenty-eighth day of February following the date of issue and shall be renewed upon the application of the licensee.

Definition of terms. 3. The terms "bakery" and "bakeshop" as used in sections 1410*d*—1 to 1410*d*—7, inclusive, of the statutes, are defined to be any room or place where bread, crackers, cakes, pies, macaroni, spaghetti, or any other food product of which flour or meal is the principal ingredient are baked, cooked, or dried, or prepared or mixed for baking, cooking, or drying for sale as food; provided, however, that the terms "bakery" and "bakeshop" shall not be deemed to include any restaurant, hotel, cafe, boarding house, or other public eating place wherein such products are prepared to be used, and are used exclusively at meals and served in such restaurant, hotel, cafe, boarding house, or other public eating place.

Same. 4. The term "new bakery" as used in chapter 230 laws of 1903, and acts amendatory thereof, is defined to be a bakery established in a room not theretofore used for baking purposes, or in a room constructed for baking purposes after the passage and publication of sections 1410*d*—1 to 1410*d*—8, inclusive, of the statutes; providing that any bakery or bakeshop established before the passage and publication of chapter 486 laws of 1907, the ceiling of which is less than eight feet high from the floor, and which has not been out of use continuously for a period of over six months, need not be altered so as to make the ceiling eight feet from the floor.

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Same. 5. The terms "confectionary" and "confectionary establishment" as used in sections 1410*d*—1 to 1410*d*—8, inclusive, of the statutes, are defined to be any room or place where candy, sweetmeats, or any other food products, of which sugar, molasses, chocolate, or nutmeats are the principal ingredients, are prepared, mixed, cooked, dried, formed, coated, or cooled to be sold as food, and any room or place where food, the principal ingredients of which are sugar, milk, cream, or fruit are chilled or frozen or prepared or mixed for chilling or freezing, and any room used for any process incidental thereto.

Same. 6. The term "new confectionary" as used in chapter 486 laws of 1907 and in subsequent acts relating to confectionaries is defined to be a confectionary established in a room not theretofore used for confectionary purposes, or in a room constructed for confectionary purposes after the passage and publication of said chapter 486 laws of 1907; provided that any confectionary established before the passage and publication of this act, which has not been out of use continuously for a period of over six months immediately preceding the passage of this act, and the ceiling of which is less than eight feet high from the floor, shall not be required to be altered to make the ceiling eight feet high from the floor. [*1903 c. 230 s. 6; Supl. 1906 s. 1636—66; 1907 c. 118, 530; 1911 c. 446; 1911 c. 664 s. 77; 1913 c. 772 s. 70; 1917 c. 648 s. 4, 7; 1921 c. 590 s. 13, 14, 15; 1921 c. 9 s. 2*]

Penalties. SECTION 1410*d*—7. 1. Any person who shall use any room, building, or apartment for the purpose of establishing or operating a bakery or confectionary establishment therein without first securing a license permitting him so to do, as provided by sections 1410*d*—1 to 1410*d*—8, inclusive, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both.

2. Any person operating a bakery or confectionary establishment for the manufacture of bread and other food products, who, by himself or his servant or agent, or as the servant or agent for any firm or corporation, shall violate or fail to comply with any of the provisions of section 1410*d*—1, or of subsection 1, 2 or 3 of section 1410*d*—2, or of subsection 2 of section 1410*d*—5, or of section 1410*d*—3, thirty days after notice in writing shall have been served upon him personally, or sent through registered mail to him by the dairy and food commissioner, requiring such person to take such action or to make or cause to be made such changes, repairs, or alterations in such bakery or confectionary establishment as may be necessary to have such bakery or confectionary establishment conform to the provisions of law for their sanitary regulation; or if the required changes, repairs, or alterations could in the exercise of reasonable diligence not be made or completed within thirty days, after such additional time as may have been necessary to complete the required action, change, repairs, or alterations has expired, not to exceed ninety days, however, from the receipt of notice in any case; and any person, who by himself or his servant or agent, or as the servant or agent of any firm or corporation shall violate or fail to comply with the provisions of section 1410*d*—4 after one day's notice in writing has been served upon such person by the dairy and food commissioner herein mentioned to discontinue his employment in or about such bakery or confectionary establishment; and any person who by himself or his servant or agent, or as the servant or agent of any firm or corporation, shall violate or fail to comply with the provisions of subsections 4 and 5 of section 1410*d*—2, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty, nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both. [*1903 c. 230 s. 7; Supl. 1906 s. 1636—67; 1907 c. 118, 486; 1911 c. 446 s. 4; 1911 c. 664 s. 77; 1917 c. 648 s. 5; 1921 c. 590 s. 15*]

Bakeries; confectionaries; sanitary regulations. SECTION 1410*d*—8. 1. All stores and other places where products of a bakery or baking establishment or of a confectionary or confectionary establishment are sold or exposed or offered for sale, and all cases, pans, boxes, baskets or containers used for storing, shipping or delivering any such products, shall at all times be kept in clean and sanitary condition.

Shelves. 2. All show cases, shelves, counters, in or upon which any such products are kept or stored for the purpose of sale, shall at all times be well ventilated and kept free from dust and dirt.

Inspection. 3. The inspectors and agents of the dairy and food commissioner shall have authority and are authorized to inspect any place where any such products are sold or offered for sale and are charged with the duty of enforcing the provisions of this section.

Penalty. 4. Any person, who shall violate any provision of this section, shall be punished by fine of not less than five dollars nor more than fifty dollars or by imprisonment in the county jail for a period of not to exceed thirty days or by both such fine and imprisonment. [*1909 c. 386; 1917 c. 648 s. 6*]

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CHAPTER 76*dd*.

STATE BOARD OF DENTAL EXAMINERS.

State dental board; members; appointment; term. SECTION 1410*e*. 1. The state board of dental examiners, as heretofore constituted, is continued. It shall consist of five practicing dentists, at least three of whom shall be members of the Wisconsin state dental society. The members of such board shall be appointed by the governor for the term of five years and until their successors are appointed, and any such appointee may be selected by the governor from among such persons as may be recommended to him therefor by the Wisconsin state dental society. It shall be the duty of said board to enforce the provisions of this chapter.

Oath. 2. Each member shall take and file the official oath.

Eligibility. 3. No person shall be eligible to appointment on said board who is in anyway connected with or interested in any dental college or dental department of any institution of learning. [*1885 c. 129 s. 2; Ann. Stats. 1889 s. 1410r; Stats. 1898 s. 1410e; 1903 c. 411 s. 1; Supl. 1906 s. 1410e; 1907 c. 118; 1909 c. 258; 1919 c. 93 s. 24; 1919 c. 362 s. 32*]

Officers; meetings; quorum; record. SECTION 1410*f*. The officers of the board shall be a president, a secretary, and a treasurer who shall be chosen from the members thereof in such manner and for such terms as may be provided by the by-laws. One meeting of the board shall be held in the month of June or July in each year and at such place as may be fixed by the board for examining and licensing persons to practice dentistry in this state and transacting such other business as may be necessary. Other meetings may be called as often as the board may deem it advisable. A majority of the members shall constitute a quorum. The secretary's record of the proceedings of the board shall be open to public inspection at all reasonable times. A transcript of any entry in such records, certified to by the secretary under the seal of the board, shall be evidence of the facts therein stated. [*1885 c. 129 s. 3; Ann. Stats. 1889 s. 1410s; Stats. 1898 s. 1410f; 1903 c. 411 s. 2; Supl. 1906 s. 1410f; 1907 c. 118; 1909 c. 258; 1913 c. 545*]

Registration; license; fee; revocation. SECTION 1410*g*. 1. Every person who was engaged in the lawful practice of dentistry in this state on the thirtieth day of September, 1885, may continue such practice without incurring any of the liabilities imposed by this chapter, provided that he has annually caused his name and place of business to be registered by said board, who shall keep a book for that purpose. All persons licensed by the board shall annually register in like manner by paying a fee of one dollar.

2. Every person who, prior to the passage and publication of this act, was duly licensed by the board to practice dentistry in this state, and who has annually registered according to law, shall be allowed to continue to practice dentistry in this state, so long as he shall conform to the requirements of this chapter, and said board shall have power, without further process, to revoke the license of any person who has failed or may hereafter fail, to annually register as herein provided, if, for sixty days after notice in writing, sent to the last known address, from said board of such neglect, such person shall fail to so register. Provided, however, that said license shall be reinstated, in the discretion of the board, by the payment of ten dollars to the treasurer of the board, within one year from the date of the revocation of said license.

3. Any dentist may have his license revoked or suspended by the board following his conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction, or a certified copy thereof certified to by the clerk of the court, or by the judge in whose court the conviction is had, shall be conclusive evidence.

4. The circuit courts of this state are hereby vested with jurisdiction and power to revoke and annul any license or certificate of registration which has been heretofore or which may be hereafter issued to any person to practice dentistry who is guilty of immoral, dishonorable or unprofessional conduct, or who has procured such license or certificate of registration by fraud or perjury, or by false representation in connection with any dental examination, or for employing an unlicensed person, or for gross ignorance or inefficiency in his profession. Upon a verified complaint in writing being made by any person to the district attorney of any county charging any person holding such license or

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certificate with having, in said county, been guilty of any immoral, dishonorable or unprofessional conduct as defined herein, or with having procured such certificate or license by fraud or perjury, or by false representation in connection with any dental examination, or for employing an unlicensed person, or for gross ignorance or inefficiency in his profession, said district attorney shall commence and prosecute an action in the circuit court of said county against the person so complained against, to revoke and annul such license or certificate of such person. Such action shall be commenced and prosecuted as a civil action in the name of the state of Wisconsin as plaintiff, and against such person complained against as defendant, and the rules of pleading, evidence and practice in civil actions in the circuit court shall be applicable thereto, and either party may appeal from the circuit court to the supreme court as in other civil actions. Either party to said action may demand a jury trial, and the defendant shall have the right to be represented by counsel and the court may appoint counsel to assist the district attorney in the prosecution of such action. The costs of such prosecution shall be paid by the county in which said action is brought. If, upon the trial of such action, the court finds or the jury returns a verdict in favor of the plaintiff, judgment shall be rendered upon the first conviction by fining the defendant not less than twenty-five dollars nor more than one hundred dollars in the discretion of the court, and the costs of the action; upon the second conviction a fine of not less than one hundred dollars nor more than two hundred dollars in the discretion of the court, and the costs of the action; for a third conviction, judgment shall be rendered revoking and annulling such license and certificate of the defendant, and the clerk of the circuit court shall forthwith cause a certified copy of such judgment to be sent to the secretary of the Wisconsin state board of dental examiners to be filed for record in the office of said secretary. Any person whose license or certificate has been revoked under the provisions of this section, who shall thereafter practice or offer or attempt to practice dentistry in this state, shall be punished as provided in section 1410i. No person shall be excused or privileged from testifying fully under oath or producing evidence, documentary or otherwise, in any action, proceeding or examination brought under the provisions of this section; but no person shall be prosecuted or subjected to any penalty for or on account of any transaction, matter or thing concerning which such person may so testify or produce evidence, documentary or otherwise, except for perjury committed in giving such testimony. If the court before which the trial is had shall determine that the complaint made to the district attorney was wilful and malicious and without probable cause, it shall enter judgment against the person making such complaint for the costs of such action, and payment of the same may be enforced by execution against the body of such complainant as in tort actions.

The words "immoral, dishonorable or unprofessional conduct," as used in this statute, are hereby declared to mean: Employing what are known as "cappers" or "streeters" to obtain business; or obtaining of any fee by fraud or deceit; wilfully betraying professional secrets; employing directly or indirectly any student, or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth, or jaws, or to correct malposed formations thereof, except that an unlicensed person may perform merely mechanical work upon inert matter in a dental office or laboratory; the advertisement of dental business or treatment or devices in which untruthful or impossible statements are made; or habitual intemperance or gross immorality.

5. It shall be the duty of the attorney-general to advise and assist the state board of dental examiners, or any of its members; but said board has the right, in its discretion, to employ out of its own funds an attorney for consultation or to assist in any legal proceedings. [*1885 c. 129 s. 4, 6; 1887 c. 102; Ann. Stats. 1889 s. 1410t, 1410v; Stats. 1898 s. 1410g; 1903 c. 411 s. 3; Supl. 1906 s. 1410g; 1907 c. 118; 1909 c. 258; 1913 c. 545; 1915 c. 436 s. 1–3*]

Examination; license. SECTION 1410h. 1. No degree in dentistry shall be conferred in this state except the degree of doctor of dental surgery. Said degree shall not be conferred upon any one unless he shall have satisfactorily completed a course of at least three years of eight months each in a recognized dental school. No dental college or dental department of a university shall accept for enrollment any student who shall not place on file, prior to such enrollment, with the secretary of the Wisconsin state board of dental examiners, credentials proving to the satisfaction of the Wisconsin state board of dental examiners, that he has a general education equivalent to that required for graduation from a high school or academy in the state of Wisconsin, having a four-year course beyond that of the eighth grade of the elementary school.

2. No person shall be examined by the board for a license to practice dentistry in this state, who shall not file with the secretary of the board credentials proving to the satisfaction of the board, that he has a general education equivalent to that required for grad-

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uation from a high school or academy in the state of Wisconsin, having a four-year course beyond that of the eighth grade of the elementary school, and who is not a regular graduate of a reputable dental college or dental department of a university; provided, however, that the privileges of such examination are not denied an applicant therefor who holds a license to practice dentistry in some other state than Wisconsin prior to January 1, 1909.

3. Such examination shall be in writing and shall include the subjects of anatomy, anesthesia, bacteriology, chemistry, histology, materia medica, metallurgy, pathology, physiology, prosthetic dentistry, pharmacology, physical diagnosis, oral surgery, orthodontia, oral hygiene, operative dentistry, therapeutics, toxicology and such other subjects as the board may deem necessary, provided they relate to the science of dentistry. The board shall also require as part of the examination, demonstrations in operative and mechanical dentistry.

4. If such examination shall prove satisfactory to said board, the board shall issue to such person a license to practice dentistry in this state which shall grant to the person named therein the right to pursue the practice of dentistry in all of its branches as they are enumerated above. All licenses shall be signed by the members of the board and be attested by the president and secretary.

5. The state board may, without examination, issue a license to any applicant therefor, who shall furnish satisfactory proof to said board, that he has been duly licensed to practice dentistry in some state other than Wisconsin, and that he has been lawfully and reputably engaged in said practice for five years next preceding his application; said proof must be deposited in person with the secretary of the state board of dental examiners of this state. Provided, however, that the state or states in which such applicant has so practiced dentistry requires or require a preliminary education, equal to that required in this state, of all applicants for licenses to practice dentistry in this state, and provided the state or states in which he has so practiced dentistry extend or extends to the dentists of this state, who may remove to said state or states a similar privilege of practicing dentistry without examination; provided, however, that if a dentist who is licensed to practice in this state removes to another state and engages in the practice of dentistry in said state, he shall have his name carried on the list of dentists of this state upon the payment of the annual registration fee while out of this state. The fee for such license shall be twenty-five dollars.

6. The state board may, however, in its discretion admit to the licensing examination dental students who have successfully completed at least two years' work of eight months each in a recognized dental college or dental department of a university, and who shall file with the secretary of the board, credentials proving to the satisfaction of the board that he has a general education equivalent to that required for graduation from a high school or academy in the state of Wisconsin, having a four-year course beyond the eighth grade of the elementary school, permitting such students to participate in such theoretical examination as the board shall determine. The satisfactory grades made by such two-year dental students may be credited to them at the time they appear for their licensing examination. The participation in this examination, however, shall not in any way entitle such person to any right or privilege to practice dentistry until he shall have secured a license. The board may require a fee of ten dollars for such examination.

7. Any one who is a legal and competent practitioner of dentistry in this state and of good moral character who desires to change his residence to another state shall, upon application to the secretary, receive a certificate signed by the president and secretary and bearing the board's seal, which shall attest the facts above mentioned. The fee for such certificate shall be five dollars.

8. A duplicate license granted upon proof of the loss of the original shall be issued by the board upon payment to the secretary by the applicant of a fee of five dollars. [*1885 c. 129 s. 1, 5; Ann. Stats. 1889 s. 1410q, 1410u; Stats. 1898 s. 1410h; 1903 c. 411 s. 4; Supl. 1906 s. 1410h; 1907 c. 118; 1909 c. 258; 1911 c. 204; 1913 c. 545; 1915 c. 436 s. 4, 5; 1915 c. 604 s. 98*]

Penalty; dentistry defined; physicians; students. SECTION 1410i. 1. Any person who shall practice dentistry in this state, without being annually registered or without being licensed as herein provided, shall be punished by a fine of not less than fifty dollars or more than one hundred dollars, or be imprisoned for not less than sixty days or more than one year or both for each and every offense; each person treated shall be a separate offense; provided, that this chapter shall not be construed so as to prevent any duly licensed physician or surgeon residing in this state, from extracting teeth or performing any operation upon the palate or maxillary bones.

2. A person shall be deemed to be engaged in the practice of dentistry within the meaning of this act who shall treat diseases or lesions of the human teeth or jaws or perform

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operations of any kind thereon, or insert any artificial teeth, fixtures or appliances for the restoration, regulation or improvement of the dental organs, or who is manager, proprietor or conductor of a place for performing dental operations, or who for a fee, salary or other reward paid, or to be paid, to himself or another person, performs any of the before-named dental operations, or who uses the word dentist, dental surgeon, or other letters or titles in connection with his name which in any way represents him as being engaged in the practice of dentistry; but nothing contained in this act shall be construed to prevent a bona fide student, in regular attendance upon any dental college in this state from practicing dentistry, under the direct supervision of one of his teachers, in the regular infirmary of such college, or a legal practitioner of another state making a clinical demonstration before an incorporated dental society or dental college for the purpose of instruction, and without remuneration.

3. Any association or company of persons, whether incorporated or not, who shall engage in the practice of dentistry under the name of company, association, corporation or any other title shall cause to be displayed and kept in a conspicuous place at the entrance of its place of business, the name of each and every person employed in said company or association, in the practice of dentistry, and any one so employed by said company or association whose name shall not be so displayed as above provided and the said association or company, if incorporated, or the persons comprising the same if not incorporated, shall for the failure to display the aforesaid names, be deemed guilty of a misdemeanor and upon conviction thereof each shall be punished as provided in this act.

4. It shall be unlawful for any person to circulate or advertise fraudulent or misleading statements as to the skill of the operator, the quality of the materials, drugs or medicines used or methods practiced.

5. Whoever engages in the practice of dentistry in Wisconsin shall keep his license displayed in a conspicuous place, where he practices, in such manner as to be easily seen and read.

6. Whoever shall violate a provision of this act, for the violation of which no penalty has heretofore been prescribed, shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned not less than ten days, or more than ninety days, or both. [*1885 c. 129 s. 6; 1887 c. 102; Ann. Stats. 1889 s. 1410i; Stats. 1898 s. 1410i; 1903 c. 411 s. 5; Supl. 1906 s. 1410i; 1907 c. 118; 1909 c. 258; 1913 c. 545; 1913 c. 772 s. 40; 1915 c. 436 s. 6, 7*]

Fee; duties of secretary. SECTION 1410*j*. 1. Said board may charge each person applying for a license to practice dentistry in this state, whether such applicant be examined or not, a fee of twenty-five dollars, which, in no case, shall be returnable, unless from sickness or some other good cause such applicant was prevented from attending and completing such examination.

2. The secretary of the board shall be required to give a bond in such terms as the board may require, and shall within one month after receiving the same, pay all moneys to the state treasurer of Wisconsin. An annual report of said proceedings of the board, containing an account of all the moneys received and disbursed pursuant to this chapter, shall be made to the governor on the thirtieth day of November of each year. [*1885 c. 129 s. 7; Ann. Stats. 1889 s. 1410w; Stats. 1898 s. 1410j; 1903 c. 411 s. 6; Supl. 1906 s. 1410j; 1907 c. 118; 1909 c. 258; 1913 c. 772 s. 40; 1915 c. 436 s. 8*]

Powers. SECTION 1410*k*. Said state board of dental examiners shall have power to inquire into the qualifications and representations of any applicant for a license to practice dentistry, to require the attendance of persons and the production of papers and to take testimony concerning all matters within its jurisdiction. The president and secretary shall have power to issue subpœnas, to require the production of papers and documents, and to administer oaths. [*1903 c. 411 s. 7; Supl. 1906 s. 1410k; 1907 c. 118; 1913 c. 545*]

Dental hygienist, examination, certificate. SECTION 1410*l*. 1. No person shall engage in practice as a dental hygienist without a certificate therefor issued by the Wisconsin state board of dental examiners; which shall authorize such person to remove calcareous deposits, accretions and stain from the exposed surfaces of teeth, and to prescribe and apply any ordinary wash or washes of a soothing character, but not to perform any operation on the teeth or other tissues of the oral cavity.

2. Such certificates shall be issued upon written examinations conducted by and satisfactory to said board, which shall include the subjects of anatomy, histology, physiology, bacteriology, dental pathology, and preventive dentistry. The examinations shall also include practical demonstrations in dental hygiene. Any applicant shall be eligible to such an examination upon filing with the secretary of the board credentials proving, to the satisfaction of the board, that he has a general education equivalent at least to a two-year course beyond that of the eighth grade of the elementary school and that he is a

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graduate of a reputable training school for dental hygienists having a course of not less than one year of eight months; provided, however, that the privilege of such examination is granted until July 1, 1922, to any person who shall have graduated from any reputable training school for dental hygienists, and until July 1, 1923, to any person who shall have served as an assistant in any dental office in this state for at least two years next prior to July 1, 1921, and who shall within two years next thereafter graduate from a reputable training school for dental hygienists. The state board of dental examiners shall by regulation determine what shall constitute a reputable training school for dental hygienists.

3. At the time of applying for such examination the applicant shall pay an examination fee of ten dollars. Any applicant failing to pass any such examination may be reexamined within one year upon payment of an additional fee of one dollar. Any person to whom a certificate is issued by the board shall register with the secretary of the board and pay to him a registration fee of one dollar on or before the next succeeding first day of September, and annually thereafter.

4. Such certified dental hygienists may be employed by boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, operating only under the general supervision of one or more licensed dentists, and may also be employed in any dental office, subject to such regulations as shall be prescribed by the state board of dental examiners in the enforcement of the provisions of this section. They shall not in any dental office exceed in number the number of licensed dentists operating therein; and they may also, under the direction and supervision of licensed dentists, act as assistant instructors in a school for the training of dental hygienists. Such certified dental hygienists shall not otherwise engage in practice as dental hygienists.

5. The state board of dental examiners may revoke the certificate of any dental hygienist for any violation of this section. The license of any dentist who shall permit any dental hygienist operating under his supervision to violate this section, shall be revoked in the manner prescribed in paragraph 4 of section 1410*g* of the statutes.

6. Whenever any other state, requiring a preliminary education of dental hygienists equal to that required in Wisconsin, shall grant to the dental hygienists of this state the reciprocal privilege of practicing as dental hygienists, the Wisconsin state board of dental examiners shall, upon payment of the fee prescribed in subsection 3, issue a certificate to any applicant who shall in lieu of examination furnish proof, to the satisfaction of the board, that he has been duly licensed and lawfully and reputably engaged in practice as a dental hygienist in such other state for at least two years next preceding such application. [*1921 c. 454*]

CHAPTER 76*e*.

PRESERVATION OF THE PUBLIC HEALTH.

Health boards, local; temporary appointment by state; free antitoxin. SECTION 1411. 1. The town board, village board and common council of every town, village and city, except in cities of the first class, shall, within thirty days after each annual election, organize as a board of health or appoint wholly or partially from its own members, a suitable number of competent persons who shall organize as a board of health for such town, village or city.

2. In case the town board, village board, or common council fails or neglects to appoint a board of health as provided by this section, the state board of health may appoint persons to serve on such board until a board of health has been regularly appointed as hereinbefore provided, and the necessary expense so incurred shall be charged to and paid out of the treasury of such town, incorporated village or city.

3. Whenever any health officer appointed under the provisions of this section, or elected as provided for by the general charter law or special charter laws, shall neglect or refuse to perform the duties of his office and assist the state board of health in the enforcement of the public health laws of the state, it shall be the duty of the town board, village board or common council, either upon its own initiative or upon the recommendation of the state board of health, to discharge such official and immediately appoint a new health officer.

4. The officers of such board shall include a chairman, a clerk, and a health officer, who shall be ex officio a member of such board and its executive officer; all such officers shall be elected by the board immediately after its organization. Every board of health as thus constituted shall exercise all the powers and perform all the duties prescribed in this chapter within the limits of the town, village or city of which they are such officers. Every

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health officer so appointed shall be, whenever practicable, a reputable physician. The health officer when appointed shall hold office for two years and until his successor has been elected and qualifies. If a vacancy occurs in his office, the board of health shall immediately fill the same by an election. The foregoing provisions shall not apply to any city or village in which a board of health and a health officer are provided for by the charter thereof; but every such board, whether organized under the provisions of this section or otherwise, shall immediately after each annual or other organization report to the secretary of the state board of health the names, post-office addresses and occupations of the officers thereof, and make such report whenever a new health officer is chosen. Every board of health shall take such measures and make such rules and regulations as they may deem most effectual for the preservation of the public health. To provide for the control of diphtheria and other contagious diseases, the local board of health shall furnish antitoxin free to all indigent persons suffering from such diseases, in such manner as the state board of health may direct. They may appoint as many persons to aid them in the execution of their powers and duties as they think proper, regulate the fees and charges of every person so employed by them, and fix the salary of the health officer, examine into all nuisances, sources of filth, and causes of sickness, and make such rules and regulations respecting the same as they may judge necessary for the public health and safety of the inhabitants. [*R. S. 1849 c. 26 s. 1–3; R. S. 1858 c. 32 s. 1–3; R. S. 1878 s. 1411, 1412; 1883 c. 167; 1887 c. 291; Ann. Stats. 1889 s. 940a sub. 1; Ann. Stats. 1889 s. 1411, 1412; Stats. 1898 s. 1411; 1907 c. 140; 1913 c. 354; 1915 c. 604 s. 80*]

Joint health officers for municipalities. SECTION 1411*a*. Towns, villages and cities, however organized, occupying contiguous territory, through their proper officers, may employ a full-time officer or health commissioner jointly, but in all other respects the local health organization in each such town, village, or city shall not be changed. The salary of the health officer or health commissioner, including necessary traveling expenses, shall be paid jointly by the cities, incorporated villages and townships so employing a full-time health officer or health commissioner, in proportion to the population of each such town, village, or city, as determined by the last federal census, or in such other manner as may be agreed upon by the common councils, village boards and town boards adopting this system. The health officer or health commissioner so appointed shall perform all the duties imposed upon a health officer or health commissioner by the state laws, local ordinances or the rules and regulations of the state or local boards of health. No full-time health officer or health commissioner appointed under the provisions of this section shall engage in any other occupation which will conflict with the performance of his official duties. [*1917 c. 72*]

Public health nurses. SECTION 1411*g*. 1. The local board of health, health commissioner or health officer of any town, village or city may employ public health nurses within the limits of the appropriation made therefor by such town, village or city. The public health nurses shall work under the direction of the health officer, or health commissioner, and may be assigned to investigate infant mortality, the examination or visitation of children excluded from school, the investigation or visitation of cases of tuberculosis, the visitation of the sick, who may be unable otherwise to secure adequate care, the instruction of members of households where sickness exists, or to such other duties as may be appropriate in improving the public health.

2. Towns, villages and cities may through their proper officials employ public health nurses jointly. The salary and other expenses of such public health nurses shall be paid jointly by the towns, villages and cities so employing public health nurses in proportion to the population of each such town, village or city, as determined by the last federal census, or in such manner as may be agreed upon by the common councils, village boards and town boards adopting this plan. [*1917 c. 123*]

Dental clinics. SECTION 1411*h*. 1. Any county may establish and maintain a dental clinic or clinics to be operated under such rules as the county health committee of the board of supervisors, named pursuant to subsection (3) of section 1411*n*, may designate.

Reports. 2. Monthly reports shall be made by the director of said clinic or clinics pursuant to subsection (4) of section 1411*n* on blanks prescribed by the state board of health. [*1921 c. 157*]

Boards of health in special charter and commission cities. SECTION 1411*m*. 1. The council of any city, excepting cities of the first class, existing under special charter or organized under the provisions of chapter 63, of the statutes, may by ordinance create a board of health of not less than three nor more members than the number of aldermen elected in such city, provide for the manner of their election or appointment and fix the terms of office of the members of such board. Such ordinance may confer on such board,

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power to appoint a health officer for such city and to fix his term of office and compensation, subject to the approval of such council.

2. Such board of health shall organize by the election of a president and secretary. The secretary shall keep full minutes of the proceedings of such board. No member of such board shall receive compensation unless such compensation shall have been provided by the council.

3. The council of any such city may confer appropriate powers on such board, and may permit such board, by ordinance, to delegate any of its powers to the health officer. Such board of health and any health officer appointed by it shall have all the powers given to boards of health and health officers and commissioners by any general law of this state, and any power conferred on health officers under section 1411*r* subsection (7) may be exercised by such board or such officer acting under its authority.

4. All rules and regulations prepared by such board shall be reported to the council of such city, and if the same shall be approved by a majority of the members of such council, such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances. [*1915 c. 101; 1919 c. 679 s. 65; 1921 c. 9 s. 2*]

County boards to employ registered nurses or public health instructors. SECTION 1411*n*. (1) The board of supervisors of every county shall, within two years after July 1, 1919, employ upon the certification of the state board of health, as herein provided, one or more public health registered nurses, or public health instructors, whose duties shall be as follows: To act as health supervisor for all schools not already having school inspection either by a physician or school nurse; to assist the superintendent of the poor; to instruct tuberculosis patients and others in preventing the spread of tuberculosis; to assist in reporting existing cases of tuberculosis and other communicable diseases; to assist in investigating cases of delinquency, neglect and dependency of juveniles, including state aid to dependent children, in counties not employing a probation officer; to assist in investigating cases of nonschool attendance in districts where a school attendance officer is not employed; to assist in investigating cases of infringement on child labor laws; to investigate cases of crippled children due to infantile paralysis or other causes; to act as health instructor throughout the county and to perform such other duties as may be assigned to her.

(2) The qualifications of all candidates for the position of public health registered nurse or health instructor shall be determined by a committee of three examiners, one to be selected by the state board of health, one by the committee of examiners of registered nurses and one by the state superintendent of public instruction. All candidates recommended by the committee of examiners shall be certified by the state board of health to any county board upon request and every public health registered nurse or public health instructor employed by any county after July 1, 1921, shall be selected from the certified list furnished.

(3) The work of the public health registered nurse or health instructor shall be directed by a committee composed of the chairman of the county board, the county superintendent of schools, a woman appointed by the county board, the judge of the juvenile court and the deputy state health officer for that county to be known as the "County Health Committee."

(4) Such public health registered nurse or health instructor shall at the end of each month make a written report to the county health committee which shall file the same with the county clerk and send a duplicate copy of such report to the state board of health which report shall show briefly the work done during the month and such other information as the county health committee or the state board of health may from time to time require. The state board of health shall examine all reports filed by the county health registered nurses or county health instructors and make such recommendations to them as will aid in the proper administration of their work.

(5) The state board of health shall prescribe model forms for instruction, test cards, blanks, record books and other useful blanks or appliances for carrying out the purposes of this act and shall notify the county clerks of each county where all of the aforesaid blanks and supplies can be purchased at the expense of the county. [*1913 c. 93; 1919 c. 311 s. 1, 2; 1919 c. 679 s. 55*]

Application of section. SECTION 1411*r*. (1) The provisions of this section shall continue to apply only to cities operating thereunder at the time of the transfer thereof to chapter 64*m*.

Appointment of. (2) The mayor shall, once in two years, unless otherwise provided by local ordinance, nominate a regularly licensed physician as commissioner of public health; such commissioner shall hold his office for two years and until his successor

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shall be qualified. The commissioner of public health or health officer in all cities however incorporated having a population of twenty-five thousand or more as determined by the latest federal census, shall not engage in the private practice of medicine or in any other occupation which will conflict with the performance of his official duties. The full-time health commissioner, in cities containing a population of twenty-five thousand or more, shall receive an annual salary to be fixed by the common council or the board of health, if provided for by local ordinance, and shall receive his expenses actually and necessarily incurred in the performance of his official duties.

His duties. (3) The commissioner of public health shall have all the power and authority heretofore given or which may hereafter be given to boards of health by any general law, and it shall be his duty to provide such additional rules and regulations as shall be proper and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases and to cause the removal of all objects detrimental to the health of such people, and to enforce such rules and regulations as are hereinafter provided.

Rules to be approved. (4) All rules and regulations prepared by said commissioner shall be by him reported to the council, and if the council shall approve the same by a vote of a majority of its members, such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances.

Recommendations. (5) The commissioner of public health shall also, from time to time, recommend to the council such sanitary measures, to be executed at the public expense, as shall seem to him to be necessary for the preservation of the public health.

Salary; assistants. (6) It shall be the duty of the council to fix the salary of said commissioner, which shall be paid out of the city treasury. The commissioner may appoint, subject to confirmation by the mayor, such assistants as may be necessary, and all such appointees shall receive such salary or compensation as the council may fix.

Abatement of nuisances. (7) The commissioner of public health or any person acting under him shall have authority to enter into and examine at any time all buildings, lots and places of any description within the city for the purpose of ascertaining the condition thereof so far as the public health may be affected thereby, and any person refusing to allow entrance into or upon his premises at reasonable hours for such purpose shall, on conviction thereof, be fined not less than ten dollars nor more than one hundred dollars; and in all cases in which the commissioner shall deem it necessary for the protection of the health of the city to abate or remove any nuisance, source of filth or cause of sickness which shall be found on private property he shall cause a notice to be served on the owner or occupant thereof requiring him to remove the same at his own expense within a reasonable time, not less than twenty-four hours; and if said owner or occupant shall refuse or neglect to comply with such notice, or if such nuisance, source of filth or cause of sickness exist on the property of nonresident owners or upon property the owners of which cannot be found, the commissioner shall cause the removal of such nuisance, source of filth or cause of sickness under his direction at the expense of the city, and the cost thereof shall be charged against the lots, pieces or parcels of land upon which said work was done, and shall be assessed against said property in the manner provided for the assessment of other special taxes. The commsisioner shall, in each year, certify to the tax commissioner or city clerk, in time for insertion in the tax roll, a certified list of all special taxes to be levied by reason of work done as herein required, and such certified list shall be prima facie evidence of the legality and regularity of said special taxes, and they shall be included in the list of such taxes in the tax roll of the city before delivery of the same to the city treasurer.

Physicians to report contagious diseases. (8) It shall be the duty of every physician practicing in the city to report in writing to the commissioner of public health every patient he shall have who is sick with smallpox, scarlet fever, diphtheria, typhoid fever, Asiatic cholera or any other dangerous contagious disease within twenty-four hours after he shall ascertain or suspect the nature of such disease. These reports shall be in such form as may be prescribed by the state board of health, and shall state the name, sex, age and place of residence of the person whose sickness is reported, the nature of the disease and such additional facts as said board may prescribe. Any practicing physician who shall refuse or neglect to perform the duties required of him by this section or who shall make a false return of the facts required shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period not exceeding sixty days, or by both fine and imprisonment.

Additional duties. (9) The commissioner of public health shall also discharge such duties, not herein enumerated, as may from time to time be imposed upon him by the

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council by ordinance or resolution, and shall make such reports to the state board of health and generally perform such duties as are or may be required of health officers by these statutes.

Duty of police and other officers. (10) It shall be the duty of the members of the police force of the city and of all magistrates and other civil officers and all citizens to aid to the utmost of their power the commissioner of public health in the discharge of his duties, and on his requisition it shall be the duty of the chief of police to serve or detail one or more of the policemen to serve the notices issued by said commissioner and to perform such other duties as he may require.

Commissioner of health, qualifications, deputy. (11) (a) The commissioner of health of any city of the first class in this state, however incorporated, shall be one who holds the degree of doctor of public health or a graduate of a recognized medical college who has had not less than one year of practical experience in public hygiene and sanitation.

(b) The commissioner of health of any such city shall appoint a deputy commissioner of health, who shall be one who holds the degree of doctor of public health or a graduate of a recognized medical college who has had not less than one year of practical experience in public hygiene and sanitation, provided that such appointment shall not be subject to the civil service law applicable to the cities to which this act may apply.

(c) Such deputy shall take and file the official oath and execute and file an official bond in such amount and with such sureties as the common council of such city may direct.

(d) In case of a vacancy in the office of the commissioner of health the deputy commissioner shall have full power and authority, and it is hereby made his duty to exercise and perform the duties of the commissioner of health until such vacancy is filled as provided by law.

(e) Such deputy shall be authorized to do all the acts required by law to be done by the commissioner of health and he shall in case of the sickness or of the absence of said commissioner act in the place of said commissioner of health and shall perform all the duties prescribed by ordinances of the city upon such commissioner and shall be subject to the same liabilities and penalties. [*Stats. 1919 s. 925—107 to 925—112m; 1921 c. 242 s. 271 to 281; 1921 c. 258; 1921 c. 590 s. 78*]

Public health nurses to file statement. SECTION 1411*s*. (1) All public health nurses, and public health instructors, not working under direct supervision of a resident certified public health nurse, shall within sixty days after July 1, 1921, file with the state health officer their names and addresses, with a statement of the kind of work each is doing and by whom employed.

Qualifications of. (2) The qualifications of all public health nurses or public health instructors not working under direct supervision of a resident certified public health nurse, who may hereafter enter such employment, shall be determined by a committee of three examiners as provided for by subsection 2 of section 1411*n* of the statutes.

Certifications of. (3) All candidates recommended by the committee of examiners shall be certified by the state board of health to the local board of health, school board, common council, village board, town board or other appointing body upon request, and every public health nurse or public health instructor shall be selected from the certified list furnished.

Reports of. (4) All public health nurses or public health instructors not working under direct supervision of a resident certified public health nurse, shall make a written report in triplicate, one copy to go to the employing board, one to the special health committee appointed by the employing board to advise with said worker, and one to the state board of health showing briefly the work done at such times as the state board of health may direct. The state board of health shall examine all reports filed and make such recommendations as will aid in the proper administration of the work.

Reports, form for. (5) The state board of health shall prescribe model forms for reports, record cards, blanks and other useful blank forms or appliances, and shall notify the nurses where all of the aforesaid blanks and supplies can be purchased at local expense.

Not applicable to first class cities. (6) This act shall not apply to cities of the first class. [*1921 c. 87*]

Quarantine for towns, villages, and cities. SECTION 1411—5. The local board of health of each town, incorporated village or city with the consent of the state board of health shall have power to establish quarantine and to order and execute what is reasonable and necessary for the prevention and suppression of disease; to forbid public gatherings when deemed necessary to control epidemics, and to condemn and abate conditions causative of disease by means of rules and regulations which shall be consistent with the state law and the rules and regulations prescribed by the state board of health. Cities

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may in such manner enforce quarantine in the city or within five miles of the limits. [*1919 c. 159; 1919 c. 679 s. 66; 1921 c. 242 s. 40a*]

Health officer's duties. SECTION 1412. It shall be the duty of every health officer, chosen under the provisions of the preceding section or under any village or city charter, upon the appearance of any dangerous contagious disease in the territory within the jurisdiction of the board of which he is a member to immediately investigate all the circumstances attendant upon the appearance of such disease, make a full report to such board and also to the state board of health; and it shall likewise be his duty at all times promptly to take such measures for the prevention, suppression and control of any such disease as may in his judgment be needful and proper, subject to the approval of the board of which he is a member. Every health officer shall keep and deliver to his successor a record of all his official acts. The term dangerous contagious disease, as used herein, shall include smallpox, diphtheria, scarlet fever, Asiatic cholera and such other diseases as the state board of health shall designate as contagious and dangerous to the public health. Every health officer shall make a report to the secretary of such board concerning the progress of such diseases and the measures used for their prevention and control with such frequency as to keep that board fully informed in relation thereto or at such intervals as the secretary thereof may direct. [*1883 c. 167; 1887 c. 291; Ann. Stats. 1889 s. 940a sub. 2; Stats. 1898 s. 1412*]

Contagious diseases; reports; forfeiture. SECTION 1412*a*. Whenever any physician practicing in this state shall know or have good reason to believe that any person whom he treats or visits is sick with a dangerous, contagious, or infectious disease, he shall, immediately after obtaining such knowledge or forming such belief, give notice thereof in writing, stating the name, sex, age and place of residence of person whose sickness is reported, the nature of the disease and such additional facts as said board may prescribe, to the board of health of the town, city, or village in which such sick person shall then be, and if he shall fail to so do for a period of twenty-four hours thereafter he shall forfeit not less than five nor more than twenty-five dollars for each day of such failure after the expiration of said twenty-four hours; provided, that such notice may be sent by mail, or, except in cities, may be given to, or left at the residence of, any member of the board of health. When any person is sick with any such disease and no physician is in attendance upon such person, the provisions of this section shall apply to the responsible head of the family of which he is a member, or if the sick person is not a member of the family occupying the house or building in which he may be, to the person in charge thereof. It shall be the duty of the district attorney of the proper county, upon complaint being made under oath by any citizen before any magistrate of failure to give notice as herein required, to sue for the collection of the forfeiture herein imposed, which, when collected, shall be for the benefit of the school fund. [*1883 c. 167; 1887 c. 291; Ann. Stats. 1889 s. 940a sub. 5; 1893 c. 270; Stats. 1898 s. 1412a; 1909 c. 85*]

Knowledge of health laws a condition of license. SECTION 1412*b*. No license to practice medicine shall be issued to any person until after the applicant shall have filed with the state board of medical examiners a verified statement that said applicant has familiarized himself with the public health laws of the state, and the rules and regulations of the state board of health relating to the prevention and control of the various dangerous, communicable diseases. A copy of such statement shall be forwarded, when the license is issued, to the state board of health. [*1917 c. 110*]

List of communicable diseases to be posted. SECTION 1412*c*. A card upon which a list of the notifiable, communicable diseases has been printed shall be displayed in a prominent place in the office of each person engaged in the practice of medicine and in each hospital, asylum or other public or private institution for the treatment of the sick. Such card shall be not less than one foot square in size, and shall be furnished to each such institution and licensed physician, without cost, by the state board of health. [*1917 c. 110*]

Bacteriological examinations; disinfection. SECTION 1412*m*—1. In cases where there is a dispute regarding the diagnosis of a contagious or infectious disease, it shall be the duty of the health officer to order that a bacteriological examination be made in the state laboratory of hygiene, if such examination will assist in making a proper diagnosis. The health officer shall disinfect or cause to be disinfected, rooms, clothing and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation and before quarantine is removed, if the disease is a quarantinable one. All homes or places of residence where a disease is found to exist which is designated by the state board of health as contagious and dangerous to the public health, shall be placarded by the health officer during the time when the disease is present in the home, and until the disinfection of patient and premises. [*1911 c. 248*]

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Blanks and forms for local officers. SECTION 1412*m*—2. 1. All record books, quarantine cards, and other material needed to satisfactorily carry on the work of the board, except such as is furnished by the state board of health, shall be supplied by the local health officer and paid for at public expense, upon the order of the local board of health. The state board of health may supply to local health officers quarantine signs, placards, record books and other uniform blanks at actual cost. All money received from the sale of such material to local health officers shall be deposited in the state treasury and credited to the fund created by subsection (1) of section 20.43 of the statutes.

2. The blanks used by physicians and other persons reporting dangerous, communicable diseases to the local health officers shall be furnished by the state board of health, and distributed by the local health officer in each district. These blanks shall be of the general form adopted and approved by the state and territorial health authorities in conference with the United States Public Health Service.

3. Local health officers, or boards of health, shall, within seven days after the receipt by them of reports of cases of notifiable, communicable diseases, and as much oftener as the state board of health may require, forward by mail to the state board of health the original written reports made by physicians and other persons, after having transcribed the information given in the respective reports in a book, or other form of record, for the permanent files of the local health office. On each report thus forwarded the local health officer shall state whether the case to which the report pertains was visited, or otherwise investigated, by a representative of the local health office, and whether measures were taken to prevent the spread of the disease or the occurrence of additional cases.

4. The local health officer, or board of health, shall, when an epidemic of any dangerous, communicable disease occurs in the district, within thirty days after the epidemic has subsided, make a report to the state board of health of the number of cases occurring in the epidemic, the number of cases terminating fatally, the origin of the epidemic and the means by which the disease was spread. [*1911 c. 248; 1915 c. 182; 1921 c. 85*]

Enforcement of duty to report communicable diseases. SECTION 1412*m*—3. Every certificate of an infectious or contagious disease, when properly filled out and signed by the attending physician, or responsible head of the family where there is no physician in attendance, shall be prima facie evidence of the existence of such disease when filed with the local health officer of the proper district.

When any violation of the state law or the rules of the state board of health relating to the reporting of contagious or infectious diseases is reported to the district attorney, either by the local health officer or by the secretary of the state board of health, the district attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations, and upon request of the secretary of the state board of health, the attorney-general shall likwise assist in the enforcement of the provisions of sections 1412*m*—1, 1412*m*—2 and 1412*m*—3. [*1911 c. 248; 1911 c. 664 s. 32*]

Publication of rules. SECTION 1413. Notice shall be given by the board of health of all orders and regulations made by them by publishing the same in some newspaper, if there be one published in such town, village or city; if there be none, then by posting up the same in five public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons. [*R. S. 1849 c. 26 s. 4; R. S. 1858 c. 32 s. 4; R. S. 1878 s. 1413; Ann. Stats. 1889 s. 1413; Stats. 1898 s. 1413*]

SECTION 1413*l*. [*Renumbered section 40.71 sub. (1) by 1917 c. 578 s. 2*]

SECTION 1413*m*. [*Renumbered section 40.71 sub. (2) by 1917 c. 578 s. 2*]

SECTION 1413*n*. [*Renumbered section 40.71 sub. (3) by 1917 c. 578 s. 2*]

Abatement of nuisances. SECTION 1414. Whenever any nuisance, source of filth or cause of sickness shall be found on private property the board of health shall order the owner or occupant thereof to remove the same at his own expense within twenty-four hours, and if he shall refuse or neglect to comply he shall forfeit not less than five nor more than fifty dollars; and said board may cause the same to be removed and may recover all expense incurred thereby from the said owner or occupant or from such other person as shall have caused or permitted the same. [*R. S. 1849 c. 26 s. 6; R. S. 1858 c. 32 s. 5, 6; R. S. 1878 s. 1414; Ann. Stats. 1889 s. 1414; Stats. 1898 s. 1414*]

Nuisance; noxious matter drained into highway. SECTION 1414*b*. In any town situated wholly within a county containing within its boundaries a city with three hundred thousand or more population, whenever any person shall so construct any drain, pipe, sewer or other outlet as to permit it to discharge or drain into any established highway or any part thereof, any infectious or noxious matter, or permit any water-closet to drain in such manner, or in any other manner into the public highway or any part thereof, the same shall constitute a nuisance and the board of health shall order the person guilty of

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maintaining the same to remove the same at his own expense within ten days, and if he shall refuse and neglect to comply, he shall forfeit no less than five nor more than fifty dollars and the said board may cause the same to be removed and may recover all expenses incurred thereby from the person guilty of maintaining same, whether owner or occupant, and from such person or persons as thereafter cause or permit the same; and in proceeding to abate such nuisance, the said town board may destroy any drain, sewer, pipe or other outlet, and in order so to do, may enter upon the property of the person guilty of maintaining such nuisance, without incurring liability to said person, either as a board or otherwise for trespass or damages of any kind; and the person or persons, whether owner or occupant, or either, or both, found guilty of maintaining such nuisance shall be guilty of a misdemeanor and shall upon conviction thereof be punished by fine not exceeding three hundred dollars for each offense, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment. [*1913 c. 283*]

Appropriation for destruction of property. SECTION 1414*m*. Whenever personal property is destroyed by order of the officers of any city, town or village to stamp out or prevent the spread of contagious or infectious disease the common council, board of trustees or supervisors, as the case may be, may appropriate money from the treasury of the city, town or village in which such property was so destroyed for the purpose of paying for the same; provided, that no more than one hundred dollars shall be appropriated for the destruction of such property owned or in the possession of any single family and that no appropriation shall be made unless the certificate of the local board or commissioner of health shows that such destruction was necessary and the amount and value of the property destroyed, and in no case shall the sum appropriated exceed the actual value thereof as determined by such certificate. [*1895 c. 143; Stats. 1898 s. 940a; Stats. 1919 s. 940a; 1921 c. 396 s. 88*]

Entry into buildings. SECTION 1415. Whenever the board of health shall think it necessary for the preservation of the health of the inhabitants to enter any building or vessel in their city, village or town for the purpose of examining into and destroying, removing or preventing any nuisance, source of filth or cause of sickness, and shall be refused such entry any member of the board may make complaint under oath to a justice of the peace of his county, whether such justice be a member of such board or not, stating the facts in the case so far as he has knowledge thereof. Such justice shall thereupon issue a warrant, directed to the sheriff or any constable of the county, commanding him to take sufficient aid, and being accompanied by two or more of the board of health, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth or cause of sickness complained of may be and the same destroy, remove or prevent under the direction of the members of such board of health. [*R. S. 1849 c. 26 s. 5, 7, 8; R. S. 1858 c. 32 s. 7, 8; R. S. 1878 s. 1415; Ann. Stats. 1889 s. 1415; Stats. 1898 s. 1415*]

SECTION 1416. [*Repealed by 1909 c. 279*]

Housing regulations. SECTION 1416*a*. 1. The local board of health of any city of the third class, however organized, is authorized to establish a housing code for such city.

2. Any person violating any of the provisions of a housing code established under this section shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment. [*1919 c. 546*]

PREVENTION OF TUBERCULOSIS AND OTHER COMMUNICABLE DISEASES.

Infectious diseases; reports in all municipalities by physicians and others. SECTION 1416—1. It shall be the duty of every physician to report to the department of health in every town, incorporated village or city, in writing, within twenty-four hours, the full name, age and address of every person treated, visited or known by such physician to be suffering from any one of the infectious or contagious diseases following, to-wit: Measles, smallpox, diphtheria (membraneous croup), scarlet fever (scarlatina), influenza (la grippe), typhoid fever, tuberculosis (of any organ), rubella (rotheln), chickenpox, typhus fever, plague, erysipelas, Asiatic cholera, whooping cough, cerebrospinal meningitis, yellow fever, acute anterior poliomyelitis, trachoma, ophthalmia neonatorum, lethargica encephalitis (sleeping sickness) and pneumonia; and it shall be the duty of every person, owner, agent, manager, principal or superintendent of any public or private institution or dispensary, hotel, boarding or lodging house, in any such town, incorporated village or city, to make a report, in like manner and form, of any inmate, occupant or boarder suffering from any of the said infectious or contagious diseases. It shall also be the duty of every physician to report by number all cases of syphilis and

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gonorrhea occurring in his practice to the state board of health at such time and in such manner as the state board of health may direct. [*1905 c. 192; 1907 c. 93; 1913 c. 226, 516; 1915 c. 67; 1919 c. 156; 1921 c. 223*]

Contagious diseases; report of deaths. SECTION 1416—2. It shall be the duty of every physician to report forthwith in writing to the said department of health, the death of any person who dies from, or while suffering with or from any infectious or contagious disease, and to state in such report the specific name and type of such disease, and in the absence of an attending physician, it shall be the duty of every keeper of any boarding house or lodging house, and the proprietor of every lodging house or hotel, to report forthwith to the department of health, all known facts in regard to any person who died in any such house or hotel under his charge suffering from any of the following infectious or contagious diseases: Measles, diphtheria (membraneous croup), scarlet fever (scarlatina), typhoid fever, tuberculosis, smallpox, chickenpox, Asiatic cholera, typhus fever, rubella (rotheln), plague, whooping cough, erysipelas, cerebrospinal meningitis, acute anterior poliomyelitis and ophthalmia neonatorum, within twenty-four hours after the death of such person. [*1905 c. 192; 1907 c. 93; 1913 c. 226*]

Contagious diseases; all citizens must report. SECTION 1416—3. It shall be the duty of every person having knowledge of the existence of any person afflicted with any one of the following infectious or contagious diseases, to wit: Measles, diphtheria (membraneous croup), scarlet fever (scarlatina), typhoid fever, tuberculosis, smallpox, Asiatic cholera, typhus fever, rubella (rotheln), plague, whooping cough, yellow fever, cerebrospinal meningitis, chickenpox, erysipelas, acute anterior poliomyelitis and ophthalmia neonatorum, influenza, trachoma and pneumonia, or has reason to believe that any person is so afflicted, to at once report to the health department of such town, incorporated village or city, all facts in regard to the case, and no person shall interfere with or obstruct the entrance, inspection or examination of any building or house, or the occupants thereof, by the health officer, commissioner of health or his assistants, of such town, incorporated village or city, or any officers of such department, when investigating a reported case of one of the infectious or contagious diseases above specified, as existing in such house or dwelling, nor shall any person interfere with or obstruct, mutilate or tear down any notices of such department posted in or on any premises within such municipality. [*1905 c. 192; 1907 c. 93; 1913 c. 226; 1921 c. 223*]

Tuberculosis; itemized reports by physicians and institutions. SECTION 1416—4. 1. It shall be the duty of every physician or person, or owner, agent, manager, principal or superintendent of each and every public or private institution or dispensary, hotel, boarding or lodging house, in any such town, incorporated village or city, to report to the department of health thereof, in writing, or to cause such report to be made by some proper and competent person, the name, age, sex, occupation and latest address of every person afflicted with tuberculosis, who is in their care, or who has come under their observation, within one week of such time.

Duties; patients and attendants. 2. It shall be the duty of every person sick with this disease, and of every person in attendance upon any one sick with this disease, and of the authorities of public or private institutions, or dispensaries to observe and enforce all the sanitary rules and regulations of such health department for preventing the spread of pulmonary tuberculosis.

Reports are confidential. 3. The report of all cases of tuberculosis provided for by section 1416—4 of the statutes shall be treated as confidential to the extent that the name or address of the patient shall not be published by any newspaper, magazine or other paper or publication of general or special circulation. [*1905 c. 192; 1907 c. 93; 1941 c. 69*]

Disinfection of cuspidors. SECTION 1416—4a. 1. It shall be the duty of the owner and occupant, and every person in charge of any public or quasi public institution, dispensary, railroad station, office building, store, theater, restaurant, hotel, boarding or lodging house, factory, workshop or other building, used in a public or quasi public manner, to keep the same in a clean and sanitary condition. In order to promote the general health, whenever ordered by the local health department or board, it shall be the duty of every such person to furnish and place in an efficient manner, in every such building, a reasonable number of cuspidors, as required or prescribed by the order of said health department or board, and to thoroughly cleanse and disinfect the same daily, except when such building is closed to the public or is not in ordinary use.

2. The type of cuspidors to be used and a reasonable system, method or manner of cleansing and disinfecting the same may be prescribed by the local health department or board; provided, that any cuspidors and system so prescribed shall be reasonably inexpensive, and shall be such as to fulfill the requirements of the highest sanitary efficiency.

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3. The powers and duties conferred upon all local health departments or boards by this section shall be in addition to all powers and duties already conferred upon such boards, and this section shall not be construed as lessening or abrogating such powers and duties in any manner.

4. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five nor more than one hundred dollars. [*1911 c. 330; 1911 c. 664 s. 48*]

Spitting. SECTION 1416—5. Any person affected with tuberculosis of the lungs or larynx, or any other disease whose virus or infecting agent is contained in the sputum or other secretions shall not deposit his sputum, saliva or other infectious secretion, in such a place as to cause offense or danger of contracting the disease to any person or persons. [*1907 c. 93*]

Sputum flasks. SECTION 1416—6. 1. It shall be the duty of every person afflicted with tuberculosis of the lungs or larynx, or any other disease whose virus or infecting agent is contained in the sputum, saliva or other infectious secretions, to provide himself with a sputum flask or receptacle in which to deposit his sputum, saliva, or other infectious secretion, and the contents of said flask or receptacle shall be burned or otherwise thoroughly disinfected.

2. If any person afflicted with tuberculosis, as shown by the examinations made in the state laboratory of hygiene, fails or neglects to obey or comply with any of the provisions of this section, or of the rules adopted and published by the state board of health for the suppression and control of tuberculosis, such person may be committed to any county hospital for the care of persons suffering from tuberculosis or to any other place or institution where proper care will be provided and where the necessary precautions will be taken to prevent any unnecessary spread of tuberculosis, by any judge of a court of record upon due proof that such person has violated said law or said rules and regulations of said board of health. Complaint that said laws or the rules and regulations of said state board of health have been violated may be made by any health officer or any resident of any city, town or village in which any such person shall have violated said law or said rules and regulations, and when such complaint shall have been so made, it shall be the duty of the judge of said court to notify the person who, it is alleged, has so violated said law or said rules and regulations, that such complaint has been made. If, upon the hearing, it has been found that such person has so violated said law or said rules and regulations, the court may then make the order for commitment of such person in the manner provided in this section. The court may also make such order for the payment for care and treatment as may be proper.

3. After commitment, such person may be discharged by said court at any time when the court thinks it proper to do so. Any person so committed to such hospital or institution, who fails to remain there, or who neglects or refuses to obey the rules and regulations of that institution, may, in the judgment of the superintendent, be isolated or separated from other persons and restrained from leaving the hospital or other institution. [*1907 c. 93; 1913 c. 308*]

Orders of local board. SECTION 1416—7. Upon the complaint of any responsible person the local board of health shall at once investigate the conditions complained of and if found dangerous or detrimental to the public health said board shall make and enforce such orders as may be necessary to abate the offense or dangers caused thereby. [*1907 c. 93*]

Tuberculosis; all municipalities to disinfect. SECTION 1416—8. In case of the vacation of any apartment or premises by death from tuberculosis, or by the removal therefrom of a person or persons sick with tuberculosis, it shall be the duty of the person or physician in charge, to notify the commissioner of health of such town, incorporated village or city, aforesaid, of said removal, within twenty-four hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly renovated and disinfected as hereinafter provided. [*1905 c. 192; 1907 c. 93*]

Health officers to order renovation. SECTION 1416—9. In case of the vacation of any premises or apartments as set out in section 1416—8, the commissioner of health, or health officer, shall immediately visit said premises, and shall order and direct that such premises or apartments and all infected articles therein be properly and suitably disinfected. In case there shall be no remaining occupants in such premises or apartments, and same shall be vacant, then the commissioner of health or health officer shall cause a notice in writing to be served upon the owner, or agent of the owner of such premises or apartments, ordering the renovation and disinfection of such premises or apartments, under the direction of and in conformity with the regulations of the local department of health. [*1905 c. 192; 1907 c. 93; 1911 c. 663 s. 173*]

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Health officers to post notices. SECTION 1416—10. In case any orders or directions of the commissioner of health or health officer requiring the disinfection of any articles, premises or apartments, as hereinbefore provided, shall not be complied with within thirty-six hours after such orders or directions shall be given, then it shall be the duty of the commissioner of health or health officer to cause a placard in words and form as follows, to be placed upon the door of the infected apartments, or premises, to wit:

Notice.

Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health commissioner or health officer directing their renovation and disinfection has been complied with. This notice must not be removed under a penalty of law, except by the commissioner of health, or an authorized officer. [*1905 c. 192; 1907 c. 93*]

Conductors' police powers. SECTION 1416—11. For the purpose of sections 1416—1 to 1416—14, inclusive, railroad conductors or other persons in charge of common carriers may exercise the powers of sheriffs and constables. [*1907 c. 93; 1911 c. 663 s. 174*]

Penalties. SECTION 1416—12. 1. Any person who shall violate any of the provisions of sections 1416—1 to 1416—14, inclusive, and any person who, without written authority from the commissioner of health or health officer shall remove, or cause to be removed any placard placed upon premises or apartments which are or have been occupied by persons sick with any of the diseases mentioned in section 1416—1, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than five days nor more than ninety days.

2. Any licensed physician who accepts a patient for treatment and shall fail, neglect or refuse to diagnose any case of dangerous communicable disease enumerated in section 1416—1 of the statutes where the exercise of ordinary skill and bacteriological examinations would have been of material value in disclosing the presence of such disease, and any such physician who shall fail to report any such disease shall upon conviction thereof be punished as provided in subsection 1 of this section. Upon a second or subsequent conviction, the state board of medical examiners shall revoke the license of such physician to practice medicine within the state and such physician shall not again be licensed for a period of one year. [*1905 c. 192; 1907 c. 93; 1911 c. 663 s. 174; 1917 c. 117*]

Common councils not limited by sections 1416—1 to 1416—14, inclusive. SECTION 1416—13. The provisions of sections 1416—1 to 1416—14, inclusive, shall not be construed as a limitation upon the officers of the common council of any city to pass such ordinances in aid of the officers of the commissioner of health as may tend to promote and secure the general health of the inhabitants of such city. [*1905 c. 192; 1907 c. 93; 1911 c. 663 s. 174*]

Cities may employ nurses. SECTION 1416—13*a*. The common council of any city, whether incorporated under general or special charter, shall have power to employ obstetrical and visiting nurses. [*1913 c. 194*]

Drinking cups on trains. SECTION 1416—13*m*. 1. No railroad car in which any passenger is permitted to ride for more than ten miles of continuous passage in one general direction shall be operated unless there is provided for every passenger therein, at all times during such operation, opportunity to obtain a paper drinking cup not theretofore used by any person, free of charge.

2. Every day or part of a day within which any such car is operated without affording such opportunity shall constitute a separate offense.

3. Any person, copartnership, or corporation owning, operating, superintending, or managing any such car, or any person in charge of any such car, who shall be found guilty of failure to comply with the provisions of this section, shall forfeit not less than twenty-five dollars nor more than one hundred dollars.

4. Nothing herein contained shall interfere with the validity or enforcement of any rules or requirements of the state board of health. [*1913 c. 750*]

Repeal of conflicting laws. SECTION 1416—14. All acts or parts of acts, including the provisions of any special charter, contravening the provisions of sections 1416—1 to 1416—14, inclusive, are hereby repealed. [*1905 c. 192; 1907 c. 93; 1911 c. 663 s. 174*]

Health officer; duties. SECTION 1416—15. Whenever a health officer shall know, suspect, or be informed of the existence of any communicable disease, dangerous to the public health, it shall be the duty of such health officer, or deputy, to at once examine such case, or cases of alleged communicable disease, dangerous to the public health. The health officer having jurisdiction, upon being notified or having knowledge of the existence of any disease which has been designated by the state board of health in its rules and regulations to be quarantinable, shall immediately in person or by deputy quarantine the in-

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fected house, rooms or premises so as effectually to quarantine the case or cases and the family, if necessary, in such manner and for such time as the state board of health in its rules shall determine necessary to prevent transmission of the disease. Whenever a house, tenement room or other building is placed in quarantine, a placard shall be posted in a conspicuous position on such building, giving the name of the disease for which quarantine is established, or the word "quarantine" in letters not less than two inches long. Such placard shall contain the following quarantine notice: "All persons, except the health officer or his legal representative, the attending physician, who is licensed by the state board of medical examiners, clergymen, or the nurse in attendance on the case, are forbidden to enter or leave these premises without a special written permit from the health officer having jurisdiction and all persons are forbidden to remove, obscure or mutilate this card or to interfere in any way with this quarantine without written orders from said health officer, under penalty of a fine or imprisonment as provided in section 4608 of the statutes." Every violation of such quarantine and notice and every disobedience or disregard of such notice or its terms shall be punished in the manner provided in said section 4608. The local board of health shall employ as many persons as are necessary to execute its orders; properly guard any house or place containing any person or persons affected with a quarantinable disease, or who have been exposed thereto, if quarantine is violated or intent to violate quarantine is manifested. Such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the state laws for the prevention and control of contagious or infectious diseases, or the orders, rules and regulations of any board of health made in pursuance thereof. [*1909 c. 279; 1913 c. 444; 1917 c. 239; 1921 c. 182*]

Health officer to placard infected houses. SECTION 1416—15*a*. The health officer or health commissioner having jurisdiction, upon being notified or having knowledge of the existence of cases of influenza, measles, rotheln, whooping cough, chickenpox, typhoid fever and leprosy shall immediately in person or by deputy placard the infected house, rooms or premises by posting in a conspicuous place on such building a card giving the name of the disease for which the house, rooms or premises are placarded in letters not less than one inch long. Such placard shall also contain the following notice: "All persons are notified of the presence of this disease and on account of its communicable character are warned against visiting or coming in contact with those sick with it. All persons sick with this disease are prohibited from leaving the premises or coming in contact in any way with the general public. All persons are forbidden to remove, obscure or mutilate this card or to interfere in any way with these restrictions, under penalty of a fine or imprisonment as provided in section 4608 of the statutes." [*1921 c. 119*]

Quarantine. SECTION 1416—16. When in the judgment of the health officer it appears necessary for the protection of the public health that such afflicted person, or persons should be isolated and quarantined in a separate building, or place, the health officer shall remove such afflicted person, if it can be done without danger to his health, to such building or place, and the expense of such removal shall be paid by the board having jurisdiction of such cases, out of the general funds of the city, incorporated village, or town. [*1909 c. 279*]

Expenses; disinfection. SECTION 1416—17. The expenses for necessary nurses, medical attention, food and other articles needed for the comfort of the afflicted person, or persons, shall be a charge to the person so taken care of, or against any other person who may be liable for his support. Indigent cases shall be cared for at public expense upon the order of the local board of health. The expense of maintaining quarantine and disinfection of persons and premises after death or recovery, shall be paid by the city, incorporated village, or town, upon the order of the local board of health. When a person with a contagious disease, quarantined in any township, incorporated village or city, is a legal resident of another township, incorporated village or city of this state, the expense for necessary nurses, medical attention, food and other articles needed for the health and comfort of the afflicted person if such person is indigent shall be paid by the township, incorporated village or city where such person is a legal resident or by the county where the county system for the care of the poor has been adopted; provided, that a sworn statement of such expense is sent to the proper town or county officers within thirty days after the quarantine in such case is removed. In all cases the disinfecting and cleansing, so as to effectually destroy the contagion, shall be done before quarantine is removed. The disinfecting and cleansing shall be carried out according to methods indorsed and recommended by the state board of health.

In counties having a population of two hundred fifty thousand or more, all indigent persons shall be cared for at the expense of the city, incorporated village or town in which the care and treatment shall be provided, notwithstanding that the county system

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of caring for the poor may be in force in any such county. [*1909 c. 279; 1913 c. 444; 1917 c. 574*]

Enforcement; expense. SECTION 1416—18. If at any time the authorities in any city, incorporated village, or town, fail, neglect, or refuse to enforce the statutes and the rules of the state board of health for the restriction and prevention of dangerous communicable diseases, the state board of health shall take charge, and enforce the laws and rules, and all expenses thus incurred shall be paid by the city, incorporated village, or town in which such enforcement becomes necessary. [*1909 c. 279*]

Local and state conferences. SECTION 1416—19. It shall be the duty of the health officer, or a representative of any local board of health, to attend a local conference called by the secretary of the state board of health when required to do so by the latter, for consultation or conference concerning the restriction and prevention of contagious and infectious diseases or for the consideration of any other important sanitary matters affecting their respective district; and the expenses of the health officer or representative shall be certified by the board appointing him and paid out of the general funds of the city, incorporated village, or town, where such board is established, provided that no board of health shall be required or authorized to send a health officer or representative to more than one conference in any one year. No local conference shall be authorized under the provisions of sections 1416—15 to 1416—19, inclusive, except in cases where dangerous, contagious, or infectious diseases are present in the district, or when other conditions dangerous to the life and health of the people are found to exist. The secretary of the state board of health may provide biennially, for a state conference of health officers and health commissioners of cities, incorporated villages and townships to be held at such time and place as the state board of health may determine; the expense of the health officer or health commissioner in attending such conference to be paid by the town, incorporated village or city, upon the certification of the secretary of the state board of health. [*1909 c. 279; 1911 c. 465; 1911 c. 664 s. 91; 1913 c. 193*]

MISCELLANEOUS.

Regulation of smoke nuisance. SECTION 1416—20. The common council of any city of the first class is hereby authorized and empowered to regulate and prohibit the emission of dense smoke into the open-air within the corporate limits of any such city and within a distance of one mile therefrom. [*1911 c. 314*]

Removal from place of confinement. SECTION 1417. When a person confined in a common jail, county asylum, workhouse or poorhouse has a disease which, in the opinion of the physician of the board of health or such other physician as it may consult, is dangerous to the safety and health of the other prisoners or inmates or of the inhabitants of the neighborhood, the board shall, by its order in writing, direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept so as to prevent his escape until its further order. If such person recover from the disease he shall be returned to such jail, county asylum, workhouse or poorhouse; and if the person so removed is committed by the order or judgment of any court or under judicial process the order for his removal or a copy thereof shall be returned by the board, with their doings thereon, to the officer or court under whose order, judgment or process such person was committed. No prisoner so removed shall thereby commit an escape. [*R. S. 1878 s. 1417; Ann. Stats. 1889 s. 1417; Stats. 1898 s. 1417*]

Wisconsin general hospital; treatment of indigent residents. SECTION 1417*a*—1. The state of Wisconsin general hospital at Madison is hereby designated as the proper place of treatment for persons who are legal residents of this state, and who are afflicted with any disease, malady, deformity or ailment, which can probably be remedied, or which can be advantageously treated by proper medical or surgical care, in all cases where such person, or in the case of a minor, the parent, guardian, trustee or other person having lawful custody of his person, as the case may be, is financially unable to provide such care and treatment. [*Spl. S. 1920 c. 17*]

Application for treatment. SECTION 1417*a*—2. Whenever the existence of a case described in section 1417*a*—1 shall come to the notice of the sheriff, any county supervisor, public official, town clerk, public health officer, public health nurse, poor commissioner, policeman, physician, or surgeon, it shall be his duty to, and any teacher, priest or minister may, file with the county judge of the county of the legal residence of such person, an application for the treatment of such person at the state of Wisconsin general hospital. [*Spl. S. 1920 c. 17*]

Application, investigation of. SECTION 1417*a*—3. Such application shall be in such form as the county judge shall direct, and shall contain a full statement of the

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financial situation of the person sought to be treated and a general statement of his physical condition, and shall be verified. Upon the filing of such application, the county judge shall make investigation in such manner as he shall deem advisable, and it shall be the duty of the supervisor for the town, village or ward of the residence of the person sought to be treated to supply to the court, on request thereof, all information within his knowledge relative to the financial situation of the person sought to be treated; and if, after such investigation, said judge shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such treatment, or, in the case of a minor, that his parents, guardian or trustee, in representative capacity, or the person having legal custody over him or legally responsible for his support and maintenance, is not financially able to provide such treatment, then said judge shall appoint a physician of said county whose duty it shall be personally to make an examination of the person on whose behalf said application for treatment has been filed. Said physician shall thereupon make and file with the county court a verified report in writing, setting forth the nature and history of the case, and such other information as will be likely to aid in the medical or surgical treatment of the disease, malady, deformity or ailment affecting said person, and shall also state in said report whether or not, in his opinion, the condition of such person can probably be remedied, or should be treated, at a hospital. The report of such physician shall be made within such time as the court may direct, and upon blanks to be furnished for that purpose. Said report shall include any information within the knowledge of said physician relative to the financial situation of the person proposed to be treated. [*Spl. S. 1920 c. 17*]

Approval of county court. SECTION 1417*a*—4. If, upon the filing of said report, the court shall be satisfied that the case is one which should be treated at the state of Wisconsin general hospital, and that the person to be treated, or his parent, guardian, trustee or other person having legal custody of his person in case of a minor, is not financially able to pay the full cost of proper treatment, he shall enter an order finding such facts. In case the court is not so satisfied, he may take additional testimony, or make such further investigation as to him shall seem proper. The court may reject any application not found meritorious. Upon the entry of the order of the court approving said application, he shall communicate with the superintendent of the state of Wisconsin general hospital and ascertain whether or not the applicant can be received as a patient. If the state of Wisconsin general hospital can receive such applicant, the court shall thereupon certify his approval of such application to said hospital, and to the chairman of the county board. [*Spl. S. 1920 c. 17; 1921 c. 471*]

Conveying applicant to hospital; expense of. SECTION 1417*a*—5. Upon the approval of said application, if the patient is unable to travel alone, the court may appoint a suitable officer or person to take him to said hospital, and such person shall receive his actual and necessary expenses, and, if not a salaried officer of the state or any subdivision thereof, shall receive in addition a per diem of three dollars per day for the time actually and necessarily consumed in transporting said patient to said hospital and returning. Such per diem and expenses shall be paid by the county of the residence of said patient, and it shall be the duty of the county board of each county to provide for such payment. The physician appointed to make said examination shall receive five dollars for making said examination and his actual and necessary expenses, which shall also be paid by the county of the residence of said patient, and it shall be the duty of the county board of each county to provide for such payment. [*Spl. S. 1920 c. 17*]

Charges for treatment. SECTION 1417*a*—6. The state of Wisconsin general hospital shall treat patients admitted on certificate of the county court of any county at rates based on actual cost as determined by the board of regents of the university. Payments made by such patients shall be credited to their account. The state shall reimburse the university for the balance of the net cost of such treatment, and assess one-half of such net cost against the county from which the patient is sent, as hereinafter provided. Patients may be admitted without certificate of the county board, but the cost of the care of such patient shall not be deemed a proper joint charge against the state and county, jointly except in case such patients are admitted in an emergency pending the action of the county court upon their case. In case the county court finds such a case a worthy one, as hereinbefore provided, the charges against the state and county for his care shall date from the day of his admission to said hospital, and the terms and conditions of payment for the care of such patient in case of such finding by said county court shall be the same in all respects as if he had been admitted upon the original certificate of such county court. [*Spl. S. 1920 c. 17; 1921 c. 471*]

Compensation, physicians, surgeons and nurse fixed by regents. SECTION 1417*a*—7. No compensation shall be charged against or received from any such patient by any

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officer of the state of Wisconsin general hospital, or by any physician or surgeon or nurse in its employment, who shall treat or care for any such patient, other than the compensation provided for them by the board of regents of the university. [*Spl. S. 1920 c. 17; 1921 c. 471*]

Regents file monthly report with secretary of state. SECTION 1417*a*—8. The board of regents of the university shall file a verified monthly report with the secretary of state, containing an itemized statement of the expense charged against each patient received on certification of any county court, together with the name of the county from which said patient was certified, and a statement of any sum or sums paid by the patient, his guardian, trustee or parents, or by any person in his behalf. The secretary of state shall audit such monthly report, and, upon finding the same correct, he shall issue a warrant against the state treasurer for the net amount so certified. The state treasurer shall thereupon transfer such amount from the general fund to the appropriation from the university fund income provided in subsection (7) of section 20.40. [*Spl. S. 1920 c. 17*]

Regents file annual report with secretary of state. SECTION 1417*a*—9. On or before the first day of October in each year the board of regents of the university shall file with the secretary of state a statement setting forth the name of each patient cared for at the state of Wisconsin general hospital at any time during the fiscal year ended on the thirtieth day of June next preceding, and for whose support any county is legally chargeable, either in whole or in part; the length of time for which such support is charged, and the net amount due to the state from such county for the care and maintenance of said patient. The secretary of state shall thereupon certify to each county the net amount due from it to the state for each such patient, and the net total amount due from such county for all such patients for which it is chargeable, which last amount shall be equal to one-half the sum certified by the board of regents of the university, and shall be a special charge against such county, and shall be certified, levied and collected with the general state taxes and paid into the state treasury. [*Spl. S. 1920 c. 17*]

Discharge of patients. SECTION 1417*a*—10. Whenever, in the opinion of the superintendent of the state of Wisconsin general hospital, any county patient should be discharged therefrom as cured, or as no longer needing treatment, or for the reason that treatment cannot benefit his case, said superintendent shall discharge said patient. If the patient is unable to return to his place of residence alone, said superintendent shall notify the county judge of said county, who shall appoint some suitable person to bring said patient back from said hospital. Such person shall receive his actual and necessary expenses, and, if not a salaried officer of the state or any political subdivision thereof, shall receive in addition a per diem of three dollars per day for the actual time necessarily consumed. Such per diem and expenses shall be paid by the county of the residence of said patient, and it shall be the duty of the county board of each county to make proper provision therefor. [*Spl. S. 1920 c. 17*]

Information, blanks, physician reports. SECTION 1417*a*—11. The faculty of the medical school of the university shall prepare proper blanks containing such questions and requiring such information relative to the physical condition of the applicant as may be necessary to be obtained by the physician examining a patient under order of the county court. Such blanks shall be printed by the university, and shall be mailed to the clerk of each county court upon request. Physicians making such examination shall make a vertified report to the court in duplicate on said blanks, answering all the questions therein contained, and giving such information as is therein required. One copy of said report shall be filed with the court, and the other sent to the state of Wisconsin general hospital when said patient is admitted. [*Spl. S. 1920 c. 17*]

Control and quarantine of venereal diseases. SECTION 1417*m*. 1. Any person afflicted with gonorrhea, chancroid or syphilis in its infective or communicable stage is hereby declared to be a menace to the public health. Any physician licensed to practice medicine in this state who is called upon to attend or treat any person infected with gonorrhea, chancroid or syphilis in its communicable stage, shall report to the state board of health in writing, at such time and in such manner as said board may direct, the age, sex and conjugal condition of such person and the name of the disease with which such person is afflicted. Such report shall be made on blanks furnished by the said board.

2. Every physician treating venereally-infected persons shall fully inform such persons of the danger of transmitting the disease to others and he shall advise against marriage while the person has such disease in a communicable form.

3. Any deputy state health officer having knowledge of any known or reasonably suspected case of gonorrhea, chancroid or syphilis in the infectious or communicable stage for which no treatment is being administered under the supervision of a licensed physician

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authorized to prescribe drugs shall forthwith report such case to the state board of health in such manner and in such form as in the judgment of said board will best tend to preserve the public health and prevent public knowledge of the identity of such case. Said board shall immediately investigate or cause such case to be investigated and for such purpose may make or cause to be made such inspections, examinations, quarantines and disinfections as may be necessary. In making an examination of a female for the purpose of determining the existence of venereal disease a female physician may be secured by said board for such purpose when so requested by the person to be examined.

4. Whenever any person afflicted with gonorrhea, chancroid or syphilis ceases taking treatment before he or she has reached the stage of the disease where it is no longer communicable or whenever any person has been informed by a licensed physician that such person is afflicted with gonorrhea, chancroid or syphilis in the communicable stages and the person so afflicted refuses to take treatment, the physician shall forthwith notify the state board of health, giving the age, sex and conjugal condition of the person afflicted and the nature of the disease. The state board of health shall without delay, take such steps as shall be necessary to have said person committed to a county or state institution for treatment until such person has reached the stage of the disease where it is no longer communicable and the person so committed shall not be released from treatment until this stage of the disease is reached unless other provisions satisfactory to the state board of health are made for suitable treatment.

5. Any such person who ceases taking treatment before the infectious or communicable stage of such disease has passed, or who, having been informed by any licensed physician that he is afflicted with such diseases or either of them in the infectious or communicable stage, refuses to take treatment therefor, may upon complaint, be committed by the judge of any court of record to any county or state institution where proper care will be provided and where the necessary precautions will be taken to prevent the spread of such disease, upon due proof of the acts hereinbefore specified. Complaints hereunder shall be made by the state health officer or any deputy state health officer and notice thereof shall be given to the person complained against as provided in subsection 2 of section 1416—6 of the statutes. The period of such commitment shall not extend beyond the time when the disease is no longer infectious or communicable, or beyond the time when other provisions satisfactory to the state board of health are made for suitable treatment; the certificate of the state health officer or deputy state health officer making the complaint being prima facie evidence of either of such facts. In case of commitment, medical treatment shall be furnished without charge to such person, but the cost of maintenance shall be borne by such person, if not indigent. If such person is indigent, such cost shall be paid by the county wherever such person was a legal resident at the time of commitment. The cost of maintenance of persons committed who have not established a legal residence in any county in this state at the time of commitment shall be borne by the state and shall be paid out of the emergency appropriation to the state board of health appropriated by subsection (2) of section 20.43 of the statutes. The court shall make such order for the payment of cost of maintenance as may be proper.

6. Each county shall make such provisions as may be required by the state board of health to furnish the necessary care and treatment to all indigent persons residing in the county who are afflicted with gonorrhea, chancroid or syphilis, or to any such person who may be committed to any county institution for failure to comply with this law, until such afflicted persons have passed the infectious or communicable stage of the disease.

7. The state board of health shall prepare for free distribution upon request among the citizens of the state, printed information and instructions concerning the dangers from venereal diseases, their prevention and the necessity for treatment.

8. All reports, examinations and inspections and all records thereof made under the provisions of this section shall be confidential and shall not be open to public inspection, and no such report, examination, inspection or record or part thereof shall be divulged except as may be necessary for the preservation of the public health.

9. For the purpose of carrying out the provisions of this section for the prevention and control of venereal diseases, the state board of health may prescribe and publish reasonable rules and regulations applicable within this state; and may, with the approval of the governor, establish and proclaim a protection zone around any military cantonment or military or naval training station within this state and may make such regulations with respect to the presence and conduct of civilians within such zone as the said board finds necessary and proper.

10. The state laboratory of hygiene located at Madison, and all branch and co-operative laboratories located in any part of the state shall make microscopical examinations for

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the diagnosis of gonorrhea for any licensed physician in the state, without charge. The psychiatric institute at Mendota shall make the necessary examinations of blood or secretions for the diagnosis of syphilis, for any licensed physician in the state, without charge.

11. Any person who shall violate any of the provisions of this section shall upon conviction thereof be deemed guilty of a misdemeanor and be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

12. No druggist or other person not a physician licensed under the laws of this state shall give, sell, prescribe or recommend to any person any drugs, medicine or other substances to be used for the cure or alleviation of syphilis, gonorrheal infection or chancroid, or shall compound any drugs or medicine for said purposes from any written or printed formula or order, not intended for the person for whom the drugs or medicine are compounded, except on written prescription bearing date and signed by a physician licensed under the laws of the state. Any violation of this section or of subsection 13 of section 1417*m* shall be punished under the provisions of subsection 11 of section 1417*m*.

13. It shall be unlawful for any person having the supervision or control of any public place to display or permit to be displayed any sign, poster, advertisement or prescription to be used in connection with the prevention or treatment of any venereal disease. This section shall not apply to publications, advertisements, or notices of the United States government, the state of Wisconsin or of any city, incorporated village or town. [*1917 c. 235; Spl. S. 1918 c. 9; 1919 c. 331; 1921 c. 152; 1921 c. 422 s. 47*]

Slaughterhouse; penalty; in Milwaukee. SECTION 1418. No person shall erect, maintain or keep any slaughterhouse, or conduct the business of slaughtering upon the bank of any river, running stream or creek; or throw, or deposit therein, any dead animal, or any part thereof, or any of the carcass or offal therefrom; nor throw or deposit the same into or upon the banks of any river, stream or creek, which shall flow through any city, village or organized town, containing two hundred or more inhabitants; or conduct the business of slaughtering; or erect, maintain or use any building for a slaughterhouse unless such business or buildings are or shall be placed under federal inspection, at any place within one-eighth of a mile of any public highway, dwelling house or building occupied as a place of business; and every person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished, for each such violation, by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding six months; and the mayor of the city, president of the village, and the chairman of the town, in which any such slaughterhouse is located, or such business of slaughtering is done, shall have power to and shall cause the same to be immediately removed; and every such officer who shall knowingly permit any slaughterhouse to be used or maintained, or such business of slaughtering conducted contrary to the provisions of this section shall forfeit not less than fifteen dollars nor more than fifty dollars. In any county containing a population of one hundred thousand or over, all the provisions of this section relating to slaughterhouses or the business of slaughtering shall apply to all establishments and manufactories in which dead animals, or any part thereof, or of the carcass or offal therefrom, are collected and converted into marketable products. [*1862 c. 273 s. 1-4; 1871 c. 95 s. 1-3; 1873 c. 136; 1878 c. 280; R. S. 1878 s. 1418; 1879 c. 18; Ann. Stats. 1889 s. 1418; Stats. 1898 s. 1418; 1903 c. 369; Supl. 1906 s. 1418; 1907 c. 118; 1913 c. 455; 1921 c. 230*]

Inspection of rendering plants. SECTION 1418—1. The state board of health shall make and enforce necessary rules and regulations relating to the location, construction and operation of rendering plants or other similar institutions where the carcasses of dead animals or other similar products are handled and disposed of. The board may upon its own motion or upon written complaint inspect and examine any such rendering plant, and if it shall find that the same is being operated in an insanitary manner, or that it is so located, constructed, drained or is maintained in such manner that a nuisance is created, or other conditions exist which are dangerous to the public health, the state board of health shall make such order, or orders, as may be necessary to properly rectify and remedy any such method or manner of operation, or any such conditions so as to protect the public health. Such order shall specify the time within which the same shall be complied with, and shall be delivered in person, or by registered mail, to the person to whom the same is directed.

2. The rules and regulations adopted by the state board of health in conformity with this section shall be published in the official state paper, and when so published, they shall have the force of law. [*1917 c. 130*]

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Penalty. SECTION 1418—2. Any person who shall violate any of the provisions of section 1418—1, or any rule or regulation adopted by the state board of health, governing the location, construction, drainage or operation of rendering plants, or other similar institutions, or any lawful order issued by the state board of health, governing the location, construction, drainage, or operation of rendering plants or other similar institutions, shall be guilty of a misdemeanor and upon a conviction thereof shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months. [*1917 c. 130*]

Prosecutions. SECTION 1418—3. The district attorney of each county shall prosecute every person violating any of the provisions of section 1418—1, or any order or rule of the state board of health adopted in compliance with said section, and shall fully co-operate with said board in the enforcement of the laws, rules and regulations relating to rendering plants. The provisions of this act shall not apply to cities of the first class. [*1917 c. 130*]

Supervision of drainage and sewerage. SECTION 1418*a*. Wherever a system of waterworks and sewerage has been or shall be established in any city, village or town which has not, pursuant to its charter or by ordinance, provided for a board or officer whose duty it is to supervise plumbing, drainage and sewerage, the board of health thereof shall take immediate and entire control of all the plumbing, drainage and sewerage which has been or shall be constructed or repaired in any building or place therein, with intent to connect the same with any public sewer or with the waterworks system thereof, so far as it may be necessary to see that such connection is made in a proper manner, and no such connection shall be made, after such board has so acted, without their consent, and if it is so made the board may order the connection to be severed. Such board may make rules and regulations which shall specify the manner in and the materials of which drains, soil pipes and fixtures designed to connect with or to be used in connection with the public sewerage or waterworks system shall be constructed, and may fix fines and penalties for the violation of such rules and regulations, which shall be in effect after public notice has been given of the material provisions thereof in such manner as the board may direct. Such board may also appoint, subject to removal at pleasure, fix the compensation and prescribe the duties of, one or more inspectors of plumbing and sewerage; such appointments shall be certified to the common council, trustees or supervisors, as the case may be, and the accounts for services rendered by such inspector or inspectors, on approval by the board of health, shall be allowed and paid out of the city, village or town treasury. [*1889 c. 256; Ann. Stats. 1889 s. 1418a; Stats. 1898 s. 1418a*]

Human habitations to be connected with sewers and water pipes. SECTION 1418*a*—1. 1. Any city or incorporated village having systems of waterworks and sewerage may by ordinance require dwelling houses or other buildings used for human habitation within the corporate limits of such city or village, when such building or buildings are located adjacent to a public sewer and a public water supply, or in a block through which sewer and water systems extend, to be connected with such sewer and water systems in such manner as may be deemed necessary by the board of health, or by the board of public works where such board exists. If any person or persons fails, neglects or refuses to so connect any building or buildings with the public sewer and water systems of such city or incorporated village, as herein provided, for more than ten days after being notified to do so in writing by the board of health or the board of public works, any such city or incorporated village may cause such building or buildings to be connected with said sewer and water systems. In case such city or village shall cause such building or buildings to be connected with said public sewer and water systems, the costs and expenses thereof shall be assessed as a special tax against the property and premises so connected, and such amount shall, subject to the provisions of subsection 2 of this section, be levied and collected in the same manner as other taxes.

2. Such amount shall be levied and collected in one sum unless, within thirty days after the completion of the work of making such sewer and water connections, the owner of such property and premises shall file a written option with the city or village clerk stating that he cannot pay such amount in one sum and asking that such amount be levied and collected in not to exceed five equal annual instalments. If such option is so filed, such amount shall be collected in instalments and the instalment due each year together with interest thereon at the rate of six per cent per annum from the date of the completion of such work shall be levied and collected. The balance of such amount together with interest thereon at the rate of six per cent per annum shall remain and constitute a special tax lien against such property and premises until wholly paid; provided, however, that the provisions of this subsection shall not apply to cities of the first class. [*1917 c. 283; 1919 c. 223*]

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SECTION 1418b. [*Renumbered section 40.72 by 1917 c. 578 s. 2*]

License, for tenement work. SECTION 1418c. 1. No articles shall be manufactured, altered, repaired, or finished for the owner or lessee of any factory or contractor for such owner or lessee in a tenement or dwelling house or in a shed or other building situated in the rear of a tenement or dwelling house unless such owner or lessee or such contractor for whom such work is done shall have secured a license from the commissioner of public health or health officer of the town, village, or city in which such tenement or dwelling house is located, which shall designate the room, apartment, or building in which such manufacture is to be carried on and name of the persons to be employed therein. Such license shall not be granted until such owner or lessee or such contractor shall have paid to the commissioner of public health or health office a fee of one dollar, and until such commissioner of public health or health officer shall have satisfied himself through inspection that such room, apartment or building are clean and fit to be used for purposes of manufacture and that none of the persons employed or living therein are afflicted with any infectious or communicable disease likely to be transmitted to consumers. Such license shall be issued for a period of one year but may be sooner revoked if upon reinspection it is found that conditions have developed that render such revocation necessary to protect the health of the community. At least one reinspection shall be made during each year. Licenses issued pursuant to this subsection shall be kept on file in the principal office of the person, firm, or corporation procuring the same. Full power to make inspections necessary to carry out the provisions of this subsection and to prevent violations thereof is hereby conferred upon the commissioners of public health and local health officer of towns, villages, and cities.

2. The state board of health and the state industrial commission shall have power jointly to adopt and enforce rules and regulations for the guidance of commissioners of the public health and local health officers in the discharge of their duties under subsection 1 of this section. It shall have power also to prohibit home work upon specified articles when such prohibition is necessary to protect the health of consumers or the health of homeworkers. The provisions of subsections 3 and 4 of section 1407*a*—6 of the statutes shall be applicable to rules and regulations adopted pursuant to this subsection.

3. Every owner or lessee of any factory and any contractor for such owner or lessee giving out articles or materials to be manufactured, altered, repaired, or finished in any tenement or dwelling house or in a shed or other building situated in the rear of a tenement or dwelling house, shall issue with such articles or materials a label bearing the name or place of business of such factory, written or printed legibly in English. They shall also keep a register of the names and addresses of the persons to whom such articles or materials are given to be so manufactured, altered, repaired, or finished or with whom they contracted to do the same, which register shall also show the quantities given out and completed and the wages paid for such home work. This register shall be subject to inspection on demand by the state health officer or any deputy state health officer, or by the commissioner of public health or local health officer of any town, village, or city in which such factory or contractor is having articles manufactured, altered, repaired, or finished in tenement or dwelling houses, or by any deputy of the industrial commission.

4. Any person, firm, or corporation, or manager, or agent thereof who shall give out any materials to be manufactured, altered, repaired, or finished for any owner or lessee of any factory or contractor for any such factory in any tenement or dwelling house, or in a shed or other building situated in the rear of a tenement or dwelling house, for which a license has not been issued as provided in subsection 1 of this section, or who shall employ, hire, or contract with any person to do such work without such license shall forfeit to the state of Wisconsin a sum of not less than ten dollars nor more than one hundred dollars for each such offense. [*1921 c. 259 s. 2*]

Spitting. SECTION 1418*m*. 1. Spitting upon the sidewalk or crosswalk of any public street, avenue, park, public square or place, or upon the floor of any hall in any tenement house which is used in common by the tenants thereof, or upon the floor of any hall or office in any hotel or lodging house which is used in common by the guests thereof, or upon the floor of any theater, schoolhouse, church, store, factory, or of any building which is used in common by the public, or upon the floor of any railroad car or street car, or upon the floor of any depot or station, or upon the station platform of any railroad or other common carrier, is hereby forbidden.

2. The corporations or persons owning or having the management or control of any such building, store, factory, railroad car or street car, or any depot, station, or station platform, are hereby required to keep permanently posted in each of said places a sufficient number of notices forbidding spitting upon the floors and calling attention to the provisions of this section.

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3. The corporations or persons owning or having the management or control of such buildings, stores, factories, depots, stations, smoking cars and smoking compartments are hereby required to provide sufficient and proper receptacles for expectoration, and also to provide for the cleansing and disinfection of said receptacles at least once every twenty-four hours.

4. Any violation of any of the provisions of this section or failure or neglect to comply with said provisions, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not more than six months, or by both fine and imprisonment. [*1911 c. 407; 1911 c. 664 s. 64*]

Manufacture and sale of mattresses. SECTION 1418s. 1. Whoever manufactures for sale, offers for sale, sells, delivers, or has in his possession with intent to sell or deliver any mattress which is not properly branded, or labeled; or whoever uses, either in whole or in part in the manufacture of mattresses, any cotton or other material which has been used, or has formed a part of any mattress, pillow or bedding used in or about public or private hospitals or on or about any person having infectious or contagious diseases; or whoever dealing in mattresses, has a mattress in his possession for the purpose of sale, or offers it for sale, without a brand or label as herein provided, or removes, conceals or defaces the brand or label thereon, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

2. The brand or label herein required shall contain, in plain print in the English language, a statement of the material used in the manufacture of such mattresses, whether such materials are, in whole or in part, new or second hand, and the qualities of the materials used. Such brand or label shall be in the shape of a paper or cloth tag to be sewed or otherwise securely attached to each such article.

3. A mattress within the meaning of this section shall be defined as being a quilted pad, stuffed with hair, wool or other soft material, to be used on a bed for sleeping or reclining purposes.

3m. Any person upholstering or reupholstering any furniture or automobile box spring or any other article or thing whatsoever or who manufactures for sale, offers for sale, sells or delivers or who has in his possession with intent to sell or deliver any goods or article of any kind containing upholstering, without a brand or label as provided in subsection 3n of this section, or who removes, conceals or defaces the brand or label thereon, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

3n. The brand or label provided in subsection 3m of this section shall contain, in plain print in the English language, a statement of the kind of materials used in the filling and in the covering of such upholstery or reupholstery, to be specified in true terms according to the grades of filling and covering used by upholsterers or reupholsterers, whether such materials are, in whole or in part, new or secondhand, the qualities of the materials used, and whether the materials used, if secondhand, have been thoroughly cleaned and disinfected. Such brand or label shall be in the shape of a paper or cloth tag to be securely fastened to each article upholstered or reupholstered.

4. Whenever the industrial commission shall have reason or cause to believe that any of the provisions of this section are being or have been violated, such commission shall advise the attorney-general thereof, giving the information in support of such belief; and the attorney-general or, under his directions, the prosecuting attorney of any county in which the violation occurs, shall forthwith institute the proper legal proceedings for the enforcement of the provisions of this section and for the punishment of the violation thereof. [*1913 c. 297; 1915 c. 43*]

Common drinking cup prohibited. SECTION 1418t. 1. It shall be unlawful for any person, firm or corporation to furnish, or to permit the use of, the common drinking cup on railroad trains, in railroad stations, in any state or other public building, on the streets or in public parks, in the public, parochial or private schools or in other educational institutions, in hotels and lodging houses, theaters, department stores, barber shops or in such other places or buildings in the state as the state board of health may find the use therein of the common drinking cup to be inimical to the public health.

2. Any person, firm or corporation, owning or having the management or control of such railroads, buildings, schools or educational institutions or of such places or buildings in which the state board of health may find the use of the common drinking cup to be inimical to the public health, as provided in this section, violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall

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be punished by a fine of not less than ten dollars nor more than fifty dollars. [*1913 c. 158*]

Sweeping in public places. SECTION 1418*w*. 1. It shall be unlawful for any person, firm or corporation to sweep, or permit the sweeping, except when vacuum cleaners or properly filled reservoir dustless brushes are used, of floors in railroad stations, in passenger cars, in any state or public building, in the public, parochial or private schools, or in other educational institutions, in hotels, department stores, where the public are invited, unless the floor is first sprinkled with water, moist sawdust, or other substance so as to prevent the raising of dust.

2. Any person, firm or corporation owning, or having the management or control of such railroad stations, state or public buildings, public, parochial or private schools, hotels, department stores, where the public are invited, who violates any of the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars. [*1913 c. 274*]

Poisonous drugs; rules of prescription and sale; penalty. SECTION 1419. 1. No person, copartnership or corporation shall sell, furnish or deliver to another person any opium, morphine, heroin, alpha or beta eucaine, chloral hydrate or any salt or combination of the same or any mixture, preparation or compound containing more than two grains of opium, one-fourth grain of morphine or heroin, one-eighth grain of alpha or beta eucaine or ten grains of chloral hydrate in one fluid ounce, or if a dry preparation, in one avoirdupois ounce, or any cocaine, or any combination or mixture, preparation or compound containing cocaine, except upon the original order or prescription of a lawfully authorized practitioner of medicine, dentistry or veterinary medicine, for a person or animal under his care or treatment. Such prescription shall contain the signature of the prescriber and the name of the person for whom prescribed, and if a veterinary prescription, it shall also state the kind of animal for which it is ordered. It shall be dated and kept on file by the person, copartnership or corporation dispensing the articles ordered or prescribed, and shall not be again compounded or dispensed, except upon an order from the prescriber.

1a. It shall be unlawful for any person, firm or corporation to have or keep in his, their or its store or possession more than two ounces of cocaine at any one time.

2. The provisions of this section shall not apply to preparations containing opium when recommended and sold in good faith for diarrhoea, colic or cholera, each bottle or package being accompanied by specific directions for use, nor to powder of ipecac and opium, nor to liniments, ointments and other preparations recommended and sold in good faith for external application, containing any of the narcotics named in this section when plainly labeled "for external use only," nor to sales made to physicians, druggists, manufacturers, hospitals or other public institutions which use such narcotic substances for lawful purposes.

3. No practitioner of medicine, dentistry or veterinary medicine shall furnish to or prescribe for the use of any habitual user of the same any cocaine, heroin, alpha or beta eucaine, opium, morphine, chloral hydrate, or any salt or compound of any of the foregoing substances, or any preparations containing any of the foregoing substances or their salts or compounds. Nor any practitioner of dentistry shall prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, nor shall any practitioner of veterinary medicine prescribe any of the foregoing substances for the use of any human being.

4. The provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith, for the use of any habitual user of narcotic drugs who is under his professional care, such substances as he may deem necessary for treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this section.

5. (a) No person, copartnership or corporation shall sell or deliver to any other person any of the poisonous salts or compounds of antimony, arsenic, chromium, lead, mercury, silver, tin and zinc, the concentrated mineral acids; oxalic, carbolic and hydrocyanic acids and their salts, formaldehyde, yellow phosphorus, the essential oils, of almonds, pennyroyal, rue, savin and tansy; croton oil, creosote, chloroform, cantharides, aconite, belladonna, bitter almonds, colchicum, cotton root, cannabis indica, digitalis, ergot, hyoscyamus, lobelia, nux vomica, physostigma, strophanthus, stramonium, veratum viride, or any of the poisonous alkaloids or glucocides derived from the foregoing or in any other virulent poison except in the manner following, and moreover if the applicant be less than fourteen years of age, except upon the written order of an adult person. It shall first be learned by due inquiry that the person to whom delivery is about to be made is aware of the poisonous character of the substance and that it is desired for a lawful pur-

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pose, and the box, bottle or other package shall be plainly labeled with the name of the substance, the word "Poison," and the name and address of the person, firm or corporation dispensing the substance.

(b) Before delivery be made of any of the foregoing substances, excepting paris green and sulphate of copper, there shall be recorded in a book, kept for that purpose, the name of the article, the quantity delivered, the purpose for which it is to be used, the date of delivery, the name and address of the person for whom it is procured and the name of the individual personally dispensing the same; and said book shall be preserved by the owner thereof for at least three years after the date of the last entry therein, and shall be open to inspection by duly authorized officers of the law.

6. The foregoing provisions shall not apply to articles dispensed upon the orders or prescriptions of lawfully authorized practitioners of medicine, dentistry, or veterinary medicine.

7. The record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale to licensed pharmacists or others, but the box, bottle or other package containing such substance, when sold at wholesale shall be properly labeled with the name of the substance, the word "Poison," and the name and address of the manufacturer or wholesaler.

8. It shall not be necessary to place a "poison" label upon preparations containing any of the substances named in this section when a single box, bottle or other package, or when the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of such substance, nor in the case of liniments, ointments or other external preparations sold in good faith as such, when plainly labeled "for external use only," nor in the case of preparations put up in the form of pills, tablets, or losenges containing any of the substances enumerated in this section and intended for internal use, when the dose recommended does not contain more than one-quarter of an adult medicinal dose of such substance.

9. No person seeking to procure any substance the sale of which is regulated by the provisions of this section, shall make any fraudulent representations for the purpose of evading or defeating the restrictions herein imposed.

10. Except as may be otherwise authorized by law, no person shall throw, cast, deposit, drop, scatter or leave, or cause to be thrown, cast, deposited, dropped, scattered or left any drug, medicine or chemical, or any compound or combination thereof upon any public highway or place, or, without the consent of the owner or occupant thereof, upon any premises in the state of Wisconsin.

11. Any person who shall violate any of the provisions of this section, shall, except as provided in subsection 12 hereof, be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than five dollars nor more than fifty dollars, and upon conviction for a second offense shall be fined not less than fifty dollars nor more than one hundred dollars, and upon conviction for a third offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and shall be imprisoned in the county jail for not more than six months, and if a licensed pharmacist, physician, dentist or veterinary practitioner, his license shall be revoked. It shall be the duty of the board of pharmacy to cause the prosecution of all persons violating the provisions of this section.

12. Any person who shall violate any of the provisions of subsections 1, 1a and 3 of this section, relating to cocaine, or any mixture, combination or solution containing cocaine, shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment at hard labor in the state prison not less than one year nor more than five years. [*1907 c. 366; 1911 c. 663 s. 175; 1913 c. 234*]

Prescriptions, how written. SECTION 1420. No practicing physician or surgeon shall write or cause to be written any prescription or recipe in any characters, figures or cipher other than in the English or Latin language, generally in use among medical practitioners; and for every violation hereof the offender shall forfeit not less than five nor more than twenty-five dollars. [*R. S. 1849 c. 27 s. 14; R. S. 1858 c. 33 s. 14; 1868 c. 71; R. S. 1878 s. 1420; Ann. Stats. 1889 s. 1420; Stats. 1898 s. 1420*]

Expenses, how paid. SECTION 1421. All expenses incurred under this chapter, except such as are herein otherwise chargeable, shall be paid by the town, city or village in which the same are incurred. [*R. S. 1878 s. 1421; Ann. Stats. 1889 s. 1421; Stats. 1898 s. 1421*]

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CHAPTER 76*ee*.

INSPECTION OF ILLUMINATING OILS.

Supervisor of inspectors, appointment of. SECTION 1421*a*. The governor shall, by and with the advice and consent of the senate, appoint a suitable person, who shall not be pecuniarily interested, either directly or indirectly, in the manufacture, refining, sale or vending of illuminating oils from petroleum or other sources or material, as state supervisor of inspectors of illuminating oils, whose term of office shall be two years from the first day of April in the year of his appointment or until his successor shall be qualified. [*1880 c. 269; 1881 c. 288; 1883 c. 158; Ann. Stats. 1889 s. 1421a sub. 1; 1897 c. 114 s. 1; Stats. 1898 s. 1421a; 1919 c. 362 s. 19, 32*]

Oath and bond. SECTION 1421*b*. The person appointed such supervisor shall take and file the official oath and execute and file an official bond in the sum of five thousand dollars, with such sureties as shall be approved by the secretary of state. [*1880 c. 269; 1881 c. 288; 1883 c. 158; 1889 c. 440; Ann. Stats. 1889 s. 1421a sub. 3; 1897 c. 114 s. 2; Stats. 1898 s. 1421b; 1919 c. 93 s. 25*]

Oil inspection; supervisor's duties; deputies; districts. SECTION 1421*c*. It shall be the duty of said supervisor to devote his entire time to the duties of said office and under the direction of the governor to oversee all deputy inspectors of illuminating oils, instruct them in the performance of their duties, see that they faithfully perform the duties of their office, keep a record of their reports to him, and to make a report to the governor on the first day of October in each year. He shall make rules and regulations for their guidance not inconsistent with the provisions of this chapter. The said supervisor may, with the advice and consent of the governor, appoint a sufficient number of deputy inspectors eligible under the provisions of chapter 363, laws of 1905, and amendments thereto to properly inspect all oils, gasoline, benzine, naphtha, and other like products of petroleum sold in this state for illuminating, heating, or power purposes. The inspection districts shall be defined by the supervisor, with the approval of the governor.

Stamps, seals, etc. The supervisor shall prepare suitable stamps, seals, marks, or brands, or any combination of the same, or any thereof, to be securely fastened upon all packages or inclosures inspected, containing oil, gasoline, benzine, naphtha, and other like products. Said stamps, seals, marks, or brands, or a combination of the same, or any thereof, shall be of the design designated by said supervisor and so arranged as to be used only once, and to be numbered consecutively, and to indicate the number of the district to which issued. All districts shall be numbered by the supervisor. The supervisor shall make such rules and regulations for issuing, affixing, and canceling said stamps, seals, marks, and brands as may be necessary to prevent their being used more than once, and to compel the deputy inspectors to inspect all oils, gasoline, benzine, naphtha, and other like products of petroleum, used in this state for illuminating, heating, or power purposes, and to make prompt monthly remittances of all fees collected, and complete reports of all doings as said deputies. [*1880 c. 269; 1881 c. 288; 1883 c. 158; 1889 c. 526 s. 3; Ann. Stats. 1898 s. 1421a sub. 2; 1897 c. 114 s. 3; Stats. 1898 s. 1421c; 1901 c. 466 s. 1; Supl. 1906 s. 1421c; 1909 c. 363*]

Deputies; oath; bond; duties. SECTION 1421*d*. 1. Every deputy inspector shall take and file the official oath and execute and file an official bond in a sum not exceeding five thousand dollars nor less than five hundred dollars fixed by the said supervisor with the approval of the governor, and a certified copy of such bond shall be filed in the office of the county clerk of the county wherein the deputy inspectors executing the same shall reside. The sureties on the bond of each deputy shall be approved by the county judge of the county in which the deputy executing the same shall reside, and the bond of the supervisor and of each deputy shall be approved by the governor. Every deputy inspector shall examine and test all oils, gasoline, benzine, naphtha, and other like products of petroleum, offered for sale or used for illuminating, heating, or power purposes, by any person in the district assigned him, and not having been previously tested and stamped, sealed, or branded by a deputy inspector of this state.

2. He shall on the first day of each month make in writing to the state supervisor and to the state treasurer a full statement of the number of barrels of all products inspected, for whom inspected, the date and place of such inspection, the number of the stamp or stamps, seal or seals, mark or marks, brand or brands, or any combination thereof used,

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and an account of the actual receipts of his office, and at the same time remit to the state treasurer all fees received by him during the preceding month.

3. Every deputy inspector shall comply with all instructions issued by the supervisor and furnish to him full information regarding any accident or explosion that may come to his knowledge from the use of illuminating or heating oils, gasoline, benzine, naphtha, or other like products of petroleum. The deputy inspectors shall be liable to all the penalties provided for in this section, for neglect, wilful misconduct, or misfeasance in the discharge of their duties. [*1880 c. 269; 1881 c. 288; 1883 c. 158; 1889 c. 440; Ann. Stats. 1889 s. 1421a sub. 3; 1897 c. 114 s. 4; Stats. 1898 s. 1421d; 1901 c. 466 s. 2; Supl. 1906 s. 1421d; 1907 c. 118; 1909 c. 363; 1911 c. 655; 1911 c. 663 s. 176; 1911 c. 664 s. 159; 1913 c. 772 s. 91; 1913 c. 773 s. 97; 1919 c. 93 s. 26; 1919 c. 362 s. 19; 1919 c. 679 s. 67*]

Inspection of oils; sale of uninspected or rejected; adulteration. SECTION 1421*e*. All mineral or petroleum oil, or any oil or fluid substance which is the product of petroleum, or into which any product of petroleum enters or is found as a constituent element, whether manufactured within this state or not, shall be inspected as provided in sections 1421*c* to 1421*p*, inclusive, before being offered for sale or sold for consumption or used for illuminating or heating purposes within this state. For the purposes of sections 1421*c* to 1421*p*, inclusive, all gasoline, benzine, naphtha, or other like products of petroleum under whatever name called, used for illuminating, heating, or power purposes, shall be deemed to be subject to the same inspection and control as provided for in sections 1421*c* to 1421*p*, inclusive, for illuminating oils, except that the inspectors are not required to test it other than to ascertain its gravity, and it shall be unlawful for any person, dealer or vendor to sell or offer for sale any such petroleum products for any of such purposes, that has not been so inspected and approved. It shall be the duty of the supervisor or his deputies to inspect all such petroleum products under whatever name called, whether manufactured within this state or not, and stamp the gravity test over his official signature, which shall also be stamped on the barrel, cask, or package inspected, before being sold or offered for sale within this state. Provided, however, that any person, corporation or vendor, selling or delivering gasoline, benzine, naphtha, and other like products of petroleum for illuminating, heating or power purposes in bulk by tank wagon shall, in lieu of the stamp or brand herein provided for, print or stencil on each tank wagon sale-ticket covering deliveries the following:

"This is to certify that the (gasoline, oil) covered by this sale has a fire test—flash .... degrees; burns .... degrees; gravity test of .... degrees Beaume scale; according to a certificate or certificates of approval issued by the state oil inspection department (month) ...., (day) ...., (year) ....."

....

(Name of oil company and individual making delivery.)

Such inspection shall be in the nature of a test by approved methods of Tagliabue's standard registered hydrometer Beaume scale, and the state supervisor and his deputies shall, when called upon for that purpose, as promptly as possible, inspect all gasoline, benzine, naphtha, and other like products of petroleum hereinbefore mentioned, and shall be entitled to demand and shall receive from the owner thereof the same fees as provided for the inspection of illuminating and heating oils as hereinafter mentioned.

Any person who shall personally, or by clerk or agent, sell or offer for sale or for use, or who shall in any manner dispose of or attempt to dispose of any oil, gasoline, benzine, naphtha, or other like products of petroleum under whatever name called, for illuminating, heating or power purposes, which shall not have been examined or tested under the provisions of sections 1421*c* to 1421*p*, inclusive, or which, having been so tested, shall have been marked as rejected, or who shall knowingly use or furnish for use for illuminating, heating or power purposes any oil, gasoline, benzine, naphtha, or other like products of petroleum, which shall not have been properly examined or tested, and stamped, sealed or marked as provided in sections 1421*c* to 1421*p*, inclusive, shall be liable to a fine of not less than five dollars nor more than five hundred dollars, and any person so offending against the provisions of sections 1421*c* to 1421*p*, inclusive, shall be responsible in damages to the party injured, in the event of injury arising or growing out of the use of any oil so offered or provided for sale or use.

Any person who shall wilfully adulterate any illuminating or heating oil by adding thereto benzine, naphtha or paraffine oil, or any substance or thing whatever, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months.

Any person who shall falsely stamp, seal, brand or mark any cask, barrel or other package of oil, gasoline, benzine, naphtha and other like products of petroleum, or who shall personally or by agent or servant cause the changing, altering or defacing in any

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manner any stamp, seal, brand or device affixed to any cask, or barrel, or other package of oil, gasoline, benzine, naphtha and other like products of petroleum by any deputy inspector, or who shall refill or use any cask, barrel or other package having a deputy inspector's seal, mark, stamp or brand thereon, without canceling or defacing said seal, mark, stamp or brand and having the oil, gasoline, benzine, naphtha and other like products of petroleum in such a cask, barrel or other package properly examined or tested and stamped or marked under the provisions of sections 1421c to 1421p, inclusive, or who shall offer for sale, or shall sell any such oil, or gasoline, benzine, naphtha and other like products of petroleum, representing it to be in any respect other and different in quality or kind than as represented to the person so purchasing the same, or without providing and exhibiting in a conspicuous place where such oil, or gasoline, benzine, naphtha and other like products of petroleum is sold, a sign or placard, announcing and plainly proclaiming to all intending purchasers the tests, flash, burning, and gravity, according to the last certificate issued by the deputy inspector making the inspection of the product as to explosive qualities, and the gravity test of gasoline provided for in sections 1421c to 1421p, inclusive, shall be liable to a fine of not less than five dollars nor more than five hundred dollars, or to imprisonment in the county jail for not more than six months, or to both such fine and imprisonment; and any person who shall sell or in any way dispose of any empty cask, barrel or other package bearing a deputy inspector's seal, brand or stamp, without first thoroughly canceling, defacing or removing such seal, brand, stamp, mark or any combination thereof, shall be liable to a fine of not less than five dollars, nor more than five hundred dollars, or to imprisonment in the county jail not exceeding six months, or to both such fine and imprisonment. [*1880 c. 269; 1881 c. 288; 1883 c. 158; Ann. Stats. 1889 s. 1421a sub. 10; 1897 c. 114 s. 5; Stats. 1898 s. 1421e; 1901 c. 466 s. 3; Supl. 1906 s. 1421e; 1907 c. 118; 1909 c. 363; 1911 c. 359; 1911 c. 664 s. 54; 1921 c. 590 s. 16*]

Standards; adulteration; sale; penalty. SECTION 1421*f*. No person shall knowingly sell or offer for sale, or knowingly use any coal or kerosene oil or any product of petroleum for illuminating or heating purposes, which by reason of being adulterated or for any other reason will emit a combustible vapor at a temperature less than one hundred and five degrees above the zero point of Fahrenheit's thermometer, open test, where tested as provided in section 1421*i*, or will burn freely at a temperature less than one hundred and twenty-five degrees above the zero point of such thermometer, open test, where tested as therein provided. No kerosene oil or fluid, whether composed wholly or in part of petroleum or its products, which will ignite and burn at a temperature of less than three hundred degrees Fahrenheit's thermometer, open test, shall be burned in any lamp or vessel or used for illuminating purposes in any passenger, baggage, mail, or express car on any railroad or steamboat in which passengers are carried, nor shall the same be carried as freight in any passenger, baggage, mail, or express car on any railroad. Any person violating any of the provisions of this section shall be fined not less than one hundred dollars nor more than one thousand dollars, and be liable for all damages resulting therefrom. Any oil which shall fail to stand the test above described shall be deemed unfit for illuminating or heating purposes, and the barrel, cask, tank, or other package containing the same shall be marked "rejected" as hereinafter provided. [*1880 c. 269; 1881 c. 288; 1883 c. 158; Ann. Stats. 1889 s. 1421a sub. 5; 1897 c. 114 s. 6; Stats. 1898 s. 1421f; 1909 c. 363*]

Apparatus; testing and branding. SECTION 1421*g*. 1. It shall be the duty of the superintendent of public property to provide said supervisor all the necessary instruments and apparatus for examining and testing illuminating oils and gasoline, together with the necessary stamps, seals, marks and brands, blank reports and record books required by the provisions of sections 1421c to 1421p, inclusive, and all necessary office equipment and supplies, and each deputy inspector shall use such instruments and apparatus in performing his duties, and shall promptly examine and test, when called upon, any oil offered as to the temperature at which it will emit a combustible vapor and burn freely, and all gasoline, benzine or naphtha, or other like products of petroleum under whatever name called; and if upon examination or test any such oil or gasoline, benzine, naphtha and other like products of petroleum shall be found to meet the requirements of sections 1421c to 1421p, inclusive, he shall affix to the package, cask or barrel containing the same, a brand, stamp, seal or mark, or any required combination thereof, containing the words, "approved for illuminating, heating or power purposes," and if gasoline, benzine, naphtha and other like products of petroleum, the numerals denoting its actual gravity, with the name and district and the day of testing over his official signature upon such package, cask or barrel, and issue to the person for whom inspected a certificate of inspection and approval, reciting the number of barrels, or in case of tank cars, the name of the tank car line, with number

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of said car, with the number of barrels contained, the commercial name of the oil or gasoline, benzine, naphtha and other like products of petroleum, with the test found as to explosive quality and gravity, and the actual gravity of gasoline, benzine, naphtha and other like products of petroleum and the date of inspection.

2. But if the oil so tested shall not meet the requirements specified in this chapter, he shall mark in plain letters by stencil, brand, stamp or seal as required, the words, "rejected for illuminating purposes," with the date of testing, name of the district, and his official signature, and issue a certificate to that effect; and it shall be unlawful for any person to sell such oil for illuminating or heating purposes.

3. Said brand and stamp for the approval of oils, gasoline, benzine, naphtha, and other like products of petroleum shall further contain such numerals indicating the degrees such oils test, and if any person shall sell or offer for sale any such rejected oils, he shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment. [*1880 c. 269; 1881 c. 288; 1883 c. 158; 1889 c. 440; Ann. Stats. 1889 s. 1421a sub. 3; 1897 c. 114 s. 7; Stats. 1898 s. 1421g; 1901 c. 466 s. 4; Supl. 1906 s. 1421g; 1907 c. 118; 1909 c. 363; 1911 c. 359; 1911 c. 664 s. 54; 1913 c. 772 s. 91*]

Powers; enter premises. SECTION 1421*h*. It shall be lawful for the supervisor or any deputy inspector to enter into or upon the premises of any manufacturer, refiner, or vendor of said illuminating oils, gasoline, benzine, naphtha, and other like products of petroleum, and if he shall find or discover upon said premises any oil, gasoline, benzine, naphtha, and other like products of petroleum, which shall not have been examined or tested and properly marked, stamped, sealed, or branded, he shall at once proceed to test and thereafter properly mark, stamp, seal, or brand the same.

Railroad records; examination; penalty. Every agent and employe of any railway company or other transportation company, or any oil dealer having the custody of books or records showing the shipment or receipt of the oils, gasoline, benzine, naphtha, and other like products of petroleum mentioned in this act shall give and permit the supervisor of inspectors of illuminating oils and his deputies free access to such books and records for the purpose of determining the amount of oils, gasoline, benzine, naphtha, and other like products of petroleum shipped and received. Any such agent or employe of any railroad company or other transportation company, or any oil dealer refusing or neglecting to comply with these provisions shall be guilty of a misdemeanor and shall be punished by a fine not to exceed fifty dollars or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment. [*1880 c. 269; 1881 c. 288; 1883 c. 158; Ann. Stats. 1889 s. 1421a sub. 4; 1897 c. 114 s. 8; Stats. 1898 s. 1421h; 1901 c. 466 s. 5; Supl. 1906 s. 1421h; 1907 c. 118; 1909 c. 363*]

Method of testing. SECTION 1421*i*. In all tests of illuminating oils and gasoline made under sections 1421*c* to 1421*p*, inclusive, the testers known as the Tagliabue open cup or commercial oil tester for illuminating oils, and the Tagliabue standard registered hydrometer Beaume scale for gasoline, shall be used; the oil cup shall be filled to within one-fourth of an inch of the top thereof, or as nearly full as is practicable to fill it without causing the oil to overflow in making the test, and in using the tester the oil shall not be heated faster than three degrees Fahrenheit per minute up to one hundred degrees, nor more than two degrees Fahrenheit per minute above one hundred degrees. The taper used in making test shall be such as shall give a clear flame as nearly uniform in size as is practicable. The method of testing illuminating oils as to the gravity shall be the same as provided for gasoline, naphtha, and other products of petroleum. The method of testing gasoline, benzine, naphtha and other like products of petroleum, will be with a Tagliabue standard registered hydrometer Beaume scale, calculated at sixty degrees Fahrenheit; the hydrometer to be immersed in the sample and the degree of the Beaume scale noted; then the temperature should be noted, and for every ten degrees below sixty degrees of Fahrenheit's scale, add one degree of gravity to that noted on the Beaume scale, and for every ten degrees above sixty degrees noted on Fahrenheit's scale, deduct one degree of gravity from that registered on the Beaume scale. The state supervisor shall give such instructions to the deputy inspectors as in his judgment shall be necessary to secure uniformity in the methods of making the tests. [*1880 c. 269; 1881 c. 288; 1883 c. 158; Ann. Stats. 1889 s. 1421a sub. 6; 1897 c. 114 s. 9; Stats. 1898 s. 1421i; 1909 c. 363; 1911 c. 359; 1911 c. 664 s. 54*]

Inspection of oil shipments. SECTION 1421*j*. Each deputy inspector may inspect and test illuminating or heating oil and gasoline, benzine, or naphtha, and such other like products of petroleum, in a tank or railroad tank car, so called when standing upon a railroad track, and such products shall not be transferred into warehouses or storage tanks or otherwise unloaded until so inspected; provided, if any such products are not

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inspected within twenty-four hours after arriving at their destination they may be unloaded, and the deputy inspector shall make his inspection after they are so unloaded, and when such products have been inspected, no other inspection shall be necessary, but the deputy shall, when such products are put in stationary tanks or barrels, mark, stamp, seal, or brand them without extra charge.

When the amount contained in any such tank or tank car shall exceed fifty gallons, each fifty gallons shall constitute a barrel within the meaning of this chapter, and the fees for inspecting the same and marking, stamping, sealing, or branding the barrels shall for each fifty gallons be the same as prescribed for each barrel, cask or package.

The term cask, barrel, package, or sample as used in sections 1421*c* to 1421*p*, inclusive, means a quantity not exceeding that contained in an ordinary commercial barrel estimated as fifty gallons.

Provided that when oil or gasoline is shipped to a point outside of the state, after inspection fees have been paid, the shipper shall be given credit for such fees by making an affidavit, setting forth the following: Date of shipment, to whom shipped, to what point shipped, the number of barrels, the kind of product, and by what railroad or boat line; and provided, further, that all such products subject to inspection in this state, that have been inspected in other states where the requirements as to fire tests and branding are as safe as prescribed in this state, may be admitted without additional inspection with the consent of the state supervisor of inspectors, on payment of fees and upon their being labeled with the actual fire test or gravity test as the case may be, the name of the shipper, the kind of oil, gasoline, benzine, or naphtha, and other like products of petroleum contained therein, and the point from where shipped, and the name and title of the officer who made the inspection. [*1880 c. 269; 1881 c. 288; 1883 c. 158; Ann. Stats. 1889 s. 1421a sub. 7; 1897 c. 114 s. 10; Stats. 1898 s. 1421j; 1901 c. 466 s. 6; Supl. 1906 s. 1421j; 1907 c. 118; 1909 c. 363; 1911 c. 663 s. 177; 1915 c. 535 s. 2; 1915 c. 609 s. 42; 1917 c. 14 s. 92, 93*]

Deputy's record; dealing in oil. SECTION 1421*k*. Every deputy inspector shall keep a true record of all casks, barrels, tanks or other packages of oil tested by him, which record shall state the time and place of inspection, the number of casks, barrels or other packages then and there examined, the name of the person for whom or at whose request such examination was made, the mark or brand affixed to the casks, barrels or other packages, together with any further facts that may seem to him worthy of record or shall be required by the state supervisor; such account shall be open to examination by any person. No inspector shall, during his term of office, traffic, directly or indirectly, in any oil used for illuminating or heating purposes or be interested in any manner whatever in the manufacture, refining or sale of such oil, and any inspector violating any of the provisions of this section shall be removed from office immediately upon proof of such violation and be liable to a fine of not less than one hundred dollars nor more than five hundred dollars; provided, that these provisions in regard to dealing in oil shall not apply to deputies whose inspections during the term of one year shall not exceed fifteen hundred barrels. [*1880 c. 269; 1881 c. 288; 1883 c. 158; Ann. Stats. 1889 s. 1421a sub. 8, 9; 1897 c. 114 s. 11; Stats. 1898 s. 1421k*]

Violation of law; manslaughter. SECTION 1421*l*. It shall be the duty of every inspector who shall know of the violation of any provision of this chapter to notify the district attorney of the county in which the same shall occur and to make complaint before any court of competent jurisdiction, and it shall be the duty of all district attorneys to prosecute within their respective counties all cases of offense arising under this chapter. And any inspector who shall have knowledge of any such violation and fail to enter complaint against the person so offending shall be liable to a fine not exceeding fifty dollars and shall be removed from his office; and in case the death of any person shall result from the explosion of a lamp or other vessel containing illuminating oil sold, used or furnished for use in violation of any of the provisions of this chapter the person selling or furnishing said oil for use shall be deemed guilty of manslaughter in the third degree. All illuminating oil manufactured or refined in this state shall be inspected, examined and tested as herein provided before being removed from the premises of the manufacturer or refiner. [*1880 c. 269; 1881 c. 288; 1883 c. 158; Ann. Stats. 1889 s. 1421a sub. 11; 1897 c. 114 s. 12; Stats. 1898 s. 1421l*]

Scope of chapter. SECTION 1421*m*. Nothing contained in this chapter shall be construed to prevent manufacturers, refiners or dealers in this state from keeping in their warehouses or tanks for transhipment to other states illuminating oil of a grade below the test prescribed; nor shall this chapter be construed to apply to crude petroleum, gas oil or fuel oil; but the terms gas oil and fuel oil shall not be construed to include kerosene, gasoline, benzine, naphtha, power distillate, motor spirits or any other like products of petroleum by whatever name called. It is the true intent and meaning of this chapter that

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the terms oils, illuminating oils, oils used for illuminating and heating purposes and all similar words, terms and expressions shall be held to mean any mineral or petroleum oil or any fluid or substance which is the product of such oil or of petroleum, or in which oil or fluid or other substance so obtained, mineral or petroleum shall be a constituent part of whatsoever name or title such oil, fluid or other substance may be known or called. [*1880 c. 269; 1881 c. 288; 1883 c. 158; Ann. Stats. 1889 s. 1421a sub. 12; 1897 c. 114 s. 13, 14; Stats. 1898 s. 1421m; 1913 c. 399*]

SECTION 1421*n*. [*1901 c. 466; Supl. 1906 s. 1421n; 1907 c. 118; repealed by 1909 c. 363*]

SECTION 1421*n*. [*1901 c. 466; Supl. 1906 s. 1421o; 1907 c. 118; 1909 c. 363; repealed by 1913 c. 772 s. 92*]

Gasoline, etc.; containers; paint; stenciling; penalty. SECTION 1421*o*. Every person dealing at retail or wholesale in gasoline, benzine, or naphtha, and other like products of petroleum in this state, shall deliver the same to the purchaser only in barrels, casks, jugs, packages, or cans, painted vermillion red and having the word "gasoline," "benzine," and the name of such other like products of petroleum, plainly stenciled in English thereon. No such dealer shall deliver kerosene in a barrel, cask, jug, package, or can painted or stenciled as hereinbefore provided. Every person purchasing gasoline, benzine, naphtha, or other like products of petroleum for use or sale shall procure and keep the same only in barrels, casks, jugs, packages, or cans painted and stenciled as hereinbefore provided. No person keeping for use or using kerosene shall put or keep the same in any barrel, cask, jug, package, or can painted or stenciled as hereinbefore provided. Provided, however, that in case of gasoline, benzine, and naphtha, or other like product of petroleum being sold in bottles, cans, or packages, or any product that contains gasoline, benzine, or naphtha, or other like products of which petroleum is a constituent part thereof; of not more than one quart for cleaning and similar purposes, it shall be deemed sufficient if the contents of such bottles, cans, or packages are so designated by a label securely pasted or attached thereto with the words "gasoline," "benzine," or "naphtha," "unsafe when exposed to heat or fire" printed in bright red ink in letters not less than one-fourth inch in size. Any person violating any of the provisions of this section shall be punished by a fine of not less than five nor more than fifty dollars, or by imprisonment in the county jail not to exceed three months, or by both such fine and imprisonment. It shall be the duty of the state supervisor of inspectors and his deputies to enforce the provisions of sections 1421*c* to 1421*p*, inclusive. [*1901 c. 466 s. 9; Supl. 1906 s. 1421p; 1907 c. 118; 1909 c. 363 s. 4; 1911 c. 663 s. 176; 1921 c. 590 s. 17*]

SECTION 1421*p*. [*Repealed by 1913 c. 772 s. 92*]

Penalty for violations. SECTION 1421*t*. Every person, firm or corporation, and every officer, agent, servant or employe of such person, firm or corporation who violates any of the provisions of sections 1421*c* to 1421*o*, both inclusive, for which no other penalty is provided, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than one thousand dollars or be imprisoned in the county jail not less than thirty days nor more than six months; and shall be responsible in damages to the party injured, in the event of injury arising or growing out of such violation. [*1915 c. 535 s. 3*]

SECTION 1421—1. [*Renumbered section 50.01 by 1919 c. 346 s. 2*]

SECTION 1421—2. [*Repealed by 1917 c. 14 s. 29*]

SECTION 1421—3. [*Repealed by 1917 c. 14 s. 29*]

SECTION 1421—4. [*Repealed by 1919 c. 346 s. 3*]

SECTION 1421—5. [*Renumbered section 50.01 by 1919 c. 346 s. 2*]

SECTION 1421—6. [*Renumbered section 50.02 by 1919 c. 346 s. 5*]

SECTION 1421—7. [*Renumbered section 50.02 by 1919 c. 346 s. 5*]

SECTION 1421—8. [*Renumbered section 50.03 by 1919 c. 346 s. 6*]

SECTION 1421—9. [*Renumbered sections 46.18 and 50.06 by 1919 c. 328 s. 25 and 1919 c. 346 s. 10*]

SECTION 1421—10. [*Renumbered section 46.17 by 1919 c. 328 s. 24*]

SECTION 1421—11. [*Renumbered sections 17.22, 46.18 and 50.06 by 1919 c. 328 s. 25; 1919 c. 346 s. 10 and 1919 c. 362 s. 34*]

SECTION 1421—12. [*Repealed by 1919 c. 346 s. 12*]

SECTION 1421—13. [*Repealed by 1919 c. 346 s. 12*]

SECTION 1421—14. [*Partly renumbered section 50.07 and partly repealed by 1919 c. 346 s. 11, 13*]

SECTION 1421—15. [*Renumbered section 46.18 by 1919 c. 328 s. 25*]

SECTION 1421—16. [*Renumbered section 46.19 by 1919 c. 328 s. 26*]

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SECTION 1421—17. [*Renumbered section 46.20 by 1919 c. 328 s. 29*]
SECTION 1421—18. [*Renumbered section 46.20 by 1919 c. 328 s. 29*]
SECTION 1421—19. [*Renumbered sections 17.15, 17.27 and 46.20 by 1919 c. 328 s. 29 and 1919 c. 362 s. 27, 39*]
SECTIONS 1421—20 to 1421—24. [*Renumbered section 46.20 by 1919 c. 328 s. 29*]
SECTION 1421—30. [*Renumbered section 50.04 by 1919 c. 346 s. 7*]
SECTION 1421—31. [*Renumbered section 50.01 by 1919 c. 346 s. 2*]
SECTION 1421—32. [*Renumbered section 50.01 by 1919 c. 346 s. 2*]
SECTION 1421—33. [*Renumbered section 50.01 by 1919 c. 346 s. 2*]
SECTION 1421—34. [*Renumbered section 50.05 by 1919 c. 346 s. 8*]
SECTION 1421—35. [*Repealed by 1919 c. 346 s. 9*]

CHAPTER 76*f*.

MEDICAL SOCIETIES.

COUNTY SOCIETIES.

County societies. SECTION 1422. The physicians and surgeons, not less than five in number, of the several counties except those wherein a county medical society shall have been already incorporated may meet together at such time and place at the county seat as they or a majority of them shall deem proper and organize a county medical society by the choice of a president, vice president, recording secretary, corresponding secretary, treasurer and three censors, who shall hold their offices for one year and until others are elected in their places; and when any such society shall be so organized it shall be a body corporate by the name of the medical society of such county and shall have the general powers of a corporation, and may take by purchase or gift and hold real and personal property, for the use of the society, not exceeding five thousand dollars in value, to be used exclusively for the advancement of medical science. All county medical societies which are now in existence are continued with all the powers and privileges which are conferred by this chapter. [*R. S. 1849 c. 27 s. 1, 3; R. S. 1858 c. 33 s. 1, 3, 15; R. S. 1878 s. 1422; Ann. Stats. 1889 s. 1422; Stats. 1898 s. 1422*]

Who may be members. SECTION 1423. All physicians and surgeons of any county who, before the twentieth day of April, 1897, received a diploma from any incorporated medical college or society of any of the United States or territories or of any foreign country, or who, subsequent to said date, shall have received a license from the state board of medical examiners, shall be entitled to meet as provided in the preceding section and take part in the formation of a county medical society in their respective counties or at any time become members thereof. [*R. S. 1849 c. 27 s. 2; R. S. 1858 c. 33 s. 2; R. S. 1878 s. 1423; Ann. Stats. 1889 s. 1423; 1897 c. 264; Stats. 1898 s. 1423*]

Society's powers. SECTION 1424. Every medical society incorporated as aforesaid may, at any regular meeting thereof, make by-laws and regulations relative to the management of its affairs and property, the admission and expulsion of its members, and donations and contributions, not inconsistent with law, and cause to be collected from each member a sum not exceeding ten dollars in any one year for the purpose of procuring a medical library, anatomical cabinet, chemical apparatus or for the encouragement of useful discoveries in the science of medicine. [*R. S. 1849 c. 27 s. 4, 8; R. S. 1858 c. 33 s. 4, 8; R. S. 1878 s. 1424; Ann. Stats. 1889 s. 1424; 1897 c. 264; Stats. 1898 s. 1424*]

Officers. SECTION 1425. The president shall preside at all meetings and perform all the duties which appertain to his office, and in case of his absence or disability the vice president shall perform his duties. [*R. S. 1849 c. 27 s. 9; R. S. 1858 c. 33 s. 9; R. S. 1878 s. 1426; Ann. Stats. 1889 s. 1426; Stats. 1898 s. 1425*]

The treasurer. SECTION 1426. The treasurer shall be accountable for all moneys that may come into his hands by virtue of his office and make a detailed report of all moneys received and disbursed by him as treasurer at each annual meeting of the society, and at the expiration of his office pay over to his successor in office all moneys then in his hands belonging to such society. No money shall be drawn from the treasury except in such sums and for such purposes as shall be voted at some regular meeting thereof and upon an order signed by the president and countersigned by the recording secretary. [*R. S. 1849 c. 27 s. 10; R. S. 1858 c. 33 s. 10; R. S. 1878 s. 1427; Ann. Stats. 1889 s. 1427; Stats. 1898 s. 1426*]

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Recording secretary. SECTION 1427. The recording secretary shall provide a book in which he shall record all by-laws, rules, regulations and resolutions made and adopted by the society, the name of each member and the time of his admission, the annual report of the treasurer and such other matters as the society may direct. Such book shall at all times be open to the inspection of any member of the society, and he shall deliver the same, with all other books, papers and records belonging to such society which may be in his hands to his successor in office. [*R. S. 1849 c. 27 s. 11; R. S. 1858 c. 33 s. 11; R. S. 1878 s. 1428; Ann. Stats. 1889 s. 1428; Stats. 1898 s. 1427*]

Corresponding secretary. SECTION 1428. The corresponding secretary shall correspond on subjects relating to medical science with the profession in this and foreign countries and with the different societies of this state when requested by the society, or whenever he may deem it advisable, and report such correspondence to the society. [*R. S. 1849 c. 27 s 12; R. S. 1858 c. 33 s. 12; R. S. 1878 s. 1429; Ann. Stats. 1889 s. 1429; Stats. 1898 s. 1428*]

Physicians of adjoining counties may unite. SECTION 1429. If there should not be a sufficient number of physicians and surgeons in any county to form a medical society agreeably to the provisions of this chapter it shall be lawful for such persons to associate themselves with the physicians and surgeons of adjoining counties for the purposes hereby contemplated; and the physicians and surgeons, not less than one in number in each county, of the several counties, not exceeding fifteen in number, of such counties adjoining each other may form a medical society agreeably to the provisions of this chapter, except that they may choose one censor from each county and may organize under section 1422, and shall in all respects be governed by the provisions of this chapter and sustain the same relation to the state medical society as do county medical societies; and for the purpose of such organization may meet at such time, and in either of such counties, as they or a majority of them shall deem proper. [*R. S. 1849 c. 27 s. 13, 14; R. S. 1858 c. 33 s. 13; R. S. 1878 s. 1430; 1887 c. 242; Ann. Stats. 1889 s. 1430; Stats. 1898 s. 1429*]

STATE SOCIETY.

Continuance of. SECTION 1430. The state medical society of Wisconsin, heretofore incorporated and now existing, is continued with the general powers of a corporation and such as are conferred by this chapter. [*R. S. 1849 c. 27 s. 16; R. S. 1858 c. 33 s. 16; R. S. 1878 s. 1431; Ann. Stats. 1889 s. 1431; Stats. 1898 s. 1430*]

By-laws. SECTION 1431. Such society may from time to time adopt, alter and enforce such constitution, by-laws and regulations as may be necessary for the admission and expulsion of its members, the election of its officers and the proper management of its concerns, not inconsistent with law. [*R. S. 1849 c. 27 s. 17; R. S. 1858 c. 33 s. 17; R. S. 1878 s. 1432; Ann. Stats. 1889 s. 1432; Stats. 1898 s. 1431*]

Representation in. SECTION 1432. Each of the county medical societies shall be entitled to elect delegates annually from its own body, not exceeding one for every five of its whole number of members, to represent it in the state society, who shall be entitled to all the privileges of membership of said body during the time for which they are elected. [*R. S. 1849 c. 27 s. 18; R. S. 1858 c. 33 s. 18; R. S. 1878 s. 1433; Ann. Stats. 1889 s. 1433; Stats. 1898 s. 1432*]

Members. SECTION 1433. The state medical society may admit permanent members and elect temporary members from without the state, in accordance with its constitution and by-laws, under the same restrictions imposed upon the county medical societies. [*R. S. 1849 c. 27 s. 19, 20; 1854 c. 5 s. 1; R. S. 1858 c. 33 s. 19, 20; R. S. 1878 s. 1434; Ann. Stats. 1889 s. 1434; Stats. 1898 s. 1433*]

Appeal. SECTION 1434. All members of any county medical society who may be expelled may appeal to the state medical society, whose decision in the case shall be final. [*R. S. 1858 c. 33 s. 21; R. S. 1878 s. 1435; Ann. Stats. 1889 s. 1435; Stats. 1898 s. 1434*]

STATE BOARD OF MEDICAL EXAMINERS.

Board of medical examiners created; appointments to, how made. SECTION 1435. The governor shall appoint a board of medical examiners to be known as the "Wisconsin State Board of Medical Examiners," consisting of eight members. Such appointments shall be made from separate lists presented to him every second year, one list of ten names presented by the Wisconsin state medical society, one list of ten names presented by the homeopathic medical society of the state of Wisconsin, one list of ten names presented by the Wisconsin state eclectic medical society, and one list of five names presented by the Wisconsin state osteopathic association. In case any of said societies or associa-

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tions fail to present such list of names, the governor may fill vacancies in the board by appointment from the last list filed by such association or society previous to the occurrence of such vacancy. The appointment of each member of said board shall be for the term of four years and until his successor is appointed and qualified; the proportion of the different schools of medicine, as herein provided, shall be preserved. No instructor, stockholder, member of, or person financially interested in any school, college or university having a medical department, or of any school of osteopathy, shall be appointed a member of said board. Three members of said board shall be allopathic, two shall be homeopathic, two eclectic and one osteopathic, and all shall be licentiates of said board. [*1897 c. 264 s. 1; Stats. 1898 s. 1435; 1903 c. 426 s. 1; Supl. 1906 s. 1435; 1907 c. 118; 1919 c. 476; 1919 c. 702 s. 74*]

SECTION 1435*a*. [*Stats. 1913 s. 1435a; repealed by 1915 c. 438*]

Application for license to practice medicine, surgery and osteopathy; examination. SECTION 1435*a*. 1. All persons, other than those now possessing a license or a certificate of registration to practice medicine, surgery, or osteopathy, desiring, undertaking or attempting in this state to practice medicine, surgery, or osteopathy, or any other form or system of treating bodily or mental diseases, ailments, infirmities or injuries of human beings, after the passage and publication of this act, shall apply to said board at the time and place designated by the board, or at any regular meeting thereof, for a license or certificate of registration authorizing such practice and shall present to such board at the time of so applying satisfactory evidence of having completed a preliminary education equivalent to graduation from an accredited high school of this state; and all persons so applying for a license to practice medicine or surgery after the first day of January, 1919, shall, in addition to such preliminary education equivalent to graduation from an accredited high school of this state, present satisfactory and competent evidence of having completed a two years' college course in physics, chemistry, biology and either German or French, the equivalent of a two years' premedical course at the University of Wisconsin.

2. All applicants having presented satisfactory evidence of such preliminary education shall be examined by said board in the subjects of anatomy, physiology, general diagnosis, pathology, histology, chemistry, hygiene and sanitation. All persons so applying, no matter what school or system of treating the afflicted the applicant may claim or intend to follow, shall submit to the same examination in the subjects just enumerated. Applicants desiring to obtain a license to practice medicine, surgery or osteopathy shall, in addition to the satisfactory evidence of having acquired the preliminary education herein designated, present a diploma from a reputable college or school of medicine and surgery or of osteopathy and surgery; in case such college or school requires for graduation a completion of a fifth year of a hospital interneship of not less than one year, the board may accept in lieu of said diploma a properly authenticated certificate equivalent to it in all respects and specifically in point of time attended, courses pursued and evidence of good moral and professional character; and shall submit to an examination in the various branches of medicine and surgery usually taught in such reputable schools and colleges; if the applicant be an osteopath he shall submit to an examination in the various branches of osteopathy and surgery usually taught in reputable colleges of osteopathy. A college or school of medicine and surgery or of osteopathy and surgery maintaining the standard of preliminary education hereinbefore designated and requiring at least four courses of eight months each before graduation shall be deemed reputable. Any person duly licensed to practice osteopathy in this state at any time prior to the first day of January, 1916, shall be licensed to practice surgery upon passing the regular examination of the board in surgery, and presenting evidence of having completed an adequate course in surgery at a reputable school or college of osteopathy and surgery requiring not less than twenty months actual attendance thereat.

3. After such examination, the board shall, if it finds the applicant qualified, grant a license to the applicant to practice medicine and surgery or osteopathy and surgery in this state, or any other system or form of treating the afflicted, as the case may be, which license or certificate of registration can only be granted by the consent of not less than six members of said board and which license or certificate of registration, after the payment of the fees as herein provided, shall be signed by the president and secretary of the board and attested by its seal. The fee for examination shall be fixed by the board, but shall not exceed twenty dollars in such case, with five dollars additional for the license or certificate of registration, if issued. Such fee or fees shall be paid by the applicant to the treasurer of the board at the time of making application for examination.

4. It shall be unlawful for any person not possessing at the time of the passage and publication of this act a license or certificate of registration to practice medicine, surgery or osteopathy, to give or prescribe drugs or perform a surgical operation or to practice

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obstetrics or osteopathy in this state unless such person has secured from the board a license specifically authorizing him so to do. [*1915 c. 438 s. 2; 1915 c. 595*]

SECTION 1435*b*. [*Stats. 1913 s. 1435b; repealed by 1915 c. 438*]

Requisites and examination in midwifery. SECTION 1435*b*. 1. All persons applying for a certificate of registration to practice midwifery in this state shall present to the board a diploma from a reputable college or school of midwifery, and submit satisfactory evidence of good moral and professional character. A college or school of midwifery to be deemed reputable by the board shall be a training school for midwifery connected with a reputable hospital or sanatorium giving a course of at least twelve months in the science and practice of midwifery and giving its students practical experience in at least twenty cases of confinement.

2. All such applicants shall submit to a written examination in the following branches: Anatomy of the female pelvis; anatomy and physiology of the organs contained in the female pelvis; symptoms, diagnosis, physiology and complications of pregnancy, diagnosis, course and management of labor and care of mother and child for the first ten days succeeding childbirth. After such examination the board shall, if it find the applicant qualified, grant a certificate of registration to practice midwifery, which certificate shall be granted only by the consent of at least six members of the board. [*1915 c. 438 s. 2*]

SECTION 1435*c*. [*Stats. 1913 s. 1435c; repealed by 1915 c. 438*]

SECTION 1435*c*. [*1915 c. 438 s. 2; repealed by 1915 c. 595 s. 2*]

SECTION 1435*c*. [*Stats. 1919; repealed by 1921 c. 365 s. 1*]

REGISTRATION OF NURSES.

Committee on nursing education; appointment, duties, etc. SECTION 1435*c*—1. (1) Immediately upon the passage of this act the state board of health shall appoint a committee on nursing education to consist of the secretary of the state board of health, the director of nursing education, two representatives from the Wisconsin state nurses' association, two representatives from the Wisconsin state league of nursing education, one from the Wisconsin state hospital association, one from the Wisconsin conference of the Catholic hospital association, one representative from the state medical society and one representative from the public health nursing bureau of the state board of health. Each of such organizations shall submit a list of five names from which the representatives shall be selected for a term of two years.

(2) The committee on nursing education shall meet and organize within two weeks after appointment.

(3) The director of nursing education shall act as executive secretary of this committee. Five members of the committee shall constitute a quorum. Special meetings of the committee may be called by the chairman or secretary of the committee, or upon the written request of any two members of the committee.

(4) The state board of health shall refer to said committee on nursing education any question or policy regarding nursing education within its jurisdiction for investigation, report or recommendation or other appropriate action.

(5) It shall be the duty of the committee on nursing education:

(a) To supervise and to maintain standards for all schools for nurses.

(b) To provide for and require the examination and registration of nurses.

(c) To make a study of nursing education and generally to initiate rules, regulations and policies which will tend to improve nursing education.

(d) To make rules and regulations for the administration of sections 1435*c*—1 to 1435*c*—11, inclusive, of the statutes not inconsistent therewith.

(e) To place schools of nursing on the accredited list on application of such schools and a showing that such schools are entitled to be so placed under the rules of the committee of nursing education.

(6) The committee on nursing education shall not receive pay per diem but shall receive actual and necessary traveling expenses from the state. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

Director of nursing education; appointment, qualifications. SECTION 1435*c*—2. The state board of health shall appoint, upon the nomination of the committee on nursing education, on or before September 1, 1921, a state director of nursing education, fix her salary and prescribe her duties and provide proper clerical service. Such director shall have at least the following minimum qualifications:

(1) High school graduation or its education equivalent and graduation from an accredited school of nursing.

(2) A registered nurse.

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(3) Five years' experience as an executive of a school of nursing of not less than thirty-five nurses. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

Registration of nurses. SECTION 1435c—3. (1) Any nurse over the age of twenty and of good moral character, who has a preliminary education of not less than one year's course in the high school or its equivalent, who holds a diploma of graduation from an accredited school of nursing giving a course of not less than two years, or who will complete a full course in an accredited school for nurses within four months following the date of application, may make application to the state board of health for registration as a registered nurse and shall, upon payment of a registration fee of ten dollars, be entitled to examination for registration. Any person complying with all the provisions of sections 1435c—1 to 1435c—11, inclusive, of the statutes, and who passes a satisfactory examination as required therein shall be entitled to a certificate of registration to practice nursing as a registered nurse.

(2) Without examination, provided that the application be made prior to September 1, 1921, and provided that the applicant shall have graduated before said date from an accredited training school, connected with a general or special hospital, who at the time of graduation shall have received a course of at least two years' training in such training school, shall upon application to the state board of health and on the payment of the fee of ten dollars be entitled to a certificate of registration to practice nursing as a registered nurse. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

Registration of nurses. SECTION 1435c—4. Any person holding a certificate of registration to practice nursing as a registered nurse at the time of the passage of this act and which was issued under the laws of this state, and any person holding a certificate as a registered nurse under the laws of another state having requirements which the state board of health determines to be at least the equivalent of the requirements of this state, shall not be required to pass an examination in order to secure a certificate of registration under this act but shall comply with all its other requirements. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

Board of examiners for nurses, and director of nursing education, appointment. SECTION 1435c—5. The state board of health shall appoint, upon the nomination of the committee on nursing education, a board of examiners for nurses to consist of five members, four registered nurses, and the director of nursing education, who shall act as secretary of the committee. Of the four registered nurses, two shall have had experience in the administration of a school for nurses, one a public health nurse, and one a private duty nurse, and all four members shall have had not less than three years' experience in their profession. The members of the board shall be appointed to hold office as follows: Two for two years, and two for three years from September 1, 1921. Upon the expiration of the term of office of a member, the state board of health shall appoint a successor whose term of office shall be three years. Each member of the board shall hold office until a successor is duly appointed and qualified, and members of said board shall be reimbursed their actual and necessary expenses incurred in the performance of their duties and receive eight dollars per diem for each day engaged in the performance of their duties. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

Duties of board and director. SECTION 1435c—6. (1) It shall be the duty of the board of examiners to meet for the purpose of holding examinations under the provisions of sections 1435c—1 to 1435c—11, inclusive.

(2) The board of examiners for nurses shall prepare written questions on all subjects for examination; prescribe rules and regulations, subject to the approval of the committee on nursing education, for the conduct of the examination of nurses, for the promotion of the efficiency of the examination system, and to secure fair markings of papers, and for the preservation of the examination papers for a period of two years. Examinations shall be held at least twice in each year at such times and places as may be designated by the state board of health. Due public notice of the time and place of such meetings shall be given at least thirty days prior to the meeting.

(3) The certificate of registration shall be issued by the secretary of the state board of health and countersigned by the secretary of the board of examiners for nurses. Any person to whom a certificate of registration shall be issued shall, within thirty days thereafter, cause the same to be recorded with the county clerk of the county in which such person resides.

(4) The committee on nursing education may revoke a certificate of registration of any nurse who has been convicted of unprofessional or dishonorable conduct. Said committee shall have the power to revoke any certificate of registration granted by them if said certificate was obtained through error or fraud, or if the recipient thereof is shown to be grossly incompetent in the practice of nursing; and, provided further, that before

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any certificate shall be revoked, the holder thereof shall have notice in writing, enumerating the charges against her, and at a specified date named therein, not less than five days after the service of such notice, be given a hearing by said committee and have an opportunity to produce testimony in her own behalf. Any person whose certificate has been revoked for gross incompetency, may, after the expiration of one year, apply to have the same regranted, and the same shall be regranted her, if in the discretion of said committee they deem it proper. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

Registration, use of "R. N." permit. SECTION 1435c—7. (1) It shall be unlawful hereafter for any person to practice or attempt to practice, as a registered, trained, certified or graduate nurse without a certificate from the state board of health. Any person who has received such certificate shall be styled and known as a "Registered Nurse," and shall be entitled to append the letters "R. N." to the name of such person. No other person shall assume or use such title or the abbreviation "R. N.," or any other words, letters or figures to indicate that such person is a registered nurse. It shall be unlawful for any person to engage in or attempt to engage in the practice of nursing as a registered, trained, certified or graduate nurse without being registered as provided in this act.

(2) Every registered nurse actually engaged in the pursuit of her profession shall annually during the month of January file with the state board of health on blanks furnished by the said board, a statement giving her name, place of residence and such other facts as the board of health may require. A fee of two dollars must accompany said application for such re-registration.

(3) All other graduate nurses from accredited schools for nurses not registered and who are actually engaged in the pursuit of their profession must practice under a permit issued by the state board of health, for which a fee of two dollars shall be charged, such permit to be issued only until such time as applicants can qualify for registration. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

Construction of sections 1435c—1 to 1435c—11. SECTION 1435c—8. Sections 1435c—1 to 1435c—11, inclusive, shall not be construed to affect or apply to the nursing of the sick by friends or members of the family or any person not graduated from an accredited training school, nor be construed to interfere in any way with members of religious communities or orders which have charge of hospitals or take care of the sick in their homes; provided, that such members do not in any way assume to be registered, trained, certified or graduate nurses. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

State board of health to enforce law. SECTION 1435c—9. The state board of health shall enforce the provisions of sections 1435c—1 to 1435c—11, inclusive, and cause the prosecution of all persons violating any of the provisions thereof, and may incur necessary expenses in that behalf. The state board of health shall keep a register of the names and addresses of all nurses duly registered under sections 1435c—1 to 1435c—11, inclusive, which shall be open at all reasonable times to public inspection. Said board shall also keep a record of all applications for registration and a detailed account of all moneys received which shall be paid into the state treasury. The secretary of the board shall make an annual report of its proceedings under sections 1435c—1 to 1435c—11, inclusive, to the governor, and such report shall contain a true and itemized account of all moneys received under said sections. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

Penalties for violating. SECTION 1435c—10. Any person violating any of the provisions of sections 1435c—1 to 1435c—11, inclusive, shall be guilty of a misdemeanor, and shall, upon conviction, be fined for each offense in the sum of not less than ten dollars nor more than fifty dollars. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

Transfer of records. SECTION 1435c—11. Within two weeks after passage of this act all records relating to the registration of nurses held by the state board of medical examiners shall be transferred to the state board of health. [*1921 c. 365 s. 2; 1921 c. 590 s. 6*]

SECTION 1435d. [*Stats. 1913 s. 1435d; repealed by 1915 c. 438*]

Requisites and examination in massage and hydrotherapy. SECTION 1435d. 1. Subsections 1 and 2 of section 1435a shall not apply to persons who, at the time of the passage and publication of this act, were engaged in the practice of massage or hydrotherapy. Every person who at the time of the passage and publication of this act was practicing or claiming to practice massage or hydrotherapy within this state shall within two months after such passage and publication make a written application to the Wisconsin state board of medical examiners for registration, such application to be made upon blanks prepared and furnished by said board. Every person so applying shall furnish evidence of good moral and professional character, such reputable practice and good moral and professional character to be attested by the oath of three licensed med-

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ical physicians, who will so attest such practice and good moral and professional character of the applicant from personal knowledge. If the evidence of reputable practice and of good moral and professional character of such applicant is satisfactory to the board a certificate of registration shall be issued to the applicant; provided at least a majority of the board consent to the issuance of such certificate; such applicant shall accompany his application with a fee for registration which shall not exceed the sum of fifteen dollars, said fee to be paid to the treasurer of the board.

2. All persons hereafter beginning the practice of massage or hydrotherapy in any of their branches in this state shall apply to the Wisconsin state board of medical examiners for a certificate of registration so to practice and shall present to said board satisfactory evidence of having completed a preliminary education equivalent to graduation from an accredited high school of this state and of having completed in a scientific or professional school or college an adequate course in physiology, descriptive anatomy, pathology, and hygiene and submit satisfactory evidence of good moral and professional character. All such applicants shall submit to a written examination in physiology, descriptive anatomy, pathology and hygiene, such examination, as far as practicable, to be the same as that given by said board to applicants for a license to practice medicine, surgery, and osteopathy; and shall likewise submit to a written examination in the practice of massage or hydrotherapy, such examination in said practice and theory to be conducted under the supervision of the board by three registered practitioners in massage or hydrotherapy, selected by said board, the persons so selected to conduct said examination to receive for said services the same compensation received by the members of the board.

3. After such examination the board shall, if it find the applicant qualified, grant a certificate of registration to said applicant, which certificate shall be granted only by the consent of at least a majority of the board. The fee for the examination shall be twenty dollars in each case with five dollars additional for the certificate, if issued, such fee to accompany the application and to be paid to the treasurer of the board.

4. All persons receiving a certificate of registration, as in subsections 1, 2 and 3 provided, shall be permitted to practice massage, hydrotherapy or educational gymnastics within this state, but shall not be permitted to treat for a specific disease, except upon the advice of a licensed medical physician. [*1915 c. 438 s. 2; 1919 c. 483*]

SECTION 1435*e*. [*Stats. 1913 s. 1435e; repealed by 1915 c. 438*]

Practice of chiropractic. SECTION 1435*e*. Reputable practitioners of chiropractic may practice their profession in this state, provided that they do not represent themselves to be or hold themselves out as registered or licensed; and provided further, that there is conspicuously displayed in the offices or places where they practice their profession a sign or signs containing the following words in large and legible type: "Not registered or licensed in Wisconsin." [*1915 c. 438 s. 2*]

SECTION 1435*f*. [*Stats. 1913 s. 1435f; repealed by 1915 c. 438*]

Regular practice; recording license or certificate. SECTION 1435*f*. Every person desiring, undertaking or attempting to practice medicine, surgery or osteopathy in this state shall procure and have from the Wisconsin state board of medical examiners a license or certificate of registration authorizing him so to practice and every person desiring, undertaking or attempting to practice any other form or system of treating bodily or mental diseases, ailments, infirmities or injuries of human beings, shall procure and have a certificate of registration from the said board and every person having or hereafter receiving a license or having or hereafter receiving a certificate of registration shall record the same with the county clerk of any county in which said person shall practice and pay to said clerk or clerks a fee of fifty cents each for recording the same, and said clerk shall enter a memorandum thereof, giving the date of said license, or certificate, the name of the person to whom it was issued, school or practice shown, and the date of such recording in a book to be provided and kept for that purpose. Any person who shall fail to record this license or registration certificate as herein provided shall not exercise any of the rights or privileges conferred by such license or certificate. [*1915 c. 438 s. 2; 1915 c. 595*]

NOTE.—For continuation of the statutes relating to the board of medical examiners, see sections 1435*g* et seq.

PRACTICE OF CHIROPODY.

SECTION 1435*f*—12. [*Stats. 1913 section 1435f—12; renumbered section 1436f—12 by 1915 c. 595 s. 5*]

Definition of chiropody. SECTION 1435*f*—12. The practice of chiropody is defined as follows: The mechanical or surgical treatment of abnormal nails, all superficial excrescences occurring on the hands and feet such as corns, warts and callouses, and the

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treatment of fissures and bunions, but shall not include the right to operate upon the hands and feet for congenital or acquired deformities, or for conditions requiring the use of an anaesthetic other than local, or incisions involving structures below the level of the true skin. [*1917 c. 550*]

SECTION 1435*f*—13. [*Stats. 1913 section 1435f—13; renumbered section 1436f—13 by 1915 c. 595 s. 5*]

Registration of chiropodists. SECTION 1435*f*—13. No person shall practice the branch of medicine known as chiropody, as herein defined, unless duly registered so to do by the Wisconsin state board of medical examiners. Every person who at the time of the passage and publication of this act shall be actually engaged in the practice of chiropody in this state and shall have been so engaged in said practice for at least one year, and who shall within six months after such passage and publication make a written application indorsed, under oath, by two licensed physicians, attesting the good moral and professional character of the applicant shall, if the evidence of such good moral and professional character of the applicant is satisfactory to the board, receive a certificate of registration to practice chiropody upon the payment to said board of a fee of ten dollars. [*1917 c. 550*]

SECTION 1435*f*—14. [*Stats. 1913 section 1435f—14; renumbered section 1436f—14 by 1915 c. 595 s. 5*]

Examination of applicants for registration. SECTION 1435*f*—14. All persons not entitled to be registered under the provisions of section 1435*f*—13 and desiring to practice chiropody in this state, shall apply to said board for a certificate of registration by examination; such applicant shall file with the secretary of said board a written application on forms provided by said board, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has received a preliminary education equivalent to the completion of an approved one-year course in an accredited high school and that he has completed in a scientific or professional school or college an adequate course in anatomy and physiology of the feet, therapeutic chemistry, minor surgery and bandaging pertaining to the ailments of the feet. Each applicant shall pay to the secretary of the board a fee of twenty dollars at the time of filing said application and present himself for examination at the first meeting of the board after such application at which examinations are to be held; such fee shall not be refunded unless from sickness, or other good cause appearing to the satisfaction of the board, such applicant was prevented from attending and completing such examination; further or subsequent examinations under such application may be given to applicants in the discretion of the board without payment of additional fee. After such examination the board shall, if it find the applicant qualified, grant a certificate of registration to said applicant and all persons receiving certificates of registration shall be entitled to designate themselves as registered chiropodists and to use the title "R. C." [*1917 c. 550*]

SECTION 1435*f*—15. [*Stats. 1913 section 1435f—15; renumbered section 1436f—15 by 1915 c. 595 s. 5*]

Subjects covered by examination. SECTION 1435*f*—15. All examinations shall be written in the English language, but the board, in its discretion, may supplement such written examinations by oral examinations; the examination shall be in the following subjects, namely, anatomy and physiology of the feet, therapeutic chemistry, minor surgery and bandaging pertaining to the ailments of the feet, not including the amputation of such members or of any part thereof; all examinations shall be both scientific and practical and of sufficient severity to test the fitness of the applicant to practice chiropody. This examination, or any part thereof, may be conducted under the supervision of the board by a registered chiropodist, selected by the board, the person so selected to conduct such examination to receive for said services the same compensation received by the members of the board. [*1917 c. 550*]

SECTION 1435*f*—16. [*Stats. 1913 section 1435f—16; renumbered section 1436f—16 by 1915 c. 595 s. 5*]

Revocation of certificate. SECTION 1435*f*—16. The certificate of registration granted to any persons under the provisions of this act may be revoked in the manner provided for by section 1436*e* of the statutes for any of the following causes: Chronic and persistant inebriety; habitual addiction to the use of morphine, opium, cocaine or other drugs having a similar effect; conviction of a crime involving moral turpitude; and where any person shall present to the board any diploma, license or certificate that shall have been illegally obtained, or that shall have been signed or issued unlawfully or under fraudulent representation. [*1917 c. 550*]

SECTION 1435*f*—17. [*Stats. 1913 section 1435f—17; renumbered section 1436f—17 by 1915 c. 595 s. 5*]

Recording certificate with county clerk. SECTION 1435*f*—17. Every person receiving a certificate of registration under the provisions of this act shall record the same with

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the county clerk of any county in which said person shall practice, in accordance with the provisions of section 1435*f*, of the statutes. [*1917 c. 550*]

SECTION 1435*f*—18. [*Stats. 1913 section 1435f—18; renumbered section 1436f—18 by 1915 c. 595 s. 5*]

Licensed physicians and consulting chiropodists not affected. SECTION 1435*f*—18. Nothing in this act shall be construed to prohibit a duly licensed physician from treating diseases or ailments of the feet or a lawfully qualified chiropodist residing in another state meeting registered chiropodists in this state in consultation. [*1917 c. 550*]

SECTION 1435*f*—19. [*Stats. 1913 section 1435f—19; renumbered section 1436f—19 by 1915 c. 595 s. 5*]

Penalty for unlawful practice. SECTION 1435*f*—19. Any person practicing or holding himself out to the public as practicing chiropody not being at the time of said practice or holding out legally registered to practice as such in this state, shall be guilty of a misdemeanor and punishable upon conviction of a first offense by a fine of not less than fifty dollars nor more than one hundred dollars, and upon conviction of a subsequent offense by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, or by imprisonment of not less than six months, or by both fine and imprisonment. [*1917 c. 550*]

SECTION 1435*f*—20. [*Stats. 1913 section 1435f—20; renumbered section 1436f—20 by 1915 c. 595 s. 5*]

Penalty for fraudulent practice. SECTION 1435*f*—20. Any person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment, for not less than thirty days, nor more than six months, or by both fine and imprisonment, who

(1) Shall sell or barter, or offer to sell or barter, any diploma or document conferring or purporting to confer any chiropodist degree, or any certificate or transcript, made or purporting to be made, pursuant to the laws regulating the license and registration of chiropodists; or

(2) Shall purchase or procure by barter any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice chiropody, or in fraud of the laws regulating such practice; or

(3) Shall with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or

(4) Shall use or attempt to use any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice chiropody, or in order to procure registration as a chiropodist; or

(5) Shall practice chiropody under a false or assumed name; or

(6) Shall assume any title or append any letters to his or her name with the intent to represent falsely that he has received a chiropodist degree or certificate of registration. [*1917 c. 550*]

SECTIONS 1435*f*—21 to 1435*f*—24. [*Stats. 1913 sections 1435f—21 to 1435f—24; renumbered sections 1436f—21 to 1436f—24 by 1915 c. 595 s. 5*]

PRACTICE OF OPTOMETRY.

Board of examiners; regulation of practice of optometry. SECTION 1435*f*—35. 1. The practice of optometry is defined as follows: The employment of any means, other than the use of drugs, for the measurement of the powers of vision and the adaption of lenses for the aid thereof.

2. From and after the first day of July, 1916, it shall be unlawful for any person to practice optometry in this state, unless he shall first have obtained a certificate of examination and of registration as herein provided and shall file the latter or a certified copy thereof with the county clerk of the county wherein he resides.

3. There is created a board whose duty it shall be to carry out the purposes and enforce the provisions of this section. This board shall be styled the "Wisconsin Board of Examiners in Optometry," and shall consist of five members to be appointed by the governor within sixty days from and after the passage of this act. All persons so appointed shall have been residents of this state, actively engaged in the practice of optometry as defined in this section, for at least five years immediately preceding the time of such appointment. Each member of said board shall hold office for five years, and until his successor shall be appointed, except that in the first appointment, one member shall be appointed for one year, one for two years, one for three years, one for four years and one for five years; the

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term of office of each to be designated by the governor at the time of appointment. Members of said board of examiners before entering upon their duties shall respectively take the oath required of other officers, said oath to be administered by the secretary of state and filed in his office. Said board shall have a common seal.

4. Said board shall choose at its first meeting and annually thereafter, one of its members as president and one as secretary, who shall severally during their term of office have power to administer oaths and take affidavits, certifying thereto under their hands and seal of the board. Said board shall meet at least once every six months at the state capital, and in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting. A majority of said board shall constitute a quorum. The secretary of said board shall keep a full record of the proceedings thereof, which record shall be at all reasonable times open to public inspection.

5. Every person before beginning to practice optometry in this state, after the passage of this act, shall pass an examination before said board of examiners, except as hereinafter provided. Said examination shall be confined to such knowledge as is essential to the practice of optometry, and shall include normal and abnormal refractive, accommodative and muscular conditions and co-ordinations of the eye, and subjective and objective optometry, including the fitting of glasses, the principles of lens construction and frame adjusting, and such other subjects as may be deemed necessary.

6. Any person who has been admitted to practice optometry in any other state may be permitted to practice optometry in this state, in the discretion of the board, upon the payment of a registration fee of ten dollars and production of a certificate showing that he has passed an examination in such other state, and has actually practiced optometry therein for a term of two years.

7. Any person, having signified to the board of examiners his desire to be examined by it, shall appear before the board at such time and place as the board may designate. No person shall be eligible to take the examination before said board unless he is at least twenty-one years of age and shall have attended an optometry school for at least one year, a year's course to consist of not less than one thousand hours of actual instruction; or shall have served as assistant to a registered optometrist for at least two years and shall have registered with said board as an assistant optometrist at least two years before appearing for examination; provided, that all persons exempt shall have the privilege of taking such examination regardless of previous training. Said board is authorized and empowered to make such rules and regulations for conducting its examinations and for the standard of professional or special qualifications, as it may deem necessary. Before beginning such examination, each applicant shall pay to the secretary of the board the sum of ten dollars, and if he shall successfully pass the examination, there shall be issued to him a certificate of examination and registration. All persons successfully passing such examinations shall be registered in a board register, which shall be kept by the secretary of said board.

8. Every person of at least twenty-one years of age and of good moral character who, at the time of the passage of this act, is engaged in the practice of optometry, as defined in subsection 1 of this section, in this state, shall, within six months after the passage of this act, file an affidavit in proof thereof, together with the affidavits of two freeholders, with the secretary of said board, showing that he has been a resident of the state of Wisconsin for at least two years prior to the enactment of this act; and shall submit to an examination before such board, such examination to be in practical optics only. If such proof and examination are satisfactory to the board he shall be granted a certificate of registration and examination.

9. Each recipient of said certificate of examination and registration shall present the certificate of registration, or a certified copy thereof, for record to the county clerk of the county in which he resides; and shall pay a fee of fifty cents to the county clerk for recording the same. Said clerk shall record such certificates in a book to be provided by him for that purpose.

10. Any person so licensed, removing his residence from one county to another, or desiring to practice optometry in any other county than the one in which he resides, shall, before engaging in the practice of optometry in such other county, obtain from the county clerk in whose office said certificate was originally recorded, a copy of such record, certified, or obtain a new certificate of registration from the board of examiners, and shall, before beginning the practice of optometry in said other county, file same for record with the county clerk of the county to which he has removed or in which he desires to practice, and shall pay the clerk thereof for recording the same, a fee of fifty cents.

11. Any failure, neglect or refusal on the part of any person holding such certificate, or copy of record, to file same for record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same. Said board shall be entitled to a fee of one

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dollar for the reissuance of any certificate, and the county clerk of any county shall be entitled to a fee of one dollar for making and certifying the record of any such certificate.

12. Every person, firm or corporation, engaging in the practice of optometry shall cause to be displayed and kept in a conspicuous place, at the entrance of the place of business of such person, firm or corporation, the name of each and every person employed therein in the practice of optometry. Any person, firm or corporation violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided.

13. The secretary of said board shall give such bonds as the board may determine. Said board shall, on the first day of January of each year, make an annual report of its proceedings to the governor, which report shall contain an account of all the moneys received and disbursed by them, pursuant to this section. The president and secretary of said board shall, under oath, file annually with the governor a complete list of all registered optometrists possessing the proper qualifications to serve as members of the board of examiners as hereinbefore provided.

14. All registered optometrists shall pay annually to the board of examiners the sum of two dollars as a license fee for such year, the first payment to be made on or before the first day of January, 1916. In case of default of such payment by any person, his certificate may be revoked by the board of examiners upon thirty days' notice of such proposed revocation to the holder of such certificate.

15. Said board shall have power to revoke any certificate granted by them, if said certificate was obtained through error or fraud, or if the recipient thereof shall be shown to be grossly incompetent in the practice of optometry, or if it be shown that the holder thereof is guilty of immoral, dishonorable or unprofessional conduct, or if it be shown that he has obtained, or sought to obtain, money or any other thing of value by false or fraudulent representation in the practice of optometry. But before any certificate shall be revoked, the holder thereof shall have notice in writing which shall enumerate the charges against him, and shall specify a date not less than thirty days after the service of such notice for a hearing by said board, and such person shall have opportunity to confront witnesses appearing against him, and to produce testimony in his own behalf. A stenographic report of such proceedings to revoke a license shall be made by the board and the transcript thereof kept in its files. The person whose license has been revoked may within thirty days after the decision of the board, file with the secretary a written notice of appeal to the circuit court of the county wherein such person resides. Upon the filing of such notice, the secretary shall transmit to the attorney-general a certified copy of the record and transcript of testimony of such proceedings and the attorney-general shall defend said board in the circuit court. Said circuit court shall affirm or overrule the action of the board and such decision shall be final.

16. Any person whose certificate has been revoked for gross incompetence may, upon satisfactory proof to the board that such condition has been remedied, have the same regranted him.

17. Every person who, after the passage of this act, shall begin the practice of optometry in this state or who shall continue in the practice of optometry after the first day of January, 1916, without having obtained a certificate of examination and of registration, or who, not having obtained such certificate, shall hold himself out to the public as qualified to engage in the practice of optometry as defined in this section, or any person who shall violate any of the provisions in this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not less than one month nor more than three months or by a fine of not less than twenty dollars nor more than one hundred dollars, or by both such fine and imprisonment.

18. It shall be the duty of the respective district attorneys to prosecute all violations of this section and jurisdiction of any violation thereof is extended to such courts as have jurisdiction over misdemeanors committed in the jurisdiction of the respective counties.

19. Nothing in this section shall be construed to apply to physicians and surgeons authorized to practice under the laws of this state, nor to persons who shall sell spectacles from an established place of business without attempting to test the eyes. [*1915 c. 488; 1917 c. 14 s. 80; 1917 c. 357 s. 2; 1919 c. 362 s. 32*]

STATE BOARD OF MEDICAL EXAMINERS *(continued)*.*

SECTION 1435*g*. [*Stats. 1913 s. 1435g; repealed by 1915 c. 438*]

Itinerant practice; license. SECTION 1435*g*. All itinerant practitioners of medicine, surgery or osteopathy or of any form or system of treating the afflicted shall obtain an

* For the first part of the statutes relating to the state board of medical examiners, see sections 1435 et seq.

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annual license from the Wisconsin state board of medical examiners in addition to the license or certificate of registration heretofore obtained or hereafter to be obtained and shall pay to said board as a fee for said license the sum of two hundred fifty dollars per annum. All persons practicing medicine, surgery or osteopathy or professing or attempting to treat or heal diseases, ailments or injuries of the human body, by any means whatever, who go from place to place at irregular or at regular intervals less frequently than once a week, shall be considered itinerant practitioners. [*1915 c. 438 s. 2*]

Unauthorized practice; penalty. SECTION 1435*h*. It shall be unlawful for any person not possessing a license to practice medicine, surgery or osteopathy to use or to assume the title "doctor" or to append to his name the words or letters "doctor," "Dr.," "specialist," "M. D.," "D. O.," or any other title, letters, combination of letters or designation which in any way represents or may tend to represent him as engaged in the practice of medicine, surgery or osteopathy in any of its branches. Any person beginning the practice of, or attempting, undertaking or holding himself out as being authorized to practice medicine, surgery, or osteopathy without having a license so to practice, or any other form or system of treating the afflicted without having a certificate of registration authorizing such practice, and any person violating any of the provisions of this section and of sections 1435*a* to 1435*g*, inclusive, of the statutes, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than sixty days nor more than one year, or by both such fine and imprisonment. [*1915 c. 438 s. 2; 1915 c. 595*]

Malpractice; unprofessional conduct; expert testimony. SECTION 1435*i*. Any person practicing medicine, surgery, osteopathy, or any other form or system of treating the afflicted without having a license or a certificate of registration authorizing him so to do, shall not be exempted from, but shall be liable to all the penalties and liabilities for malpractice; and ignorance on the part of any such person shall not lessen such liability for failing to perform or for negligently or unskilfully performing or attempting to perform any duty assumed, and which is ordinarily performed by licensed medical or osteopathic physicians, or practitioners of any other form or system of treating the afflicted. If any person licensed or registered by said board shall be convicted of any crime, committed in the course of his professional conduct, the court in which such conviction is had shall in addition to any other punishment imposed pursuant to law revoke such license or certificate. No person practicing medicine, surgery or osteopathy without having a license so to practice, or any other form or system of treating the afflicted without having a certificate of registration authorizing such practice, shall have the right to collect by law any fees or compensation for the performance of any professional services, or to testify in a professional capacity as a medical or osteopathic physician or practitioner of any other form or system of treating the afflicted, or as an insanity expert in any case; provided, that nothing herein contained shall be construed as forbidding any court in a criminal action, in its discretion, receiving the testimony of any person as an expert witness; provided, further that the practitioners in medicine, surgery, or osteopathy licensed in other states may testify as experts in this state when such testimony shall be necessary to establish the rights of citizens or residents of this state in a judicial proceeding when expert testimony of licensed practitioners of this state sufficient for the purpose is not available. [*1915 c. 438 s. 2; 1915 c. 595*]

Christian Science and mental healing exempt. SECTION 1435*i*—1. None of the provisions of this act or the laws of this state regulating the practice of medicine or healing shall be construed to interfere with the practice of Christian Science or with any person who administers to or treats the sick or suffering by mental or spiritual means, nor shall any person who selects such treatment for the cure of disease be compelled to submit to any form of medical treatment. [*1915 c. 595*]

Statute not applicable to United States service or foreign practitioners. SECTION 1435*j*. The provisions of sections 1435*a* to 1435*i*, inclusive, shall not apply to commissioned surgeons of the army and navy, or of the public health service of the United States, or to medical or osteopathic physicians of other states or countries in actual consultation with resident licensed practitioners of this state or to the gratuitous prescribing and administering of family remedies or treatment rendered in an emergency. No certificate of registration granted by the Wisconsin state board of medical examiners shall be considered the equivalent of or a substitute for a license granted by said board. [*1915 c. 438 s. 2*]

SECTION 1436. [*Stats. 1913 s. 1436; repealed by 1915 c. 438*]

Organization, powers and duties of state board. SECTION 1436. The Wisconsin state board of medical examiners shall have the power and it shall be its duty:

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1. To elect annually, at its June meeting, from its members a president and a secretary and treasurer. The president and secretary may administer oaths. Said board shall hold regular meetings on the second Tuesday in each January at Madison and on the last Tuesday of each June at Milwaukee, and such other meetings at such other times and places as it may from time to time determine.

2. To have a common seal and to keep a record of all its proceedings and a register for all applications for licenses and for certificates of registration and to keep such other books and registers as shall sufficiently show and make a record of the proceedings of the board at its regular and other meetings.

3. To require the secretary to furnish to the board such bond as it may from time to time direct, said secretary to be the custodian of all fees and funds coming into the hands of the board and turn into the state treasury all such fees and funds to constitute an appropriation for said board to carry into effect the powers, duties and functions provided by this act for the said board.

4. To employ a licensed attorney as counsel for the board whose duty it shall be to attend the meetings of the board, to advise the members on questions of law and to assist said board in performing its duties and powers and to employ such other agents and assistants as may be necessary efficiently to carry out and administer the provisions of sections 1435*a* to 1435*j*, inclusive.

5. To make such rules and regulations and to require the filling out of such blanks by applicants as it may deem necessary in order to ascertain the true character and qualifications of an applicant for license or for a certificate of registration and to refuse, in its discretion, to grant a license or a certificate of registration to any person who does not furnish satisfactory proof of good moral and professional character and who is not at least twenty-one years of age.

6. To license without an examination any person holding a license from any board or officer of any other state authorizing such person to practice medicine, surgery or osteopathy in such state, if such board or officer under the laws of such state imposes requirements equivalent to those established by the laws of this state and such person presents such license, together with a diploma from a reputable medical or osteopathic college, provided such person pays a fee to be fixed by the board at not to exceed fifty dollars. Any honorably discharged surgeon of the army or navy or of the public health service of the United States may be granted a license without examination by the board, by filing a sworn and properly authenticated copy of his discharge and paying a fee of fifty dollars.

7. To fix the compensation to be paid the members of said board, such compensation not to exceed the sum of ten dollars for each day actually spent in attending to the business of the board and the actual and necessary expenses of such members. All compensation and legitimate and necessary expenses incurred by the members, employes and the attorney of the board shall be paid from the fees and moneys received by said board and paid into the state treasury as an appropriation for said board.

8. To fix the salary of the secretary at a sum not to exceed one thousand dollars per year and make a report of its proceedings to the governor on June thirtieth of each year, such report to include a detailed statement of the moneys received and paid into the state treasury by the board.

9. To investigate all complaints in regard to the violation, noncompliance with or disregard of the provisions of sections 1435*a* to 1435*j*, inclusive, and to bring all such cases to the notice of the proper prosecuting officers, and to institute prosecutions for such violations, noncompliance, and disregard; and it shall be the duty of the district attorney of the proper county to prosecute all violations of said sections 1435*a* to 1435*j*, inclusive. In such prosecutions and with the consent of the court and the district attorney, the attorney retained by the board may assist the district attorney.

10. To adopt such other rules and regulations as may be necessary efficiently to perform the duties and powers of the board imposed by the provisions of sections 1435*a* to 1435*j*, inclusive. [*1915 c. 438 s. 2*]

SECTION 1436*a*. [*1899 c. 87 s. 1; repealed by 1911 c. 663 s. 192*]

SECTION 1436*a*. [*1915 c. 438 s. 3; repealed by 1917 c. 566 s. 20*]

SECTION 1436*b*. [*1899 c. 87 s. 2; repealed by 1911 c. 663 s. 192*]

Definition of terms. SECTION 1436*b*. Wherever either the words physician, surgeon, or osteopath are used in the statutes of the state of Wisconsin, they shall be construed to mean and include any and all persons holding a license or certificate of registration to practice either medicine, surgery, or osteopathy, and to no others. [*1915 c. 438 s. 3*]

SECTIONS 1436*c* and 1436*d*. [*1899 c. 87 s. 6, 7; repealed by 1911 c. 663 s. 192*]

Licenses and certificates of registration. SECTION 1436*e*. It is hereby made the duty of the Wisconsin state board of medical examiners to refuse to license or grant a

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certificate of registration to any person guilty of immoral, dishonorable or unprofessional conduct. The circuit courts of this state are hereby vested with jurisdiction and power to revoke and annul any license or certificate of registration which has been heretofore or which may be hereafter issued to any person to practice medicine or surgery, or osteopathy in this state, who is guilty of immoral, dishonorable or unprofessional conduct, or who has procured such license or certificate of registration by fraud or perjury, or where the same was obtained through error. Upon a verified complaint in writing being made by any person to the district attorney of any county charging any person holding such license or certificate with having, in said county, been guilty of any immoral, dishonorable or unprofessional conduct, as defined in section 1436*f*, or with having procured such certificate or license by fraud or perjury, or through error, said district attorney shall commence and prosecute an action in the circuit court of said county against the person so complained against, to revoke and annul such license or certificate of such person. Such action shall be commenced and prosecuted as a civil action in the name of the state of Wisconsin as plaintiff, and against such person complained against as defendant, and the rules of pleading, evidence and practice in civil actions in the circuit court shall be applicable thereto, and either party may appeal from the circuit court to the supreme court as in other civil actions. Either party to said action may demand a jury trial, and the defendant shall have the right to be represented by counsel and the court may appoint counsel to assist the district attorney in the prosecution of such action. The costs of such prosecution shall be paid by the county in which said action is brought. If, upon the trial of such action, the court finds or the jury returns a verdict in favor of the plaintiff, judgment shall be rendered revoking and annulling such license and certificate of the defendant, and the clerk of the circuit court shall forthwith cause a certified copy of such judgment to be sent to the secretary of the Wisconsin state board of medical examiners to be filed for record in the office of said secretary. Any person whose license or certificate has been revoked under the provisions of this section, who shall thereafter practice or offer or attempt to practice medicine, surgery or osteopathy in this state, shall be punished as provided in sections 1435 to 1436, inclusive. No person shall be excused or privileged from testifying fully under oath or producing evidence, documentary or otherwise, in any action, proceeding or examination brought under the provisions of sections 1436*e* and 1436*f*; but no person shall be prosecuted or subjected to any penalty for or on account of any transaction, matter, or thing, concerning which such person may so testify or produce evidence, documentary or otherwise, except for perjury committed in giving such testimony. If the court before which the trial is had shall determine that the complaint made to the district attorney was wilful and malicious and without probable cause, it shall enter judgment against the person making such complaint for the costs of such action, and payment of the same may be enforced by execution against the body of such complainant as in tort actions. [*1905 c. 422 s. 1; Supl. 1906 s. 1436e; 1907 c. 118; 1911 c. 663 s. 193*]

Sexual diseases; unprofessional to advertise cures. SECTION 1436*f*. The words "immoral, dishonorable or unprofessional conduct" as used in section 1436*e* are hereby declared to mean: First, procuring, aiding or abetting a criminal abortion. Second, advertising in any manner either in his own name or under the name of another person, firm or pretended firm, corporation or pretended corporation, in any newspaper, pamphlet, circular, or other written or printed paper or document the curing of venereal diseases, the restoration of "lost manhood," the treatment and curing of private diseases peculiar to men or women, or the advertising or holding himself out to the public in any manner as a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse or excessive indulgences, or in any diseases of a like nature or produced by a like cause, or the advertising of any medicine or any means whatever whereby the monthly periods of women can be regulated or the menses re-established, if suppressed, or being employed by or in the service of any person, firm or pretended firm, association, corporation or pretended corporation, so advertising. Third, the obtaining of any fee, or offering to accept a fee on the assurance or promise that a manifestly incurable disease can be or will be permanently cured. Fourth, wilfully betraying a professional secret. Fifth, indulging in the drug habit. Sixth, conviction of any offense involving moral turpitude. [*1905 c. 422 s. 2; Supl. 1906 s. 1436f; 1907 c. 118, 196; 1911 c. 663 s. 194*]

PRACTICE OF MIDWIFERY.

Midwifery; registration; application. SECTION 1436*f*—12. All persons hereafter commencing the practice of midwifery, in any of its branches, in this state, shall apply to the state board of medical examiners at the time and place designated by said board, or at

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any regular meeting thereof, for a certificate of registration so to practice, and shall present to said board a diploma from a reputable college or school of midwifery and submit satisfactory evidence of good moral and professional character. A college or school of midwifery to be deemed reputable by said board shall be a training school for midwifery connected with a reputable hospital or sanitarium, giving a course of at least twelve months in the science and practice of midwifery and giving its students practical experience in at least twenty cases of confinement. [*1909 c. 528; Stats. 1913 s. 1435f—12; 1915 c. 438; 1915 c. 595 s. 4, 5*]

Examination. SECTION 1436*f*—13. All applicants for a certificate of registration under the provisions of section 1436*f*—12, shall submit to a written examination in the following branches: Anatomy of the female pelvis; anatomy and physiology of the organs contained in the female pelvis; symptoms, diagnosis, physiology and complications of pregnancy; diagnosis, course and management of labor and care of mother and child for the first ten days succeeding childbirth. Such examination shall be prepared and conducted by a committee of three members of said board appointed by the president. [*1909 c. 528; 1911 c. 663 s. 184; Stats. 1913 s. 1435f—13; 1915 c. 438; 1915 c. 595 s. 4, 5; 1917 c. 566 s. 21*]

License. SECTION 1436*f*—14. After examination, as hereinbefore provided, the board shall, if it find the applicant qualified, grant a certificate of registration to said applicant, which certificate shall be granted only by the consent of at least six members of said board and which, after the payment of the fees hereinafter provided shall be signed by the president, and secretary thereof, and attested by the seal thereof. [*1909 c. 528; Stats. 1913 s. 1435f—14; 1915 c. 438; 1915 c. 595 s. 4, 5*]

Scope of act. SECTION 1436*f*—15. Sections 1436*f*—12 to 1436*f*—24, inclusive, shall not be construed to affect duly licensed or registered physicians, surgeons, or osteopaths, nor shall it prohibit the rendering of service in cases where a licensed physician. surgeon or registered midwife cannot be secured in time for a delivery, gratuitous service in cases of emergency, nor to affect any person who has been engaged in the reputable practice of midwifery in this state for at least one year prior to the passage and publication of this act and who shall obtain from the state board of medical examiners a certificate of registration as hereinafter provided. [*1909 c. 528; 1911 c. 663 s. 185; Stats. 1913 c. 1435f—15; 1915 c. 438; 1915 c. 595 s. 4, 5; 1917 c. 566 s. 22*]

Registration; application; evidence; license. SECTION 1436*f*—16. Every person practicing or claiming to practice midwifery within this state shall within six months after the passage and publication of this act make written application to the state board of medical examiners for registration, such application to be made upon blanks prepared and furnished by said board. Every person so applying shall furnish evidence of good moral and professional character, such good moral and professional character to be attested by the oath of two reputable licensed physicians or surgeons and one responsible layman, preferably a clergyman. No certificate of registration shall be issued unless the evidence of good moral and professional character of the applicant is satisfactory to the board, and unless at least six members of said board consent to the issuance of such certificate. [*1909 c. 528; Stats. 1913 s. 1435f—16; 1915 c. 438; 1915 c. 595 s. 4, 5*]

Fees. SECTION 1436*f*—17. The fee for the examination provided herein shall be ten dollars in each case, with five dollars additional for the certificate issued. The fee in each case shall accompany the application and shall be paid to the treasurer of the board. [*1909 c. 528; 1913 c. 772 s. 85; Stats. 1913 s. 1435f—17; 1915 c. 438; 1915 c. 595 s. 4, 5*]

Board of medical examiners; power to make rules. SECTION 1436*f*—18. The state board of medical examiners shall have the power to make such rules and regulations governing the examination and registration required in sections 1436*f*—12 to 1436*f*—24, inclusive, as it may be necessary in order to ascertain the true character and qualification of an applicant for a certificate of registration. [*1909 c. 528; 1911 c. 663 s. 186; Stats. 1913 c. 1435f—18; 1915 c. 438; 1915 c. 595 s. 4, 5; 1917 c. 566 s. 22*]

License certificate; recording. SECTION 1436*f*—19. Every person receiving the certificate provided for in sections 1436*f*—12 to 1436*f*—24, inclusive, shall forthwith register the same with the register of deeds of the county in which said person resides, or practices, except midwives who reside or practice in cities of the first class. In such cities the midwives shall register the certificate with the registrar of vital statistics in cities of the first class, and pay to such register of deeds, or registrar of vital statistics in cities of the first class a fee of fifty cents for recording the same and said register of deeds or registrar of vital statistics in cities of the first class, shall enter a memorandum thereof giving the date of said certificate, the name and residence of the person to whom it was issued and the date of such recording, in a book to be provided and kept for that pur-

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pose. Any person who shall fail to record his or her certificate as provided for in sections 1436*f*—12 to 1436*f*—24, inclusive, shall not exercise any of the rights and privileges granted by such certificate. [*1909 c. 528; 1911 c. 663 s. 187; Stats. 1913 s. 1435f—19; 1915 c. 438; 1915 c. 595 s. 4, 5; 1917 c. 566 s. 22*]

Practice, not authorized. SECTION 1436*f*—20. Persons securing the certificates of registration provided for in sections 1436*f*—12 to 1436*f*—24, inclusive, shall be permitted to practice midwifery within this state, but such practice does not include at any childbirth the use of any instrument, except instruments necessary to sever the umbilical cord, nor the assisting of childbirth by any artificial, forcible or mechanical means, nor the performance of any version nor the removal of adherent placenta, nor the administering, prescribing, advising or employing in childbirth of any drug, herb, or medicine other than disinfectant and ergot after redelivery of the placenta. [*1909 c. 528; 1911 c. 663 s. 187; Stats. 1913 s. 1435f—20; 1915 c. 438; 1915 c. 595 s. 4, 5; 1917 c. 566 s. 22*]

Practice of medicine prohibited. SECTION 1436*f*—21. Nothing in sections 1436*f*—12 to 1436*f*—24, inclusive, shall be construed as conferring on any midwife the authority to practice medicine or surgery or osteopathy, or to assume any title or designation tending to show that he or she is a practitioner of medicine or is by law recognized as a medical practitioner, or that he or she is authorized to grant any medical certificate or any certificate of death. [*1909 c. 528; 1911 c. 663 s. 188; Stats. 1913 s. 1435f—21; 1915 c. 438; 1915 c. 595 s. 4, 5; 1917 c. 566 s. 22*]

Unprofessional conduct; annulment of license; hearing. SECTION 1436*f*—22. 1. It is hereby made the duty of the state board of medical examiners to refuse to grant a certificate of registration to practice midwifery to any person guilty of immoral or dishonorable or unprofessional conduct.

The circuit courts of this state are hereby vested with jurisdiction and power to annul the certificate of any person to practice midwifery in this state who is guilty of immoral, dishonorable, or unprofessional conduct, or who has procured such certificate of registration by fraud or misrepresentation or perjury, or where the same was obtained through error. Upon a verified complaint in writing made by any person to the district attorney of any county, charging any person holding such certificate with having in said county, been guilty of any immoral, dishonorable, or unprofessional conduct, as defined in section 1436*f*—23, or with having procured such certificate or license by fraud or misrepresentation or prejury, or through error, said district attorney shall commence and prosecute an action in the circuit court of said county against the person so complained against, to revoke and annul such certificate of such person.

2. Such action shall be commenced and prosecuted as a civil action in the name of the state of Wisconsin as plaintiff, and against such person complained against as defendant, and the rules, pleading, evidence and practice in civil actions in the circuit court shall be applicable thereto, and either party may appeal from the circuit court to the supreme court as in other civil actions. Either party in said action may demand a jury trial, and the defendant shall have the right to be represented by counsel, and the court may appoint counsel to assist the district attorney in the prosecution of such action. The costs of such prosecution shall be paid by the county in which said action is brought. If, upon the trial of such action, the court finds or the jury returns a verdict in favor of the plaintiff, judgment shall be rendered revoking and annulling such certificate of the defendant, and the clerk of the circuit court shall forthwith cause a certified copy of such judgment to be sent to the secretary of the state board of medical examiners to be filed for record in the office of said secretary.

3. Any person whose certificate has been revoked under the provisions of sections 1436*f*—12 to 1436*f*—24, inclusive, who shall thereafter practice, or offer to attempt to practice midwifery in this state, shall be punished as hereinafter provided. No person shall be excused or privileged from testifying fully under oath or producing evidence, documentary or otherwise, in any action, proceeding or examination brought under the provisions of sections 1436*f*—12 to 1436*f*—24, inclusive; but no person shall be prosecuted or subjected to any penalty for or on account of any transaction, matter or thing, concerning which such person may so testify or produce evidence, documentary or otherwise, except for perjury committed in giving such testimony. If the court before which the trial is held shall determine that the complaint made to the district attorney was wilful and malicious and without probable cause, it shall enter judgment against the person making such complaint for the costs of such action, and payment of the same may be enforced by execution against the body of such complainant as in tort actions. [*1909 c. 528; 1911 c. 663 s. 188, 189; Stats. 1913 s. 1435f—22; 1915 c. 438; 1915 c. 595 s. 4, 5; 1917 c. 566 s. 22, 23*]

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Terms defined. SECTION 1436*f*—23. The words "immoral, dishonorable or unprofessional conduct" as used in section 1436*f*—22 are hereby declared to mean: First, procuring, aiding or abetting a criminal abortion; second, advertising either in his or her own name or in the name of another person, firm, association or corporation in any newspaper, pamphlet, or other written or printed paper or document, in any obscene manner derogatory to good morals, or the advertising of any method or means whereby the monthly period of women can be regulated or the menses re-established if suppressed, or being employed by or in the service of any person, firm, association or corporation so advertising; third, indulging in the drug habit; fourth, conviction of any offense involving moral turpitude. [*1909 c. 528; 1911 c. 663 s. 190; Stats. 1913 s. 1435f—23; 1915 c. 438; 1915 c. 595 s. 4, 5; 1917 c. 566 s. 24; 1917 c. 677 s. 55*]

Penalty. SECTION 1436*f*—24. Any person practicing midwifery as defined in sections 1436*f*—12 to 1436*f*—24, inclusive, without having obtained the certificate herein required or whose certificate has been revoked or annulled, or any person who shall undertake to practice midwifery in violation of any provision of sections 1436*f*—12 to 1436*f*—24, inclusive, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. [*1909 c. 528; 1911 c. 663 s. 188, 191; Stats. 1913 s. 1435f—24; 1915 c. 438; 1915 c. 595 s. 4, 5; 1917 c. 566 s. 22*]

USE OF DEAD BODIES FOR SCIENTIFIC PURPOSES.

Bodies for dissection; western judicial district. SECTION 1437. Every public officer located and residing in the western United States judicial district, for the state of Wisconsin having charge of the body of any deceased person required to be buried at public expense, shall promptly notify the relatives or kindred of such deceased person, if he knows or can with reasonable diligence ascertain any of them, and deliver the body to any relative or kindred who shall claim the same, within a reasonable time after notice; but if any relative or kindred, or anyone in their behalf, shall not claim the same within forty-eight hours after death, or if the relatives or kindred notified shall have expressed acquiescence in the disposition thereof hereinafter mentioned, such officer shall at the expense of the University of Wisconsin immediately notify the demonstrator of anatomy of the university by telegraph, if practicable, or in any other expeditious manner, that such body is at his disposal for anatomical purposes. The said demonstrator, when generally authorized thereto by the regents, shall immediately upon receipt of such notification, inform the officer whether such body is desired for such purpose. If he signify that it is so desired, the officer shall deliver the body properly encased for transportation without charge to the agent of the express company at the nearest railroad station, consigned to such demonstrator, or to his agent authorized to receive it; provided, that if previous application for bodies shall have been made to the regents of the university by any duly incorporated college or colleges or medical schools in said district, he shall under the direction of the president of the university, or in his absence the vice president, equitably distribute such bodies between the university and the applying colleges and schools according to their respective needs and claims, the institution receiving the body paying the transportation expenses incidental thereto. If the demonstrator shall not desire such body for such purpose for the university or applying college or school, then he shall immediately notify the Marquette University of Milwaukee, Wisconsin, and thereupon such public officer, upon like application if immediately made, and like assumption of liability for expenses, all as aforesaid, shall without charge, deliver such body so encased for transportation to such express company's said agent consigned to said Marquette University, which shall first present him an order therefore, signed by the president or secretary thereof, which order shall state that such body shall be used only for the promotion of anatomical science within this state, and that the remains of such body not so used, shall be afterwards decently buried or cremated in compliance with such regulations therefor as the state board of health shall prescribe. [*1868 c. 53 s. 1–3; R. S. 1878 s. 1437; Ann. Stats. 1889 s. 1437; 1895 c. 117; Stats. 1898 s. 1437; 1903 c. 406 s. 1; Supl. 1906 s. 1437; 1907 c. 118; 1919 c. 272*]

Bodies for dissection; eastern judicial district. SECTION 1437*a*. Every public officer located and residing in the eastern United States judicial district for the state of Wisconsin, having charge of the body of any deceased person required to be buried at public expense, shall promptly notify the relatives or kindred of such deceased person, if he knows or can with reasonable diligence ascertain any of them, and deliver the body to any relative or kindred who shall claim the same within a reasonable time after notice,

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but if no relative or kindred or anyone in their behalf shall claim the same within forty-eight hours after death, or if the relatives or kindred notified shall have expressed acquiescence in the disposition thereof hereinafter mentioned, such officer shall immediately notify such agent as shall be appointed by Marquette University of Milwaukee, Wisconsin, by telegraph if practicable, or in any other expeditious manner, that such body is at his disposal for anatomical purposes, and shall deliver such body without charge to the agent of said university so appointed, or properly encased for transportation, to the agent of the express company at the nearest railroad station consigned to such incorporated university as such appointed agent shall direct, provided that if previous applications for bodies shall have been made to the said appointed agent by any other duly incorporated college or colleges or medical schools in said district, he shall under the direction of the president of said university, or in his absence, the vice president acting, equitably distribute such bodies between the said Marquette University and said other incorporated colleges and schools in said district, according to their respective needs and claims, and such body shall be consigned to the distributee accordingly, the institution receiving the same paying the transportation expenses incidental thereto and presenting to such public officer an order therefor signed by the president or secretary of the university, college or school to which the same is to be given, stipulated for the payment of such transportation expenses, and stating that such body shall be used only for the promotion of anatomical science within this state, and that the remains of such body not so used shall be afterwards decently buried or cremated in compliance with such regulations therefor, as the state board of health shall prescribe. [*1903 c. 406 s. 2; Supl. 1906 s. 1437a; 1907 c. 118; 1919 c. 272*]

Bodies not to be used for purposes of dissection, when. SECTION 1437*b*. But in any event, the body of any person who in his last sickness shall make request to be buried or cremated, and of any stranger or traveler who shall have suddenly died, shall not be so disposed of. No person having charge of any body hereby authorized to be disposed of, shall sell or deliver the same to any one to be used for scientific or other purposes outside of the state; and no body of any person who shall die with smallpox, diphtheria or scarlet fever shall be disposed of as provided in sections 1437 to 1437*d*, inclusive. [*1903 c. 406 s. 3; Supl. 1906 s. 1437b; 1907 c. 118; 1911 c. 663 s. 195*]

How treated; delivery of, to relatives. SECTION 1437*c*. Upon the receipt of any body at the state university or any medical college, it shall be properly embalmed for preservation, and shall be retained for twelve days before being used or dismembered for anatomical purposes, and shall be delivered to any relative or kin of the deceased claiming the same, upon payment of the expenses incurred respecting such body, and satisfactory proof of relationship. [*1903 c. 406 s. 4; Supl. 1906 s. 1437c; 1907 c. 118*]

Penalty. SECTION 1437*d*. Any officer or person having in charge, refusing to report and deliver such body of any deceased person, when applied for and required by the provisions of sections 1437 to 1437*d*, inclusive, or violating the provisions of sections 1437 to 1437*d*, inclusive, forbidding the sale, disposition or delivery of any such body, to be used for scientific or other purposes outside of the state, shall be liable to the person, regents, or medical colleges herein named, aggrieved, in the sum of fifty dollars, to be recovered in an action. [*1903 c. 406 s. 5; Supl. 1906 s. 1437d; 1907 c. 118; 1911 c. 663 s. 196*]

CHAPTER 76*ff*.

CEMETERIES.

TOWN CEMETERIES.

Purchase and platting; sale. SECTION 1438. 1. The town board of any town, when so instructed by a lawful vote of the electors thereof, shall purchase in the name of such town suitable grounds to be used exclusively as a town cemetery, at a price not exceeding the price limited by such vote. Such board shall cause the same, from time to time, to be surveyed, divided and platted into lots of such size and with such avenues, alleys and walks as they shall direct, and a map thereof to be filed in the office of the town clerk, and inclose such grounds with a suitable fence as soon as practicable.

2. The town board of any town when so instructed by a lawful vote of the electors thereof, shall sell and convey any such town cemetery to a cemetery association incorporated under the provisions of this chapter. [*1857 c. 13 s. 1; 1858 c. 54; R. S. 1858 c. 67*

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s. 17; 1872 c. 129; R. S. 1878 s. 1438; Ann. Stats. 1889 s. 1438; Stats. 1898 s. 1438; 1911 c. 376]

Conditional conveyances; by mayor or president. SECTION 1439. After filing such map, the town board may, in the name of the town, sell and convey the lots designated thereon upon such terms and subject to such conditions and restrictions as they shall prescribe; but every such conveyance shall be limited to be expressly for burial purposes and no other, shall be signed by the chairman and attested by the town clerk. Whenever any such town cemetery is or shall become embraced within the limits of any city or incorporated village, the duties and powers of the town board relating to such cemetery shall be exercised by the common council of such city or the village board of such village; and the conveyances of lots shall be executed by the mayor of such city or the president of the village board, as the case may be, in the name of the town, and attested by the city clerk or village clerk, but the right of burial in such cemetery shall not be changed or impaired. [*1857 c. 13 s. 2; R. S. 1858 c. 67 s. 18; 1876 c. 266; R. S. 1878 s. 1439; Ann. Stats. 1889 s. 1439; Stats. 1898 s. 1439; 1905 c. 335 s. 1; Supl. 1906 s. 1439; 1907 c. 118*]

Application of money. SECTION 1440. The proceeds of sales of such lots shall be applied in the payment of debts incurred by the town in fencing and embellishing such grounds and the avenues leading thereto, in defraying the necessary expenses of the management and care of the same, or for reimbursing the town for the purchase money thereof and for no other purpose. Provided, further, that any such town may, at any annual town meeting, after giving public notice in the manner provided by section 60.13 of the statutes of the particular question to be then and there determined, provide for the raising by special tax of not to exceed the sum of five hundred dollars in any one year for the improvement and embellishment of such town cemetery, the same to be expended for such purpose under the direction and supervision of the town board. [*1857 c. 13 s. 3; R. S. 1858 c. 67 s. 19; R. S. 1878 s. 1440; Ann. Stats. 1889 s. 1440; Stats. 1898 s. 1440; 1905 c. 122 s. 1; Supl. 1906 s. 1440; 1907 c. 118; 1911 c. 663 s. 197*]

Construction of vault. SECTION 1441. Whenever ten or more freeholders and taxpayers of any city or village containing over five hundred inhabitants shall petition therefor the proper authorities thereof shall cause to be constructed and maintained in its public cemetery and as a part thereof a suitable vault or structure for the temporary keeping of dead bodies before interment; and the expense of constructing and maintaining the same shall be paid from such funds and in such manner as said authorities may direct. [*1876 c. 301; R. S. 1878 s. 1441; Ann. Stats. 1889 s. 1441; Stats. 1898 s. 1441*]

Money in trust for cemetery or lots. SECTION 1441*a*. Any town, village or city within this state may vote to receive and hold in trust money, the income of which is to be used for the care and the improvement of cemeteries and of private lots, and their appurtenances located within such cemeteries. [*1905 c. 179 s. 1; Supl. 1906 s. 959—82; 1907 c. 118; Stats. 1919 s. 959—82; 1921 c. 396 s. 92*]

How vote taken. SECTION 1441*b*. Such vote shall be taken in towns by the electors thereof, at an annual town meeting, and in villages and cities by an ordinance, duly adopted by their governing bodies at some regular meeting thereof, and to be approved by the president of the village or mayor of the city, as the case may be. [*1905 c. 179 s. 2; Supl. 1906 s. 959—83; 1907 c. 118; Stats. 1919 s. 959—83; 1921 c. 396 s. 92*]

Fund in treasury; receipt; book account; interest, how expended. SECTION 1441*c*. Such money shall, unless otherwise directed by the donor, be paid into the treasury of the town, city or village and the treasurer of the municipality concerned shall give a receipt therefor, which shall be recorded in some appropriate book to be kept for that purpose. In such book shall be stated the amount received from each donor, and the specific purpose to which the use thereof is appropriated. Money so received, unless otherwise directed by the donor, shall be paid into the general fund of the town, city or village and the town, city or village shall thereafter be perpetually liable for four per cent thereon annually, or if the municipality concerned can at any time borrow the same amount of money for a rate of interest less than four per cent, then for such less rate of interest annually to be expended for the purpose and in the manner designated by the donor, by and under the direction of the town, city or village authorities, and through such agencies as they may from time to time select. [*1905 c. 179 s. 3; Supl. 1906 s. 959—84; 1907 c. 118; Stats. 1919 s. 959—84; 1921 c. 396 s. 92*]

Powers of municipal cemetery commissioners. SECTION 1441*d*. In any city of the third or fourth class, however organized, having a municipal cemetery, the board of cemetery commissioners or board of trustees of such municipal cemetery shall have power and authority:

(1) To prescribe rules of order for the regulation of their own meetings and deliberations and to alter, amend or repeal the same from time to time.

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(2) To enact, amend and repeal all necessary rules and regulations relating to the government and maintenance of such municipal cemetery, and relating to the employes thereof.

(3) To contract for and purchase all supplies, materials or other necessary tools or implements for the proper operation and maintenance of such municipal cemetery.

(4) To enact, amend and repeal rules and regulations relating to interments in said municipal cemetery and to the sale of lots therein, subject to the approval of the council of such city.

(5) To employ a superintendent for a period not to exceed one year under any one contract and to engage such other employes as may be necessary, at such salary or for such wages as may be approved by the council.

(6) To audit all accounts and claims against said board of cemetery commissioners or board of trustees, and, if approved, to issue orders upon the city treasurer for the payment of the same, such orders to be issued and signed by the president of the board and by the superintendent of the cemetery.

(7) To exercise all powers necessarily incident to the exercise of powers herein conferred, which shall be in full force and effect from and after their approval by the council. [*1917 c. 188; Stats. 1919 s. 959—87; 1921 c. 396 s. 92*]

Defunct cemetery associations; control of cemeteries. SECTION 1441*m*. When any cemetery association shall, for any reason, have abandoned or failed or neglected to manage or care for the cemetery grounds owned by it, for a period of five or more years, and such association has not been reorganized in the meantime, the town, village or city wherein such cemetery grounds are situated shall become vested with the control of such cemetery property, real and personal, and shall manage and care for the same; and shall collect from all persons, firms, or banks, trust companies or other corporations, all trust funds known as cemetery perpetual care funds or funds of like meaning, in their custody or control, received from any source other than by the last will of a testator, to be used for the benefit of such cemetery property or any part thereof, shall take charge of said funds and invest and use the same and all income therefrom as provided in this chapter. [*1913 c. 180; 1921 c. 408 s. 2*]

CEMETERY ASSOCIATIONS.

How formed; officers, etc. SECTION 1442. Any number of persons, not less than seven, residing in the same county who shall desire to form a cemetery association may meet and appoint a chairman and secretary of the meeting and proceed to form such association by agreeing on a corporate name, the number of trustees to manage the affairs of the association, not less than three nor more than nine, and by electing by ballot the number of trustees so agreed upon. The chairman and secretary shall, immediately after such election, divide the trustees by lot into three classes, who shall hold their offices for one, two and three years, respectively; and such meeting shall also determine on what day in each year the future annual election of trustees shall be held. [*R. S. 1849 c. 48 s. 1, 2; R. S. 1858 c. 67 s. 1, 2; R. S. 1878 s. 1442; Ann. Stats. 1889 s. 1442; Stats. 1898 s. 1442*]

Cemetery associations; authorized changes in articles. SECTION 1443. 1. Within three days after such meeting the chairman and secretary thereof shall make and sign a written certificate containing the names of the associates who attended such meeting, the corporate name agreed on, the number of trustees fixed, the names of those chosen at such meeting and their classification, and the day fixed upon for the annual election of trustees, which shall be acknowledged by them and recorded in the office of the register of deeds; and when so recorded the association named therein shall be deemed legally incorporated and shall have the general powers of a corporation applicable thereto and such as are conferred by this chapter.

2. Any such cemetery association may change, (1) its name; (2) the number of trustees; (3) the date of the annual election of trustees. Such changes shall be made by resolution adopted at any annual meeting, or special meeting of the association called for such purpose, by a majority vote of the members present.

3. A copy of such resolution, with a certificate thereto affixed, signed by the president and secretary, or if none, by corresponding officers, stating the fact and date of adoption of such amendment, and that such copy is a true copy of the original, shall be recorded in the office where the original certificate of organization is recorded. The register of deeds shall note on the margin of the record of such original the volume and page of where such copy or resolution is recorded. When so recorded the articles of organization of such cemetery association shall be deemed to be amended in conformity thereto. [*R. S. 1849 c. 48 s. 3, 4; R. S. 1858 c. 67 s. 3–5; R. S. 1878 s. 1443; Ann. Stats. 1889 s. 1443; Stats. 1898 s. 1443; 1907 c. 179*]

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Twenty-five years' user. SECTION 1443a. Whenever there shall have been a bona fide attempt to organize a cemetery association under chapter 46 of the revised statutes of 1849, or chapter 67 of the revised statutes of 1858, and there may have been a failure to make, acknowledge and sign the certificate of organization, or to legally execute transfers of cemetery property, or if such certificate shall have been lost and there shall have been a failure to record the same in the office of the register of deeds of the proper county, and such association has in good faith carried on business for over twenty-five years, bought and platted grounds and conveyed lots therein during said period and exercised the power of such an association for twenty-five years or more such failure to make, acknowledge or sign the certificate of organization or to record the same in the office of the register of deeds of the proper county shall not affect the validity of the association, nor of its transfers of cemetery property, but the same shall be a body corporate from and after the date of the conveyance to it of any real estate, the same as though a proper certificate had been made, signed, acknowledged and recorded in the office of the register of deeds. [*1905 c. 127 s. 1; Supl. 1906 s. 1443a; 1907 c. 116*]

Annual assessments on lots. SECTION 1443b. The governing board of any cemetery association and every town, city or village having a cemetery under its control is hereby authorized and empowered to make a reasonable annual assessment upon the lots in said cemetery, not exceeding one cent per square foot of lot, excluding streets and alleys, for the cleaning and care of said lots and the general care and improvement of the cemetery; and cause a notice thereof, with a copy of this section, to be forthwith mailed to each lot owner or person having charge of said lot, at his last known post-office address, and therein direct that such lot owner or person having the care of such lot shall pay the said assessment to the treasurer of such association, town, city or village within thirty days from the date of such notice, and such assessment shall be, and is hereby declared, a personal liability against such lot owner or person chargeable with the care of such lot, and the payment thereof may be enforced by action against such person or his estate. [*1911 c. 79; 1911 c. 664 s. 6*]

Cemetery association; to take over cemetery. SECTION 1443c. Upon the legal organization of a cemetery association as provided in this chapter, to take over and control any cemetery organized or controlled by any town, village or city, such town, village or city may convey and transfer by deed its right, title and interest in real property and transfer or deliver all perpetual care of lot funds or similar funds and other personal property to such cemetery association. All such conveyances or transfers heretofore made by any town, village or city to any such association are hereby legalized. [*1921 c. 408 s. 1*]

Care of cemeteries; funds for. SECTION 1443d. 1. The board of trustees of any cemetery association, or the board of any town or village or council of any city having a cemetery under its control, may fix and determine the sum of money reasonably necessary for the perpetual care of lots and graves therein and for the general care and improvement of such cemetery, in a reasonable and uniform amount, and may collect such amount from each lot owner, his heirs, assigns or personal representatives in the manner provided by section 1443b after notice thereof has been given as provided in said section directing that such person, heir, assign or personal representative pay such amount to the treasurer of such association, town, city or village within one year from the date of such notice. The income from all money so invested shall be used for the care of said lots or graves and the general care and improvement of such cemetery.

2. Any court having jurisdiction of the settlement of the estate of any deceased person, before ordering distribution of such estate to the persons entitled thereto, shall order set aside from said estate the reasonable and uniform sum fixed and determined under the provisions of subsection 1 for the perpetual care of the lot or grave of the deceased and direct payment thereof to the treasurer of the cemetery association, town, village or city having control of the cemetery wherein said lot is situated, and said sum shall be invested as hereinbefore provided. [*1921 c. 408 s. 1*]

Annual election. SECTION 1444. The annual election for trustees to supply the place of those whose term of office expires shall be held on the day mentioned in such certificate at such place in the county in which the cemetery is situated as the trustees shall direct. The trustees chosen at any election after the first shall be proprietors of lots in such cemetery, residents of this state, and shall hold their offices for three years and until their successors shall be chosen. Such election shall be by ballot, and every person who shall be the owner of one or more lots in the cemetery of the association shall be entitled to one vote; and if there be more than one owner of any one lot then such one of such owners as the majority of the joint owners shall designate shall cast the vote, and a plurality shall elect. Public notice of the annual election shall be given

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in such manner as the by-laws of the association shall prescribe. [*R. S. 1849 c. 48 s. 9, 10; R. S. 1858 c. 67 s. 9, 10; R. S. 1878 s. 1444; Ann. Stats. 1889 s. 1444; 1893 c. 144; Stats. 1898 s. 1444*].

Failure to hold election. SECTION 1445. If the annual election shall not be held on the day fixed the trustees may appoint another day, not more than sixty days thereafter, and give public notice of the time and place therefor. And the term of office of the persons chosen at such election shall expire at the same time they would have expired had they been chosen on the day fixed in such certificate; and in case a special election is not had within said sixty days five members of said association may apply to the judge of a court of record in and for the county in which said association exists for an order granting power to hold a new election, by publishing a notice of said application in some newspaper published in said county for two weeks prior to said application. Such judge shall, on application and proof of publication of the notice of said application, grant an order authorizing said association to hold an election for the election of officers; and said election shall then be held and notice given thereof in the same manner as if it had been held within said sixty days. [*R. S. 1858 c. 67 s. 11; 1878 c. 117; R. S. 1878 s. 1445; Ann. Stats. 1889 s. 1445; Stats. 1898 s. 1445*]

Vacancy in trustees; officers; powers; report. SECTION 1446. The trustees shall constitute a board and a majority be a quorum thereof for the transaction of business. The board shall have power to fill by appointment, for the residue of the term only, any vacancy in their number occurring during the term for which any trustee is elected. One of their number shall be chosen president, and they shall also appoint a secretary and treasurer to hold during the pleasure of the board, and may require security of the treasurer for the faithful performance of his duties. The board shall manage the affairs and property of the association, have full control of the cemetery grounds and provide for adorning and beautifying the same by trees, shrubs, flowers and otherwise as they think best, and may establish regulations respecting the same. At each annual meeting the trustees shall make a written report of their transactions and the condition of the affairs of the association, giving a particular account of the receipts and expenditures since their last report. [*R. S. 1849 c. 48 s 6, 10, 12; R. S. 1858 c. 67 s. 6, 10, 12; 1876 c. 270; R. S. 1878 s. 1446; Ann. Stats. 1889 s. 1446; Stats. 1898 s. 1446*]

Gifts, devises, etc.; investments; commissioner; trustees' bond; exemption. SECTION 1447. 1. Any cemetery association or association of churches or religious corporations duly licensed to hold lands for cemetery purposes may take by gift, bequest, devise or purchase, or hold not exceeding eighty acres of land, to be held and occupied exclusively for the burial of the dead, and personal property not exceeding one hundred thousand dollars in value, which shall be applied to promote the objects of the association; but when the cemetery grounds of any such association are situated near to and without the limits of a city of more than ten thousand and less than one hundred thousand inhabitants such association may so take, hold and use not exceeding one hundred and sixty acres of land; but when near to and without or within the limits of a city of one hundred thousand inhabitants or more such association may so take, hold and use not exceeding two hundred and forty acres of land. Such land or such portion thereof as may from time to time be required for burial purposes shall be surveyed and divided into lots of such size and with such avenues, alleys and walks as the trustees may deem proper; and maps of said surveys shall be filed and recorded in the office of the register of deeds before any lots designated thereon can be sold and conveyed by the trustees of such association as provided in the next section, and for a failure so to do each trustee shall forfeit twenty-five dollars.

2. Every such association and every city, village or town owning and using lands for cemetery purposes shall take, hold and use such gifts, bequests or devises of personal or real property or the income and proceeds thereof as may be made in trust or otherwise for the improvement, maintenance, repair, preservation or ornamentation of any lot, vault, tomb, chapel or other structure in such cemetery, according to the terms of the gift, bequest or devise, and in accordance with such reasonable rules and regulations as may be made by the officers charged with the duty of caring for the cemetery. If money is given or bequeathed for any such purpose and without direction as to the manner of its investment, the income of which is directed to be used for any such purposes, it shall be invested by the proper officers in bonds of the United States, of this state or of some county, city, village, town or school district in this state, or on bond or note secured by mortgage on property in amount not exceeding one-half the value of such property.

3. The supervisors of any town, the president and trustees of any village and the mayor and common council of any city which owns lands used for cemetery purposes and for the benefit of which cemetery any such gift, bequest or devise may be made, may ap-

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point a commissioner of the trust fund or funds so created and may require him to give a bond to the town, village or city, as the case may be, with such sureties as the authority requiring the bond may designate and approve, which bond may be increased in amount from time to time and shall be conditioned for the faithful discharge of the trust reposed in such commissioner, and the proper investment of and accounting for the fund or funds which may come to his hands, the increase thereof and their payment to his successor in office. Such commissioner shall hold his office until his successor is appointed and qualified. It shall be the duty of such commissioner, the treasurer or other financial officer of any town, city, or village cemetery or of any cemetery association to which any gift, bequest, or devise has been made for any purpose within this section on the first secular day of January in each year to make a written report to the judge of the county court of the county in which the cemetery thereof is situated showing, in detail, the amount of funds and the value of property which has been received for such purposes and the disposition made thereof.

4. Before the trustees of any such association receive money or property for any of the purposes herein specified, the secretary and treasurer of such association shall each execute a bond, with two or more sufficient sureties, to be approved by the county judge of the county in which the cemetery thereof is located, in a sum not less than double the gross value of the gifts, bequests and devises made thereto, conditioned for the proper application of all moneys and property received thereby for such purposes; said bonds shall be filed in the office of the county clerk of said county and shall be renewed from time to time as said judge may order. If such trustees refuse to require such bonds or any officer herein mentioned shall refuse to perform any duty required of him by this section the county judge of the county in which the cemetery is located may appoint some person to take charge of and manage the property and moneys bequeathed, given or devised for any such purpose, and upon such appointment being made the officers of the town, city or village cemetery or of any such cemetery association shall immediately deliver to the person so appointed all the property and money which shall have come to them and which may remain unexpended in the execution of the trust and all the evidences of title and securities which they have received. If they fail so to do or if any default is made under any bond required by this section the district attorney of the proper county shall, when so directed by the county judge, bring suit to recover the amount of any such default. The said judge shall examine all accounts rendered and audit the same, and also examine into the investments made and securities taken hereunder.

5. Property given, bequeathed or devised and trusts created for any of the purposes herein authorized shall be exempt from taxation and from the operation of the laws against perpetuities, accumulations and mortmain. Every such association may erect upon the lands owned by it a suitable building in which to hold burial services. [*R. S. 1849 c. 48 s. 7; R. S. 1858 c. 67 s. 7; 1859 c. 122; 1877 c. 134; 1878 c. 106; R. S. 1878 s. 1447; 1881 c. 112; 1882 c. 42; 1885 c. 165; 1887 c. 388 s. 1-3; 1889 c. 167; Ann. Stats. 1889 s. 1447, 1447a-1447c, 1455a; 1893 c. 22; Stats. 1898 s. 1447; 1915 c. 197; 1921 c. 408 s. 2*]

Funds held in trust, transfer to association. SECTION 1447*m*. Any person, firm or bank, trust company or other corporation, having in its custody or control any trust funds known as cemetery perpetual care funds or funds of like meaning received from any source other than by the last will of a testator, shall, upon demand therefor, transfer and deliver such funds to the cemetery association, town, city or village having the management and control of the cemetery wherein the lot to be benefited by such funds is situated, and said funds shall be managed and invested as provided in section 1443*d*. [*1921 c. 408 s. 1*]

Sale and conveyance of lots. SECTION 1448. After recording the maps provided for in the next preceding section the trustees may sell and convey the lots designated thereon upon such terms, conditions and restrictions as they shall prescribe; but every such conveyance shall be limited to be expressly for burial purposes and no other, shall be in the corporate name and signed by the president and secretary or president and treasurer; before any such deed shall be delivered there shall be entered upon a book to be kept for that purpose in the office of the secretary of such association the full name of the grantee, his residence, the date of such deed and the consideration paid therefor; after delivery such deed may be recorded in the office of the register of deeds of the proper county. All deeds heretofore executed and signed by the secretary in place of the treasurer, are validated and legalized. [*R. S. 1849 c. 48 s. 8; 1858 c. 108 s. 3; R. S. 1858 c. 67 s. 8; R. S. 1878 s. 1448; Ann. Stats. 1889 s. 1448; 1891 c. 335; Stats. 1898 s. 1448; 1921 c. 408 s. 2*]

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Conveyance of portions of cemeteries. SECTION 1448a. The board of trustees may sell and convey for other than burial purposes any portion of any cemetery in which there shall have been no lots sold or conveyed and no burials made, in the following manner and no other: A majority of said trustees shall make and file with the county judge their verified petition describing the portion desired to be conveyed and setting forth the facts and reasons for making such conveyance. Said judge shall thereupon by order fix a time for hearing said petition, which time shall not be less than thirty days from the date of such order, and shall order notice to be given by publication in a newspaper as provided in section 4045 at least three weeks successively, previous to the time appointed. If the court shall find on the hearing that it is for the best interest of the said cemetery association that it sell and convey that portion described in the petition and the rights of none to whom lots have been conveyed will be injured thereby, it shall enter an order, reciting the number of trustees of said association, the number signing the petition and a brief statement of all the other facts and findings of the court, authorizing the said trustees to convey the said described portion. A certified copy of such order shall be filed with the register of deeds and thereupon the trustees may convey such portion by deed. [*1913 c. 371*]

Use of funds. SECTION 1449. The trustees may sell the personal property at discretion, and the proceeds arising therefrom and from the sale of lots shall be applied to the payment of any debts incurred by such association in the purchase of cemetery grounds and property, in fencing, improving and embellishing such grounds and avenues leading thereto, and in defraying other necessary expenses of the management and care of the same, and for no other purpose. [*R. S. 1849 c. 48 s. 7; R. S. 1858 c. 67 s. 7, 13; R. S. 1878 s. 1449; Ann. Stats. 1889 s. 1449; Stats. 1898 s. 1449*]

Preservation of burial places. SECTION 1450. 1. Like associations may be incorporated, in the manner in this chapter provided, for the purpose of taking, holding and occupying any tract or parcel of ground theretofore set apart, dedicated or used or occupied as a public burial ground, in order to preserve and care for the same; but no such association shall be incorporated unless, in addition to the requirement heretofore prescribed, each person taking part in such organization is interested in such burial ground by owning a lot or having deceased relatives buried therein. Nothing in this section contained shall give any rights of burial of the dead not otherwise provided for.

2. Any city, village, or town may lease any and all grounds which it may own, for cemetery purposes, to any incorporated cemetery association for the purpose of preservation thereof, and may enter into any contract for the purpose of permitting such association to use any funds of said city, village, or town, belonging to such cemetery fund from the sale of lots or otherwise, under the supervision of said cemetery association, in such manner as they may deem for the best interests of the said city, village, or town, in the preservation and care of the cemetery grounds aforesaid, and that all leases and contracts heretofore made by any city, village, or town for the said purpose are hereby declared valid, and that said city, village, or town shall reserve the right in all leases and contracts made for said purpose, to revoke such lease or contract for any cause they may deem proper. [*1875 c. 50; R. S. 1878 s. 1450; Ann. Stats. 1889 s. 1450; Stats. 1898 s. 1450; 1913 c. 79*]

Failure to elect officers, etc. SECTION 1451. No cemetery association which shall have been organized under the provisions of any law shall be deemed dissolved in consequence of any failure to hold an annual meeting for the election of officers unless three successive years shall have passed without holding such meeting or electing such officers. No organization of any such association shall be deemed void by any failure to file the certificate thereof or record their deed of cemetery grounds or map thereof within the time required by law; but no organization shall be deemed perfected until such acts be done. [*1858 c. 108 s. 1, 2; R. S. 1858 p. 426; R. S. 1878 s. 1451; Ann. Stats. 1889 s. 1451; Stats. 1898 s. 1451*]

Reorganization. SECTION 1452. Seven or more members of any cemetery association which as such organization shall have acquired any cemetery grounds in which any interments shall have been made and shall still remain, but which association shall have failed for three consecutive years or more to hold its annual election on the day fixed or shall have failed in any manner to keep up its organization, may, by giving at least three weeks' public notice in a newspaper published in the town, city or village in which said cemetery is situated, or if no newspaper be published in said town, city or village, by posting, at least three weeks prior to the day of such meeting, three written or printed notices in three of the most public places in such town, city or village of the time, place and object of such meeting, assemble and reorganize by the election of trustees, the same as if said election had been held at the time fixed in their certificate

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of organization; and in case the term of office of all the trustees of such association shall have expired or shall from any cause become vacated the respective terms of office of such trustees shall be divided into classes as provided in section 1442, the commencement of such terms to be computed from the next preceding day fixed for the holding of their annual election, and the proceedings of such meeting shall be entered by the secretary thereof on the records, and thereby such former association shall be revived and continued with all its powers, rights and privileges. [*R. S. 1878 s. 1452; 1882 c. 211; Ann. Stats. 1889 s. 1452; Stats. 1898 s. 1452*]

Rules; ornamentation of grounds; contracts for care of lots, etc. SECTION 1453. The governing board of any cemetery association and every town, village or city having a cemetery may make such regulations as they deem expedient for the protection, management and control of the cemetery in their charge. No person shall plant in any cemetery any trees or shrubs, or erect any wooden fences or structures, or any offensive or dangerous structures, headstones or monuments, or maintain or continue the same if planted or erected in violation of such regulations; and any such board may require any person owning or controlling any lot therein to remove, clean or trim any grass, weeds, bushes or trees growing thereon or rearrange any trees or shrubs, rebuild, repair or rearrange fences, structures, headstones or monuments, fill in, level up or raise any lot, so as to comply with such regulations as they shall have prescribed, by giving reasonable personal notice in writing so to do, if the person owning or controlling the lot is a resident of the county, or in any other case by publishing notice at least once a week for three successive weeks in a newspaper published in the county; and in case of refusal or neglect to comply within twenty days thereafter such board may cause the same to be done and recover the expense thereof from the person liable to such duty. Such boards may also impose a forfeiture not exceeding ten dollars for the violation of any rule or regulation they may make and of which notice is given by posting three copies thereof in conspicuous places in the cemetery under their charge. All forfeitures imposed by such regulations may be sued for and recovered pursuant to chapter 142. Each member of the governing board of any cemetery and the superintendent or sexton thereof shall have the same power as a constable in enforcing any regulations concerning the same. The trustees of any cemetery association may enter into contracts with individuals who own or are interested in a lot in the cemetery of which they are trustees for the care and preservation of such lot and its appurtenances; such contracts may provide that the lot described therein shall be forever exempt from all taxes, assessments or charges of whatever nature to be levied or made by the cemetery authorities for the care and preservation thereof and its appurtenances and the care and preservation of the grounds. Such contract shall be in writing and express the duty imposed upon the association, and shall be recorded in a book kept by the trustees for that purpose. From the time any such contract is made and the consideration stipulated for is paid or secured the officers of the association shall perform the duty imposed thereby, and if it is so stipulated the lot described shall thereafter be exempt from all such liabilities. [*1875 c. 121; 1876 c. 270; R. S. 1878 s. 1453; 1887 c. 115; Ann. Stats. 1889 s. 1452a, 1453; 1891 c. 237; 1895 c. 21; Stats. 1898 s. 1453*]

Forfeiture for failure to pay assessments. SECTION 1453*m*. Any lot owner, or his heirs, assigns or personal representatives, in any public cemetery in which uniform care of such lot has been given for two consecutive years or more, on which assessments have not been paid, shall, providing notice has been given as provided in section 1453, forfeit all right to interment in such lot until such delinquent assessments are paid. When any such lot shall have been given uniform care for five consecutive years or more and the assessments thereon have not been paid, under the procedure provided in section 1453, the title to all unoccupied part of such lot and all right thereto shall pass to the cemetery association or the town, village or city having control thereof, and may be sold and the proceeds thereof constitute a perpetual fund, the income thereof to be used for the upkeep of the occupied portion of such lot as provided in section 1447. [*1921 c. 408 s. 1*]

Appropriation by towns, to care for. SECTION 1453*n*. Whenever any legally organized cemetery association having control of any public cemetery in any town, has insufficient funds to properly care for such cemetery, it may certify in writing to the clerk of the town or towns wherein said cemetery is situated, a statement showing the amount deemed necessary for such care during the next ensuing year, the amount of funds of said association to be used therefor and the amount of the deficiency, and the town board or boards may levy and collect a tax sufficient to meet such deficiency and, when the same has been collected, pay the same to the treasurer of the said cemetery association to be used for the purpose of caring for said cemetery. [*1921 c. 257*]

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Cemeteries; location. SECTION 1454. 1. No person, association or corporation shall lay out or establish any cemetery grounds or use any lot or grounds for burial purposes (except such as are now in use for such purposes) within the limits of any recorded plat of any city or village, or of any recorded addition thereto, when such cemetery, lot, or grounds shall be within one mile of any lot or block therein on which any building may then be erected; and no person, association or corporation shall lay out or establish any cemetery grounds or use any grounds for burial purposes except such as are now in use for such purposes without the limits of such plat or addition thereto and within two hundred rods of any inhabited dwelling standing on any lot or block in such city or village or addition thereto, without first obtaining the consent of the municipal authorities thereof; nor within fifteen rods of any habitable dwelling, public building, watering place, or schoolhouse, nor within two hundred rods of the institutions for the deaf and dumb, for the blind, the hospitals for the insane, the industrial school for boys, the home for the feeble-minded, the state public school, or the state reformatory, without the consent of the state board of control; provided, that an existing cemetery in a village may be extended toward or beyond either of the two nearest village limits upon first obtaining the consent of the village board and of the owners of any dwelling or other building within fifteen rods of such addition; and provided further, that an existing cemetery in any city of the fourth class may be extended and enlarged upon first obtaining the consent of the council of such city and of the owners of any dwelling or other building within fifteen rods of such addition; and provided further, that an incorporated college of a religious order in any city of the fourth class may, with the consent of the council of said city, establish a private cemetery on land owned by said college for the interment of members of said order in such city, but no such cemetery shall be established within fifty rods of any private dwelling or building without the consent of the owner thereof.

Injunction. 2. Any violation hereof shall be deemed a nuisance and may be restrained by injunction at the suit of any person; provided that cemetery grounds established within any incorporated village before April 30, 1887, which were within one hundred feet of the outer lines of the plat of such village, may be enlarged by extending the same to the outer boundary of such plat upon obtaining the consent of the village trustees therefor, and that cemetery grounds established in any town, city, or village before said date may be enlarged in the manner, and subject to the conditions of, the next following section. [*1864 c. 419 s. 1; 1865 c. 94 s. 1; 1868 c. 85; 1873 c. 49; R. S. 1878 s. 1454; 1887 c. 315 s. 1; Ann. Stats. 1889 s. 1454; Ann. Stats. 1889 s. 1454a sub. 1; Stats. 1898 s. 1454; 1909 c. 29; 1913 c. 120; 1915 c. 39; 1917 c. 379*]

Condemnation of land for enlargement of cemetery. SECTION 1454a. Whenever it shall become necessary to enlarge any public cemetery grounds by adding thereto lands adjoining the same and such lands cannot be acquired or can be acquired only at an exorbitant price, an application may be made in writing to the county judge of the county in which said grounds are situate by twelve or more resident freeholders of the town, city or village in which said grounds are located, setting forth that the owner of lands adjoining the same, and describing such lands, will not or cannot sell the same or that he asks an exorbitant price therefor, stating the price, whereupon said judge shall appoint three commissioners, residents and freeholders of the county, but not of such town, city or village, to appraise the value of the lands described, with the improvements thereon, and of each tract or parcel thereof and of each separate estate therein, and the damages sustained by the owner or owners by reason of the taking thereof; but such damages shall in no case exceed the price stated in the application; provided, however, that in no case, except in cities or incorporated villages, shall lands be taken under the provisions of this section so as to bring the boundary lines of such cemetery nearer than twenty rods to a residence owned by the occupant thereof without his written consent. Said commissioners, after giving ten days' notice to all parties interested, shall meet and, after hearing such parties, decide upon the value of said lands; they shall file their report in writing with the county judge within ten days after the appraisement. Upon payment into the court by the authorities of the amount of the damages so appraised, to be by said judge paid to the owner of said lands, the lands so appraised shall become a part of said cemetery grounds. Either party may appeal from the determination of the commissioners in the manner provided in section 1276. Said commissioners shall each receive two dollars for each day actually employed and six cents for each mile necessarily traveled in the performance of their duties, which shall be paid by the municipality in which the cemetery is situated. [*1887 c. 315; Ann. Stats. 1889 s. 1454a sub. 2; 1893 c. 51; Stats. 1898 s. 1454a*]

Alienation and use of lots. SECTION 1455. After there shall have been an interment in any cemetery lot conveyed by any cemetery association such lot shall, while

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any person is buried therein, be inalienable without the consent of a majority of the trustees of such association, and on the death of the owner thereof descend to his heirs; but any one or more of such heirs may release to any other heir his interest therein, which release, when made, shall be filed in the office of the town or city clerk within which such cemetery shall be situated. The body of any deceased person shall not be interred in any such lot unless it be the body of a person having at the time of such decease an interest therein or a relative, or the husband or wife of such person, or his or her relative, except by the consent of all persons having an interest in such lot. [*R. S. 1849 c. 48 s. 16; 1857 c. 13 s. 4; R. S. 1858 c. 67 s. 16, 20; 1870 c. 31 s. 1; R. S. 1878 s. 1455; 1887 c. 216; Ann. Stats. 1889 s. 1455; Stats. 1898 s. 1455*]

Acquiring lands. SECTION 1455*a*. 1. Any cemetery association or religious society incorporated under the laws of this state and owning or maintaining a cemetery or burial ground in or near to a city having, by the last preceding state or United States census, a population of over one hundred thousand is hereby authorized and empowered, subject to the provisions of section 1454, to acquire by gift, devise or purchase such additional lands for cemetery purposes, adjoining its cemetery or burial ground then held, as the trustees of such association or society shall from time to time deem requisite or expedient.

Area, limited; payment. 2. Such additional land so from time to time acquired shall, in addition to the lands previously held by such association or society for cemetery purposes, not exceed in all thirty acres. Any such association or society may pay the purchase price of such additional land in whole or in part out of the proceeds of the sales of lots in the cemetery or burial ground so maintained by it. Such additional land shall be added to and administered with the cemetery or burial ground for the enlargement of which the same is required. [*1909 c. 420*]

Deposit of moneys. SECTION 1455*j*. Each incorporated cemetery association shall determine the sum of money necessary for the perpetual care of lots and graves, and any such sums offered to such association shall be accepted by such association. All such money may be deposited with the treasurer of the town, village or city nearest to the cemetery owned by such corporation in the first week of June each year. It shall be the duty of such treasurer to receive the same under the provisions of this section. [*1909 c. 346; 1911 c. 241; 1911 c. 664 s. 31; 1913 c. 684; 1917 c. 541*]

Funds; how kept; interest; receipt, form. SECTION 1455*k*. The town, village or city treasurer shall keep all such money so deposited in perpetuity to the credit of such association, and may invest such funds in bonds and other securities in which trust funds may be invested under section 2100*b* or may deposit such funds with a bank or trust company organized under the laws of this state. If not so invested the funds in the hands of such town, village or city shall bear four per cent interest. The income derived from such funds shall be paid to the proper officers of such incorporated cemetery association in the first week of June each year. Such cemetery association shall upon receipt of the interest, furnish to the town, village or city a receipt therefor which shall be filed with the clerk of such town, village or city, and shall be substantially in the following form:

Received from .... (name of city, town or village) .... dollars, being the income derived from perpetual fund deposit of .... (name of cemetery association).

Signed ....
(Name of cemetery association)

Countersigned by .....
Treasurer. [*1909 c. 346; 1913 c. 684; 1917 c. 541*]

Deposits. SECTION 1455*l*. All deposits shall be made in sums of ten dollars or multiples thereof; and only one deposit shall be permitted in each year. [*1909 c. 346*]

Accounts; records. SECTION 1455*m*. The treasurer of such town, village or city shall keep a special account of the moneys so deposited by each incorporated cemetery association and of the investments made with such funds, and shall keep a record of the amounts, lot and block and the name of the deceased for the perpetual care of whose grave the deposit has been made. [*1909 c. 346; 1917 c. 541*]

Deposit schedule; form, filing. SECTION 1455*n*. At the time of making any such deposit the cemetery association shall make in duplicate a deposit schedule signed by the proper officers of such association, and the town, village or city shall make in duplicate a receipt signed by its proper officers. One of such duplicate schedules and receipts shall be filed in the office of the town clerk, and one shall be filed with the proper officers of the cemetery association and shall be substantially in the following form:

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Duplicate Deposit Schedule.

To the .....
(town, village or city.)
.....
The .....
(Name of cemetery association.)
.....
.....
has received the following amounts for the perpetual care of:

Lot 1, block 6 (name of decedent)	$50.00
Lot 4, block 4 (name of decedent)	50.00
Lots 1, 2, 3, block 12 (name of decedent)	140.00
Total	$240.00

which amount we herewith deposit with the .....
(town, village or city.)
.....
according to the laws of the state of Wisconsin.
For the .....
(Name of cemetery association.)

By ....,
President.
....,
Secretary.

Duplicate Receipt.

The above amount of two hundred and forty dollars.....
.....
has been duly received by me this date and credited to the perpetual care fund of.....
.....
(Name of cemetery association.)
and its account stands today as follows:

Deposited in previous years.....	$100.00
Deposited this June ...., 19.....	240.00
Total now on deposit June ...., 19.....	$340.00

For the .....
(town, village or city.)

By ....,
Clerk.

Counties excepted. This act shall not be in force in counties having a population of one hundred fifty thousand and upwards. [*1909 c. 346; 1911 c. 663 s. 198*]

Application of statutes. SECTION 1455*o*. The provisions of sections 1455*j*, 1455*k*, 1455*l*, 1455*m* and 1455*n* shall not be in force in counties having a population of one hundred fifty thousand and upwards, excepting as to incorporated cemetery associations controlling cemeteries located wholly within the boundaries of cities of the fourth class in such counties. [*1911 c. 60*]

VAULTS, CRYPTS AND MAUSOLEUMS.

Regulated by state board of health. SECTION 1455—1. No person, firm or corporation shall build, construct, or erect any mausoleum, vault, crypt or structure intended to hold or contain dead human bodies, which shall be wholly or partially above the surface of the ground, except in compliance with the rules and regulations of the state board of health governing their location, materials and construction. The state board of health is hereby authorized and empowered to adopt and enforce such rules and regulations governing the location, materials and construction of mausoleums, vaults, crypts or other similar structures; provided the proper local officials of any township, incorporated village or city shall have the authority to make and enforce such additional ordinances, by-laws, rules or regulations as they may deen necessary not inconsistent with this act or with any rule or regulation adopted or prescribed by the state board of health.

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Before commencing the building, construction or erection of the same, full detailed plans and specifications of such structure shall be presented to the state board of health for its examination and approval. The approval of the said plans and specifications by the state board of health shall be evidenced by a certificate in writing, signed by the executive officer of the said board. [*1915 c. 213*]

Supervisory control of construction. SECTION 1455—2. The state board of health shall have supervisory control over the construction of any such mausoleum, vault, or crypt, and it shall be the duty of said board to see that the approved plans and specifications are in all respects complied with. No departure or deviation from the original plans and specifications shall be permitted, except upon approval of the state board of health, evidenced in like manner and form as the approval of the original plans and specifications.

No mausoleum, vault, crypt or structure so erected as aforesaid shall be used for the purpose of interring or depositing therein any dead body until there shall have been obtained from the state board of health a final certificate signed by the executive officer of the board, stating that the plans and specifications as filed, have been complied with, and that the maintenance fund required by this act has been deposited with the proper city or county official. [*1915 c. 213*]

Maintenance fund. SECTION 1455—3. There shall be deposited with the city treasurer or where said mausoleum, vault or crypt is to be erected in territory not under the jurisdiction of any city, then with the county treasurer of the county in which such mausoleum, vault, crypt or structure is to be constructed, a maintenance fund in such sum as shall be determined and fixed by the said state board of health, which said fund shall be held and invested by said city or county treasurer for the benefit of and care for such mausoleum, vault or crypt and the income thereof paid annually or less frequently as the cemetery or other committee having in charge such mausoleum, vault or crypt may require for the care and up-keep of said structure. [*1915 c. 213*]

Penalty. SECTION 1455—4. Any person, any member of a firm, or any officer or director of a corporation, failing to comply with each and every provision of this act shall be personally liable therefor, and shall, upon conviction thereof, be deemed guilty of a misdemeanor. Violation of any of the provisions of this act shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or by confinement in the county jail not less than ten days nor more than six months or by both such fine and imprisonment. This act shall not apply to any mausoleum now in process of construction. [*1915 c. 213*]

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TITLE XVI.

Agriculture.

CHAPTER 76g.

STATE BOARD OF AGRICULTURE AND AGRICULTURAL SOCIETIES.

SECTION 1456. [*Stats. 1913 s. 1456; repealed by 1915 c. 413*]

Department of agriculture; commissioner. SECTION 1456. A department of agriculture is hereby created. Said department shall be under the control and supervision of a commissioner of agriculture, who shall be appointed by the governor by and with the advice and consent of the senate. The person appointed commissioner of agriculture shall be known to possess a practical knowledge of and to be experienced in the agricultural industry. [*1915 c. 413 s. 3*]

SECTION 1457. [*Stats. 1913 s. 1457; repealed by 1915 c. 413*]

Term of commissioner. SECTION 1457. The term of the commissioner of agriculture first appointed under section 1456 shall be deemed to expire on the first Monday in February, 1919; the term of each commissioner thereafter appointed shall be four years and shall be deemed to expire on the first Monday of February, and each commissioner appointed shall hold office until his successor is appointed and qualified. [*1915 c. 413 s. 3; 1919 c. 362 s. 32*]

Commissioner's qualification and duties. SECTION 1458. 2. The said commissioner shall maintain his residence at the city of Madison, and shall devote his entire time to the performance of his duties, and shall not hold any other public position or office, or serve on or under any committee of any political party.

3. Said commissioner shall take and file the official oath and shall in addition thereto swear or affirm that he holds no other public position or office, nor any position under any political party or committee. [*1915 c. 413 s. 3; 1919 c. 93 s. 27; 1919 c. 362 s. 19, 28; 1919 c. 679 s. 68*]

SECTIONS 1458*a* and 1458*b*. [*Repealed by 1915 c. 413*]

SECTIONS 1458*c* and 1458*d*. [*Repealed by 1905 c. 446 s. 2*]

SECTION 1458*e*. [*Repealed by 1915 c. 413*]

Office and supplies of commissioner; report; meetings. SECTION 1458—1. The said department of agriculture shall maintain its office at the state capitol, and the superintendent of public property is directed to provide suitable rooms for that purpose. The commissioner of agriculture is authorized to purchase for said department all necessary and permanent property and consumable materials, supplies and services not furnished by the superintendent of public property; to procure printed forms and notices, and make a biennial report to the governor, and to issue special publications pertaining to the work of the department, subject to the provisions of law relating to public printing. The said commissioner may hold meetings at other places than the capitol whenever in his judgment the interests of the state will be best served by so doing. [*1915 c. 413 s. 3*]

State fair advisory board. SECTION 1458—2. Upon the passage and publication of this act the governor, by and with the advice and consent of the senate, shall appoint a state fair advisory board to consist of eleven members, three of whom shall be appointed for a term ending the first Monday of February, 1917, four for a term ending the first Monday of February, 1918, and four for a term ending the first Monday of February, 1919; one such member shall be appointed from each congressional district. All subsequent appointments of said board shall be for a term of four years from the first Monday of February of the year in which such appointment is made, except appointments to fill vacancies. It shall be the duty of the department of agriculture to co-operate and advise with said board on all matters relating to the conducting of the state fair, and it is

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hereby made the duty of said board to advise and assist said department of agriculture in promoting the state fair in all of its departments. The decision of the department of agriculture upon all matters connected with the said state fair shall be final. [*1915 c. 413 s. 3; 1917 c. 14 s. 95; 1919 c. 362 s. 32*]

Duties of department of agriculture. SECTION 1458—3. It shall be the duty of the department of agriculture and it shall have power, jurisdiction and authority:

(1) To promote the interests of agriculture, dairying, horticulture, manufactures, and the domestic arts.

(2) (a) To control all state fairs and state fairgrounds, and to make such rules, by-laws and regulations in relation to the management of the business of such department and state fairs, and the offering of premiums thereat, as it shall from time to time determine, subject to the provisions of section 1458—2 of the statutes.

(b) The commissioner of the department of agriculture shall have full jurisdiction and control of the state fairgrounds during all such exhibitions, so far as may be necessary to exclude therefrom all exhibitions, booths, stands, or other temporary places for the retail sale of any kind of spirituous or fermented liquors or other articles he might deem objectionable. The commissioner or in his absence any deputy acting in his stead, may appoint at any time any necessary policemen to assist in preserving the peace and to enforce the regulations upon the grounds, who, for such purposes, shall have all the powers of constables and such policemen, other than those upon the police force of any city, shall be entitled to fees of constables.

(c) The commissioner of agriculture, a majority of the state fair advisory board concurring, subject to the approval of the governor, may enter into agreements with exhibitors for the erection by exhibitors of exhibition buildings on the state fairgrounds, plans for such buildings to be approved by the state engineer and the state architect, such buildings to be free from taxation and to become the property of the state fair within a period of not more than ten years from the dates of the agreements for their construction. Builders of such buildings shall at all times comply with all rules governing the state fair, and an infraction of said rules on the part of such builders shall place any building which builders in question have erected on the state fairgrounds immediately in possession of the state fair, upon order of the commissioner of agriculture, approved by the governor.

(3) To collect from the several counties in this state information concerning the extent, condition and prices of farm crops; the number, conditions of health and value of farm animals, prevailing conditions of weather, and such other information as it may deem of practical value to the agricultural interests of the state, and to publish monthly statements of such reports, for free distribution among the farmers and other interested parties of the state.

(4) To appoint three veterinary examiners who shall, subject to the direction and control of said department, examine into the qualifications of persons desiring to practice veterinary medicine and surgery, and to license such persons who shall pass a satisfactory examination, in the manner provided by law.

(5) To cause to be collected and printed in such form as may be best calculated to attract to the state desirable immigrants seeking homes, and capital seeking profitable investment, information relating to the advantages and opportunities offered by this state to the farmer, the merchant, the manufacturer, the home seeker, and the summer visitor. The publications of said board shall be subject to the provisions of section 35.29 and shall be made in form of circulars, folders and pamphlets, with or without maps or illustrations, and shall contain in succinct language, easily comprehended by the general public, statements relating to the soil, climate, water, products, markets, transportation facilities, summer resorts, location of undeveloped lands and the relative value and cost of these lands compared with those of other localities; to cause to be translated and printed in such foreign language or languages as may be selected any or all of the circulars, folders or pamphlets provided for in this section, if the department in its discretion shall deem advisable; to cause to be inserted in newspapers, magazines and farm papers, appropriate notices, and to maintain permanent exhibits in populous centers if the department shall determine that the best interests of the state will be advanced thereby.

(6) To furnish such number as it shall fix of copies of the several publications printed under its direction to county and city advancement associations, immigrant societies or bodies of citizens organized to promote immigration and the development and enrichment of the state when application is made therefor; to furnish other persons and corporations such number of copies of publications as may be requested at the actual cost of printing.

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(7) In order to facilitate the collection of accurate information relating to the resources of the state, the heads of the several departments of the state government, the faculty of the state university and the several state institutions are hereby directed to furnish to the department of agriculture such information as may be at their command when requested to do so by said department.

(8) To inspect apiaries as provided by law, furnish information to owners and caretakers with respect to the eradication and prevention of disease injurious to honeybees in their egg, larval, pupal, or adult stages, and to enforce the law relating to apiaries, and to the care, shipment or sale of bees and honey.

(9) To act in advisory capacity as to the manner of the expenditure and accounting therefor, of state moneys appropriated to county agricultural societies, intercounty fair associations, and other agricultural associations holding fairs, the Wisconsin Horticultural Society, the Wisconsin Agricultural Experiment Association, the Wisconsin Cranberry Growers Association, Wisconsin Live Stock Breeders Association, each incorporated poultry association receiving state aid under provisions of section 1459*m*, Wisconsin State Dairymen's Association, the Southern Wisconsin Dairymen and Cheesemakers Association, Wisconsin Potato Growers Association, and other similar societies and associations receiving state aid.

(10) To enter into contracts with manufacturers of or dealers in dynamite or other explosives for and in behalf of bona fide settlers of this state, for the purchase thereof, and to arrange for the purchase of such explosives by and the delivery thereof to such settlers, and to make such rules and regulations as may be necessary relative to the receiving of orders therefor and the distribution thereof and for otherwise carrying out the provisions of this subdivision. The state shall not in any way be liable for or under any contract entered into under the provisions of this subdivision, but the department may collect such fees or charges as will cover the necessary expenses incurred in the execution of this subdivision. [*1915 c. 413 s. 3; 1915 c. 609 s. 2, 5; 1917 c. 336 s. 30; 1917 c. 467 s. 1; 1921 c. 179*]

Transfer of functions to new department. SECTION 1458—4. Except as otherwise provided in this act, all duties, liabilities, authority, powers and privileges imposed or conferred by law upon the state board of agriculture, the secretary of the state board of agriculture, the state veterinarian, the inspector of apiaries, the state orchard and nursery inspector, the person administering or enforcing the provisions of sections 1494—10*o* to 1494—10*w*, inclusive, of the statutes, relating to the inspection of insecticides and fungicides and the state board of veterinary examiners, their subordinates and employes, are conferred and imposed upon the department of agriculture, and all provisions of statutes relating to said board or officers, shall apply to and be deemed to relate to the department of agriculture provided for by this act so far as the said laws are applicable. [*1915 c. 413 s. 3*]

SETTLERS' RECLAMATION ACT.

Settlers' reclamation act. SECTION 1458—5. (1) CITATION. This section shall be known as the "Settlers' Reclamation Act."

(2) DEPARTMENT OF AGRICULTURE IN CHARGE. There is created in the department of agriculture a settlers' reclamation department. The commissioner of agriculture shall have charge of such settlers' reclamation department, shall administer the provisions of this section and is vested with all necessary power therefor.

(3) CO-OPERATION WITH COUNTIES. The commissioner shall co-operate, as herein provided, with counties that avail themselves of the provisions of this section for the purpose of reclaiming wild and cutover lands therein for bona fide settlers, and shall have supervision over loans from the county reclamation fund raised and deposited as herein provided and over the expenditure of funds loaned therefrom. He shall make such rules and regulations as are necessary to efficiently effect the purposes of this section.

(4) COUNTY RECLAMATION FUNDS. Upon receipt of a petition therefor signed by not less than twenty-five bona fide settlers of any county, the county board shall examine into and investigate such petition and, if in its judgment the public good will be promoted by granting the request therein contained, the said county board shall cause to be deposited with the state treasurer in the city of Madison, funds to be known as the ".... County Settlers' Reclamation Fund," to be loaned upon proper security to bona fide settlers in said county, as herein provided, for the reclamation of agricultural land by drainage, if necessary, and by removal of such stumps, brush, or fallen or standing timber, as prevent an efficient use of such land for agricultural purposes. Such funds may be raised by appropriation, tax levy, loans, or by the issuance and sale of special improvement bonds issued as provided in this section, subject to the constitutional restriction on county

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indebtedness; but no county shall raise more than one hundred thousand dollars for such purpose, and funds so raised and deposited shall be used for the purposes herein set forth and for no other purpose, and after the retirement of bonds, if any, issued therefor the surplus shall be paid to the county.

(5) RECLAMATION BONDS. Any bonds issued by any county under this section shall constitute a general county liability and shall be nontaxable, annual interest payment coupon bonds, executed in behalf of the county by the chairman of the county board and countersigned by the county clerk, payable, principal and interest, at the state treasurer's office at the city of Madison, at such time as the chairman of the county board shall determine, but within a period of not less than five years nor more than twenty years from the date of issue. Said bonds may be issued and sold so as to supply the reclamation fund with funds as needed, and so as to avoid payment of interest on idle money.

(6) DEPOSIT AND CUSTODY OF MONEYS. Moneys raised by any county for the purposes authorized by this section shall be deposited with the state treasurer, to be loaned as herein provided, under the supervision of the settlers' reclamation department of the department of agriculture, and whenever such funds are turned over to the state treasurer he shall forthwith place them to the credit of the reclamation fund of the county depositing same and shall retain such funds in his custody to be paid out only upon warrant of the secretary of state issued upon requisition approved by the commissioner of agriculture and to pay interest on bonds issued therefor and to pay such bonds as they become due.

(7) COUNTY AGRICULTURAL REPRESENTATIVES. In addition to raising and depositing such funds, each county board desiring to avail itself of the services of the settlers' reclamation department shall, at the spring meeting of the county board, appoint a county agricultural representative, as provided in section 59.87 unless such county has already appointed such a representative, and the provisions of said sections of the statutes shall apply to and govern the appointment, compensation, state aid and other matters relating to said county agricultural representative. The county representative shall perform the duties imposed by this section in addition to the other duties devolving upon him.

(8) APPLICATION FOR IMPROVEMENT OF LANDS. Any person who is the owner of or has under contract a government description of forty acres or more of good agricultural cutover stump lands and who actually occupies such land or is prepared to occupy the same within one year and to farm and cultivate said lands for a period of at least five years, as hereinafter described, may make application in writing to the county agricultural representative of his county, on a form to be furnished by the settlers' reclamation department, to have five acres of such land cleared, stumped, brushed, blasted and otherwise improved and ready for the plow, each year for a period of three years, subject to all of the provisions of this section. Such application shall give full information relative to the applicant and to the land, shall embody such agreements and conditions as the reclamation department deems necessary for the benefit of the applicant and the protection of the county reclamation fund and shall be signed by the owner, mortgagee and by all other persons interested in the land to be affected by such improvement, and shall be accompanied by abstract of title and other papers to establish the interest of the signers and to show that all persons interested in such lands have signed. The filing of such application and the recording of the same as herein provided shall constitute notice to all subsequent purchasers of or incumbents upon such land.

(9) NOTICE TO REGISTER OF DEEDS. Whenever an application is made for a loan for reclamation purposes hereunder and is approved, the reclamation department shall forthwith forward by registered mail to the register of deeds of the county wherein the lands to be reclaimed are situated a written notice of the application, giving the names of all persons signing the application, a complete description of the lands to be subject to a lien for such reclamation and the amount of the loan requested. The register of deeds shall number consecutively all such notices filed with him and shall index them under the names of the applicants and in the tract index so that the notices may easily be located. No fee shall be charged or collected by any register of deeds for such services.

(10) INVESTIGATIONS; BIDS; CONTRACTS. The county agricultural agent, upon receipt of any such application, shall interview the applicant, fully investigate all matters set forth in the application and shall make such further investigation relative to the applicant and of the lands included therein as may be necessary. If after inquiry and full investigation he finds that the applicant is a bona fide settler or will become one within six months, that answers and statements in the application are true and correct, that the lands included in such application are good agricultural lands, and that the same can be reclaimed at a cost not to exceed forty dollars per acre he shall forthwith forward the application together with his findings thereon and recommendations with respect to the application to

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the settlers' reclamation department. The said department may thereupon make or cause to be made such further inquiry and investigation as it deems necessary and if the commissioner is satisfied that said lands are good agricultural lands and may be reclaimed as found by the county agricultural representative and is further satisfied with his findings and recommendations, he may approve said application for reclamation to the extent of five acres with the condition that if the applicants comply with all the provisions of this section and the rules and regulations made by him the remaining ten acres will also be reclaimed and shall proceed to enter into such agreements, contracts and arrangements as may be necessary to consummate the reclamation of said five acres. The reclamation department shall advertise for bids for all such work and contracts therefor shall be let to the lowest responsible bidder, unless the commissioner is satisfied that as favorable terms may be otherwise secured. In any case the commissioner may reject any or all bids. No reclamation work or contract therefor shall be paid until the work has been investigated by or for and approved by the reclamation department.

(11) PAYMENT FOR IMPROVEMENTS. The amount actually expended for reclaiming any land shall not exceed forty dollars per acre and shall be paid out of the reclamation fund of the county wherein said land is situated, deposited with the state treasurer upon warrant of the secretary of state issued upon requisition by the commissioner of agriculture and shall constitute a special tax lien prior to all other liens except general tax liens on the said lands and shall be paid in twenty equal instalments, plus four per cent interest per annum, to be included with the general tax against such lands, but the applicant may at any time within the twenty-year period retire the entire indebtedness against his land by paying the principal and interest due thereon to the reclamation department, which department shall turn the same over to the state treasurer with directions to place the same in the county reclamation fund.

(12) IMPROVEMENT OF ADDITIONAL FIVE-ACRE TRACTS. If any applicant occupies and cultivates the five acres reclaimed in any year within one year after date of his application, builds thereon and otherwise improves the lands subject to lien for such reclamation and insures all buildings thereon in a manner to be approved by the county agricultural representative and the settlers' reclamation department, then such applicant may have an additional five acres of said land reclaimed as in the case of the original five acres, without additional application, but no more than fifteen acres in all shall be reclaimed for any one applicant.

(13) DUTIES OF AGRICULTURAL REPRESENTATIVE. The county agricultural representative in each county shall fully co-operate with the reclamation department to efficiently carry out and effect the purposes of this section, and each such representative shall make such inquiries and investigations in his county and shall make such reports as the said department may require.

(14) CERTIFICATION OF EXPENDITURES. The settlers' reclamation department, on or before the first day of October, each year, shall certify to the secretary of state the exact amount of money expended upon each description of land in each county for reclamation work under this section together with the exact amount of instalments plus interest to be collected on each such description for the current year. The secretary of state, upon receipt of such certificate from the settlers' reclamation department, and on or before November first, each year, shall certify to the county clerk of each county the amount due the county for said year for reclamation work done on each description of land therein. The county clerk shall certify the said amounts to the several town clerks in whose towns the said descriptions are situated setting forth the amount chargeable to each description to be placed upon the tax roll and to be collected as other taxes are collected, and all such moneys collected including the instalments due and interest thereon shall be turned back to the state treasurer by the county clerk to be again placed in the settlers' reclamation fund of the particular county.

(15) TAX SALES OF RECLAIMED LANDS. In case any land subject to a lien for reclamation work done under the provisions of this section is sold for the nonpayment of taxes the purchaser of the tax certificate therefor shall be entitled to a tax deed, but such tax title shall be subject to the lien of the county for the amount due it for reclamation work. [*1917 c. 288; 1917 c. 671 s. 19*]

Land settlement board; appointment, term, qualification of members; powers and duties. SECTION 1458—10. 1. There is hereby created a "Wisconsin Land Settlement Board." Said board shall consist of the dean of the college of agriculture, the commissioner of immigration and one soldier to be appointed by the governor. The attorney-general shall be the legal advisor of the board and shall represent it in any suits or actions which may arise in the discharge of its duties. On or before the first day of August, 1919, the governor shall, subject to the approval of the senate, appoint one member, an honorably

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discharged soldier, sailor or marine of the last war, whose term will expire on the first day of January, 1926. In January, 1926, and every six years thereafter, there shall be appointed and confirmed a soldier member of said board for a term of six years, commencing on the first day of January of such year. Each member shall hold his office until his successor is appointed and qualified. No person appointed to such board shall be pecuniarily interested in any land purchased by said board, and if he shall voluntarily so become interested, his office shall ipso facto become vacant, and if he shall become so interested otherwise than voluntarily he shall within a reasonable time divest himself of such interest, or his office shall become vacant. The ex officio members of said board shall receive no compensation for their services. The members of said board shall be reimbursed any necessary traveling expenses incurred while performing any duties connected with such office. Said board shall within twenty days after their appointment and confirmation meet at the state capitol and organize by electing one of their number chairman, who shall serve for two years and until his successor is elected. A majority of said board shall constitute a quorum to do business and any vacancy shall not impair the right of the remaining members to exercise all the powers of the board. Such board may appoint a secretary and also such other clerks and experts as may be necessary. Such employes shall be exempt from the provisions of sections 16.01 to 16.30, inclusive. The board shall keep its office at the capitol, and be provided by the superintendent of public property with suitable rooms, office furniture, supplies, stationery, books, periodicals and maps. It may hold sessions at any other place than the capitol, and shall have power to adopt and publish rules to govern its proceedings and regulate the mode and manner of all investigations and all hearings shall be open to the public.

2. The Wisconsin land settlement board is hereby authorized to co-operate and contract with the United States pursuant to acts of congress and the rules and regulations thereunder for soldier settlement and related purposes. For the purposes of general co-operation with the federal government the board may also contract with other states and with municipalities, quasimunicipalities and public corporations and private corporations and individuals. The board is hereby granted such authority as may be necessary to fully carry out arrangements imposed by the United States for purposes of this kind. [*1919 c. 596; 1919 c. 702 s. 68a; 1919 c. 703 s. 21, 29*]

Rural planning. SECTION 1458—11. 1. There is created in the department of agriculture a division of rural planning. Such division shall be in charge of the commissioner of agriculture.

2. "Rural planning" as used in this section means planning for the health, general welfare, and amenity of the settler; planning for the establishment of the best possible transportation facilities; planning for the creation and development of the most logical community centers where country people can come together for social and business relations; planning for the setting aside of country parks, recreation fields, county fairgrounds, community woodlands, places of local and historic interest, and for the reservation of land for public uses along river fronts, lake shores, fine outlooks from hilltops, and for the preservation of our native landscape.

3. It shall be the duty of the commissioner: (a) To stimulate interest and disseminate information in the various counties along lines of rural planning; (b) to co-operate with county rural planning committees in carrying out their several duties as provided by subsection 5 of this section; (c) to co-operate with the director of immigration in planning land settlement and colonization projects.

4. In each county there shall be a county rural planning committee. Such committee shall consist of the chairman of the county board, the chairman of the county state road and bridge committee, and the county superintendent of schools, ex officio members, and two others, either men or women, to be appointed by such ex officio members. The chairman of the county board shall be chairman of such committee, and in counties having more than one superintendent of schools, the superintendent to serve on such committee shall be designated by the chairman of the county board.

5. Within sixty days after the passage and publication of this act, the ex officio members of such committee shall meet and appoint the balance of the committee, one for a term of two years, and one for a term of four years, and thereafter one shall be appointed every four years for a term of four years and until their successors are elected and qualified. All terms for appointed members shall expire on July first.

6. Elected members shall be freeholders of the county and have a general interest in and knowledge of rural planning. All members shall serve without compensation, but shall be reimbursed by the county for their actual and necessary expenses incurred while acting as members of such committee.

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7. It shall be the duty of the rural county planning committee:

(a) To keep itself informed of the progress of rural planning in this and other countries.

(b) To report to the county, town or village boards upon the architectural design of any public building or bridge, the geographical location of community centers, the location or design of any statue or memorial, works of art and mural decorations in public buildings when such are proposed, to the end that such matters may be made in the highest degree effective, permanent, dignified and fitting through proper design, form and situation.

(c) To advise regarding the planting and protection of trees, shrubs and flowers along all highways within the county to the end that they shall be so located as not to interfere with the maintenance of said highway, and that only trees, shrubs and flowers native to Wisconsin be used for this purpose.

(d) To consider and provide for the establishment of community parks and woodlands, proportioned and situated so as to provide ample and equal facilities for the residents of the county.

(e) To propose to the county board the setting aside of places of historic interest and the protection and preservation of unique and picturesque scenery along rivers, lakes and streams, or other scenery or features remarkable, to the end that they may be continued and preserved.

8. The county board may call upon such committee to report with recommendations upon any matter relating to rural planning, and such committee shall make its report within thirty days after such request is made unless a longer or shorter period is specified. But such committee may at any time, on its own motion, make recommendations on any phase of rural planning to the county board.

9. Such committee with the consent of the county board may appoint as secretary a person of skill and experience in rural development and may with the consent of such board employ consulting rural planning experts for the making of plans or maps of the county or any portion thereof showing location, design or treatment of proposed projects referred to in this section, as occasion may require.

10. Any county in which there does not exist a county park commission acting through its rural planning committee may acquire by gift, grant, devise, donation, or purchase, condemnation or otherwise, with the consent of the county board, a sufficient tract or tracts of land for the reservation for public use of river fronts, lake shores, picnic groves, outlook points from hilltops, places of special historic interest, memorial grounds, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same, and to develop and maintain the same for public use.

11. Such committee shall work out plans to enforce the state law prohibiting dumping of tin cans and rubbish along highways.

12. The state department of agriculture, the state department of engineering, the state conservation commission and the agricultural extension division of the University of Wisconsin shall co-operate with the commissioner of rural planning and the several county rural planning committees in carrying out the provisions of this section.

13. Any county wherein there exists a county park board shall not create a county rural planning committee but in such county the county park board shall exercise and be possessed of all the powers and duties imposed upon the county rural planning committee by this section. [*1919 c. 693; 1919 c. 702 s. 68c*]

STATE HORTICULTURAL SOCIETY AND KINDRED ASSOCIATIONS.

Horticultural society; annual appropriation; trial orchards. SECTION 1459. The Wisconsin state horticultural society is a body corporate by that name, with the general powers and privileges of a corporation so far as applicable. It shall be the duty of the society to aid in the formation and maintenance of county and local horticultural societies, to promote the horticultural interests of the state by holding meetings for discussion thereof, by the collection and dissemination of information in regard to the cultivation of fruits, flowers, and trees adapted to the soil and climate of this state, the harvesting, packing, storing and marketing of fruits and vegetables, and in other proper ways to advance the fruit and tree growing interests thereof; and for such purposes only it may take, hold and convey real and personal property, the former not exceeding five thousand dollars in value. [*1879 c. 151; 1887 c. 8; Ann. Stats. 1889 s. 1459a sub. 3; Ann. Stats. 1889 s. 1459b; 1895 c. 148; 1897 c. 239; Stats. 1898 s. 1459; 1901 c. 320 s. 1; 1903 c. 259 s. 1; 1905 c. 412 s. 1; Supl. 1906 s. 1459; 1907 c. 118, 408; 1913 c. 772 s. 66*]

Executive committee; secretary's report. SECTION 1459*a*. The executive committee of said society shall consist of the president, secretary and treasurer thereof, and one member from each congressional district in the state, these to be chosen annually at such

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time and in such manner as the society may prescribe. The executive committee may fix the time and place for holding the annual meeting of the state society, if the last meeting thereof failed to do so, and may call such meeting by giving at least thirty days' notice to each member; said committee may also fill all vacancies in the offices of the society. The secretary of the society shall make, as of June thirtieth of each year, a report to the governor of the transactions thereof. [*1879 c. 151; 1887 c. 14; 1889 c. 526; Ann. Stats. 1889 s. 1459a sub. 1, 4–6; Stats. 1898 s. 1459a; 1913 c. 772 s. 66*]

SECTION 1459*b*. [*Repealed by 1913 c. 772 s. 36*]

SECTION 1459*b*—1. [*Repealed by 1913 c. 772 s. 37*]

SECTION 1459*c*. [*Repealed by 1913 c. 772 s. 21*]

Live stock breeders association. SECTION 1459*d*. 1. The chief of the animal husbandry department of the university, the secretary of the state board of agriculture and the president of the Wisconsin live stock breeders association shall approve all plans for the expenditure of appropriations to the Wisconsin live stock breeders association for the following objects:

(a) To encourage and develop the general live stock industry of the state by the collection and dissemination of information emphasizing the peculiar advantages of Wisconsin as a live stock producing state and its unsurpassed studs, herds and flocks.

(b) To promote a systematic and efficient educational campaign for the purpose of improving the character and increasing the production of the domestic animals of this state.

(c) To safeguard purchasers from fraud upon the part of dealers and breeders and generally to protect, perpetuate and improve the live stock industry of Wisconsin.

(d) To consider and recommend such legislation as may be needed for the proper development and advancement of Wisconsin's live stock industry.

(e) To facilitate the marketing of live stock.

2. The secretary of the said live stock breeders association shall, under date of June thirtieth of each year, make to the governor of the state a report of the transactions thereof, including an itemized statement, properly sworn to before a notary public, showing all the receipts and expenditures under the provisions of this section.

3. Said association may occupy such rooms in the capitol as may be assigned for that purpose by the superintendent of public property. [*1911 c. 525; 1911 c. 664 s. 110; 1913 c. 772 s. 84*]

SECTION 1459*m*. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]

COUNTY AGRICULTURAL SOCIETIES.

How organized; officers, powers, etc. SECTION 1460. Any number of citizens of any county in which no such society shall be in existence, or of two counties jointly, may meet and organize a county agricultural society (but not more than one in each county), adopt a constitution, elect a president, one or more vice presidents, secretary and treasurer and such other officers as shall be prescribed in the constitution; and upon filing a certificate of such organization, signed by the president and secretary, with a copy of the constitution so adopted, in the office of the register of deeds of such county such society shall have all the powers of a corporation necessary to promote the objects thereof, and may purchase or take by gift and hold any real or personal property necessary for its purposes, and which shall be used exclusively therefor, sell and convey the same, and borrow money upon and mortgage all such real estate. All conveyances or mortgages of such real estate shall be executed by the president and secretary. All county agricultural societies now in existence are continued with all the powers and privileges conferred by this chapter. [*1856 c. 74 s. 1–4; 1858 c. 53 s. 1; R. S. 1858 c. 80 s. 8–11; 1871 c. 45 s. 1; 1877 c. 65 s. 1; R. S. 1878 s. 1460; Ann. Stats. 1889 s. 1460; Stats. 1898 s. 1460*]

Certificates of stock. SECTION 1461. Every such society shall have power to fix a valuation to the aggregate of its property and divide such valuation into equal shares, and issue to its members certificates of stock signed by the president and secretary, specifying the number of shares of its property owned by the respective members to whom issued. Such shares shall be deemed personal property and may be transferred according to such regulations as shall be prescribed by such society; and any person becoming a shareholder shall be a member and have all the rights and be subject to all the liabilities appertaining to his membership; and every person ceasing to be a shareholder of any society which shall have issued certificates of stock in accordance with this section shall cease to be a member thereof. [*1858 c. 53 s. 1; R. S. 1878 p. 519; 1871 c. 45 s. 1; 1876 c. 155; R. S. 1878 s. 1461; Ann. Stats. 1889 s. 1461; Stats. 1898 s. 1461*]

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Assessments, how made and collected. SECTION 1461*a*. Every county agricultural society which shall have fixed a valuation to the aggregate of its property, divided such valuation into shares and issued certificates to its members under the provisions of the preceding section may, whenever its cash funds are insufficient to pay its debts and obligations, make an assessment upon all its members sufficient to pay such debts and obligations in the manner herein provided. Such society shall, at its annual meeting, by resolution to be entered of record, determine and assess the sum to be paid by all the members thereof and the time when and the officers to whom the same shall be paid; and the secretary shall immediately notify every member by letter sent to his usual post-office address of the amount of such assessment and the sum due from him, and the time when and the officer to whom payment thereof is to be made, which time shall be not less than sixty nor more than ninety days. If any member shall neglect or refuse payment of any such assessment for thirty days after the same shall have become due and payable and after he shall have been so notified thereof the stock of such member may be sold by the executive committee of such society at public auction, after at least thirty days' notice of such sale by posting notices thereof in three conspicuous places in the county where such society is situated. The proceeds of such sale shall be first applied in payment of the assessment and the expense of the sale, the residue, if any, shall be refunded to the owner; but if such proceeds shall not be sufficient to pay such assessment and expense such member shall remain liable to the society for the deficiency. The purchaser at such sale shall be entitled to all the rights of a member to the extent of the shares so bought. Every assessment when collected shall be paid to the treasurer of such society and applied to the payment of the debts and obligations on account of which it was made. [*1887 c. 47; Ann. Stats. 1889 s. 1461a; Stats. 1898 s. 1461a*]

Members; officers, election of. SECTION 1462. Such societies shall be open and free alike to all the citizens of the county where organized who may wish to become members thereof and shall comply with their regulations; and other citizens of this state or any other state may become members thereof upon such terms and conditions as shall be provided by their by-laws and pay the prescribed fees. They shall hold an annual election of their officers, and the time and place of holding the same shall be published in some newspaper of the county, or if there be none, then in one in an adjoining county. The term of office of all officers of such society shall be one year and until their successors are elected. [*1858 c. 53 s. 2; R. S. 1858 c. 80 s. 12; 1877 c. 65 s. 1; R. S. 1878 s. 1462; Ann. Stats. 1889 s. 1462; Stats. 1898 s. 1462*]

SECTION 1463. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]

SECTION 1463*a*. [*Repealed by 1911 c. 556*]

SECTION 1463*m*. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]

SECTION 1463*o*. [*Subsection 2 of section 1463o repealed by 1913 c. 772 s. 4; balance of section consolidated with section 1463m by 1913 c. 773 s. 113*]

Use of funds. SECTION 1464. All moneys received by any such society, association or board, either from the state or any other source, after paying the necessary incidental expenses thereof, shall be paid out annually, by bank check or draft in each individual case, for premiums awarded, in such sums as its by-laws, rules and regulations shall direct, on such live animals, articles of production, educational exhibits, agricultural implements and tools, domestic manufactures, mechanical implements and productions as are the growth and manufacture of the district which such society, association or board represents, but live stock, the growth of any other county, state or country, may receive the same premiums as those which are the growth of the district where fair is located, should the society, association or board governing so decide. Provided, that moneys received by any such society, association or board from a source other than from the state, may be paid out for trials or exhibitions of speed, or other contests, for which published premiums have been offered. [*1856 c. 74 s. 7, 10; R. S. 1858 s. 80 s. 14, 17; R. S. 1878 s. 1464; Ann. Stats. 1889 s. 1464; Stats. 1898 s. 1464; 1905 c. 446 s. 3; Supl. 1906 s. 1464; 1907 c. 118; 1911 c. 556*]

SECTION 1465. [*Repealed by 1911 c. 663 s. 199*]

Agricultural boards; police power. SECTION 1466. The principal officers of the state board of agriculture, the northern Wisconsin state fair and of any county agricultural or industrial society shall have full jurisdiction and control of the grounds on which such board or society may exhibit, and all the streets and alleys and other grounds adjacent to the same during all such exhibitions, so far as may be necessary to exclude therefrom all other exhibitions, booths, stands or other temporary places for the retail or sale of any kind of spirituous or fermented liquors or other articles that they might deem objectionable. The president, or, in his absence, any vice president

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acting in his stead, may appoint at any time any necessary policemen to assist in preserving the peace and enforce the regulations upon the ground and adjacent streets, who, for such purpose, shall have all the powers of a constable and be entitled to similar fees. [*1858 c. 53 s. 22; R. S. 1858 p. 519; R. S. 1878 s. 1466; Ann. Stats. 1889 s. 1466; Stats. 1898 s. 1466; 1909 c. 191*]

Filing list of officers. SECTION 1467. The secretary of each county agricultural society and of each industrial society claiming any money from the state shall, immediately after the annual election of its officers, file in the office of the secretary of state a list of the officers of such society, giving the post-office address of the president, secretary and treasurer thereof. [*1856 c. 74 s. 8, 9; 1858 c. 8 s. 2; R. S. 1858 c. 80 s. 15, 16; 1867 c. 164 s. 1, 2; R. S. 1878 s. 1467; Ann. Stats. 1889 s. 1467; Stats. 1898 s. 1467*]

Action to recover entrance fee. SECTION 1467*a*. Any person entering any horse for any race under the auspices of any agricultural society shall be liable to such society for the entrance fee which shall be due and payable at the time the race shall be called for which such horse is entered; and upon failure to pay such fee when due such society may maintain an action therefor against the person so entering such horse. No horse entered in any race shall be exempt from execution or attachment issued in an action brought for the recovery of the whole or any part of such entrance fee. [*1897 c. 233; Stats. 1898 s. 1467a*]

CHAPTER 76*gg*.

GENERAL PROVISIONS IN AID OF AGRICULTURE.

MARKS AND BRANDS.

Where recorded; wrongful use. SECTION 1468. Every town clerk shall, on the application of any person residing in his town, record a description of the marks or brands with which such person may be desirous of marking his horses, cattle, sheep or hogs; but the same description shall not be recorded or used by more than one resident of the same town. If any person shall mark any of his horses, cattle, sheep or hogs with the same mark or brand previously recorded by any resident of the same town and while the same mark or brand shall be used by such resident, he shall forfeit for every such offense five dollars; if any person shall wilfully mark or brand any of the horses, cattle, sheep or hogs of any other person with his own mark or brand he shall forfeit for every such offense ten dollars; and if any person shall wilfully destroy or alter any mark or brand upon any of the horses, cattle, sheep or hogs of another he shall forfeit ten dollars and pay to the party injured double damages. [*R. S. 1849 c. 38 s. 1, 2; R. S. 1858 c. 45 s. 1, 2; R. S. 1878 s. 1468; Ann. Stats. 1889 s. 1468; Stats. 1898 s. 1468*]

SECTIONS 1469 to 1471, inclusive. [*Repealed by 1905 c. 264 s. 23*]

CULTIVATION OF CRANBERRIES.

Maintenance of dams, etc. SECTION 1472. Any person owning lands adapted to the culture of cranberries may build and maintain on any land owned by him such dams upon any watercourse or ditch as shall be necessary for the purpose of flowing such lands, and construct and keep open upon, across and through any lands such drains and ditches as shall be necessary for the purpose of bringing and flooding or draining and carrying off the water from such cranberry growing lands, or for the purpose of irrigation, fertilization and drainage of any other lands owned by such person; provided, that no such dams or ditches shall injure any other dams or ditches theretofore lawfully constructed and maintained for a like purpose by any other person. [*1867 c. 40 s. 1, 2; 1870 c. 146; R. S. 1878 s. 1472; 1883 c. 32; Ann. Stats. 1889 s. 1472; Stats. 1898 s. 1472*]

Liability for damages. SECTION 1473. The person so building or maintaining any such dam or constructing or keeping open any such ditch or drain shall be liable to the persons whose lands are overflowed or otherwise injured by such dam, ditch or drain for the full sum of damages so sustained, which shall be ascertained and recovered in the manner following and not otherwise. If the person claiming any such damages cannot agree with the person liable to pay the same he shall select one disinterested arbitrator and give notice thereof to the person from whom such damages are claimed, who shall, within ten days after the receipt of such notice, select another disinterested arbitrator, not of kin to any of the parties interested in maintaining such dams, ditches or drains, and give notice thereof to the claimant and to each of the persons so selected as arbitrators. [*1867 c. 40 s. 3, 4, 11; R. S. 1878 s. 1473; Ann. Stats. 1889 s. 1473; Stats. 1898 s. 1473*]

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Arbitrators to fix damages. SECTION 1474. The persons so selected as arbitrators shall, within twenty days after such notice, appoint some disinterested third person to act as arbitrator with them and fix a time and place at which they shall meet to determine the damages which the claimant ought to have, and give notice thereof to the parties interested. At the time and place so fixed they shall view the premises and hear the proofs and allegations of the parties, and within ten days thereafter they, or any two of them, shall make duplicate statements of the proceedings had by them and of the amount by them ordered to be paid to the claimant for his damages and the amount to be paid by the respective parties for their fees and the costs of such proceedings, and deliver to each party a copy thereof. Within twenty days thereafter the amount so ordered shall be paid by the party of whom required unless an appeal be taken as hereinafter provided. [*1867 c. 40 s. 5, 6, 10; R. S. 1878 s. 1474; Ann. Stats. 1889 s. 1474; Stats. 1898 s. 1474*]

Appeal. SECTION 1475. If either party shall not be satisfied with the award he may, within ten days after the delivery of the copy thereof to him, serve upon either of said arbitrators notice that he appeals from their award to the circuit court of the county in which the lands or any part thereof are situated and pay to such arbitrators the whole amount of their fees and one dollar for state tax; and if the party required to pay such damages shall give notice of an appeal therefrom he shall file with his notice of appeal an undertaking, signed by two or more sureties, to be approved by at least two of said arbitrators, in double the amount of such award, conditioned to pay any judgment that may be rendered against him upon such appeal. Upon filing such notice of appeal and undertaking, when required, the arbitrators, or two of them, shall, within ten days, make and sign a full statement of the proceedings had by them and of their award and file the same with the clerk of said court and pay one dollar state tax; and thereupon the said clerk shall enter an action in which the claimant shall be plaintiff, which shall be deemed then at issue, and proceedings shall be had thereon in like manner as in other civil actions in such court. Unless the appellant shall obtain a more favorable judgment upon such appeal he shall pay costs; otherwise, the respondent. [*1867 c. 40 s. 7, 9, 10; R. S. 1878 s. 1475; Ann. Stats. 1889 s. 1475; Stats. 1898 s. 1475*]

Rights on payment. SECTION 1476. If neither party appeals from such award and the party required to pay the damages shall pay the full amount thereof within the time above prescribed or if, upon an appeal, a final judgment shall be rendered in favor of the claimant and the defendant shall pay such judgment and all costs awarded to the claimant within sixty days after such final judgment, then the person so erecting or maintaining such dam or dams or constructing or maintaining such ditches or drains shall have the perpetual right to maintain and keep the same in good condition and repair; and neither he nor his assigns shall be liable to the payment of any further damages on account thereof; and upon failure to make such payment within the times above prescribed he shall forfeit all right to maintain such dams, ditches or drains under the foregoing provisions. [*1867 c. 40 s. 8; R. S. 1878 s. 1476; Ann. Stats. 1889 s. 1476; Stats. 1898 s. 1476*]

Service of notice. SECTION 1477. In all cases arising under the provisions of the five preceding sections when it shall be necessary to serve any notice upon any person who may be out of the state or whose whereabouts shall not be known to the person desiring to serve the same, such notice may be served upon any agent or employe of such person who may be found within this state, and such service shall have the same effect as if it was made upon the party interested. [*1867 c. 40 s. 12; R. S. 1878 s. 1477; Ann. Stats. 1889 s. 1477; Stats. 1898 s. 1477*]

Pay of arbitrators. SECTION 1478. The arbitrators shall receive for their services three dollars per day each, to be paid in whole or in part by either party as they shall determine. [*1867 c. 40 s. 10; R. S. 1878 s. 1478; Ann. Stats. 1889 s. 1478; Stats. 1898 s. 1478*]

Trespass on cranberry lands. SECTION 1479. No person shall enter upon any cranberry marsh and pick, injure, destroy or remove therefrom any cranberry vines or any fruit thereof without the consent of the owner, and every person violating the provisions of this section shall be deemed guilty of a malicious trespass and forfeit to the owner of such marsh not less than ten dollars as damages in addition to the value of the cranberries taken. [*1865 c. 41; R. S. 1878 s. 1479; Ann. Stats. 1889 s. 1479; Stats. 1898 s. 1479*]

Cranberry growers association, aid to, meetings, report, etc. SECTION 1479*a*. The Wisconsin cranberry growers association shall obtain and publish information relative to the cultivation and production of cranberries. Said society shall hold semiannual meetings in August and January at such place as it shall determine. The secretary thereof shall report to the governor immediately after each January meeting an itemized and veri-

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fied account of all disbursements made during the previous year and shall then publish an account in pamphlet form, not to exceed two hundred and fifty copies of fifty pages each, of the transactions of the association and a summary of the information collected during the previous year relating to the cultivation and production of cranberries, which pamphlets he shall cause to be distributed gratuitously to cranberry growers in this state. The expenses incurred under this section shall be charged to the appropriation for the Wisconsin cranberry growers association. [*1893 c. 263; Stats. 1898 s. 1479a; 1913 c. 772 s. 33*]

SECTIONS 1479*b* to 1479*e*, inclusive. [*Repealed by 1913 c. 758 s. 5*]

NOXIOUS WEEDS.

Noxious weeds; destruction. SECTION 1480. 1. Every person and corporation shall destroy, or cut upon all lands which he or it shall own, occupy or control, all weeds known as Canada thistle (circium arvense), burdock (lappa officinalis), white or oxeye daisy (leucan themum vulgare), snapdragon or toadflax (linaria vulgaris), cocklebur (zanthium strumarium), sow thistle (souchlus arvenis), sour dock and yellow dock (rumex crispus), mustard (sinapis arvensis), wild parsnip (thapsium barbinode), Russian thistle (salsola Kali), wild barley (hordeum jubatum), morning glory (convolvulus arvensis), wild onion (allium vineale), and quitch grass, known also as quack grass (agropyron repens), and at such time and in such manner as shall effectually prevent them from bearing seed or spreading to adjoining property; and in like manner shall destroy any of the above mentioned weeds standing or growing upon any land owned, occupied or controlled by him or it out to the center of any highway, lane or alley thereon. In case of weeds having underground root stocks and where the destruction of weeds in standing crops will result in the sacrifice of the crops, the department of agriculture shall determine the time and method of eradication.

Notice. 2. If such person or corporation shall fail to so destroy any weeds that, under the provisions of this section, are to be destroyed, within six days after being served with a written notice so to do, by any commissioner of noxious weeds, he shall be punished by a fine of five dollars for every day thereafter during which such neglect shall continue; such written notice shall specify the kinds of weeds to be destroyed by the person or corporation on which it is served, and designate the tract of land on which such weeds are growing, giving the description thereof according to forty-acre subdivisions of sections or other appropriate description; such notice may be served upon any corporation owning, occupying or controlling any land in any town by leaving the same with any agent thereof residing or being therein, and if no agent shall reside or be therein, then by leaving such notice with any agent who shall reside or be in any adjoining town. [*1861 c. 206 s. 1, 2; 1862 c. 32; 1873 c. 110, 170; R. S. 1878 s. 1480; 1880 c. 143; 1883 c. 228; 1885 c. 233; 1887 c. 313; 1889 c. 432; Ann. Stats. 1889 s. 1480a, 1480b, 1480e; 1895 c. 154; 1897 c. 82; Stats. 1898 s. 1480; 1901 c. 234 s. 1; 1901 c. 424 s. 2; Supl. 1906 s. 1480; 1909 c. 146; 1919 c. 589 s. 1*]

Commissioner's appointment, oath, term; exception. SECTION 1480*a*. The chairman of each town board, the president of each village board and the mayor of each city shall appoint some competent person or persons as commissioner or commissioners of noxious weeds therein and shall report the name of such appointee or appointees to the commissioner of agriculture on or before the fifteenth day of May in each year; such person shall take an oath to faithfully perform the duties imposed upon him, which oath shall be filed in the office of the town, village or city clerk, and shall hold his office for one year and until his successor has qualified, in which case his successor shall be appointed for the unexpired portion of the term. If more than one commissioner is appointed the town, city or village shall be divided into districts by the officer making the appointment, and each person appointed shall be assigned to one such district. Between the first and fifteenth day of August in each year each appointing officer shall report to the commissioner of agriculture whether or not the commissioner or commissioners of weeds appointed by him have faithfully performed their duties. This section shall not apply to cities of the first class, but in such cities the ward superintendents shall perform the duties of commissioners of weeds. [*1887 c. 313 s. 4; 1889 c. 432 s. 3; Ann. Stats. 1889 s. 1480d; 1891 c. 217; 1897 c. 82; Stats. 1898 s. 1480a; 1901 c. 51 s. 1; Supl. 1906 s. 1480a; 1907 c. 118; 1909 c. 100; 1917 c. 609; 1919 c. 362 s. 24*]

Duties; powers; collection of tax. SECTION 1480*b*. 1. Such commissioner shall carefully investigate concerning the existence of noxious weeds in his town, city, village or district; and if any person or corporation, owning, occupying or controlling any lands therein shall neglect to destroy any of the weeds which under the provisions of section

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1480 are to be destroyed, and standing or growing on such lands or upon any highway, lane or alley adjoining and nearer to such lands than the center of such highway, lane or alley, he shall serve or cause to be served on such person or corporation the written notice provided for in said section 1480, and if said person or corporation shall fail to comply with the terms of said notice within the time specified in said section 1480, he shall destroy or cause all such weeds to be destroyed and may devote as many days to doing so as the officer appointing him shall direct, and for each day so used in destroying such weeds, he shall receive three dollars upon presenting to the proper treasurer his account therefor, verified by his oath and approved by the chairman, president or mayor, as the case may be. Such account shall specify by separate items the amount chargeable to each piece of land, describing the same, and shall, after being paid by the treasurer, be filed with town, city or village clerk, who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "for the destruction of weeds," as a tax on the lands upon which such weeds were destroyed, which tax shall be collected as other taxes are, except in case of railroad lands which are exempt from taxation in the usual way, when the amount chargeable against the same shall be certified by the commissioner to the board of supervisors or trustees or the common council, as the case may be, who shall cause a certified copy thereof to be transmitted to the state treasurer, who shall add the amount designated therein to the sum due from the railroad company owning, occupying or controlling the lands specified as the license fee thereof, and he shall collect the same therefrom as prescribed in sections 76.01 to 76.03, and return the amount collected to the town, city or village from which such certificate was received. Any such commissioner may enter upon any lands upon which any of the weeds mentioned in section 1480 are growing and cut or otherwise destroy them without being liable to an action for trespass or any other action for damages resulting from such entry and destruction, if reasonable care is exercised in the performance of the duty hereby imposed.

2. For each day consumed by the commissioners in carrying out the duties prescribed in section 1480 they shall receive a salary of not less than three dollars per day to be paid out of the city, village or town treasury, respectively.

3. The department shall from time to time inspect the work of weed commissioners and shall at such time and place as it may determine call meetings of the weed commissioners in any county for instruction and discussion of means and methods necessary for the proper performance of the duties imposed upon such commissioners by the statutes. It shall prescribe the forms, blanks and instructions to be used in the administration and execution of said work. In order that said forms, blanks and instructions shall be uniform throughout the state and supplied at the lowest price to taxpayers thereof, they shall be printed and distributed to town, village and city officials by the state department of agriculture at the actual cost of printing and distribution. [*1887 c. 313 s. 6; Ann. Stats. 1889 s. 1480f; 1893 c. 145 s. 2; Stats. 1898 s. 1480b; 1901 c. 424 s. 2; Supl. 1906 s. 1480b; 1907 c. 118; 1917 c. 609; 1919 c. 589 s. 2, 3; 1919 c. 671 s. 23*]

Canada thistle extermination. SECTION 1480*t*—1. The noxious weed known as Canada thistle (circium arvense) is hereby declared a public nuisance. [*1907 c. 191*]

State thistle board created. SECTION 1480*t*—2. There is created the "Wisconsin Canada Thistle Board," to be composed of the hereinafter named officers. The said board shall provide blank forms for all reports herein required. The director of the agricultural experiment station shall be the head of said board and shall be the final authority in all matters brought before said board, and his decision shall be in all such matters final. [*1907 c. 191*]

County thistle commissioner. SECTION 1480*t*—3. The county supervisor of assessments of each county shall, by virtue of his office, be county Canada thistle commissioner and his per diem, while so engaged shall be the same as received by him in his capacity as superintendent of assessments. [*1907 c. 191*]

Town, city and village commissioners. SECTION 1480*t*—4. On or before the first day of May next succeeding the action of the county board of any county adopting the provisions of this act, the town supervisors, city or village council shall furnish to the director of the agricultural experiment station a list of three names from which he shall appoint a Canada thistle commissioner for each town, city and village, but in case no such list shall be furnished, said director shall nevertheless, appoint a commissioner of his own selection. Such commissioner shall hold his office for a term of three years and until his successor is appointed and qualified unless he shall for cause sooner be removed by said director. For each day actually and necessarily spent in the active discharge of his duties, he shall receive the sum of three dollars, accounts therefor to be verified and approved as provided by section 1480*t*—11, said accounts to be paid by the treasurer of the respective town, city or village; provided, that the said Canada thistle commissioner

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shall not expend in time more than thirty days for which the town, city or village shall be liable unless the written consent of the town board, city or village council shall first be obtained. [*1907 c. 191; 1911 c. 663 s. 200*]

Town assessors to gather information. SECTION 1480*t*—5. The assessor of each town, village or city, at the time he assesses the real estate, in his assessment district, shall require every owner, occupant or agent to give information concerning the existence of Canada thistles on lands owned or controlled by him. Such information shall state the area occupied and the location of Canada thistles on each tract, if any are found thereon. [*1907 c. 191*]

Reports to central authorities. SECTION 1480*t*—6. The information, so gathered by such assessor, shall be by him reported to the town, village or city clerk and such clerk shall report to the county Canada thistle commissioner and such county commissioner shall report to the state Canada thistle board. [*1907 c. 191*]

Tabulation of reports. SECTION 1480*t*—7. Such clerks and the county Canada thistle commissioner shall compile and tabulate such reports as may be required by the state board in a book furnished by such state board. [*1907 c. 191*]

Owners to destroy thistle. SECTION 1480*t*—8. Every person or corporation shall destroy, upon all lands occupied or controlled by such person or corporation, the weed known as Canada thistle, and at such times and in such manner as shall prevent such thistle from bearing seed and from perpetuating itself by means of seed, suckers and roots. In like manner shall such person or agent or corporation destroy the above-mentioned thistle, standing or growing, as far as the center of the highways, lanes or alleys adjoining the lands so owned or controlled. [*1907 c. 191*]

Entry and control of lands by commissioner. SECTION 1480*t*—9. The commissioner of each town, city or village, shall personally thoroughly investigate and inquire concerning the existence of Canada thistles in his districts, and shall notify in writing any person, agent or corporation owning, occupying or controlling any lands therein, infested with such Canada thistle, and in case any such person, agent or corporation shall neglect for ten days after such notice to destroy any Canada thistle standing or growing upon any lands so owned or controlled or upon any highway, lane or alley, adjoining such lands as far as the center of such highway, lane or alley, it shall be the duty of the commissioner to enter upon such lands and to destroy, or cause to be destroyed, such Canada thistle and for the purpose of having full and sufficient power to destroy the same, the said commissioner may take charge of and control any tract of land, so infested, within his jurisdiction. [*1907 c. 191*]

Agreements between commissioner and owner. SECTION 1480*t*—10. Whenever, in the judgment of the said Canada thistle commissioner, it is necessary for him to take full control of any lands infested by Canada thistles, during the growing season, he shall endeavor to make an agreement with the owner, corporation, occupant or agent as to what shall constitute the boundaries of such tract and if agreement be made with such owner, corporation, occupant or agent, such commissioner shall, thereafter, control such infested tract as long as is necessary to complete the work of extermination thereof. If no such agreement can be made with such owner, corporation, occupant or agent, then such Canada thistle commissioner shall designate the boundaries of such tract and file his decision with the town clerk. [*1907 c. 191*]

Appeals; special thistle tax. SECTION 1480*t*—11. Thereupon the owner, corporation, occupant or agent may, within five days, appeal, without bonds, to the county Canada thistle commissioner who shall proceed, with all reasonable dispatch, to examine such tract and he shall decide whether such tract shall, in whole or in part, be under full control of such Canada thistle commissioner or not. His decision, so rendered, in writing shall be final and shall specify, definitely as practicable, the location and limits of the tract or tracts to be so controlled. He shall present to the proper treasurer his itemized account for labor and material in the performance of his duties as Canada thistle commissioner, under section 1480*t*—10, verified by his oath and approved by the chairman, president or mayor as the case may be. Such account shall specify by separate items the amount chargeable to each piece of land describing the same and shall after being paid by the proper treasurer be filed with the town, city or village clerk, who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "for the destruction of weeds" as a tax on lands on which such weeds were destroyed, which tax shall be collected as other taxes are collected. [*1907 c. 191; 1911 c. 663 s. 200*]

Railroad thistle tax. SECTION 1480*t*—12. In case of railroad or other lands which are or may hereafter be exempt from taxation in the usual way, the amount chargeable against the same shall be certified by the commissioner to the board of supervisors, trus-

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tees or common council, as the case may be, who shall cause a copy thereof, certified by the proper officers, to be filed with the state treasurer, who shall add the amount designated therein to the sum due for taxes from the railroad company, or other agents of lands so exempt, owning, occupying or controlling the lands specified, and he shall collect the same therefrom as provided by law and return the amount collected to the town, city or village from which such certificate was received. [*1907 c. 191*]

Delinquent officers and owners; penalty. SECTION 1480*t*—13. Any officer who shall neglect to perform any duty or do any act provided for by sections 1480*t*—1 to 1480*t*—12, inclusive, or any person refusing to give any information, make any report or do any other act provided for in said sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days or by both such fine and imprisonment. [*1907 c. 191; 1911 c. 663 s. 201*]

Annual town appropriations. SECTION 1480*t*—14. At the annual town meeting the electors may vote a sum of money for the destruction of Canada thistles to be expended under the direction of the town board for such purpose. [*1907 c. 191*]

SECTION 1480*t*—15. [*Repealed by 1913 c. 772 s. 24*]

Local option. SECTION 1480*t*—16. Sections 1480*t*—1, and 1480*t*—3 to 1480*t*—14, inclusive, shall be operative and in force and effect in any county only when the county board thereof shall, by a three-fifths vote of the members elected to such board adopt a resolution making such sections applicable to such county. Any such county board may by a resolution adopted by a like vote declare such sections no longer applicable to such county and such sections shall thereafter be inoperative and of no effect in said county. [*1907 c. 191*]

Previous laws not repealed. SECTION 1480*t*—17. Nothing contained in sections 1480*t*—1 to 1480*t*—17, inclusive, shall be construed as repealing in any manner any of the provisions of sections 1480, 1480*a*, and 1480*b*. [*1907 c. 191; 1911 c. 663 s. 203*]

Neglect of duty. SECTION 1481. Any chairman, president or mayor who shall neglect or refuse to appoint one or more commissioners of noxious weeds, as provided in section 1480*a*, and to make the reports to the commissioner of agriculture as required by said section shall forfeit not less than fifty dollars nor more than one hundred dollars, and any such commissioner who, after having taken his oath of office, shall neglect or refuse to perform the duties imposed upon him shall forfeit not less than ten dollars nor more than twenty-five dollars for each such neglect or refusal. The commissioner of agriculture shall report any violations of this section to the proper district attorney, and such district attorney shall thereupon commence and prosecute appropriate actions to recover the penalty for such violations. It shall be the duty of every town clerk, at each annual town meeting, to read aloud to the people there assembled this and the three preceding sections. [*1887 c. 313 s. 6; 1889 c. 432 s. 5; Ann. Stats. 1889 s. 1480f, 1480g; Stats. 1898 s. 1481; 1917 c. 609*]

PROTECTION OF GINSENG.

Cutting prohibited. SECTION 1481*a*. Except for the purpose of clearing and bringing land into cultivation no person shall between the first day of January and the first day of August in any year cut, root up, gather or destroy the plant known by the name of ginseng whenever such plant may be found growing in a wild or uncultivated state. [*1905 c. 194 s. 1; Supl. 1906 s. 1481a; 1907 c. 118*]

Evidence. SECTION 1481*b*. Proof of the purchase or sale of green ginseng between the first day of January and the first day of August in any year shall be prima facie evidence of a contravention of sections 1481*a* to 1481*e*, inclusive. [*1905 c. 194 s. 2; Supl. 1906 s. 1481b; 1907 c. 118; 1911 c. 663 s. 204*]

Purchase with knowledge. SECTION 1481*c*. Any person who purchases ginseng, knowing the same to have been cut, rooted up, or gathered between the first day of January and the first day of August shall be guilty of a contravention of sections 1481*a* to 1481*e*, inclusive. [*1905 c. 194 s. 3; Supl. 1906 s. 1481c; 1907 c. 118; 1911 c. 663 s. 204*]

Evidence. SECTION 1481*d*. In any prosecution under the preceding section proof that ginseng purchased has been illegally obtained by the vendor shall be prima facie evidence of a contravention of sections 1481*a* to 1481*e*, inclusive, by the purchaser. [*1905 c. 194 s. 4; Supl. 1906 s. 1481d; 1907 c. 118; 1911 c. 663 s. 204*]

Penalty. SECTION 1481*e*. Any person who contravenes the provisions of sections 1481*a* to 1481*e*, inclusive, shall, for every such offense, upon conviction be fined not less than five dollars or more than twenty dollars together with costs for prosecution and one-half of the penalty shall be paid to the prosecutor. Provided that nothing in sections

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1481*a* to 1481*e*, inclusive, shall prohibit anyone from digging ginseng on his own land at any time. [*1905 c. 194 s. 5; Supl. 1906 s. 1481e; 1907 c. 118; 1911 c. 663 s. 204*]

HAULING WEED SEED.

Method of hauling weed seed on highways. SECTION 1481*m*. No person, copartnership or corporation shall haul or transport upon the public highways in this state any grain screenings containing weed seed, except the same be securely sacked or confined in sufficiently closed receptacles, such as will prevent the scattering of such screenings or weed seed contained therein.

Penalty for illegal hauling. Any person, copartnership or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding twenty-five dollars or imprisonment in the county jail not exceeding thirty days. [*1907 c. 65; 1911 c. 663 s. 205*]

Threshing machines to be cleaned of noxious weeds. SECTION 1481*n*. Every person, firm, or corporation operating a threshing machine on any farm shall take all reasonable precautions to keep the said machine in a reasonably clean condition, and to remove therefrom all seeds of noxious weeds before removing the said machine from one farm to another. Violations of this section shall be punished by a fine not exceeding twenty-five dollars or imprisonment in the county jail not exceeding thirty days. [*1917 c. 609 s. 2*]

OBNOXIOUS AND INFECTIOUS ANIMALS.

Not to run at large; fences. SECTION 1482. No stallion over one year old, nor bull over six months old, nor boar nor ram, nor billy goat over four months old shall run at large; and if the owner or keeper shall, for any reason, suffer any such animal so to do he shall forfeit five dollars to the person taking it up and be liable in addition for all damages done by such animal while so at large, although he escapes without the fault of such owner or keeper; and the construction of any fence enumerated in section 1390 shall not relieve such owner or keeper from liability for any damage committed by an animal of the enumerated class upon the inclosed premises of an adjoining owner. [*1870 c. 93 s. 1, 2; R. S. 1878 s. 1482; Ann. Stats. 1889 s. 1482; Stats. 1898 s. 1482; 1903 c. 14 s. 1; Supl. 1906 s. 1482; 1907 c. 118*]

May be taken up; notice. SECTION 1483. Any person finding any such animal running at large may take it up, but shall within seven days thereafter notify the owner, if to him known, and request him to pay all reasonable charges for its keeping, besides such forfeiture for taking up, and take such animal away within five days after being so notified. [*1870 c. 93 s. 3; R. S. 1878 s. 1483; Ann. Stats. 1889 s. 1483; Stats. 1898 s. 1483*]

Notice if owner unknown. SECTION 1484. If the owner of such animal be unknown the finder shall within ten days thereafter file a notice with the clerk of the town in which it is taken up, and if such animals be of less value than five dollars shall post notice of their taking up in at least three places in such town; but if they exceed five dollars in value he shall publish such notice for four successive weeks in some newspaper in the county; if there be none he shall post such notices in the manner aforesaid. The notice shall briefly describe the animals, by marks natural or artificial, as near as practicable, and give the name and residence of the finder and the time when taken up. A copy of it shall be forthwith sent by the town clerk to the county clerk, who shall file the same. [*1870 c. 93 s. 4; R. S. 1878 s. 1484; Ann. Stats. 1889 s. 1484; Stats. 1898 s. 1484*]

Appraisal of animals. SECTION 1485. The finder shall, within one month from taking them up, if the animals be of the value of ten dollars or more, procure them to be appraised by a justice of the peace of such town; a certificate of such appraisal shall be signed by the justice and filed in the town clerk's office. The finder shall pay the justice fifty cents for the certificate and ten cents per mile for every mile necessarily traveled in such service. [*1870 c. 93 s. 5; R. S. 1878 s. 1485; Ann. Stats. 1889 s. 1485; Stats. 1898 s. 1485*]

How restored to owner. SECTION 1486. The owner or person entitled to the possession of any such animal, at any time within ninety days after such notice is filed with such town clerk, may have such animal restored to him upon proving his right thereto and paying all lawful charges incurred in relation to the same. If such claimant and the finder cannot agree as to the amount of such charges or for the use of such animal either party upon notice to the other may apply to any justice of the peace of such town to settle the same, who for that purpose may examine witnesses on oath. If any amount shall be found due to the finder over the value of the use of such animal the same, with the costs of such adjudication, shall be a lien upon such animal. [*1870 c. 93 s. 6, 7; 1877 c. 91 s. 1; R. S. 1878 s. 1486; Ann. Stats. 1889 s. 1486; Stats. 1898 s. 1486*]

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Ownership by finder; sale. SECTION 1487. If no claimant for such animal shall cause its return to him as hereinbefore provided, and if such animal shall not have been appraised for more than ten dollars, the finder shall thereupon become the absolute owner thereof; but if such appraised value exceeds ten dollars such animal shall be sold at public auction by the sheriff or any constable of the county on the request of the finder. Notice thereof shall be given and the sale shall be conducted and the same fees allowed therefor as in case of sales upon a justice's execution. The finder may bid at such sale and shall at the time of sale deliver to such officer a statement in writing of his charges, which shall be filed by such officer with the town treasurer, and after deducting such charges, if just and reasonable, and the costs of the sale the officer shall pay one-half of the remaining proceeds to the finder, and within ten days thereafter the other half to the treasurer of such town for its use. If the finder of any such stray shall neglect or refuse to cause such sale to be made when required by law he shall pay to the town the value of such stray, to be recovered in an action by the town. [*1870 c. 93 s. 8; 1877 c. 91 s. 2; R. S. 1878 s. 1487; Ann. Stats. 1889 s. 1487; Stats. 1898 s. 1487*]

Penalties. SECTION 1488. If any person, without the consent of the finder, shall take any animal lawfully taken up as aforesaid from his possession, without the payment of his lawful charges incurred in relation to the same, he shall be liable to such finder for the value of such animal. If the finder shall neglect to give the notices, procure the appraisals or perform any of the duties hereinbefore required of him he shall be precluded from acquiring any right of property in such animal or receiving any charges or damages relative thereto. [*1870 c. 93 s. 9, 10; R. S. 1878 s. 1488; Ann. Stats. 1889 s. 1488; Stats. 1898 s. 1488*]

SECTION 1489. [*Repealed by 1917 c. 548 s. 1*]

Rams may be taken up; liability. SECTION 1490. If the owner of any ram shall suffer him to go at large or out of his inclosure between the fifteenth day of July and the first day of December in the same year he shall forfeit ten dollars for each time such ram shall be found at large and taken up, one-half of which shall be paid to the prosecutor; and he shall also be liable for any damages sustained by any person in consequence of such ram running at large. Any person may take up such ram, and shall within twenty-four hours thereafter notify the owner thereof, if known, and the place where the same is secured; and if unknown shall within the same time file with the town clerk a notice of such taking up, containing the marks of such ram, natural and artificial, if any, and also post copies of such notice in three public places in such town. The owner of such ram may, within six days after the filing and posting of such notices, pay or tender to the town clerk said forfeiture and fifty cents for his fees, and thereupon said ram shall be restored to him; and the clerk shall forthwith pay one-half of said forfeiture to the person who took the same up and the other half to the county treasurer. If such owner shall not so pay such forfeiture and fees in the time aforesaid said ram shall become the property of the person so taking him up. [*1852 c. 38 s. 2; R. S. 1858 c. 52 s. 2; R. S. 1878 s. 1490; Ann. Stats. 1889 s. 1490; Stats. 1898 s. 1490*]

SECTION 1491. [*Repealed by 1917 c. 548 s. 1*]

Disposition of carcasses of diseased animals. SECTION 1491*m*. 1. No person, firm or corporation shall deposit or throw or allow to be deposited or thrown into any stream, lake or swale, or leave or deposit or cause to be left or deposited upon any public highway or other place in this state the carcass of any dead animal; and no person, firm or corporation shall deposit or leave or permit to be deposited or left upon any premises under their control the carcass of any dead animal exposed in such manner as to be reached by dogs or wild animals for a longer period than twenty-four hours in the months of April to November, inclusive, or two days during the months of December to March, inclusive.

2. No person, firm or corporation shall transport, haul or drag or permit to be transported, hauled or dragged along any public highway in this state the carcass of any animal suspected of having died from anthrax, blackleg, rabies, foot and mouth disease, glanders or any other contagious disease. All such carcasses shall be burned or buried at least four feet below the surface of the ground and shall be completely covered so as to prevent their being devoured by rodents, wild animals or dogs. Whenever it is necessary to transport any such carcass across any public highway to a convenient burial place, it shall be transported in such manner as not to contaminate any part of the public highway traversed. Carcasses of animals having died from such contagious and infectious diseases as may be designated by the department of agriculture may be transported to and disposed of in rendering plants under such regulations as shall be prescribed by the department of agriculture.

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3. Any dead animal found upon a public highway or other public place in this state shall, in case the owner of such animal cannot be found, be buried or otherwise disposed of at public expense by the proper health officer of the town, city or village wherein such animal is found.

4. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars. [*1917 c. 308; 1917 c. 677 s. 65*]

SECTION 1492 sub. 1 and 2. [*Repealed by 1915 c. 413*]

SECTION 1492 sub. 3 and 4. [*Repealed by 1917 c. 592*]

SECTION 1492*a*. [*Repealed by 1917 c. 592*]

SECTIONS 1492*aa* and 1492*ab*. [*Stats. 1913 s. 1492aa and 1492ab; repealed by 1915 c. 413*]

STATE LIVE STOCK SANITARY BOARD.

Live stock sanitary board. SECTION 1492*ab*. 1. There is created in the department of agriculture a state live stock sanitary board to consist of five members, three ex officio, namely, the commissioner of agriculture, the bacteriologist of the state agricultural college and the state veterinarian, and two members to be appointed by the commissioner of agriculture for two-year terms, except that of the two members first so appointed one shall hold for one year and the other for two years.

2. The commissioner of agriculture shall be chairman of the said board.

3. The said board shall maintain offices with the department of agriculture, and all clerical work and assistance necessary for said board shall be performed by the clerical force of the department of agriculture.

4. A regular annual meeting of the board shall be held at the city of Madison on the first Monday of February, or upon the day following should said day be a holiday, and other meetings shall be held at the city of Madison, or elsewhere in the state, upon call of the commissioner of agriculture.

5. It shall be the duty of the state live stock sanitary board to protect the health of domestic animals of the state; to determine and employ the most efficient and practical means for the prevention, suppression, control or eradication of dangerous, contagious or infectious diseases among domestic animals, and for these purposes it is hereby authorized to establish, maintain, enforce and regulate such quarantine and other measures relating to the movement and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as it may deem necessary, and to adopt from time to time all such regulations as may be necessary and proper for carrying out the duties imposed upon said department by law; provided, however, in the case of solely contagious diseases, only suspected or diseased animals shall be quarantined, and in case of bovine tuberculosis or actinomycosis, the owner shall be granted the option of retaining the animals in quarantine under such restrictions as the department may prescribe, or of shipping them under the auspices and direction of the department to some abattoir designated by it for immediate slaughter under United States government inspection. In case of the slaughter of animals under the provisions of this section the owner shall receive the net proceeds of the sale thereof, and shall have no further claim against the state on account of such slaughter.

5a. Whenever any district shall be under quarantine for the purpose of controlling or eradicating rabies, no dog shall be allowed to run at large in such district but all dogs within said territory shall, during the quarantine period, be kept securely confined or tied or held in leash or muzzled and in the immediate control of the owner or keeper. Any dog not so confined or tied and out of the immediate control of its owner or keeper is hereby declared to be a public nuisance and any such dog, whether muzzled or not, may be killed by any person, and no person killing or attempting to kill such dog shall thereby incur any liability. It is hereby made the duty of the sheriff and his deputies and every constable, marshal and policeman and all other officers having police powers within the quarantine district, to actively co-operate in rendering said quarantine effective and for carrying into execution the provisions of this subsection. It is hereby made the duty of every town, city or village clerk within the quarantine area to promptly post in at least three public places in his town, city or village, such notices of quarantine as may be furnished him by the department of agriculture for posting.

5g. Whenever the state live stock sanitary board shall have reason to believe that there is danger of the introduction into this state of any contagious or infectious disease prevailing among domestic animals, in any district outside this state, or its dissemination from one district in this state to another, it shall investigate the existing conditions, and if

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it concludes that danger exists to the live stock interests of this state therefrom, it may prohibit the importation of animals of the kind diseased from the infected district, into this state, or the transportation or removal of them from one part of the state to another, except under such regulations as the board may establish.

5h. Animals in transit in the state are subject to all the provisions of law relating to contagious or infectious diseases of animals, and to the rules, regulations and orders of the department of agriculture, commissioner of agriculture, or state live stock sanitary board issued pursuant thereto.

5m. The term "contagious or infectious diseases" as used in the live stock sanitary laws shall include anthrax, blackleg, infectious stomatitis, rabies, tuberculosis, hemorrhagic septicemia, hog cholera, foot and mouth disease, actinomycosis, glanders and farcy, mange and dourine, and such other diseases as may be determined by the state veterinarian to be contagious or infectious in fact.

5r. Any person, firm, or corporation, who shall bring into this state, or transport or remove from one part of the state to another, or receive in charge, or exhibit at any fair, any animal afflicted with or that has been exposed to any contagious or infectious disease, except as authorized by the rules, regulations, or orders of the department of agriculture, commissioner of agriculture, or state live stock sanitary board; or who, knowing or having reason to suspect that there is any such animal upon his premises or upon any premises of which he has control, shall fail to report such fact as required by law, or who shall attempt to conceal the existence of such disease upon such premises, or who shall permit such animal to run at large or come in contact with other animals susceptible to such disease; or who shall violate any provision of this section or any rule, regulation or order issued pursuant thereto by the department of agriculture, commissioner of agriculture, or state live stock sanitary board, shall be liable to any person injured thereby for the damages by him sustained, and shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment, and the criminal penalty herein prescribed shall be cumulative for each animal involved in such violation.

6. The state live stock sanitary board hereby created shall in all respects succeed to and stand in lieu of the state live stock sanitary board abolished by this act, and all duties, liabilities, authority, powers and privileges imposed or conferred by law upon such board so abolished and all provisions of law relating to and applying to said board, shall relate and apply to the live stock sanitary board hereby created, so far as said laws are applicable.

7. (a) Whenever petitions signed by sixty per cent or more of the cattle owners, as disclosed by the last assessment rolls of the several taxing districts therein, who reside in any county, shall be presented to the department of agriculture, asking that all cattle within such county be tested for tuberculosis, said department is hereby authorized to make such test without expense to the owners, to the extent of the funds provided therefor by subsection (7) of section 20.60. The commissioner of agriculture shall fix a time when said petitions and any objection thereto will be heard by the state live stock sanitary board, and notice of said hearing will be published in at least one paper published in such county, not less than ten days before the time set for such hearing. At the time fixed for such hearing persons may be heard either for or against granting the petition. The board shall examine and consider said petitions and the evidence, facts and things offered in support of and against the same, and shall render its decision thereon. In case the board shall determine that the petitions contain the necessary number of signers and are sufficient to satisfy the statute, such decision and determination shall be final unless reviewed in the manner herein provided. In case the board shall decide that the petitions are sufficient and shall determine to grant the same and undertake the work, notice of such decision and determination shall be given by publishing the same in at least one newspaper published in such county.

(b) A rehearing shall be granted upon the written application therefor, signed by not less than ten per cent of the resident cattle owners in such county, filed with the commissioner of agriculture within thirty days after the publication of the decision as herein provided. The commissioner of agriculture shall, upon receipt of a valid application for rehearing, order one or more members of said board to make investigations in said county and hold at least one public hearing therein. The member or members making such investigation and conducting such hearing shall make and file with the commissioner of agriculture a written report thereof, wherein shall be stated the number of resident owners of cattle, as disclosed by the last assessment rolls, and also the number of valid signatures upon the original petitions. This report shall be examined and acted upon at a meeting of

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the live stock sanitary board and if said board shall find that the original petitions were signed by the requisite numbers of cattle owners, its decision shall be final and absolute.

(c) Whenever it shall be determined to make the test in any county, notice of the time the work will commence shall be given by publication in one or more newspapers of general circulation in the county. At any time after the date so fixed, any member of the state live stock sanitary board and all inspectors and persons appointed or authorized by the board or the state veterinarian to assist in the work of applying the tuberculin test may enter any barns, stables, yards, pastures or other buildings or inclosures where cattle may be, for the purpose of making inspection and applying the tuberculin test, and any person who shall interfere therewith or obstruct them in said work or attempt to obstruct or prevent by force the carrying on of the inspection and the testing shall be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars, and in addition thereto shall be liable to all damages thereby caused to the state or county or to any person lawfully engaged in the work of inspection and testing.

(d) The department of agriculture shall provide all the necessary equipment and supplies and inspectors and make all arrangements necessary for the carrying on and completion of the work herein authorized and the expense thereof shall be defrayed out of the appropriation provided by subsection (7) of section 20.60. Should any such equipment or supplies so provided be no longer needed, same may be disposed of by the superintendent of public property and the proceeds derived from the sale of the surplus or unneeded equipment and supplies shall be paid into the state treasury and credited to said appropriation.

(e) Any petition filed pursuant to the provisions of subsection (7) of section 20.60 prior to July 1, 1921, shall have the same force and effect as though this subsection had not been enacted and such petitions may be proceeded under in all things the same as though filed under this subsection.

(f) No cattle shall be brought into any county after the tuberculin test provided for herein shall have been completed therein, or transported or moved from one part of such county to another, except in compliance with regulations prescribed by the live stock sanitary board, and said board is hereby empowered to make and promulgate all reasonable regulations necessary to prevent the reinfection and spread of bovine tuberculosis in tested territory. [*1915 c. 413 s. 3; 1915 c. 609 s. 1-3; 1917 c. 548 s. 2; 1917 c. 592 s. 2-4; 1919 c. 117; 1919 c. 362 s. 32; 1921 c. 167, 491*]

Calves from tubercular cattle. SECTION 1492*ab*—1. 1. Individual owners or companies may, upon application, be authorized by the state live stock sanitary board to establish quarantine farms for the purpose of raising healthy calves from tubercular cattle, under the Bang system, in conformation with such rules and regulations as may be established by the state live stock sanitary board for the maintenance of such quarantine farms.

2. The state live stock sanitary board shall establish such rules and regulations as in the judgment of the members thereof are necessary for the proper conduct of such quarantine farms. [*1913 c. 396*]

Utilization of by-products from quarantined herds. SECTION 1492*ab*—2. (1) No by-products of any creamery or cheese factory shall be returned to any farm or feeding station for animals unless such by-products shall have been treated in accordance with the rules and regulations of the live stock sanitary board for preventing the spread of contagious or infectious diseases of animals. It shall be the duty of the dairy and food commissioner by himself, his assistants, chemists, inspectors, or agents, to enforce the provisions of this subsection.

(1a) The provisions of subsection (1) shall not apply to any cheese factory or creamery all milk delivered to which comes from cows which have successfully passed an examination for tuberculosis within one year. Such examination shall be made by a duly licensed veterinarian.

(2) Whenever the live stock sanitary board shall have quarantined any herd of cattle because of the existence therein or for the eradication therefrom of any contagious or infectious animal disease, the commissioner of agriculture may by order require that no milk or milk product from such herd shall be utilized in any creamery unless such milk or milk product has been pasteurized or sterilized in accordance with the standards or methods prescribed or to be prescribed by the dairy and food commissioner.

(2a) Whenever a majority of the patrons of any co-operative cheese factory or creamery, at any regularly called meeting of such co-operative association, shall vote to have their cows tested as provided in subsection (1a), no milk shall thereafter be accepted at any such factory or creamery, except from cows which have successfully passed such test.

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(3) Whenever the live stock sanitary board shall have quarantined any area or district within the state because of the existence therein or for the eradication therefrom of any contagious or infectious animal disease, the commissioner of agriculture may by order require the pasteurization or sterilization of any milk or milk product delivered to or received by any creamery within such quarantined area or district, in accordance with the standards or methods prescribed or to be prescribed by the dairy and food commissioner.

(4) Any person, firm, or corporation, who by himself or by agent, or as agent for another, violates any provision of this section, or any rule, regulation, or order issued pursuant thereto by the department of agriculture, commissioner of agriculture, or live stock sanitary board, shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment. [*1917 c. 592 s. 5; 1917 c. 677 s. 69; 1919 c. 304; 1921 c. 561 s. 1*]

Labeling products from tested herds. SECTION 1492*ab*—3. (1) Whenever all the cattle in any county have been tested and have successfully passed an examination for bovine tuberculosis in compliance with law and the rules and regulations of the live stock sanitary board, and the owners of such cattle shall continue to comply with such law and rules and regulations, the department of agriculture shall grant to the county clerk of such county the power to issue to any person, firm or corporation engaged in the sale or manufacture of dairy products derived from such cows a permit to so label or mark such dairy products as to indicate that they are derived from cows which have been found to be free from bovine tuberculosis. Such labels or marks shall be in such form as the department of agriculture shall prescribe. Every applicant for a permit hereunder shall file with the county clerk at the time the application is made a sworn statement to the effect that all products to be labeled or marked under the permit are derived from cows which have successfully passed the tuberculin test.

(2) Whenever the cattle of all persons delivering milk or cream to any one cheese factory or creamery shall have successfully passed the tuberculin test, the manager of such cheese factory or creamery may file a sworn statement with the department of agriculture to the effect that to its best knowledge and belief all the milk and cream used in the production of its dairy products comes from cows which have successfully passed the tuberculin test. If the department of agriculture approves such statement it shall issue to such cheese factory or creamery a permit to label or mark its dairy products in the manner provided in subsection (1) of this section.

(3) All permits issued under the provisions of this section shall be for the period ending December thirty-first of the year in which they are issued, and all holders of permits shall annually make application for the renewal of their permits. All applications for permits and renewals made under the provisions of subsection (2) of this section shall be accompanied by a fee of ten cents for each cow to be included in the permit. Any permit may be revoked by the department of agriculture if there has been a material misstatement in the application for such permit or if any or all of the requirements for the issuance of such permit are not being fulfilled. No person, firm or corporation shall use or cause or permit to be used any label or mark provided for in this section unless a permit therefor has been issued as provided in this section.

(4) Any person who shall misuse or imitate the official label or mark furnished by the department of agriculture or shall make any material misstatement in the application for a permit or a renewal thereof shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not more than thirty days or by both such fine and imprisonment. [*1921 c. 556*]

Dangerous animal diseases; co-operation with United States. SECTION 1492*ab*—5. 1. Whenever it is determined by the live stock sanitary board and the state constitutional officers that it is necessary to combat dangerous diseases among domestic animals in this state in co-operation with the bureau of animal industry of the United States department of agriculture and to destroy animals affected with or which have been exposed to any such disease or to destroy property in the disinfection of the premises or to do any other act or incur any other expense reasonably necessary in suppressing or combating such disease, the state live stock sanitary board may accept, on behalf of the state, the rules and regulations prepared by the United States department of agriculture under authority of an act of congress relating to the suppression of any such disease and co-operate with the authorities of the United States in the enforcement of their provisions; or it may follow such procedure as to inspection, condemnation, appraisal, disinfection and other acts reasonably necessary in the suppression of such diseases as may be agreed upon and adopted by the live stock sanitary board and the state constitutional officers with the representatives of

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the United States department of agriculture. Within the amount which may, subsequent to the passage and publication of this act, be appropriated for this purpose, the state shall pay such proportion of the expense incurred in suppressing or combating any such disease and in compensating owners of animals slaughtered under the provisions of this subsection as shall be determined by and mutually agreed upon with the United States department of agriculture. [*1915 c. 14*]

Tuberculine test, when applied. SECTION 1492*a*—1. Whenever all persons delivering milk or cream to any one cheese factory or creamery shall file a request with the state department of agriculture asking that all of their cattle over the age of six months and numbering one hundred and fifty or more shall be subjected to the tuberculin test, the said department shall make such test and pay one-half of the cost thereof. Whenever all persons delivering milk or cream to two or more cheese factories or creameries shall file a joint petition with said department of agriculture, showing they own three hundred or more cattle over the age of six months, and desire all their cattle tested, the same shall be done and the state department of agriculture shall bear the entire cost thereof; provided this section shall also apply to any cattle owners in this state residing in a contiguous territory and organized as an association or group. [*1919 c. 482*]

Slaughter of diseased animals; notice. SECTION 1492*b*. 1. Whenever the owner shall not exercise the option mentioned in the preceding section, and it shall be deemed necessary by the board to remove or slaughter diseased animals and animals reacting to the tuberculin test, either on the premises or at some designated abattoir or any other place for demonstration purposes, and the representative of the live stock sanitary board and state veterinarian cannot agree with the owner as to the value of such animal, written notice shall be given to the owner, his agent or the person in charge of such animals, and to a justice of the peace in the county in which the animals may be, of the purpose to order the slaughter thereof, giving the number and description of the animals, and the name of the owner.

Appraisal. 2. Such notice shall be entered on the docket of such justice, who shall immediately thereafter summon such owner, agent or possessor, and also three disinterested citizens of the county not residents of the immediate neighborhood in which such animals are owned or kept, to appraise the value thereof. Every person so appointed shall have had experience in the raising and care of live stock, and shall be familiar with the value of such live stock, and competent to appraise the same. Such appraisers shall, before entering upon the discharge of their duties, be sworn by such justice to make a true appraisement without prejudice or favor, of the value of such animals, and if such slaughter is made on the premises where said animals are kept, they shall certify in their return that they have seen the appraised animals slaughtered.

Valuation. 3. In making the appraisement of diseased animals, the appraisers shall determine their value in the condition in which they are found at the time of the appraisement; but the appraised value of no single animal shall exceed the actual market value thereof at the time of such appraisement. The appraisers shall immediately make a verified report to the justices of the peace, giving the number of animals appraised, and the amount each animal was valued at. All such claims shall be subject to the conditions prescribed in section 1492*b*. For each animal condemned and ordered slaughtered the department of agriculture may on behalf of the state, in case the salvage is remitted to the state, authorize the payment to the owner of a sum equal to the amount received for the salvage of the animal after the freight and cost of handling is deducted plus one-half of the difference between the net amount of salvage and the amount at which the animal is appraised. In no case shall the payment made additional to the net salvage exceed ninety dollars for a registered, pure bred animal and forty dollars for a nonregistered animal. When in the opinion of the state veterinarian, an animal is of sufficient value for breeding purposes to make it profitable to place it in quarantine on the premises leased or owned by the state, the owner may receive as salvage a sum equal to the live weight price on the day of appraisement plus the indemnity payment as provided in this section. In making the appraisement of horses found diseased with glanders, equine pernicious anaemia or dourine, the owner shall receive one-half of the appraised value which in no case shall exceed one hundred and fifty dollars. The department of agriculture shall dispose of reacting animals in a manner most advantageous to the state, and may pay a sum not to exceed the total amount received during the year as payment for handling reactors for care, pasturage, feeding of such animals, and for renting and handling farm lands to be used for that purpose. The department may also allow the owner to ship the cattle under such regulations as it may prescribe to abattoirs operated under federal meat inspection. The net salvage obtained by the owner when submitted to the department on blanks and under regulations prescribed by it shall be used as a

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basis of payment as prescribed in this section, but in such instances no payment shall be made as salvage. The live stock sanitary board of the department of agriculture may co-operate and arrange with county board, municipalities, and the United States department of agriculture in the eradication of tuberculosis so that each may pay and contribute such a part of the cost of eradication or indemnity as may be satisfactory to the live stock sanitary board. County boards are authorized to appropriate funds for such purposes, but such funds shall be expended under the direction of the live stock sanitary board. When in the opinion of the commissioner of agriculture, it is advisable to slaughter animals for demonstration purposes, the owner shall receive from the state the agreed live weight price of the animals plus one-half of the difference between the net amount of the salvage and the amount at which the animal was appraised, not to exceed ninety dollars for a registered pure bred animal or forty dollars for a nonregistered animal.

Suspected bovine tuberculosis. 3a. It is hereby provided that whenever, in the opinion of the state veterinarian, it is necessary to condemn and slaughter a bovine animal suspected of being afflicted with tuberculosis, although failing to respond to the tuberculin test, the state veterinarian may order such animal condemned and appraised as provided in this section of the statutes, and the owner shall be paid indemnity as provided in said section of the statutes.

Appraisers; fees. 4. The appraisers herein provided for shall receive two dollars a day for each day actually employed as such, which amount shall be paid out of the county treasury upon the certificate of the justice by whom they were summoned.

Officers' fees. 5. The justice of the peace and other officers who may perform any duty hereunder, shall have the same fees as are allowed by law in criminal proceedings in justice courts, and shall be paid by the county in which their services are performed.

Bovine tuberculosis. 6. In case of bovine tuberculosis, if it shall be deemed advisable by the live stock sanitary board, such appraised animals shall be shipped at the expense of the state and under the direction and control of the board to some abattoir to be designated by the board for immediate slaughter under United States government inspection. The owner or person in charge of such animals shall be given due notice specifying the time and place at which such animals are to be slaughtered, and such owner or his representative shall be granted the privilege and opportunity to be present at such slaughter. A report of such slaughter must be submitted to the secretary of the live stock sanitary board by a member of such board.

Disposal of condemned animals. 7. It shall be the duty of the state live stock sanitary board to negotiate with packers and slaughtering concerns, for the purpose of disposing of reacting cattle to be disposed of by the department. They shall keep an accurate account of all animals condemned, to whom each animal was transferred, and what amount was realized for each animal, giving the weight of each animal; the price realized per pound, live or dressed, also the cost of transportation. A copy of such account shall be filed with the secretary of state every thirty days.

Proceeds of sale paid into treasury. 8. The net proceeds of any sale of carcasses and by-products of such condemned slaughtered animals, together with an account thereof shall be returned to the department of agriculture and such net proceeds shall be immediately paid by the department of agriculture into the state treasury. Such receipts shall not increase the appropriations for carrying into effect the provisions of sections 1492*ab* to 1492*ef*, inclusive.

Slaughter on the premises. 9. If any such appraised animals be slaughtered on the premises of the owner thereof such slaughter shall be made under the supervision and direction of the state veterinarian or an assistant. If, after inspecting the carcass of the above described animals, it is found, according to rules of inspection laid down by the live stock sanitary board, which shall conform with those of the United States bureau of animal industry, that the carcass is unfit for human food, he shall destroy such carcass, or cause the same to be buried and covered with a sufficient quantity of lime to destroy the carcass. The hide shall be disinfected and otherwise cared for according to rules laid down by the live stock sanitary board. If the carcass is fit to be used for human food it may be disposed of in accordance with the provisions made by the said board.

Compensation to owners. 10. The owners of animals condemned and slaughtered by virtue of this section shall receive indemnity therefor as provided in subsection (2) of section 20.60, except in the following cases:

(1) For animals owned by the United States, this state or any county, city, town or village in this state.

(2) For animals brought into this state, contrary to the provisions of sections 1492*ab* and 1492*b* to 1492*ef*, inclusive, or where the owner of the animal or the person claiming compensation has failed to comply with the provisions of the same.

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(3) When the owner or claimant, at the time of coming into possession of the animal, knew or had good reason to believe it to be afflicted with a contagious or infectious disease.

(4) When the animal slaughtered was diseased at the time of its arrival in this state.

(5) When the owner shall have been guilty of negligence, or has wilfully exposed such animals to the influence of a contagious or infectious disease.

(6) When the animal slaughtered shall have been brought into the state within one year prior to such slaughter, and has not passed successfully a tuberculin test during that period prior to the one in which the reaction took place and after the test conducted at the time when the animal was brought into the state.

(7) When the infected premises have not been disinfected, to the satisfaction of the live stock sanitary board, in such manner as to prevent the further spread of the disease.

(8) Where the owner of reacting cattle, or the owner or owners from whom such cattle have, within ninety days, been bought, has not tested his entire herd within two years; unless the owner or owners of the herd from whom the cattle were bought shall agree to test the entire herd, in which case the claim shall be held up until such entire herd has been tested.

(9) Where the owner has received indemnity as a result of a former inspection and has thereafter introduced into his herd any bovine animal which has not passed a tuberculin test approved by the state department of agriculture.

Presentment of claims. 11. All claims against the state arising from the slaughter or removal of animals shall be made by filing with the secretary of state a copy of the live stock sanitary board's notice to the owner and to the justice of the peace, and the return of the appraisers to the justice, which notice and return shall be certified by such justice, giving the name and place of residence of the owner, the date on which such animals were condemned and the tag number of each animal. In case the representative of the live stock sanitary board and the state veterinarian can agree with the owner of the animal so condemned upon the value of such animal, claims against the state arising from the condemnation of animals shall be made in the same manner as hereinbefore provided in this subsection, except that the returns as to the appraisal of animals condemned shall be made by filing with the secretary of state a copy of the live stock sanitary board's notice to the owner and a copy of their appraisal which shall be certified to before a notary public, justice of the peace or other person authorized to administer oaths.

Agreement to test herd. 11m. Before any such claim is paid the owner, or owners, or his authorized agent, shall sign a statement agreeing to test the entire herd sufficiently often to protect the same against the spread of tuberculosis in it. The frequency of such tests shall be determined by the department of agriculture; but in no case shall more than two years intervene between such tests. [*1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a sub. 4, 5; Stats. 1898 s. 1492b; 1901 c. 440 s. 3; 1903 c. 22 s. 3; 1905 c. 32 s. 1; Supl. 1906 s. 1492b; 1907 c. 118, 273; 1909 c. 375, 542; 1911 c. 637; 1913 c. 364, 698; 1913 c. 772 s. 136; 1913 c. 773 s. 118; 1915 c. 93, 561; Stats. 1915 s. 1492d sub. 2; 1917 c. 14 s. 95, 97, 98; 1917 c. 504 s. 1–3, 5; 1917 c. 628 s. 21; 1917 c. 677 s. 12, 13; 1919 c. 587 s. 2; 1919 c. 690 s. 1-4; 1921 c. 491 s. 1, 2; 1921 c. 590 s. 18*]

SECTION 1492b—1. [*Repealed by 1919 c. 690 s. 1*]

Report of test. SECTION 1492b—2. No person shall at any time or in any manner apply tuberculin to any animal, unless the temperature record be reported to the state live stock sanitary board. [*1911 c. 637*]

Tuberculin supply. SECTION 1492b—3. The live stock sanitary board shall furnish and distribute tuberculin and circulars containing the rules and regulations for applying the tuberculin test upon application, to all persons authorized to make tuberculin tests in cattle. [*1911 c. 637*]

SECTION 1492b—4. [*Repealed by 1919 c. 690 s. 1*]

Labeling of tuberculin. SECTION 1492b—5. All tuberculin sold, given away or used within this state, shall bear a label stating the name and address of the person, firm or institution making it, and the date of preparation. [*1911 c. 637*]

Report of sale. SECTION 1492b—6. Every druggist or vendor of drugs, wholesale or retail, or other person, who shall hereafter, in the state of Wisconsin, sell, furnish, give away or supply to any person any tuberculin shall, on the same day of selling, furnishing or supplying the same, report to the state live stock sanitary board, giving the name and address of the person to whom sold, furnished or supplied, the amount sold and the date of delivery. [*1911 c. 637*]

Notice to purchaser. SECTION 1492b—7. Persons buying or procuring tuberculin shall not use or dispose of it, until assured in writing by the person from whom the tuberculin is received, that its sale or delivery to said person has been reported to the state live stock sanitary board. [*1911 c. 637*]

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Revocation of permit. SECTION 1492*b*—8. Any person applying the tuberculin test to cattle in the state of Wisconsin, who does not comply with the rules, regulations and instructions furnished by the Wisconsin live stock sanitary board, shall forfeit all right to apply the tuberculin test and surrender his permit to said board, which is hereby given the power and authority to revoke the right of any person to apply the tuberculin test, upon proof of noncompliance with such rules and regulations. [*1911 c. 637*]

Penalty for altering records. SECTION 1492*b*—9. It shall be unlawful for any person, to in any manner, change the record of any temperature sheet or to falsely record any test, or to induce or conspire with another, either directly or indirectly, to change the record of any test sheet or to falsely record any test, so as to show that an animal has reacted to the test when the true temperature or record would not indicate any reaction, or so as to show that an animal has not reacted to the test when the true temperature or record would indicate a reaction. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail for not less than sixty days nor more than six months. [*1911 c. 637*]

Inspection and reports of animals diseases. SECTION 1492*c*. 1. All veterinarians in the state shall immediately report to the commissioner of agriculture the existence among animals of any contagious or infectious disease coming to their knowledge. The report shall be made in writing and shall include a description of the diseased animal or animals, the name and address of the owner or person in charge of the animal, if known, and a statement as to the location of the animal or animals.

Reports from owners. 2. It shall be the duty of every person who shall have reason to suspect that there is upon his premises, or upon the premises occupied by him, or under his control, any domestic animal having a contagious or infectious disease, to immediately report the fact to the state veterinarian, or the secretary of the live stock sanitary board. The board or state veterinarian may require that the owner of suspected stock employ at his own expense, a qualified veterinary surgeon, or some other competent person authorized by law or by the state live stock sanitary board, to examine such stock and determine whether, in his opinion, the disease exists.

Inspection of premises. 3. The state live stock sanitary board or any member thereof or any veterinarian duly authorized by the commissioner of agriculture and state veterinarian or any duly appointed health officer may enter upon any premises or go into any building or place, where he has reason to suspect there may be diseased animals, and examine the same, and may call to his aid, if necessary, the sheriff or any constable of the county in which such animals may be located and all such officers, when so called upon by the department of agriculture or a duly appointed representative shall assist in the enforcement of the provisions of law relating to contagious and infectious diseases of animals. [*1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a sub. 6, 7; Stats. 1898 s. 1492c; 1901 c. 440 s. 4; Supl. 1906 s. 1492c; 1907 c. 118; 1909 c. 542; 1911 c. 637; 1911 c. 664 s. 153; 1917 c. 592 s. 2, 3, 6, 7; 1919 c. 690 s. 5*]

SECTION 1492*d*. [*Renumbered section 1492b sub. 10 and 11 by 1917 c. 14 s. 97, 98*]

SECTION 1492*d*—1. [*Repealed by 1911 c. 637*]

Assistant veterinarians; supplies. 1492*e*. (1) The state veterinarian is hereby authorized to appoint assistant state veterinarians, who shall be duly qualified veterinary surgeons, and the state veterinarian may call to his assistance, as may be necessary in the performance of his work, duly qualified veterinary surgeons. No person shall be considered a veterinary surgeon, within the meaning of sections 1492*ab* and 1492*b* to 1492*ea*, inclusive, who is not a regular graduate in good standing of some recognized veterinary college in the United States, Canada or Europe.

(2) The superintendent of public property is hereby instructed to furnish the state veterinarian and live stock sanitary board with a suitable office in the capitol building and with the necessary stationery, postage stamps, office supplies and equipment and necessary books of reference, instruments, materials and supplies for carrying out the powers and duties of said board. The board shall be entitled to receive all printing necessary and proper in carrying out the powers and duties of said board. [*1885 c. 467; 1887 c. 76; Ann. Stats. 1889 s. 1492a sub. 10; 1895 c. 110; Stats. 1898 s. 1492e; 1901 c. 440 s. 6; 1905 c. 162 s. 3; Supl. 1906 s. 1492e; 1909 c. 375; 1911 c. 637; 1911 c. 664 s. 153; 1913 c. 772 s. 136, 137; 1921 c. 590 s. 19*]

Inspection of slaughterhouses. SECTION 1492*ea*. 1. All slaughterhouses in this state not subject to inspection and supervision by the United States government and by officers and persons in its employ shall be inspected and supervised by the state board of health, and it shall be the duty of said board to inspect or to cause each such slaughterhouse in the

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state to be inspected at least once each year. The health officer of any township, incorporated village or city in which a slaughterhouse is located shall, upon complaint or upon the request of the state board of health, make such inspection of slaughterhouses as may be required to keep them in a sanitary condition. Any violations of the rules and regulations adopted by the state board of health for the sanitary care and construction of slaughterhouses shall be promptly reported by the local health officer to the state board of health in such manner as the state board of health may determine in its rules and regulations.

2. The state board of health shall have authority and it shall be its duty to enforce all laws of the state relating to slaughterhouses, and the board shall have power to make and enforce necessary rules and regulations relating to construction and operation so as to prevent unsanitary or other conditions inimical to the public health, in or about slaughterhouses subject to such inspection and supervision, and the board may, upon its own motion or upon written complaint, inspect and examine any such slaughterhouse, and if it shall find that the same is being operated in an unsanitary manner or that the same is so located, constructed, drained, ventilated or maintained as to be dangerous or inimical to the public health, the state board of health shall make such order or orders as may be necessary to properly rectify and remedy any such method or manner of operation or any such condition so as to protect the public health. Such order shall specify the time within which the same shall be complied with, and shall be delivered in person or by registered mail to the person to whom the same is directed. The rules and regulations adopted by the state board of health in conformity with this section shall be published in the official state paper and when so published they shall have the force of law.

3. The state board of health or its duly authorized representative or agent has the right to at any time enter any slaughterhouse and to go upon any premises connected therewith for the purpose of inspecting the same.

4. It shall be the duty of any person, firm or corporation owning any building which is used or operated as a slaughterhouse in this state at the time this section goes into effect, and which is not subject to federal inspection, or if such owner is a nonresident of the state, then of the person, firm, or corporation operating any such slaughterhouse, to report to the state board of health in writing, on or before August 1, 1913, describing the location and construction of such building so used or operated; and the location and construction of all buildings hereafter used or operated as a slaughterhouse, which have not already been reported to the state board of health and which are not subject to federal inspection, shall be reported to said board of health within ten days after the same is first used or operated as a slaughterhouse. Such report shall be made by the owner of such building, if a resident of this state, and if not, then by the person, firm or corporation operating the same as a slaughterhouse.

5. The owner, operator or person in charge of any slaughterhouse in the state of Wisconsin, upon whom an order shall have been served by the state board of health as herein provided, may appeal from such order and shall be granted a hearing before such board at its next regular meeting, provided such appeal is made in writing and is filed with one of the members of such board or with its secretary. The state board of health shall have power to affirm, repeal or alter such orders, and each member thereof or the secretary may for the purposes of any such hearing administer oaths and take testimony and subpœna and compel the attendance of witnesses in the manner provided in section 2394—61 of the statutes, and all witnesses shall be paid as provided in section 2394—62 on certifications by the president of the board.

6. Any person who shall prevent or attempt to prevent the state board of health, their duly authorized representative or agent, or the local health officer from entering any slaughterhouse or from going upon any premises connected therewith for the purpose of inspecting the same; or any person who shall fail to comply with any order or the rules of the state board of health, made and served as provided in this section, and within the time specified in such order; or any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment in the county jail for not less than five days nor more than six months.

7. It shall be the duty of the district attorney of each county in the state to prosecute any and all persons for violation of this section or of any order or the rules of the state board of health, and to fully co-operate with the state board of health in the enforcement of all laws relating to slaughterhouses. [*1913 c. 583; 1917 c. 14 s. 76*]

Penalty. SECTION 1492*ef*. Any person who violates any provisions of sections 1492*ab* and 1492*b* to 1492*ef*, inclusive, shall be deemed guilty of a misdemeanor, and except as otherwise provided, shall upon conviction, be punished by a fine of not less than

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twenty-five nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than sixty days. [*1911 c. 637; 1911 c. 664 s. 153; 1917 c. 671 s. 25*]

SECTION 1492*eg*. [*Repealed by 1913 c. 772 s. 137*]

Inspection of interstate live stock shipments. SECTION 1492*em*. 1. No inspection for interstate shipment of live stock shall be made in this state by any person other than an inspector of the United States bureau of animal industry or an authorized inspector of the live stock sanitary board.

2. Any person violating any provision of subsection 1 of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

3. Whenever inspections and tuberculin tests of cattle for interstate shipment from this state are not made or administered by an inspector of the United States bureau of animal industry, the live stock sanitary board shall, upon request for such inspection or tuberculin test, cause such inspection or test to be made or administered.

4. Any person, firm, or corporation requesting inspection or tuberculin test of cattle by one of the veterinarians in the employ of the department of agriculture for interstate shipment from this state, shall pay therefor such fees as shall be determined by the live stock sanitary board, which shall be as nearly equivalent to the cost of such inspection or test as can be determined from the records in the office of said board. Such fees shall be paid to the person making the inspection or administering the tuberculin test before a certificate of inspection shall be delivered to the person, firm, or corporation. All moneys received as fees, under the provisions of this subsection, shall be paid, within one week after receipt, into the state treasury. The board may require its inspectors to give such bond as it may determine.

5. Whenever cattle which have been tuberculin tested by an authorized inspector in this state prior to shipment from this state into another state and such cattle are tuberculin tested in such other state within three months after arrival therein and an unreasonable number of such cattle react to such test, the state live stock sanitary board shall investigate the facts in connection therewith. The said board may, as herein provided, compel the appearance before it of the person or the proper official of the firm or corporation making such shipment. If, upon such investigation, the state live stock sanitary board shall find that the unreasonable number of reactors to the tuberculin test administered in such other state was due to the act or omission of such person, firm or corporation, the said board shall thereafter deny to such person, firm or corporation the privileges of inspection as herein provided.

6. Whenever the live stock sanitary board, or other similar board of any other state shall report to the live stock sanitary board of this state that a person, firm or corporation of such other state has bought and collected in this state a consignment of cattle which had been tuberculin tested by an authorized inspector in this state prior to shipment from this state into such other state, that an unreasonable number of such cattle have reacted to such test in such other state and that such facts were substantiated by post mortem examination by a federal meat inspector, the live stock sanitary board shall thereafter deny to such person, firm or corporation the privileges of inspection as provided in this section.

7. For the purpose of promoting live stock sanitation and of carrying out the provisions of this section, the live stock sanitary board shall have power to administer oaths, issue subpœnas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony. In case of disobedience on the part of any person to comply with any order of the board, or any member thereof, or any subpœna issued in behalf of such board, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any county, or the judge thereof, on application of a member of the board, to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein. A record of all hearings had under the provisions of this section shall be kept in the office of the live stock sanitary board.

8. The department of agriculture shall provide ear tags to be used for tagging cattle tested for tuberculosis and shall distribute the same to persons authorized by the department to test cattle. Such distribution shall be made at a price sufficient to cover the cost of the tags and their distribution. [*1915 c. 625; 1917 c. 14 s. 96; 1917 c. 363; 1917 c. 592 s. 8*]

SECTIONS 1492*e*—1 to 1492*e*—6, inclusive. [*Repealed by 1915 c. 609 s. 10*]

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BOARD OF VETERINARY EXAMINERS.

Veterinary surgeon; license; fee. SECTION 1492*e*—7. Every unlicensed person who was engaged in the practice of veterinary medicine and surgery in this state continuously for a space of ten years or more prior to the first of January, 1909, may continue such practice without examination, providing such person produces indorsements of his qualifications as a skilled and competent veterinary physician and surgeon, subscribed and sworn to by two hundred and fifty freeholders and owners of live stock residing in the county in which such veterinarian lives, and provided further that such person makes application for license to the department of agriculture within thirty days after the passage and publication of this act, and upon the payment of three dollars for his first license, and annually thereafter causing his name and residence to be registered by the said department which shall keep a book for that purpose. [*1907 c. 334; 1909 c. 298; 1915 c. 609 s. 9*]

Reregistration; county clerks' lists. SECTION 1492*e*—8. A fee of one dollar annually shall be charged for such reregistration. All persons licensed by the department shall annually register in like manner. A certified list of all persons registered from each county shall be furnished the clerk thereof by the department and the names on such list shall be registered by said clerk in a book kept for that purpose. [*1907 c. 334; 1915 c. 609 s. 9*]

Revocation of license; notice. SECTION 1492*e*—8*a*. The said department of agriculture may, upon the recommendations of the veterinary examiners appointed under the provisions of subdivision (4) of section 1458—3 of the statutes, revoke any license heretofore existing or granted or which may hereinafter be granted for any professional misconduct or breach of duty by any licensed practitioner of veterinary medicine and surgery. Provided, however, that the said department before the revocation of said license shall notify the said licensed practitioner of the hearing, and give to said licensed practitioner at least twenty days' notice in writing of the hearing for the revocation of the license. [*1909 c. 298; 1915 c. 609 s. 9*]

Re-examination and fee. SECTION 1492*e*—9. Each registration shall expire on the first April following its entry. Any person who had secured a license under this act, who may discontinue for a time, may appear before the department and be re-examined. A fee of five dollars shall be charged for such re-examination. [*1907 c. 334; 1915 c. 609 s. 9*]

Examinations. SECTION 1492*e*—10. Any person who may desire a license to practice veterinary medicine and surgery in this state may appear before the said veterinary examiners of the department of agriculture at such times and places as the department may fix and be examined in reference to his skill and knowledge in veterinary medicine and surgery. [*1907 c. 334; 1915 c. 609 s. 9*]

Licenses. SECTION 1492*e*—11. If such examination shall prove satisfactory to said veterinary examiners, and to the commissioner of agriculture, he shall issue to such person a license to practice veterinary medicine and surgery in this state in accordance with the provisions of sections 1492*e*—7 to 1492*e*—19, inclusive. [*1907 c. 334; 1911 c. 663 s. 206; 1915 c. 609 s. 9*]

Signatures on license. SECTION 1492*e*—12. All licenses shall be signed by the commissioner of agriculture. [*1907 c. 334; 1915 c. 609 s. 9*]

License prima facie evidence. SECTION 1492*e*—13. Every license shall be prima facie evidence of the rights of the licensee to practice veterinary medicine and surgery in this state in accordance with the provisions of sections 1492*e*—7 to 1492*e*—19, inclusive. [*1907 c. 334; 1911 c. 663 s. 207; 1915 c. 609 s. 9*]

Penalty for practice without license. SECTION 1492*e*—14. Any person who shall practice veterinary medicine or surgery or any branch thereof in this state without being annually registered or without license herein provided shall be punished by a fine of not less than twenty dollars or more than one hundred dollars or less than thirty days or more than ninety days in the county jail or both, for each and every offense. A violation of sections 1492*e*—1 to 1492*e*—19, inclusive, shall constitute a separate offense as to each patient treated. [*1907 c. 334; 1911 c. 663 s. 206*]

Practice defined. SECTION 1492*e*—15. A person shall be deemed to be engaged in the practice of veterinary medicine and surgery who shall ask or receive directly or indirectly any pay, or compensation for the treatment of any domestic animals, also menagerie animals or any person who shall advertise or hold himself out to the public as a veterinary physician, surgeon or specialist or who shall use the title of "doctor" or who shall append to his name the letters V. S., M. D., D. V. S., or M. D. V., except that

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nongraduate license shall read licensed nongraduate veterinarian. [*1907 c. 334; 1917 c. 28 s. 1*]

Students exempt, when. SECTION 1492*e*—16. But nothing in this act contained shall be construed so as to prevent a bona fide student in regular attendance at any recognized veterinary college from practicing veterinary medicine and surgery not more than eighteen months under the direct supervision of a regular licensed graduate veterinarian. [*1907 c. 334; 1917 c. 28 s. 2*]

Fees; examination and registration. SECTION 1492*e*—17. Said department of agriculture may charge each person applying for a license to practice veterinary medicine and surgery in this state who is not registered as a veterinary prior to the passage of this act whether such applicant passes such examination or not a fee of five dollars which in no case is returnable and shall charge for each annual registration a fee of one dollar. [*1907 c. 334; 1915 c. 609 s. 9*]

SECTION 1492*e*—18. [*Repealed by 1915 c. 609 s. 10*]

When no license required. SECTION 1492*e*—19. No person shall be prohibited by sections 1492*e*—1 to 1492*e*—18, inclusive, of the statutes, from castrating domestic animals, except horses and mules, from dehorning cattle, from treating sprains, cuts or other ordinary minor injuries to which domestic animals are subject; nor shall said sections be construed to prohibit any person from treating diseases of domestic animals for compensation at any place within this state which shall be five or more miles distant from the office or place of business of a duly licensed veterinarian authorized to practice under the provisions of said sections 1492*e*—1 to 1492*e*—18, inclusive, of the statutes. [*1907 c. 334; 1909 c. 79; 1919 c. 690 s. 6*]

Testimonial powers of examiners. SECTION 1492*e*—20. For the purpose of carrying out the provisions of sections 1492*e*—8 to 1492*e*—19, inclusive, the veterinary examiners appointed by the commissioner of agriculture shall have power to administer oaths, issue subpœnas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony. In case of disobedience on the part of any person to comply with any order of the examiner or any one thereof, or any subpœna issued in behalf of them, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any county or the judge thereof, on application of one of the examiners, to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein. A record of all hearings had under the provisions of this section shall be kept in the office of the veterinary examiners. When acting under the provisions of this section the commissioner of agriculture shall act as chairman in such hearings. [*1915 c. 609 s. 5*]

SECTION 1492*f*. [*Repealed by 1907 c. 334*]

SECTIONS 1492*g* to 1492*m*. [*Repealed by 1917 c. 592 s. 1*]

ASSOCIATIONS FOR IMPROVING THE BREEDS OF DOMESTIC ANIMALS.

How organized; powers. SECTION 1493. For the purpose of raising, importing, breeding and selling horses or other domestic animals and stimulating the improvement of the breeds thereof corporations may be formed and be governed and conducted in the manner prescribed in chapter 86; but no such corporation shall be organized with a less capital than ten thousand dollars, of which at least ten per centum shall be actually paid in in cash at the time of organization. Every such corporation shall have the general powers of a corporation and may take by gift, purchase or lease and hold for the promotion of the objects thereof exclusively real and personal property to an amount not exceeding one hundred thousand dollars in value. It may have grounds and courses for exhibiting animals and trying the speed of horses and offer and award prizes for competition; but no racing for any bet or wager shall be allowed; and every such corporation may prevent gambling or betting of every kind, and preserve order on its grounds and courses, and appoint officers or agents who, for that purpose, shall have the power of constables. [*1859 c. 145; R. S. 1878 s. 1493; Ann. Stats. 1889 s. 1493; Stats. 1898 s. 1493*]

ASSOCIATIONS TO PROTECT AGAINST LARCENY OF ANIMALS.

Organization and powers of. SECTION 1494. For the mutual protection of the members against larcenies of horses and other domestic animals corporations may be formed and be governed and conducted in the manner prescribed in chapter 86, and shall have the powers therein conferred. Every such association may take notes of its members to meet the extraordinary expenses thereof and make, and collect by action, assessments thereon; and may impose, and collect by action, fines for nonperformance of du-

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ties by its officers and members in such manner as shall be prescribed by its by-laws. It may appoint riders, who shall have all the powers of constables, to search for, arrest and detain criminals charged with having committed larcenies of the property of its members, and to search for, seize and detain the property stolen. [*1861 c. 222; R. S. 1878 s. 1494; Ann. Stats. 1889 s. 1494; Stats. 1898 s. 1494*]

PREVENTION OF FRAUDS IN DAIRY MANUFACTORIES.

Butter and cheese manufacturers; accounts must be accessible; penalties. SECTION 1494*a*. Any butter or cheese manufacturer who shall knowingly use or allow any other person to use for the benefit of himself or any other person than he who is entitled to the benefit thereof any milk or cream from the milk brought to him, without the consent of the owner thereof, or who shall refuse or neglect to keep or cause to be kept a correct account (which shall be open to the inspection of any person furnishing milk to him and to the dairy and food commissioner of this state, his chemists, assistants, inspectors and agents) of the amount of milk daily received, or of the number of pounds of butter, and the number and aggregate weight of cheese made by him each day, or of the number of cheese cut or otherwise disposed of and the weight of each, shall be guilty of a misdemeanor and upon conviction be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days. [*1878 c. 224; R. S. 1878 s. 1494a; Ann. Stats. 1889 s. 1494a; Stats. 1898 s. 1494a; 1907 c. 306*]

Babcock milk and cream test; samples; paying check. SECTION 1494*aa*. 1. In the use of the Babcock test, the standard milk measures or pipettes shall have a capacity of seventeen and six-tenths cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters for each ten per cent marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be eighteen grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent of butter fat contained in the same, or wherever the value of milk or cream is determined by the per cent of butter fat contained in the same by the Babcock test.

2. In sampling cream or milk from which composite tests are to be made to determine the per cent of butter fat contained therein, no such sample or sampling shall be lawful unless a sample be taken from each weighing and the quantity thus used shall be proportioned to the total weight of the cream or milk tested.

3. Every person, corporation or company operating a creamery when using the Babcock test as a standard and manufacturing butter to determine the value of any milk or cream received or bought by such person, corporation or company, shall, when paying for such milk or cream, include in every statement or check issued to any patron in payment thereof a statement of the number of pounds of butter fat and the number of pounds of butter made for the period of time for which payment is made. [*1903 c. 43; Supl. 1906 s. 1494aa; 1907 c. 99, 118; 1913 c. 433*]

Standardization of Babcock test pipettes. SECTION 1494*ab*. (1) All bottles and pipettes used in measuring milk or milk products for making determination of the per cent of fat in said milk or milk products shall have clearly blown or otherwise permanently marked in the side of the bottle or pipette the word "Sealed," and in the side of the pipette or the side or bottom of the bottle the name, initials, or trade-mark of the manufacturer and his designating number, which designating number shall be different for each manufacturer and may be used in identifying bottles. The designating number shall be furnished by the state superintendent of weights and measures upon application by the manufacturer and upon the filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney-general, conditioned upon conformance with the requirements of this section. A record of the bonds furnished, the designating number, and to whom furnished, shall be kept in the office of the state superintendent of weights and measures.

(2) Any manufacturer who sells Babcock milk, cream or butter test bottles or milk pipettes, to be used in this state, that do not comply with the provisions of this section shall suffer the penalty of five hundred dollars to be recovered by the attorney-general in an action against the offender's bondsmen, to be brought in the name of the people of the state. Any dealer who uses, for the purpose of determining the per cent of milk fat in milk or milk products, any bottles or pipettes purchased after this law takes effect that do not comply with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not

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less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than three months.

(3) The state superintendent of weights and measures shall prescribe specifications with which the glassware mentioned in this section shall comply. The unit of graduation for all Babcock glassware shall be the true cubic centimeter or the weight of one gram of distilled water at four degrees centigrade.

(4) Sealers of weights and measures are not required to seal Babcock milk, cream or butter test bottles or milk pipettes marked as in this section provided, but they shall from time to time make tests of individual bottles used by the various firms in the territory over which they have jurisdiction in order to ascertain whether the above provisions are being complied with and they shall report immediately to the state superintendent of weights and measures violations found. [*1903 c. 43 s. 2; Supl. 1906 s. 1494ab; 1907 c. 118; 1911 c. 663 s. 210; 1915 c. 95*]

To underread or overread unlawful. SECTION 1494*ac*. It shall be unlawful for any person, by himself, his servant or agent or as the servant or agent of another to falsely manipulate or underread or overread or make any false determination by the Babcock test or any other contrivance used for determining the quality or value of milk or cream delivered to a creamery, cheese factory, or condensed milk factory, or when sold or purchased. [*1903 c. 43 s. 3; 1905 c. 99; Supl. 1906 s. 1491ac; 1907 c. 118; 1913 c. 433*]

Penalty prescribed. SECTION 1494*ad*. Whoever shall violate any of the provisions of sections 1494*aa* to 1494*ad*, inclusive, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred for each and every offense, or be imprisoned in the county jail not less than thirty days nor more than sixty days. [*1903 c. 43 s. 4; 1905 c. 99 s. 2; Supl. 1906 s. 1494ad; 1907 c. 118; 1911 c. 663 s. 211*]

SECTION 1494*b*. [*Renumbered section 36.215 by 1919 c. 33 s. 5*]

SALE OF COMMERCIAL FERTILIZERS.

Labels on; sample, etc. SECTION 1494*c*. 1. Every person who shall, in this state, sell or expose for sale any commercial fertilizer or any material used for fertilizing purposes, excepting agricultural lime and the dung of poultry and domestic animals in their natural condition selling for less than ten dollars per ton, shall affix to every package of such fertilizer or material in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds therein, name or trademark under which the article is sold, name of the manufacturer or shipper, place of manufacture, place of business of the manufacturer and of the following fertilizing constituents, namely: The percentage of nitrogen in an available form, of potash soluble in water and of available phosphoric acid, soluble and reverted, as well as total phosphoric acid. Every such person shall also file with the commissioner of agriculture, in the month of December in each year, a certified copy of such statement for every such fertilizer or material bearing a distinguishing brand or trade-mark and which he sells or exposes for sale, which copy shall, when required by such commissioner be accompanied by a sealed glass jar or bottle containing at least one pound of such fertilizer or material, and an affidavit that such sample corresponds, within reasonable limits, to the fertilizer or material which it represents in the percentage of the aforesaid constituents, which affidavit shall apply to the remaining portion of the then calendar year. Additional brands of such fertilizer or material may be offered for sale during the year, provided samples and affidavits are so filed at least one month before they are offered, in which case an analysis fee of double the usual amount must be paid. A deposit of the sample of the fertilizer shall be required by said commissioner unless the person selling or offering for sale a fertilizer or material within this section shall certify that its composition for the succeeding year is to be the same as given in the last previously certified statement, in which case the furnishing of a sample shall be at the discretion of said commissioner.

2. The term "agricultural lime" as used herein shall include all quick lime, both lump and ground, ground limestone, ground or pulverized oyster shells, sulphate of lime or land plaster, hydrated lime, gas lime, marl and all similar products, provided that nothing herein shall be construed as prohibiting persons engaged in quarrying and grinding limestone, within the state of Wisconsin, from selling their own products at the place where ground and quarried without complying with sections 1494*c*, 1494*d*, and 1494*e*. Every manufacturer, person or firm who shall sell, offer or expose for sale or for distribution in the state of Wisconsin, any agricultural lime to be used as a fertilizer or soil improver, shall furnish with each shipment or lot or shall affix to each package or bulk of agricultural lime a statement clearly and truly certifying the kind of lime, the number of net pounds in each shipment or lot or package, the name of the manufacturer, place of busi-

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ness, and for all quick lime, hydrated lime, gas lime, marl, limestone, clam and oyster shells, the following statement of analysis: (1) The maximum approximate percentage of water. (2) The minimum neutralizing value expressed as the percentage of calcium carbonate. (3) In the case of marl and ground limestone and clam and oyster shells, the additional analyses concerning fineness as follows: (a) Percentage not passing ten mesh sieve. (b) Percentage passing ten mesh sieve, but held on sixty mesh sieve. (c) Percentage passing sixty mesh sieve.

In the case of sulphate of lime or land plaster the maximum percentage of water and the minimum percentage of sulphur trioxide.

Approximate water content as used in this section is to be taken to mean within ten per cent. Neutralizing value is to be determined as follows: A determination of the carbon dioxide content is to be made directly on ground limestone, clam and oyster shells and marl.

In the case of quick lime, hydrated lime, gas lime, and other partly slacked and carbonated material, the oxide and hydrate are to be changed to the carbonate and then a determination of the carbon dioxide content is to be made in the same way as with ground limestone. The carbon dioxide value is then to be calculated over to its chemical equivalent as calcium carbonate and from this value the neutralizing value of the dry material compared to pure dry calcium limestone is to be calculated and expressed in terms of per cent.

3. Before any person or firm shall sell or offer for sale any pure or mixed culture of micro-organisms or other material to be used for promoting directly or indirectly, the growth of higher plants, he or they shall file with the commissioner of agriculture a statement under oath specifying the composition of the substance and the kinds of micro-organisms contained therein which promote the growth of higher plants, and shall secure a permit from the commissioner of agriculture.

The commissioner of agriculture shall have the power to refuse or cancel such a permit whenever any culture of micro-organisms or any other material used for promoting the growth of plants is sold under false or misleading claims. [*1895 c. 87 s. 1, 2; Stats. 1898 s. 1494c; 1917 c. 593; 1917 c. 595 s. 1, 2; 1919 c. 333; 1921 c. 515 s. 1*]

Analysis; license; fee; unlawful sale. SECTION 1494*d*. 1. Said commissioner shall analyze or cause to be analyzed all such samples and publish the results of such analysis in a bulletin or report on or before the first day of the next succeeding April. Every manufacturer, importer, agent or seller of any such fertilizer, or culture of micro-organisms or other material shall pay annually to said commissioner for each brand thereof sold within this state the sum of twenty-five dollars, and upon doing so and complying with the other provisions of law shall receive from him a certificate of such compliance which shall be a license for the sale of each brand thereof within the state for the calendar year for which such fee is paid. Any person who shall sell or expose for sale any commercial fertilizer or agricultural lime, or culture of micro-organisms or material used for fertilizing purposes which is within the provisions of section 1494*c* without complying with the foregoing provisions or which contains a substantially smaller percentage of fertilizing constituents than are indicated by the printed statement thereon shall be punished by a fine of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

2. Before any agricultural lime is sold, offered for sale or distribution in the state of Wisconsin the person, firm or corporation offering the same for sale shall pay annually during the month of December to the commissioner of agriculture of the state of Wisconsin a license fee of ten dollars for each brand or kind of agricultural lime sold or offered for sale and shall receive from said commissioner a license certificate to sell such brand or kind of agricultural lime during the following calendar year. Whenever a manufacturer, importer, agent or seller of agricultural lime desires to sell such material and has not paid the license fee thereof in the preceding month of December as required by said section he shall pay a license fee prescribed herein before making such sales. [*1895 c. 87 s. 3–5; Stats. 1898 s. 1494d; 1913 c. 758 s. 6; 1917 c. 593; 1917 c. 595 s. 1, 3; 1917 c. 677 s. 14; 1921 c. 515 s. 2*]

Samples, how sealed; publication of result of analysis. SECTION 1494*e*. Said commissioner shall annually analyze or cause to be analyzed at least one sample of every fertilizer or material used for fertilizing purposes sold or exposed for sale under the two preceding sections and enforce their provisions by prosecuting or causing the prosecution of every person who shall violate them. He may in person or by deputy, on tendering the value thereof, take a sample, not exceeding two pounds, for said anaylsis from any lot or package of fertilizer or any material used for fertilizing purposes which may be in the possession of any manufacturer, importer, agent or dealer in this state; said sample shall

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be drawn in the presence of the person from whom taken or his representative, be taken from a parcel or a number of packages which shall not be less than ten per centum of the whole lot sampled, be thoroughly mixed and divided into two equal samples, placed in glass vessels and carefully sealed and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn, the time and place of such taking; said label shall be signed by the commissioner or his deputy and such person or his representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the commissioner and the other by the party whose stock was sampled; the sample retained by the commissioner shall be for comparison with the certified statement named in section 1494c. The result of the analysis of the sample or samples so procured shall be reported to the person requesting the analysis and be published in a report or bulletin to be issued within a reasonable time. [*1895 c. 87 s. 6, 7; Stats. 1898 s. 1494e; 1917 c. 593*]

INSPECTION OF APIARIES.

Inspection of apiaries. SECTION 1494*f*. 1. The department of agriculture is charged with the function of apiary inspection and regulation, under the immediate supervision and direction of the state entomologist as ex officio inspector of apiaries, who is authorized to execute the powers and duties of that office either in person or by a deputy or deputies appointed by the commissioner of agriculture for that purpose.

2. The department shall prescribe and issue such reasonable regulations and orders as in its judgment may be necessary to prevent, eradicate, or control the introduction, spread, or dissemination of any and all contagious or infectious diseases of honey bees.

3. For the enforcement of this section, or any regulation or order made pursuant thereto, the inspector of apiaries or his deputies shall have free access within all reasonable hours, to all apiaries, appliances, structures or other premises where he has reason to believe bees or their products are held or stored, but no dwelling house shall be so entered without a search warrant; and may open any package or receptacle of any kind containing, or which he has reason to believe contains any bees, comb, bee products, used beekeeping appliances, or anything else which is capable of transmitting contagious or infectious diseases of bees. No person shall deny such access, or hinder, thwart or defeat said inspector or any of his deputies in the performance of his official duties.

4. The inspector of apiaries may, in his discretion, order any owner or person in charge of bees dwelling in hives without movable frames and combs, or not permitting of ready examination, to transfer such bees within a specified time to hives with movable frames.

5. Any person who knows that any bees owned, possessed, or controlled by himself are infected with any contagious or infectious disease shall at once report such fact to the inspector of apiaries, stating all other facts known to him with reference to said contagion or infection.

6. (a) The inspector of apiaries shall inspect and regulate every apiary, including all appliances, structures, buildings, and bees thereof, which is reported as being infected or which he has reason to believe may be infected with any disease injurious to honey bees in their egg, larval, pupal, or adult stage.

(b) If such inspection discloses any such apiary, appliances, structures, buildings, or bees to be infected, the inspector shall give instructions to the owner or person in charge of such property for such treatment as in the judgment of the inspector seems best for the eradication or control of said infection; and said owner or person in charge shall carry out said instructions within ten days next after a date which shall be specified in said instructions.

(c) If said owner or person in charge refuses or neglects to carry out said instructions within said period of ten days, the inspector may apply said treatment or may in his discretion destroy any such infected property or bees. Any expense incurred therein shall become a lien against the property treated, and the inspector or his deputy may seize and take possession of any such property and sell the same in the manner provided by section 3347 of the statutes; but the said owner or person in charge shall not thereby be discharged or relieved of the penalty prescribed for a violation of this section. No damage shall be awarded to the owner for the loss of any infected apiary, bees, hive, apiary appliance, or bee product destroyed under the provisions of this section, or any regulation or order made in pursuance thereof.

7. After inspecting or handling any infected apiary, bees, hive or other apiary appliance, structure or building, and before proceeding to any other apiary, the inspector or his deputy shall thoroughly disinfect every portion of his person and clothing and every

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tool and appliance used by him that may have been in contact with infected material, and shall cause every assistant with him to do likewise.

8. (a) No person shall sell, barter, offer for sale or barter, move, transport, deliver, ship, or offer for shipment any apiary, bees, comb, or used beekeeping appliances without a permit from the inspector of apiaries; or in lieu thereof, if shipped or transported from without the state, a certificate duly issued by an official state inspector showing that said apiary, bees, comb, or appliances have been inspected and found not infected with any contagious or infectious disease of bees. Such permit, or a copy of such certificate, shall be affixed to the outside of every package, box, crate, or bundle containing bees, comb, or used beekeeping appliances. The inspector may refuse such permit whenever such refusal is necessary, in his judgment, to prevent the dissemination of any contagious or infectious disease of bees or until after he finds by inspection that the said apiary, bees, comb, or appliances are not infected with any such disease.

(b) No person shall accept for shipment, ship, or transport any such bees, comb, or used beekeeping appliances unless such permit or certificate is affixed on the outside of the package, box, crate, or bundle containing the same; and the inspector or any of his deputies may forthwith seize and destroy any such shipment found at any time or place without such permit or certificate affixed as aforesaid.

(c) The use of an invalid or altered permit or certificate and the misuse of any valid permit or certificate are hereby prohibited.

9. No person shall expose in any place to which bees have access, any bee product, hive, or other apiary appliance in such manner that contagious or infectious diseases of bees could be disseminated therefrom.

10. The words "person" and "owner" as used in this section include natural persons, firms, associations and corporations; and any person, who, himself or by his agent or employe, or as agent or employe for another, violates any provision of this section, or any regulation or order made in pursuance thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars. [*1897 c. 150; Stats. 1898 s. 1494f, 4605a; 1903 c. 188; Supl. 1906 s. 1494f; 1907 c. 118; 1913 c. 39; 1915 c. 413; 1919 c. 330*]

SECTION 1494*j*. [*Renumbered section 36.17 by 1919 c. 33 s. 4*]

SECTION 1494*m*. [*Renumbered section 20.61 by 1917 c. 14 s. 100*]

SECTIONS 1494*p*—1 and 1494*p*—2. [*Repealed by 1913 c. 772 s. 95*]

SECTION 1494*t*—1. [*Repealed by 1915 c. 406 s. 3*]

SECTION 1494*t*—2. [*Repealed by 1913 c. 772 s. 95*]

SECTION 1494*t*—3. [*Repealed by 1915 c. 598*]

SECTION 1494*t*—3*m*. [*Renumbered section 27.01 by 1917 c. 262 s. 2*]

SECTION 1494*t*—3*n*. [*Renumbered section 27.01 by 1917 c. 262 s. 2*]

SECTION 1494*t*—4. [*Renumbered section 27.01 by 1917 c. 262 s. 2*]

SECTION 1494*t*—5. [*Renumbered section 27.01 by 1917 c. 262 s. 2*]

SECTION 1494*t*—6. [*Repealed by 1913 c. 772 s. 95*]

SECTIONS 1494*t*—7 to 1494*t*—9, inclusive. [*1915 c. 406; renumbered sections 62.01 and 62.02 by 1915 c. 594 s. 2, 3, 4*]

AGRICULTURAL SEEDS.

Seeds; sale; label. SECTION 1494*x*—1. No person, firm or corporation shall, by himself, his agent, or as representative of any other person, firm or corporation, sell or offer for sale or distribution within the state for seeding purposes any lot or package of agricultural seeds exceeding one pound in weight unless the same, when put up in either open or closed packages, shall have attached thereto a label on which is plainly printed or written, in the English language, the following:

(1) Name and kind of seed.

(2) Full name and address of seedsman, importer, agent or dealer.

(3) Statement of purity of the seed contained therein. (Impurities defined in sections 1494*x*—3, 1494*x*—4 and 1494*x*—5 hereof.)

(4) Germinating power of seed.

(5) State or locality where seed was grown; provided, however, that this requirement applies to cereal grains, corn and alfalfa seed only. [*1909 c. 173; 1913 c. 493*]

Catalogues offering agricultural seeds. SECTION 1494*x*—1*m*. No person, firm or corporation shall by himself, or by agent, or as representative of any other person, firm, or corporation, offer for sale within the state of Wisconsin by catalogue, circular or any printed price list whatsoever, any agricultural seed unless such advertisement contains for each variety of seed thus offered for sale, a statement of the name and kind of seed, and in case of corn and alfalfa the state or locality where it was grown. [*1917 c. 595 s. 4*]

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"Agricultural seeds," defined. SECTION 1494*x*—2. 1. For the purposes of sections 1494*x*—1 to 1494*x*—16, inclusive, the term "agricultural seeds" shall include seed of the red clover (either medium or mammoth), white clover, alsike clover, alfalfa, timothy, orchard grass, Kentucky blue grass, redtop, bromis inermis, oat grass, rye grass, the fescues, the millets, other grass and forage plant seeds, flax, rape, buckwheat and cereals.

2. For the purposes of sections 1494*x*—1 to 1494*x*—16, inclusive, the term "agricultural seeds" shall also include seed peas for canning purposes sold in lots of one hundred pounds or more.

3. In all actions for damages growing out of any violation of subsection 2 of this section, if no fraud, bad faith, or want of due care is shown on the part of the vendor, the purchaser shall be limited in his recovery to the amount of the purchase price of the seed.

4. For the purpose of sections 1494*x*—1 to 1494*x*—16, inclusive, on and after July 1, 1917, the term "agricultural seeds" shall also include all packages of vegetable seeds irrespective of size or weight; but section 1494*x*—1 shall not apply to any package of vegetable seeds unless it falls more than five per cent below the standard of germination for such seeds respectively as fixed by the department of agriculture; and the department is hereby empowered and directed from time to time to fix such standards; but vegetable seeds shall not in any event be subject to the requirements for purity tests defined in section 1494*x*—1. [*1909 c. 173; 1911 c. 663 s. 218; 1913 c. 493; 1915 c. 349; 1917 c. 595 s. 5*]

Standards; noxious seeds; percentage sale. SECTION 1494*x*—3. 1. No agricultural seeds as defined in section 1494*x*—2 of the statutes, shall be sold or offered for sale or distribution within the state for seeding purposes which contain in greater numbers than one to three thousand of the seed under examination the seeds of the following named noxious weeds: Canada thistle (carduus arvensis Robs.), couch, quack or quitch grass (agropyron repens Beauv.), clover dodder (cuscuta epithymun Murr.), field dodder (cuscuta arvensis Beyrich), alfalfa dodder (cuscuta indecora choisy), English charlock or wild mustard (brassica arvensis B. S. P.), Indian mustard (brassica juncea, Cosson), wild oats (avena fatua L.), corn cockle (agrostemma githago), ox-eye daisy (chrysanthemum leucanthemum L.), snapdragon or butter and eggs (linaria Karst.), sow thistle (sonchus arvensis), except that in the case of buckhorn, ribwort or narrow-leaved plaintain (plantago lanceolata, L.) the number of such seeds shall not exceed one to one thousand of the seed under examination.

2. Where the seeds of the weeds herein mentioned are present in fewer numbers than as specified in subsection 1, a statement to that effect shall be made on the label attached to the package naming the weed seeds present therein. [*1909 c. 173; 1913 c. 493; 1917 c. 595*]

Impure seeds; label. SECTION 1494*x*—4. Weed seeds of any other kind than those mentioned in section 1494*x*—3, when found in any sample of agricultural seed shall be classed as impurities therein and when present in quantity exceeding two per cent of the sample either singly or in combination, the approximate percentage of each shall be stated on the label attached to the container. [*1909 c. 173; 1913 c. 493; 1917 c. 595*]

Foreign matter; label. SECTION 1494*x*—5. Sand, dirt, sticks, broken seeds, and other foreign matter shall be considered as impurities when found in agricultural seeds sold, offered or exposed for sale within the state for seeding purposes, and when present in quantity exceeding two per cent thereof, the total percentage of such impurities shall be stated on the label attached to the container. [*1909 c. 173; 1913 c. 493*]

Labeling. SECTION 1494*x*—6. Agricultural seeds containing five per cent or more by weight of agricultural seed other than the named sample, shall be plainly labeled with the percentage of such seed. [*1907 c. 173; 1911 c. 663 s. 218; 1913 c. 493*]

Misbranding. SECTION 1494*x*—7. Agricultural seeds shall be considered as misbranded:

(1) When seeds low in value are submitted under the label for those of similar appearance but greater value;

(2) When other than Wisconsin-grown agricultural seeds are labeled as such;

(3) When southern-grown seeds are labeled as northern-grown;

(4) When seeds are in any other respect not true to the label under which they are sold or offered for sale;

(5) When seeds are sold under any label other than that of the dealer selling same;

(6) When labels or tags supplied by a wholesale dealer are attached to lots of seed not purchased from such wholesale dealer, or to lots of seed other than those for which they were intended to be used.

When so misbranded, agricultural seeds, as defined herein, shall not be sold or offered for sale within the state. [*1909 c. 173; 1911 c. 663 s. 218; 1913 c. 493*]

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Application of law. SECTION 1494*x*—8. The provisions of sections 1494*x*—1 to 1494*x*—16, inclusive, shall not be construed as applying to: (1) Any person growing, possessing for sale, or selling seeds for food purposes only. (2) Persons selling or offering for sale to a seed dealer, uncleaned seeds to be recleaned and tested by him before being exposed for sale upon the general market. (3) Seed that is in store for the purpose of recleaning and which is not possessed, sold or offered for sale for seed purposes providing that such seed shall be labeled "Not for Sale." (4) Mixture of seeds for lawn, pasture, or meadow purposes except that the sale of such mixtures is subject to the restrictions of sections 1494*x*—3 and 1494*x*—4 of the statutes. [*1909 c. 173; 1911 c. 663 s. 218; 1913 c. 493; 1917 c. 595*]

Pure seed. SECTION 1494*x*—9. For the purpose of sections 1494*x*—1 to 1494*x*—16, inclusive, seed shall be deemed pure when it contains no seed of any kind except the one being examined. [*1909 c. 173; 1911 c. 663 s. 218*]

Enforcement; inspection. SECTION 1494*x*—10. The enforcement of sections 1494*x*—1 to 1494*x*—16, inclusive, is hereby placed in the department of agriculture under the supervision of the commissioner and he is hereby empowered to appoint such inspectors and assistants as may be necessary to execute its provision. [*1909 c. 173; 1911 c. 663 s. 218; 1913 c. 493; 1913 c. 758 s. 6; 1917 c. 593*]

Inspectors' duties; samples; prosecution. SECTION 1494*x*—11. 1. It shall be the duty of the inspectors and assistants to collect samples of agricultural seeds in the open market and analyze the same in conformity with the rules and regulations established by the seed inspector. They are vested with all necessary powers for the proper execution of their duties, including all actions or procedure needful to secure evidence of fraud and dishonest dealing in or the fraudulent advertising of seed; also, including entrance upon or into all premises or grounds where seeds are being sold or exposed for sale, and by tendering payment at the current rates, shall have power to take samples of all such seed. Provided, also, that sealed duplicates of such samples shall be left with the dealer. All samples of seed sent to the inspector for testing, or collected by him or his assistants, shall be accompanied by a statement of the quantity of seed like the sample held for sale by the dealer.

2. Prosecutions for violation of this act shall be brought in the proper court by the district attorney of the county in which said violation occurred, upon complaint of the seed inspector or his assistants.

3. The seed inspector shall have power whenever he shall deem it necessary to call upon the attorney-general for aid in the prosecution of all cases arising under the provisions of sections 1494*x*—1 to 1494*x*—16, inclusive. [*1909 c. 173; 1911 c. 663 s. 218; 1913 c. 493*]

Tests, published. SECTION 1494*x*—12. Samples of seed collected in the open market by the inspector and his assistants shall be tested as herein provided and the results of all such tests shall be published in bulletins of the department of agriculture, together with the names and post-office addresses of the persons, firms or corporations from which such samples were obtained. [*1909 c. 173; 1913 c. 493; 1913 c. 758 s. 6; 1917 c. 593*]

Guarantees of purity and viability; basis. SECTION 1494*x*—13. Guarantees of purity and viability shall be based upon tests made by the department of agriculture or by seed dealers or their agents, subject to retest and ratification by the department of agriculture, when it shall deem necessary. Dealers who are testing their own seeds shall be required to submit samples thereof to the department of agriculture for retesting upon demand of the inspector. Should the guarantees shown on the dealer's label not be substantially equivalent to the actual value of the seed, as determined by the department of agriculture, the dealer shall be subject to prosecution and penalty, as defined in section 1494*x*—15.

Printed standards of purity and germination of agricultural seeds and directions for making analyses of seeds shall be furnished by the department of agriculture upon request. [*1909 c. 173; 1913 c. 493; 1917 c. 593*]

Sample defined. SECTION 1494*x*—14. For the purposes of sections 1494*x*—1 to 1494*x*—16, inclusive, a sample of agricultural seed, as defined in section 1494*x*—2 of the statutes, shall consist of not more than four or less than two ounces of the seed to be examined. [*1909 c. 173; 1911 c. 663 s. 218*]

Penalty. SECTION 1494*x*—15. Whoever violates any of the provisions named in sections 1494*x*—1 to 1494*x*—16, inclusive, or who shall attempt to interfere with the inspectors or assistants in the discharge of the duties named therein, shall be punished by a fine of not more than one hundred dollars for the first offense and not less than one hundred dollars nor more than five hundred dollars for each subsequent offense. [*1909 c. 173; 1911 c. 663 s. 219; 1917 c. 595*]

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Fee for testing. SECTION 1494x—16. A fee of twenty-five cents shall be paid for each sample of seed sent to the department of agriculture for testing under the provisions of sections 1494x—1 to 1494x—16, inclusive. [*1909 c. 173; 1911 c. 663 s. 218; 1913 c. 758 s. 6; 1917 c. 593*]

SECTIONS 1494—1 to 1494—10n, inclusive. [*Stats. 1913 s. 1494—1 to 1494—10n, inclusive; repealed by 1915 c. 413*]

INSPECTION OF NURSERIES.

Definition of terms. SECTION 1494—1. The following terms as used in sections 1494—1 to 1494—10i, inclusive, of the statutes, shall be construed as follows:

(a) When construing and enforcing the provisions of sections 1494—1 to 1494—10i, inclusive, the act, omission, or failure of any officer, agent, servant or other individual acting for or employed by any person within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such person as well as that of the individual himself.

(b) The terms "insect" and "plant diseases" shall be construed to include any stage or stages of development of the aforesaid insects or plant diseases.

(c) The term "nursery stock" shall include all field-grown florist stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees and shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs and roots.

(d) The term "nursery" shall be construed to mean any grounds or premises on or in which nursery stock is propagated and grown for sale, or any grounds or premises on or in which nursery stock is being fumigated, treated, packed, or stored.

(e) The term "nurseryman" shall mean the person who owns, leases, manages or is in charge of a nursery.

(f) The term "dealer" shall be construed to apply to any person not a grower of nursery stock who buys nursery stock for the purpose of reselling and reshipping, independently of any control of a nursery.

(g) The term "agent" shall be construed as applying to any person selling nursery stock under the partial or full control of a nurseryman, or of a dealer or other agent. This term shall also apply to any person engaged with a nurseryman, dealer or agent in handling nursery stock on a co-operative basis. [*1915 c. 413 s. 4*]

State entomologist; office and supplies; report. SECTION 1494—2. 1. There is hereby created the office of state entomologist. It shall be the duty of the state entomologist to enforce the laws relating to the inspection of nurseries and orchards; the inspection of insecticides and fungicides; and he shall publish an annual report describing the various phases of the inspection work, and suggestions as to the methods of control of insects which are of economic importance to the state.

2. The state entomologist shall be furnished with a suitable office in the state capitol, and with such supplies and equipment and printing as may be necessary. [*1915 c. 413 s. 4*]

Appointment of entomologist; attendance at conventions. SECTION 1494—3. The department of agriculture shall appoint some person qualified by scientific training and practical experience to be state entomologist, hereinafter called the inspector, who shall strictly enforce the provisions of sections 1494—1 to 1494—10i, inclusive, of the statutes, under the direction and control of the department. The inspector shall attend the annual convention of the American association of official horticultural inspectors to aid him in maintaining a high standard of inspection and quarantine service for the state. [*1915 c. 413 s. 4*]

Bond of state entomologist. SECTION 1494—4. The inspector shall file with the department a bond with security to be approved by the department in the sum of one thousand dollars conditioned on faithful performance of his duty. Any person, suffering loss occasioned by reason of an act or omission of the inspector which is deemed to be unjustifiable, may maintain an action upon said bond against the inspector and sureties thereon for such loss not to exceed the amount of said bond. [*1915 c. 413 s. 4*]

Deputy entomologists. SECTION 1494—5. The department is hereby authorized to appoint on the recommendation of the inspector deputies who shall strictly enforce the provisions of sections 1494—1 to 1494—10i, inclusive, of the statutes, under the direction of the department and they are hereby endowed with the same police power as the state inspector, and shall be furnished with official badges or other insignia of authority, which shall be carried while on duty. [*1915 c. 413 s. 4*]

Regulations. SECTION 1494—6. The department shall have the power to prescribe, modify and enforce such reasonable rules, regulations and orders as may be needed to

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protect the resources and agricultural industries of the state from the introduction and dissemination of insect pests and plant and animal diseases and to carry out the provisions of sections 1494—1 to 1494—10*i*, inclusive, of the statutes. [*1915 c. 413 s. 4; 1931 c. 112 s. 2*]

Inspection of nurseries. SECTION 1494—7. The inspector or his deputies shall at least once each year inspect all nurseries and other places in which nursery stock is kept for sale in the state. For this purpose such state inspector or his deputies shall have free access, within reasonable hours, to any field, orchard, garden, packing ground, building, cellar, freight or express office, warehouse, car, vessel, or other place, which it may be necessary or desirable for him to enter in carrying out the provisions of sections 1494—1 to 1494—10*i*, inclusive, of the statutes. It shall be unlawful to deny such access to the inspector or his deputies or to hinder, thwart, or defeat such inspection by misrepresentation or concealment of facts or conditions, or otherwise. [*1915 c. 413 s. 4*]

Inspection of orchards, parks, etc. SECTION 1494—8. The inspector or his deputies shall have the authority to inspect any orchard, fruit or garden plantation, park, cemetery, private premises, public place, and any place which might become infested or infected with dangerous or harmful insects or plant diseases. He shall also have the authority to inspect or re-inspect at any time or place any nursery stock shipped in or into the state and to treat it as hereinafter provided. [*1915 c. 413 s. 4*]

Power to prevent removal or shipment of infected materials. SECTION 1494—9. The inspector with the approval of the department is hereby empowered to prohibit and prevent the removal or shipment or transportation of plant material and any other material from any private or public property, or property owned or controlled by the state or any area of the state which in his judgment contains dangerously infested or infected nursery stock or plant or other material of any kind for such periods and under such conditions as in his judgment seems necessary in order to prevent the further spread of the infestation or infection, giving such notice thereof as may be prescribed by the department; and during the existence of such order no person shall remove or ship from such area any such material whatsoever, except by special permission or direction of the inspector. [*1915 c. 413 s. 4*]

Harmful barberries, eradication of. SECTION 1494—9*a*. (1) No person, firm, or corporation shall receive, ship, accept for shipment, transport, sell, offer for sale, give away, deliver, plant, or permit to exist on his or its premises any plant of the harmful barberry, or any plant of a species that shall be designated by the department of agriculture in published regulations to be a host or carrier of a dangerous plant disease or insect pest.

(2) The state entomologist of the department of agriculture and his deputies are hereby empowered to eradicate any such plant found growing in the state. If the owner shall refuse or neglect to eradicate such plants within ten days after receiving a written notice, the expense of such eradication shall be assessed, collected, and enforced against the premises upon which such expense was incurred as taxes are assessed, collected, and enforced, and shall be paid into the treasury of the state.

(3) The term "Harmful Barberry" shall be interpreted to consist of any species of Berberis or Mahonia susceptible to infection by Puccinia graminis, commonly called black stem rust of grain, but not including Japanese barberry, B. thunbergii, which does not propagate the rust.

(4) The penalties provided in section 1494—10*i* and all other applicable provisions of sections 1494—1 to 1494—10*i*, inclusive, shall govern and apply to the enforcement of this section. [*1919 c. 189*]

Prohibition of plant disease or insects. SECTION 1494—10. It shall be unlawful for any person in this state to knowingly permit any dangerous insect or plant disease to exist in or on his premises. It shall also be unlawful to sell or offer for sale any stock infested or infected with such insect or disease. [*1915 c. 413 s. 4*]

Notice of presence of plant disease or insects. SECTION 1494—10*a*. In case the inspector or his deputy shall find present on any nursery or dealer's premises or any packing ground or in any cellar or building used for storage or sale of nursery stock, any injurious insect or plant diseases, he shall notify in writing to that effect the owner or person having charge of the premises, and shall withhold his certificate, hereinafter provided for, until the premises are freed from such injurious insect or plant disease, as hereinafter provided. It shall be unlawful for any person after receiving such notice to ship or deliver or cause to be shipped or delivered any nursery stock from such aforesaid premises. [*1915 c. 413 s. 4*]

Notice of infection of nursery, orchard, etc.; destruction. SECTION 1494—10*b*. 1. If the inspector or his deputy shall find, on examination, any nursery, orchard, small

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fruit plantation, park, cemetery or any private or public premises infested with injurious insects or plant diseases, he shall notify the owner or person having charge of such premises to that effect, and the owner or person having charge of the premises shall, within ten days after such notice, cause the removal and destruction of such trees, plants, shrubs or other plant material if they are incapable of successful treatment; otherwise, such owner shall cause them to be treated as the inspector may direct. No damage shall be awarded to the owner for the loss of infested or infected trees, plants, shrubs or other material under the provisions of sections 1494—1 to 1494—10*i*, inclusive, of the statutes.

2. In case the owner or person in charge of such premises shall refuse or neglect to carry out the orders of the inspector within ten days after receiving written notice, the inspector may proceed to treat or destroy the infested or infected plants or plant material. The expense thereof shall be assessed, collected and enforced against the premises, upon which such expense was incurred, as taxes are assessed, collected and enforced and shall be paid into the state treasury. [*1915 c. 413 s. 4; 1915 c. 609*]

Application for inspection. SECTION 1494—10*c*. 1. Persons desiring to sell or ship nursery stock shall make application in writing before July first of each year, to the state nursery inspector for inspection of their stock. Persons failing to comply with this section shall be liable for extra charges to cover traveling expenses of the inspector.

2. Every person receiving directly or indirectly any nursery stock from foreign countries shall notify the inspector of the arrival of such shipment, the contents thereof and the name of the consignor; and shall hold such shipment unopened until duly inspected or released by the inspector. In case any infested or infected stock is discovered in such shipment, the shipment shall be subject to the provisions of sections 1494—1 to 1494—10*i*, inclusive, of the statutes. [*1915 c. 413 s. 4*]

Certificate of inspection. SECTION 1494—10*d*. 1. The inspector shall cause to be issued to owners of any nursery in the state after the stock has been officially inspected, as hereinbefore provided, and found to be apparently free from injurious insects or plant diseases, a certificate stating that such inspection has been had as required by law and the number of acres or fraction thereof inspected. Said certificates shall be valid not to exceed one year from October first.

2. It shall be unlawful for any person to sell, to offer for sale or to remove or ship from a nursery or other premises, any nursery stock unless such stock has been officially inspected and a certificate or permit has been granted by the inspector, as hereinbefore provided. [*1915 c. 413 s. 4*]

Dealer's certificate; solicitors; revocation. SECTION 1494—10*e*. 1. All dealers as defined in subdivision (f) of section 1494—1 of the statutes, located either within or without the state, engaged in selling nursery stock in this state, or soliciting orders for nursery stock within this state, shall secure a dealer's certificate by furnishing a sworn affidavit that he will buy and sell only stock which has been duly inspected and certified by an official state inspector; and that he will maintain with the inspector a list of all sources from which he secures his stock.

2. Nurserymen, dealers or other persons residing or doing business outside the state, desiring to solicit orders for nursery stock in the state, shall file a certified copy of their original state certificate with the inspector of this state and shall then, upon complying with all other provisions of sections 1494—1 to 1494—10*i*, inclusive, and all rules and regulations promulgated thereunder be entitled to a certificate permitting such persons to solicit orders for nursery stock in this state.

3. All agents as defined in subdivision (g) of section 1494—1 of the statutes, selling nursery stock, or soliciting orders for nursery stock, for any nurseryman or dealer located within the state or outside the state, shall be required to secure and carry an agent's certificate bearing a copy of the certificate held by the principal. Said agent's certificate shall be issued only by the Wisconsin inspector to agents authorized by their principal or upon request of their principal. Names and addresses of such agents shall not be divulged by the inspector or by the board.

4. The inspector shall at any time have the power to revoke any certificate for sufficient cause, including any violation of sections 1494—1 to 1494—10*i*, inclusive, of the statutes, or nonconformity with any rule or regulation promulgated under said sections. [*1915 c. 413 s. 4; 1917 c. 159*]

Misrepresentation of nursery stock. SECTION 1494—10*f*. 1. It shall be unlawful for any person to wilfully misrepresent to any person the grade, character, variety, or quality of stock in a nursery, or of stock offered for sale by any nurseryman, dealer, or agent, or to make a false declaration of acreage or to cause any concealment of stock from inspection.

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2. Every person selling nursery stock in the state shall, upon request of the inspector, furnish said inspector with copies of his order forms, contracts and agreements with his customers, which are furnished for the use of agents or customers or both. [*1915 c. 413 s. 4*]

Tags and labels on shipments of nursery stock. SECTION 1494—10*g*. 1. Every person who shall engage in the selling and shipping of nursery stock in the state shall attach on the outside of each package, box, bale, or carload lot so shipped or otherwise delivered, a tag or poster on which shall appear an exact copy of his valid certificate. The use of tags or posters bearing an invalid or altered certificate and the misuse of any valid certificate tag is hereby prohibited.

2. It shall be unlawful for any person to accept for shipment any nursery stock without a valid certificate plainly affixed on the outside of the package, bale, box or car containing the same, showing that the contents have been duly inspected by an official state or federal inspector. In case any nursery stock is shipped in this state, or into this state from another state, country or province, without the aforesaid valid certificate plainly affixed, the fact must be promptly reported to the state nursery inspector by the person carrying the same, stating the consignor and the consignee and the nature of the shipment. Any common carrier when directed by the inspector shall notify him of any or all shipments of nursery stock, giving the name of the consignor, the consignee, and the nature of the shipment and shall hold such shipment subject to the order of the inspector. [*1915 c. 413 s. 4; 1917 c. 159*]

Appeal to department. SECTION 1494—10*h*. 1. Any person affected by any order of the inspector may appeal therefrom to the department within five days of the service of such order upon him, setting forth in writing specifically and in full detail the order on which a hearing is desired, and every reason why such order is deemed to be unreasonable.

2. On receipt of such appeal the department shall with reasonable promptness order a hearing thereon and consider and determine the matters in question. Notice of the time and place of hearing shall be given to the petitioner and to such other persons as the department may direct. Such appeal shall not suspend the operation of the order appealed from unless so ordered by said department. All hearings of the department shall be open to the public. [*1915 c. 413 s. 4; 1915 c. 609 s. 4*]

Penalty for violations; prosecutions. SECTION 1494—10*i*. 1. Any person violating any provision of sections 1494—1 to 1494—10*i*, inclusive, of the statutes, or any rule or regulation promulgated under the authority of said sections, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined by a sum of not less than twenty-five dollars nor more than five hundred dollars for each offense.

2. It shall be the duty of each district attorney to whom the state inspector or his deputy shall present satisfactory evidence of violation of any provision of sections 1494—1 to 1494—10*i*, inclusive, of the statutes, to prosecute without delay each such violation in the proper court. [*1915 c. 413 s. 4*]

SECTIONS 1494—10*l* to 1494—10*n*, inclusve. [*Repealed by 1915 c. 413*]

MANUFACTURE AND SALE OF INSECTICIDES AND FUNGICIDES.

Penalty for adulteration or misbranding. SECTION 1494—10*o*. It shall be unlawful for any person, firm or corporation to manufacture or compound within the state of Wisconsin any insecticide, paris green, lead arsenate or fungicide which is adulterated or misbranded within the meaning of sections 1494—10*o* to 1494—10*w*, inclusive; and any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and shall, on conviction thereof, be fined not to exceed two hundred dollars for the first offense, and on conviction for each subsequent offense be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court. [*1911 c. 325; 1911 c. 664 s. 46*]

Penalty for sale, export or import. SECTION 1494—10*p*. It shall be unlawful for any person, firm or corporation, to introduce, import, ship, deliver or receive into this state, or to ship or deliver from this state, any insecticide or fungicide which is adulterated or misbranded within the meaning of sections 1494—10*o* to 1494—10*w*, inclusive; and it shall likewise be unlawful for any person, firm or corporation to sell or offer for sale, or deliver for pay or otherwise in the state, any such adulterated or misbranded insecticide or fungicide in any form whatsoever. Any person, firm or corporation violating any of the provisions of sections 1494—10*o* to 1494—10*w*, inclusive, shall be guilty of a misdemeanor, and shall on conviction thereof, be fined not to exceed two hundred dollars for the first offense, and on conviction for each subsequent offense

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not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both in the discretion of the court. [*1911 c. 325; 1911 c. 664 s. 46*]

SECTION 1494—10q. [*Repealed by 1915 c. 413*]

District attorneys to prosecute. SECTION 1494—10r. It shall be the duty of each district attorney to whom the director of the agricultural experiment station or his deputy shall present satisfactory evidence of violation of any provision or provisions of sections 1494—10o to 1494—10w, inclusive, to institute and prosecute without delay appropriate proceedings in the proper court for the enforcement of the provisions of sections 1494—10o to 1494—10w, inclusive. [*1911 c. 325; 1911 c. 664 s. 46*]

Immunity by wholesaler's guaranty. SECTION 1494—10s. No dealer or agent shall be prosecuted under the provisions of sections 1494—10o to 1494—10w, inclusive, when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of sections 1494—10o to 1494—10w, inclusive, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer or agent, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties, which would attach in due course to the dealer or agent under the provisions of sections 1494—10o to 1494—10w, inclusive. [*1911 c. 325; 1911 c. 664 s. 46*]

Definition of terms. SECTION 1494—10t. The term "insecticide" as used in sections 1494—10o to 1494—10w, inclusive, shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "paris green" as used in sections 1494—10o to 1494—10w, inclusive, shall include the product sold in commerce as paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in sections 1494—10o to 1494—10w, inclusive, shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_3ASO_4) by replacing one or more hydrogen atoms by lead. The term "fungicide" as used in sections 1494—10o to 1494—10w, inclusive, shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever. [*1911 c. 325; 1911 c. 664 s. 46*]

Adulteration defined. SECTION 1494—10u. 1. For the purpose of sections 1494—10o to 1494—10w, inclusive, any article shall be deemed to be adulterated:

In the case of paris green: First, if it does not contain at least fifty per cent of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per cent of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

2. In the case of lead arsenate: First, if it contains more than fifty per cent of water; second, if it contains total arsenic equivalent to less than twelve and one-half per cent of arsenic oxid (As_2O_5); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one hundredths per cent of arsenic oxid (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength; that extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

3. In the case of insecticides or fungicides, other than paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling or mitigating insects, shall be injurious to such vegetation when used. [*1911 c. 325; 1911 c. 664 s. 46*]

Misbranding defined. SECTION 1494—10v. 1. The term "misbranded" as used herein shall apply to all insecticides, paris greens, lead arsenates or fungicides, or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, paris greens, lead arsenates or fungicides which are falsely branded as to the state, territory or country in which they are manufactured or produced.

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2. For the purpose of sections 1494—10*o* to 1494—10*w*, inclusive, an article shall be deemed to be misbranded:

(a) In the case of insecticides, paris greens, lead arsenates and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

(b) In the case of insecticides (other than paris greens and lead arsenates) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per cent of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per cent of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel or mitigate insects or fungi, and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label; that in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present. [*1911 c. 325; 1911 c. 664 s. 46*]

Fees for examination or analysis. SECTION 1494—10*w*. A fee not to exceed five dollars may be collected for the examination or analysis of each sample of insecticide or fungicide submitted by any manufacturer, wholesaler, jobber or dealer. Such fees shall be paid into the state treasury within one week of receipt. [*1911 c. 325; 1911 c. 664 s. 46; 1913 c. 758 s. 6; 1915 c. 413 s. 2; 1915 c. 609*]

SALE OF CONCENTRATED FEEDING STUFFS.

Concentrated commercial feeding stuffs, definition. SECTION 1494—11. The term "concentrated commercial feeding stuffs," as used in sections 1494—11 to 1494—18, inclusive, shall include linseed meals, cotton seed meals, cocoanut meals, oil meals of all kinds, gluten meals, pea meals, gluten feeds, maize feeds, starch feeds, sugar feeds, molasses feeds, hominy feeds, cerealine feeds, distillers' grains, dried brewers' grains, malt sprouts, alfalfa meal, dried beet pulp, corn, wheat, rye, and buckwheat bran, middlings or shorts, rice meals, oat feeds, barley feeds, corn and oat feeds, dried blood, tankage, ground beef or fish scraps, mixed feeds of all kinds, also condimental stock foods, patented and proprietary stock foods claimed to possess nutritive as well as medicinal properties, and all other materials intended for feeding to domestic animals; but shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, sorghum, broom corn, millet, and flax seed. Provided, that nothing in sections 1494—11 to 1494—18, inclusive, shall be construed as prohibiting persons engaged, within the state of Wisconsin, in the business of manufacturing flours and malt from selling at the place where made, their own manufacture of mill feeds or malt sprouts without complying with the provisions of sections 1494—11 to 1494—18, inclusive, except as provided in sections 1494—12 and 1494—16. [*1901 c. 377 s. 1; 1905 c. 143 s. 1; Supl. 1906 s. 1494—11; 1907 c. 104, 118; 1907 c. 676 s. 4; 1909 c. 446; 1911 c. 663 s. 222; 1921 c. 172*]

Plants and seeds; certified statement by seller. SECTION 1494—11*m*. Any person, firm or corporation who shall, by himself, his agent, or as agent or representative of any other person, firm or corporation, sell or deliver, in this state, fruit trees, shrubs, vines, cuttings, buds or ornamental plants which are sold, offered or exposed for sale for planting, shall, at the time of the delivery of the same, give to the purchaser a certified statement of such sale, giving the correct name, kind, and number of each variety sold and the name and location of the nursery or place where such trees, shrubs, vines, cuttings, buds or ornamental plants were fully grown. [*1907 c. 465*]

SECTIONS 1494—11*n* to 1494—11*p*, inclusive. [*Repealed by 1909 c. 173 s. 2*]

Sale; labeling. SECTION 1494—12. Every manufacturer, company or person who shall sell, offer or expose for sale or for distribution in this state any concentrated commercial feeding stuff used for feeding farm live stock, shall furnish with each car or other amount shipped in bulk and shall affix to every package of such feeding stuff in a conspic-

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uous place on the outside thereof a plainly printed statement clearly and truly certifying the number of net pounds in the car or package sold or offered for sale, the name or trade-mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business, and the minimum percentages it contains of crude protein, and of crude fat, and the maximum percentage of crude fibre which it contains, and the specific name of each ingredient used in its manufacture. The crude protein, crude fat, and crude fibre shall be determined by the methods adopted by the association of official agricultural chemists of North America. Whenever any feeding stuff is sold at retail in bulk or in containers belonging to the purchaser, the agent or dealer shall furnish to the purchaser a certified copy of the statement named in this section. Unless previously marked in accordance with this section, every person engaged, within the state of Wisconsin, in the business of selling mixtures consisting entirely of ground corn, ground oats, ground rye, or ground barley shall mark plainly in a conspicuous place on the outside of every sack or package of such mixtures the name and place of business of the seller, and substantially the proportions of ground corn, ground oats, ground rye or ground barley which said mixture contains. Whenever such mixtures of whole ground grains are sold in bulk or in containers belonging to the purchaser, the seller shall furnish to the purchaser a certified copy of such statement. [*1901 c. 377 s. 2; Supl. 1906 s. 1494—12; 1907 c. 118; 1909 c. 446; 1917 c. 595; 1921 c. 172*]

Weed seed in feeding stuff to be killed. SECTION 1494—12*a*. It shall be unlawful for any manufacturer, company, or person to sell, offer, or expose for sale, or for distribution in this state any concentrated commercial feeding stuff as defined in section 1494—11 used for feeding farm live stock, which shall contain any weed seed in which the germ and life has not been destroyed by grinding, crushing or otherwise. Any manufacturer, company or person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars. This section shall not be deemed to make unlawful any sale by a retailer, who was not able, by reasonable diligence to ascertain before such sale, the presence in any such material sold of such obnoxious seed. [*1919 c. 184*]

SECTION 1494—12*m*. [*Renumbered section 36.215 by 1919 c. 33 s. 5*]

FURTHER PROVISIONS RELATING TO THE SALE OF FEEDING STUFFS.

Duty before offering for sale. SECTION 1494—13. Before any manufacturer, company or person shall sell, offer or expose for sale in this state any concentrated commercial feeding stuffs, he or they shall for each and every feeding stuff bearing a distinguishing name or trade-mark, file annually during the month of December with the commissioner of agriculture a certified copy of the statement specified in section 1494—12, said certified copy to be accompanied, when the commissioner shall so request, by a sealed glass jar or bottle containing at least one pound of the feeding stuff to be sold or offered for sale, and the company or person furnishing said sample shall also submit a satisfactory affidavit that said sample corresponds within reasonble limits to the feeding stuff which it represents, in the percentage of protein and fat which it contains. [*1901 c. 377 s. 3; Supl. 1906 s. 1494—13; 1907 c. 118; 1917 c. 593*]

Annual license for sale of; fee. SECTION 1494—14. 1. Every manufacturer, importer, agent or seller of any concentrated commercial feeding stuffs, shall pay annually to the commissioner of agriculture a license fee or tonnage tax as provided in subsection (2) of this section or as provided in subsection (3) of this section, provided that no manufacturer, importer, agent or seller shall comply in whole or in part with both subsection (2) and subsection (3) of this section during any calendar year. Whenever a manufacturer, importer, agent or seller of any concentrated commercial feeding stuff desires at any time to sell such material and has not paid the license fee or tonnage tax therefor as required by this section, he shall pay the license fee or tonnage tax prescribed herein before making any such sale. The commissioner shall report annually to the state board of public affairs the amount received and the expense incurred for salaries, laboratory expenses, chemical supplies, traveling expenses, printing and other necessary matters. Whenever the manufacturer, importer or shipper of concentrated commercial feeding stuffs shall have filed the statement required by section 1494—12, and paid the license fee or tonnage tax as prescribed in this section, no agent or seller of such manufacturer, importer or shipper shall be required to file such statement or pay such fee or tax, and provided that nothing in this act shall be construed to restrict or prohibit the sale of concentrated commercial feeding stuff to each other by importers, manufacturers, or manipulators who mix concentrated commercial feeding stuffs for sale, or as preventing the free

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unrestricted shipment of these articles to manufacturers or manipulators who mix concentrated commercial feeding stuff for sale, provided that nothing in this act shall prevent manufacturers, importers, agents or sellers from shipping feed outside the state without complying with this act. The commissioner of agriculture is hereby empowered to enforce the provisions of this act and to prescribe and enforce such rules and regulations relating to the sale of concentrated commercial feeding stuffs as he may deem necessary to carry into effect the full intent and meaning of this act.

(2) Every manufacturer, importer, agent or seller of any concentrated commercial feeding stuff shall pay annually during the month of December to the commissioner of agriculture a license fee as follows: For flour mills having a daily capacity of not more than two hundred barrels of flour, five dollars for each brand of flour mill offal having a distinguishing name, trade-mark or guaranteed analysis; for flour mills having a daily capacity of more than two hundred barrels and not more than six hundred barrels of flour, ten dollars for each brand of flour mill offal having a distinguishing name, trade-mark or guaranteed analysis; for flour mills having a daily capacity of more than six hundred barrels and not more than two thousand barrels of flour, fifteen dollars for each brand of flour mill offal having a distinguishing name, trade-mark or guaranteed analysis; for flour mills having a daily capacity of more than two thousand barrels of flour, twenty dollars for each brand of flour mill offal having a distinguishing name, trade-mark or guaranteed analysis; for all other concentrated commercial feeding stuffs, excepting flour mill feeds a license fee as follows: For mills having a daily capacity of not more than fifty tons of feed, five dollars for each brand of feed having a distinguishing name, trade-mark or guaranteed analysis; for mills having a daily capacity of more than fifty tons and not more than one hundred tons of feed, ten dollars for each brand of feed having a distinguishing name, trade-mark or guaranteed analysis; for mills having a daily capacity of more than one hundred tons and not more than two hundred tons of feed, fifteen dollars for each brand of feed having a distinguishing name, trade-mark or guaranteed analysis; for mills having a daily capacity of more than two hundred tons, twenty dollars for each brand of feed having a distinguishing name, trade-mark or guaranteed analysis. A statement under oath showing the capacity of each mill shall be filed with the commissioner of agriculture annually during the month of December. Any person, firm or corporation may sell a feed not manufactured by said person, firm or corporation upon registering said feed under a distinguishing name, trade-mark or guaranteed analysis as prescribed in this act and upon payment of fifteen dollars for each brand of feed sold under a distinguishing name, trade-mark or guaranteed analysis.

(3) On or before January twentieth of each year every manufacturer, importer, agent or seller of any concentrated commercial feeding stuff shall make a statement under oath to the commissioner of agriculture setting forth the number of tons of feeding stuffs sold in Wisconsin during the preceding calendar year, together with the list of his or their principal agents or dealers throughout the state of Wisconsin with their addresses, and also a permit allowing said commissioner or his deputy to examine the books of the parties filing said statements in order to verify, if necessary, the reports of said parties as to tonnage sold, and, on returning such statement to apply for a license to sell or expose for sale concentrated commercial feeding stuffs, and shall pay the license fee of five cents per net ton of two thousand pounds of concentrated commercial feeding stuffs sold during the preceding twelve months ending December thirty-first, but no license fee shall be less than ten dollars for each calendar year or fraction thereof. On receipt of a certified statement for each brand of concentrated commercial feeding stuff described in this section, and after compliance with all the requirements of this act the commissioner of agriculture shall issue a certificate of registration of each brand, which said certificate shall constitute a license for the sale of said brands, and which shall be in force for the calendar year in which said license certificate shall be issued. [*1901 c. 377 s. 4; Supl. 1906 s. 1494—14; 1907 c. 118; 1911 c. 663 s. 222; 1913 c. 758 s. 6; 1917 c. 593; 1921 c. 535*]

Analysis of; sample how procured. SECTION 1494—15. The commissioner of agriculture shall annually analyze or cause to be analyzed at least one sample to be taken in the manner hereinafter prescribed of every concentrated commercial feeding stuff sold or offered for sale under the provisions of sections 1494—11 to 1494—18, inclusive. Said commissioner shall cause a sample to be taken, not exceeding two pounds in weight, for said analysis, from any lot or package of such commercial feeding stuff which may be in the possession of any manufacturer, importer, agent or dealer in this state, but said samples shall be drawn in the presence of the parties in interest, or their representatives, and taken from a parcel or a number of packages, which shall not be less than five original packages or ten per centum of the whole lot sampled, and shall be thoroughly mixed, and then divided into equal samples, and placed in glass vessels, and carefully sealed and a label placed on each,

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stating the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the person taking the sample, and by the party or parties in interest or their representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the commissioner and the other by the party whose stock was sampled; and the sample or samples retained by the commissioner shall be for comparison with the certified statement named in section 1494—13. The result of the analysis of the sample or samples so procured, together with such additional information as circumstances advise, shall be published in reports or bulletins from time to time. [*1901 c. 377 s. 5; Supl. 1906 s. 1494—15; 1907 c. 118; 1911 c. 663 s. 222; 1917 c. 593, 595*]

Penalty. SECTION 1494—16. Any manufacturer, importer, or person who shall sell, offer or expose for sale, or distribution in this state, any concentrated commercial feeding stuff, without complying with the requirements of sections 1494—11 to 1494—18, inclusive, or any feeding stuff which contains substantially a smaller percentage of protein or fat, or both, than are certified to be contained, or which contains substantially more fiber than is certified to be contained, or who shall fail properly to state the specific name of each and every ingredient used in its manufacture, or who shall impede, obstruct, hinder or otherwise prevent said commissioner of agriculture, or his authorized deputy, in the performance of his duties in connection with the provisions of sections 1494—11 to 1494—18, inclusive, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars for the first offense and not less than one hundred dollars for each subsequent offense. [*1901 c. 377 s. 6; Supl. 1906 s. 1494—16; 1907 c. 118; 1909 c. 446; 1911 c. 663 s. 222; 1917 c. 595; 1921 c. 172, 535*]

Adulteration; sale; false labeling; penalties. SECTION 1494—17. Any person who shall adulterate any kind of meal or ground grain or other feeding stuff with milling or manufacturing offals, or any other substance whatsoever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the package containing the same, or in which it is offered for sale; or any person who sells or offers for sale any meal, ground grain or other feeding stuff which has been so adulterated unless the true composition, mixture, or adulteration is plainly marked or indicated upon the package containing the same, or in which it is offered for sale; or any person who shall sell or offer for sale any concentrated feeding stuff under a misleading or false name shall be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment. [*1901 c. 377 s. 7; Supl. 1906 s. 1494—17; 1907 c. 118; 1909 c. 446; 1917 c. 595 s. 6*]

Director's duties; prosecution. SECTION 1494—18. Whenever the commissioner aforesaid becomes cognizant of the violation of any of the provisions of sections 1494—11 to 1494—18, inclusive, he shall report such violations to the district attorney for the county in which such violation has occurred and said district attorney shall prosecute the party or parties thus reported; but there shall be no prosecution in relation to the quality of any concentrated commercial feeding stuff if the same shall be found substantially equivalent to the certified statement in section 1494—12. [*1901 c. 377 s. 8; Supl. 1906 s. 1494—18; 1907 c. 118; 1909 c. 446; 1911 c. 663 s. 223; 1917 c. 593*]

Seed, feed and fertilizer inspection laboratories. SECTION 1494—19. The laboratories of the seed, feed, and fertilizer inspection services shall be located and maintained at the agricultural experiment station in the buildings occupied by the allied departments of the college of agriculture. [*1917 c. 593 s. 2*]

SECTIONS 1494—21 to 1494—25. [*Repealed by 1911 c. 535*]

REGULATION OF PUBLIC SERVICE OF STALLIONS.

Stallion registration. SECTION 1494—31. No person, firm or company shall use or offer for use for public service in this state any stallion unless and until he shall have caused the name, description and pedigree of such stallion to be enrolled by the department of agriculture, and shall have procured a certificate of such enrollment from said department. The word "stallion" wherever used in this chapter shall be construed to include the word "jack." [*1905 c. 116; Supl. 1906 s. 1494—31; 1907 c. 118, 434; 1909 c. 317; 1913 c. 168; 1917 c. 593; 1919 c. 679 s. 69*]

Soundness; owner's oath or veterinarian's certificate. SECTION 1494—32. 1. In order to obtain the enrollment certificate provided for in sections 1494—31 to 1494—39, inclusive, the owner of each stallion shall have the said stallion examined in a careful and thorough manner by a legally qualified veterinarian who shall charge for this service a just and reasonable fee not in excess of five dollars for each stallion examined, and shall

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forward to the department of agriculture, two dollars and an affidavit of soundness signed by the said legally qualified veterinarian, on a blank form furnished by said department, together with the original studbook certificate of registry of the pedigree of the said stallion and any other necessary papers required to prove his breeding, identity and ownership.

Diseases disqualifying; certificates revoked. 2. The presence of any one of the following named diseases shall disqualify a stallion or jack for public service:

Cataract; amaurosis (glass eye); periodic opthalmia (moon blindness).
Laryngeal hemiplegia (roaring or whistling).
Pulmonary emphysema (heaves, broken wind).
Chorea (St. Vitus' dance, crampiness, shivering, stringhalt).
Bone spavin; ringbone; sidebone; navicular disease.
Bog spavin; curb, with curby formation of hock.
Glanders, farcy; maladie du coit; urethral gleet; mange; melanosis; and the department of agriculture is hereby authorized to refuse its certificate of enrollment to any stallion or jack affected with any one of the diseases hereby specified and to revoke the previously issued enrollment certificate of any stallion or jack found on investigation by the department to be so affected. [*1905 c. 116 s. 2; Supl. 1906 s. 1494—32; 1907 c. 118, 434; 1911 c. 663 s. 224; 1913 c. 168; 1917 c. 593; 1919 c. 282*]

Unsoundness; complaints and examiners. SECTION 1494—32*m*. When a specific complaint signed by three responsible parties is made to the department of agriculture that a stallion is unsound and, on investigation an examination is by the department deemed necessary, such examination shall be made by a legally qualified graduate veterinarian deputized by the department; but the owner of the stallion shall have the right to employ a legally qualified and reputable graduate veterinarian to act with the veterinarian representing the department, and in case these two shall fail to agree they shall appoint a third graduate veterinarian to act as referee, and his decision shall be final. [*1907 c. 434; 1913 c. 168; 1917 c. 593*]

Standards; studbooks and signatures. SECTION 1494—33. 1. The officers of the department of agriculture whose duty it shall be to examine and pass upon the merits of each pedigree submitted, shall use as their standard for action:

(1) The studbooks and signatures of the duly authorized officers of the following foreign horse pedigree registry associations, societies, or companies, recognized by the department of agriculture, Washington, D. C., in Bureau of Animal Industry, Order No. 175, November 25, 1910, and Amendment No. 1 thereto, December 30, 1910:

NAME OF BREED.	BOOK OF RECORD.	ASSOCIATION, SOCIETY OR COMPANY.
Belgian Draft....	Studbook des Chevaux de Trait, Belges.	Societe le Cheval de Trait Chevalier G. Hyndrick, Secretary, Brussels, Belgium.
Clydesdale	Clydesdale Studbook....	Clydesdale Horse Society of the United Kingdom of Great Britain and Ireland, Archibald MacNeilage, Secretary, 93 Hope St., Glasgow, Scotland.
French Draft.....	Studbook des Chevaux de Trait, Francais.	Societe des Agriculteurs de France, Henri Johanet, Secretary, 8 Rue d'Athenes, Paris, France.
Hackney	Hackney Studbook.....	Hackney Horse Society, Frank F. Euren, Secretary, 12 Hanover Sq., London, W., England.
Percheron	Studbook Percheron de France.	LaSociete Hippeque Percheronne de France, E. Lemarie, Secretary, Nogent-le-Rotrou, France.
Shetland Pony....	Shetland Pony Studbook	Shetland Pony Studbook Society, R. W. Walker, Secretary, 3 Golden Sq., Aberdeen, Scotland.
Shire	Shire Horse Society Studbook.	Shire Horse Society, J. Sloughgrove, Secretary, 12 Hanover Sq., London, W., England.
Suffolk	Suffolk Studbook	Suffolk Horse Society, Fred Smith, Secretary, Rendlesham Woodbridge, Suffolk, England.
Thoroughbred ...	Australian Studbook ... General.	W. C. Yuille & Sons, Melbourne, Aus. Weatherby & Sons, 6 Old Burlington St., London, W., England.

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Name of Breed.	Book of Record.	Association, Society or Company.
Welsh Pony and Cob.	Welsh Pony and Cob Studbook.	The Welsh Pony and Cob Society, John R. Bache, Secretary, Knighton, Radnorshire, Wales.
Belgian Draft.... Clydesdale Hackney Shire Suffolk Welsh Pony and Cob.	Canadian ..... National Records.	Canadian National Records, Secretary, Ottawa, Canada.

(2) The studbooks and signatures of the duly authorized officers of the following American horse and jack pedigree registry associations, societies, or companies, certified by the department of agriculture, Washington, D. C., in Bureau of Animal Industry, Order No. 136, June 20, 1906, and in the amendments thereto:

Name of Breed.	Book of Record.	By Whom Published.
Arabian	Studbook of the Arabian Horse Club of America.	Arabian Horse Club of America, H. K. Bush-Brown, Secretary, Newburgh, N. Y.
Belgian Draft....	American Register of Belgian Draft Horses.	American Association of Importers and Breeders of Belgian Draft Horses, J. D. Conner, Jr., Secretary, Wabash, Ind.
Cleveland Bay....	American Cleveland Bay Studbook.	Cleveland Bay Society of America, R. P. Stericker, Secretary, Oconomowoc, Wis.
Clydesdale	American Clydesdale...	American Clydesdale Association, R. B. Ogilvie, Secretary, Union Stockyards, Chicago, Ill.
French Coach....	French Coach Studbook.	French Coach Horse Society of America, Duncan E. Willett, Secretary, Maple Avenue and Harrison St., Oak Park, Ill.
French Draft....	National Register of French Draft Horses.	National French Draft Horse Association of America, C. E. Stubbs, Secretary, Fairfield, Iowa.
German Coach.... Oldenburg.	German, Hanoverian, and Oldenburg Coach Horse Studbook.	German Hanoverian and Oldenburg Coach Horse Association of America, J. Creuch, Secretary, LaFayette, Ind.
Hackney	American Hackney Studbook.	American Hackney Horse Society, Guerney C. Gue, Secretary, 308 W. 97th St., New York.
Jacks and Jennets.	American Jack Stock...	American Breeders Association of Jacks and Jennets, J. W. Jones, Secretary, Columbia, Tenn.
Percheron	Percheron Studbook of America.	Percheron Society of America, Wayne Dinsmore, Secretary, Union Stockyards, Chicago, Ill.
Percheron	The American Breeders and Importers Percheron Registry.	The American Breeders and Importers Percheron Registry Company, John A. Forney, Secretary, Plainfield, Ohio.
Shetland Pony....	American Shetland Pony Club Studbook.	American Shetland Pony Club, Miss Julia M. Wade, Secretary, LaFayette, Ind.
Shire	American Shire Horse Studbook.	American Shire Horse Association, Chas. Burgess, Sr., Secretary, Wenona, Ill.
Suffolk	American Suffolk Horse Studbook.	American Suffolk Horse Association, Alex Galbraith, DeKalb, Ill.
Thoroughbred ...	American Studbook....	The Jockey Club, W. H. Rowe, Registrar, 571 Fifth Avenue, New York, N. Y.
Welsh Pony and Cob.	Welsh Pony and Cob Studbook.	The Welsh Pony and Cob Society of America, John Alexander, Secretary, Aurora, Ill.

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NAME OF BREED.	BOOK OF RECORD.	BY WHOM PUBLISHED.
American Trotter.	American Trotting Register.	American Trotting Register Association, Wm. H. Knight, Secretary, 355 Dearborn St., Chicago, Ill.
Morgan	American Morgan Register.	American Morgan Register Association, T. E. Boyce, Secretary, Middlebury, Vt.
Saddle Horse.....	American Saddle Horse Register.	American Saddle Horse Breeders Association, I. B. Nall, Secretary, Louisville, Ky.
Jacks and Jennets.	Standard Jack and Jennet Registry of America.	Standard Jack and Jennet Registry Association, Wm. E. Morton, Secretary, Kansas City, Mo.

2. The said department of agriculture shall accept as pure bred and entitled to a license certificate as such, each stallion or jack for which a pedigree registry certificate is furnished bearing the signatures of the duly authorized officers of one of the above-named American associations, societies, or companies. [*1905 c. 116 s. 3; Supl. 1906 s. 1494—33; 1907 c. 118, 434; 1911 c. 56; 1913 c. 168; 1915 c. 376; 1917 c. 593*]

Certificates; public posting. SECTION 1494—34. The owner of any stallion used for public service in this state, shall post and keep affixed during the entire breeding season, a correct printed copy of the enrollment certificate of such stallion, issued under the provisions of the next succeeding section, in a conspicuous place both within and upon the outside of his home stable and the horse stable or building of every other farm or place where the said stallion is used for public service. [*1905 c. 116 s. 4; Supl. 1906 s. 1494—34; 1907 c. 118, 434; 1913 c. 168*]

Certificate forms; pure bred stallion or jack. SECTION 1494—35. 1. The enrollment certificate issued for a stallion whose sire and dam are of pure breeding and the pedigree of which is registered in a studbook recognized by the department of agriculture shall be in the following form:

DEPARTMENT OF AGRICULTURE.
Certificate of Pure Bred Stallion, No. ....

The pedigree of the (breed) ...., stallion (name and number) ...., owned by ...., P. O. ...., Co. ...., (color and marks) ...., foaled in the year ...., has been examined by the department of agriculture and it is hereby certified that the said stallion is of pure breeding, and is registered in a studbook recognized by the said department.

The above-named stallion has been examined by ...., a legally qualified veterinarian, and by him found to be sound.

Not good unless countersigned by

(Signature) ...., (Signature) ....,

Director of Horse Breeding Division. Commissioner of Agriculture.

Dated at Madison, Wisconsin, this .... day of ...., 19...

Stallion or jack not pure bred. 2. The enrollment certificate issued for a stallion whose sire or dam is not of pure breeding shall be in the following form:

DEPARTMENT OF AGRICULTURE.
Certificate of Grade Stallion, No. ....

The pedigree of the grade (breed) ...., stallion (name) ...., owned by ...., P. O. ...., Co. ...., (color and marks) ...., foaled in the year ...., sire or dam (name and number) ...., has been examined by the department of agriculture and it is found that the said stallion is not of pure breeding and is, therefore, not eligible for registration in any studbook recognized by the said department.

The above-named stallion has been examined by ...., a legally qualified veterinarian, and by him found to be sound.

Not good unless countersigned by

(Signature) ...., (Signature) ....,

Director of Horse Breeding Division. Commissioner of Agriculture.

Dated at Madison, Wisconsin, this .... day of ...., 19...

Stallion pure bred but crossbred. 3. The enrollment certificate issued for a stallion whose sire and dam are pure bred, but not of the same breed, shall be in the following form:

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DEPARTMENT OF AGRICULTURE.
Certificate of Crossbred Stallion, No. ....

The pedigree of the (breed) ...., crossbred stallion (name) ...., owned by ...., P. O. ...., Co. ...., (color and marks) ...., foaled in the year ...., has been examined by the department of agriculture and it is found that his sire is registered in the .... and his dam in the ...., and the said stallion is, therefore, not eligible for registration in any studbook recognized by the said department.

The above-named stallion has been examined by ...., a legally qualified veterinarian, and by him found to be sound.

Not good unless countersigned by

(Signature) ...., (Signature) ....,

Director of Horse Breeding Division. Commissioner of Agriculture.

Dated at Madison, Wisconsin, this .... day of ...., 19...

Stallion "nonstandard bred." 4. The enrollment certificate issued for a "nonstandard bred" stallion shall be in the following form:

DEPARTMENT OF AGRICULTURE.
Certificate of Nonstandard Bred Stallion, No. ....

The pedigree of the nonstandard (breed) ...., stallion (name) ...., owned by ...., P. O. ...., Co. ...., (color and marks) ...., foaled in the year ...., has been examined by the department of agriculture and it is found that the said stallion is not eligible to registration as standard bred, and for the purposes of this certificate is not pure bred, although recorded in the nonstandard department of the American trotting register.

The above-named stallion has been examined by ...., a legally qualified veterinarian, and by him found to be sound.

Not good unless countersigned by

(Signature) ...., (Signature) ....,

Director of Horse Breeding Division. Commissioner of Agriculture.

Dated at Madison, Wisconsin, this .... day of ...., 19...

License; form. 5. The enrollment certificate for a stallion that has neither sire nor dam of pure breeding shall be in the following form:

DEPARTMENT OF AGRICULTURE.
Certificate of Mongrel or Scrub Stallion, No. ....

The breeding of the stallion (name) ...., owned by ...., P. O. ...., Co. ...., (color and marks) ...., foaled in the year ...., has been examined by the department of agriculture and it is found that the said stallion is of mongrel or scrub breeding and is therefore not eligible for registration in any studbook recognized by the said department.

The above-named stallion has been examined by ...., a legally qualified veterinarian, and by him found to be sound.

Not good unless countersigned by

(Signature) ...., (Signature) ....,

Director of Horse Breeding Division. Commissioner of Agriculture.

Dated at Madison, Wisconsin, this .... day of ...., 19...

[*1905 c. 116 s. 5; Supl. 1906 s. 1494—35; 1907 c. 118, 434; 1909 c. 317; 1913 c. 168; 1913 c. 773 s. 62; 1917 c. 593; 1917 c. 677 s. 80*]

Advertisements; contents. SECTION 1494—36. Each bill and poster issued by the owner of any stallion enrolled under sections 1494—31 to 1494—39, inclusive, or used by him or his agent, for advertising such stallion shall contain a correct copy of the stallion's certificate of enrollment printed in bold-face Roman type not smaller than long primer (ten point) on said bill or poster, and the first mention thereon of the name of the stallion shall be preceded by the words "pure bred," "grade," "crossbred," "nonstandard bred," or "mongrel or scrub" in accordance with the wording of the certificate of enrollment, and printed in type not smaller than the largest type in which the name of the said stallion shall be printed on said bill or poster in any place whatsoever; and it shall be illegal to print upon the said bill or poster any misleading reference to the breeding of the stallion, his sire or his dam, or to use upon such bill or poster or in any other advertising matter the portrait of a stallion in a misleading way; and each newspaper advertisement, post card, circular letter, or other form of advertising of a stallion for public service shall show the enrollment certificate number and state whether the stallion is "pure bred," "grade," "crossbred," "nonstandard bred," or "mongrel or scrub." [*1905 c. 116 s. 6; Supl. 1906 s. 1494—36; 1907 c. 118, 434; 1909 c. 317; 1911 c. 663 s. 325; 1913 c. 168*]

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License fees; annual renewal. SECTION 1494—37. A fee of two dollars shall be paid to the department of agriculture for the examination and enrollment of each pedigree and for the issuance of a certificate of enrollment, in accordance with the breeding of the stallion as above provided; and all enrollment certificates shall expire on the first of January of each year, following date of issuance, and must be renewed annually before the first of April following, and a fee of one dollar shall be paid to the department of agriculture for said renewal of certificates. [*1905 c. 116 s. 7; Supl. 1906 s. 1494—37; 1907 c. 118, 434; 1913 c. 168; 1913 c. 758 s. 6; 1917 c. 593; 1919 c. 282*]

Certificates; transfer and duplication. SECTION 1494—38. Upon a transfer of the ownership of any stallion or jack enrolled under the provisions of sections 1494—31 to 1494—39, inclusive, the certificate of enrollment may be transferred to the transferee by the department of agriculture upon submittal of satisfactory proof of such transfer and upon payment of the fee of fifty cents; and a fee of one dollar shall be paid for a duplicate license certificate issued where proof is given of loss or destruction of the original certificate. [*1905 c. 116 s. 8; Supl. 1906 s. 1494—38; 1907 c. 118, 434; 1911 c. 663 s. 225; 1917 c. 593; 1919 c. 282*]

Horse breeding department; annual accounting. SECTION 1494—38*m*. The department of agriculture shall keep an account of all moneys received and disbursed and shall make an annual report thereof to the state board of public affairs. [*1907 c. 434; 1917 c. 593*]

Penalty. SECTION 1494—39. Violation of any of the provisions of sections 1494—31 to 1494—39, inclusive, is hereby made a misdemeanor and shall be punished by a fine not less than ten dollars nor more than fifty dollars or by imprisonment in the county jail not more than sixty days or by both such fine and imprisonment; and it is hereby made the duty of the district attorney of the county in which the violation takes place to prosecute the action. [*1905 c. 116 s. 9; Supl. 1906 s. 1494—39; 1907 c. 118, 434; 1909 c. 317; 1911 c. 663 s. 225*]

SECTION 1494—40. [*Renumbered section 23.11 sub. (3) by 1919 c. 303 s. 2*]
SECTION 1494—41. [*Repealed by 1915 c. 598*]
SECTION 1494—42. [*Renumbered section 28.02 by 1917 c. 263 s. 3*]
SECTION 1494—43. [*Repealed by 1917 c. 263 s. 4*]
SECTION 1494—43*a*. [*Repealed by 1915 c. 598*]
SECTION 1494—44. [*Repealed by 1917 c. 263 s. 5*]
SECTION 1494—44*a*. [*Repealed by 1911 c. 638*]
SECTION 1494—45. [*Renumbered section 28.02 by 1917 c. 263 s. 3*]
SECTION 1494—46. [*Repealed by 1915 c. 406 s. 3*]
SECTION 1494—47. [*Renumbered section 26.11 by 1917 c. 282 s. 14*]
SECTION 1494—47*a*. [*Renumbered section 26.12 by 1917 c. 282 s. 15*]
SECTION 1494—48. [*Renumbered section 26.13 by 1917 c. 282 s. 16*]
SECTION 1494—48*a*. [*Renumbered sections 20.20 and 26.14 by 1917 c. 14 s. 36 and 1917 c. 282 s. 17*]
SECTION 1494—49. [*Renumbered section 26.15 by 1917 c. 282 s. 18*]
SECTION 1494—50. [*Renumbered section 26.16 by 1917 c. 282 s. 19*]
SECTION 1494—51. [*Renumbered section 26.17 by 1917 c. 282 s. 20*]
SECTION 1494—52. [*Part renumbered section 20.20 by 1917 c. 14 s. 36; and part repealed by 1917 c. 282 s. 21*]
SECTION 1494—53. [*Repealed by 1917 c. 282 s. 21*]
SECTION 1494—54. [*Repealed by 1917 c. 282 s. 21*]
SECTION 1494—55. [*Renumbered section 26.18 by 1917 c. 282 s. 22*]
SECTION 1494—56. [*Renumbered section 26.19 by 1917 c. 282 s. 23*]
SECTION 1494—57. [*Renumbered sections 26.20 and 4406a by 1917 c. 282 s. 24, 25*]
SECTION 1494—58. [*Renumbered section 26.21 by 1917 c. 282 s. 26*]
SECTION 1494—59. [*Renumbered section 4449b by 1917 c. 282 s. 27*]
SECTION 1494—60. [*Renumbered section 26.09 by 1917 c. 282 s. 12*]
SECTION 1494—61. [*Repealed by 1917 c. 282 s. 9*]
SECTION 1494—62. [*Repealed by 1915 c. 598*]
SECTIONS 1494—63 and 1494—64. [*Repealed by 1911 c. 663 s. 230*]
SECTIONS 1494—71 to 1494—77. [*Repealed by 1917 c. 592*]
SECTION 1494—101. [*Renumbered section 28.03 by 1917 c. 263 s. 6*]
SECTION 1494—102. [*Renumbered section 28.04 by 1917 c. 263 s. 7*]
SECTION 1494—103. [*Renumbered section 28.05 by 1917 c. 263 s. 8*]
SECTION 1494—104. [*Renumbered section 28.06 by 1917 c. 263 s. 9*]
SECTION 1494—105. [*Renumbered section 28.07 by 1917 c. 263 s. 10*]
SECTION 1494—106. [*Renumbered section 28.08 by 1917 c. 263 s. 11*]

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SECTION 1494—107. [*Renumbered section 28.09 by 1917 c. 263 s. 12*]
SECTION 1494—108. [*Renumbered section 28.10 by 1917 c. 263 s. 13*]
SECTION 1494—109. [*Renumbered section 28.11 by 1917 c. 263 s. 14*]
SECTION 1494—110. [*Renumbered section 28.12 by 1917 c. 263 s. 15*]
SECTION 1494—111. [*Renumbered section 28.13 by 1917 c. 263 s. 16*]
SECTIONS 1494—121 to 1494—125. [*Repealed by 1919 c. 679 s. 70, 71*]
SECTIONS 1494—131 to 1494—134, inclusive. [*Repealed by 1915 c. 598; 1915 c. 604 s. 25*]
SECTION 1494—135. [*Repealed by 1913 c. 772 s. 79*]
SECTION 1495. [*Repealed by 1915 c. 406 s. 3*]

DEPARTMENT OF MARKETS.

Definitions. SECTION 1495—1. The following terms, wherever used in sections 1495—1 to 1495—30, inclusive, or in any standard, order or regulation made thereunder, shall have the meaning as indicated, unless a different meaning is given in the context:

"Department" shall mean the department of markets.

"Commissioner" shall mean the commissioner of markets.

"Production" shall include mining, manufacturing, agriculture, horticulture, dairying and live stock, poultry or bee raising.

"Marketing" shall include packing, storing, offering or shipping to a point within the state, if any of these acts is for a commercial purpose, or selling.

"Products" shall include all articles and commodities in general use.

"Food products" shall include all articles and commodities used for food, drink, confectionery or condiment.

"Farm products" shall include all products of agriculture, horticulture, dairying and of live stock, poultry or bee raising.

"Co-operative association" shall include any corporation doing business upon a co-operative basis, except banks, building and loan associations, insurance companies and public utilities subject to the jurisdiction of the railroad commission.

"Business" shall include any business, except that of banks, building and loan associations, insurance companies and public utilities subject to the jurisdiction of the railroad commission.

"Documents" shall include books, papers, accounts, records and correspondence.

"Person" shall include individuals, partnerships, corporations and associations and shall import the singular or plural.

"Publish" shall mean as defined in section 35.65. [*1921 c. 571 s. 2*]

Department of markets. SECTION 1495—2. 1. There is hereby created a department of markets, in charge of a commissioner of markets.

2. The department shall keep its office in the state capitol and shall be provided with the necessary rooms, office furniture, stationery and other supplies by the superintendent of public property.

3. The department shall be provided with a seal bearing the inscription "Wisconsin Department of Markets" to be affixed to such instruments as the commissioner may require. [*1921 c. 571 s. 2*]

Commissioners. SECTION 1495—3. 1. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate. His term of office shall be four years and until his successor qualifies. The commissioner shall receive an annual salary not exceeding five thousand dollars and shall be reimbursed for actual and necessary traveling expenses incurred in the discharge of his official duties.

2. The commissioner shall have a general understanding of matters relating to the distribution of products. He shall devote his entire time to the performance of his duties. He shall not hold any stock or interest whatsoever in any commission business, wholesale or retail produce business, cold storage, warehouse or transportation company or serve on or under any political committee or as manager of any political campaign for any candidate or party.

3. The commissioner, before entering upon the duties of his office, shall file with the state treasurer an official bond in such sum as the governor may deem necessary, conditioned for the faithful performance of the duties of his office. The expense of this bond shall be paid from the appropriation of the department.

4. The commissioner, in addition to other methods of removal provided by law, may be removed by joint resolution of the legislature adopted by an aye and nay vote of at least a majority of the members elected to each house. [*1921 c. 571 s. 2*]

Assistants. SECTION 1495—4. 1. The commissioner shall appoint and fix the compensation of such assistants, clerks and other employes as may be necessary in carrying

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out the provisions of sections 1495—1 to 1495—30, inclusive. Such assistants, clerks and other employes shall be reimbursed for actual and necessary traveling expenses incurred in the discharge of their official duties.

2. The governor, upon the recommendation of the commissioner, may require from any employe in the department a bond in such sum as may be deemed necessary for the faithful performance of his duties. The expense of such bond shall be paid from the appropriation of the department. [*1921 c. 571 s. 2*]

Attorney. SECTION 1495—5. 1. The present attorney for the department shall be added to the staff of the attorney-general as an assistant attorney-general but he shall devote his entire time to the work of the department, except where the commissioner consents to a departure from this requirement. His successor shall be appointed by the commissioner, subject to the approval of the attorney-general.

2. The provisions of section 1495—4 shall apply to this appointment in respect to compensation and reimbursement. [*1921 c. 571 s. 2*]

Transition. SECTION 1495—6. The officials and employes of the former division of markets are hereby made the officials and employes of the department of markets, to serve until the expiration, if any, of their original terms. The property and documents of the former division of markets are hereby made the property and documents of the department of markets. The existing standards, orders, and regulations made by the former division of markets are hereby continued as the standards, orders and regulations of the department of markets. The proceedings begun and causes of action arisen under former sections 1495—1 to 1495—37, inclusive, are hereby continued as proceedings and causes of action under sections 1495—1 to 1495—30, inclusive. The unexpended appropriation of the former division of markets is hereby made available to the department of markets. [*1921 c. 571 s. 2*]

Powers. SECTION 1495—7. The department may: (1) Obtain and furnish information relating to prices, profits and costs involved in the production or distribution of products and to the supply, demand, sales, purchases, deliveries, receipts, offers, acceptances, storage and commercial movement of products and to any other factors affecting the market value of products or market conditions.

2. Obtain and furnish information regarding the sources of supply of products necessary for the people of the state and the location of markets for Wisconsin products.

(3) Obtain and furnish information relating to economy and efficiency in the distribution of products.

(4) Obtain and furnish information relating to the selection of proper shipping routes, adoption of advisable shipping methods, avoidance of delays incident to transportation and to other distribution problems connected with transportation.

5. Obtain and furnish lists of persons engaged in the production or distribution of products. [*1921 c. 571 s. 2*]

Co-operative associations. SECTION 1495—8. 1. The department may give assistance in the organization, operation or reorganization of co-operative associations.

2. The department may require any co-operative association doing business in this state to file with the department a verified copy of its by-laws and of any exclusive contract of sale or agency between the association and its members or patrons.

3. The department may prescribe uniform systems of accounting for co-operative associations doing business in this state and may require any such association to render reports, in form indicated by the department, to show the nature and volume of business, resources, liabilities, profits, losses and any other facts bearing upon the financial condition of the association.

4. The department may investigate the management of any co-operative association doing business in this state and may make the facts, relating to said management, available to the members of the association; provided, that a request for such investigation has been filed with the department, signed by at least twenty per cent of the members (in the case of associations of less than five hundred members) and by at least one hundred members (in the case of associations of five hundred or more members).

5. The department may require any co-operative association doing business in this state or in the process of organization to file with the department a report of its promotion expenses. [*1921 c. 571 s. 2*]

Public markets. SECTION 1495—9. 1. The department may give assistance in the organization, operation or reorganization of such public markets as are authorized by law.

2. The department may prescribe uniform systems of accounting for public markets and may require any such market to render reports, in form indicated by the department, to show the nature and volume of business, resources, liabilities, profits, losses, and any other facts bearing upon the financial condition of the market. [*1921 c. 571 s. 2*]

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Standards and regulations. SECTION 1495—10. 1. The department, after public hearing, may establish standards for the grade or other classification of food products and farm products and for receptacles therefor and may prescribe regulations governing the marks or tags which may be required upon food products or farm products or upon receptacles therefor, for the purpose of showing the name, address or serial number of the person producing or marketing the product, the grade or other classification, quality, quantity, type, variety, size, weight, nature or condition of the product.

2. No standard or regulation under this section, which is repugnant to any requirement made mandatory under federal law, shall apply to products or receptacles which are being shipped from the state in interstate commerce.

3. No standard shall apply to products or receptacles coming from outside the state but such products or receptacles may be required to be marked or tagged to indicate that they came from outside the state and to show any other fact regarding which marking or tagging may be required under this section; provided, that such products or receptacles, at the time when marking or tagging is required, have ceased to be in interstate commerce.

4. No standard established under this section for the grade or other classification of any food product or farm product shall affect the right of any person to dispose of such product without conforming to the standard, but such person may be required to mark or tag such product, in such a manner as the department may direct, to indicate that it is not intended to be marketed as of a grade or classification contained in the standard and to show any other fact regarding which marking or tagging may be required under this section.

5. No standard or regulation shall be established or prescribed under this section which is in conflict with any standard or regulation contained in or heretofore promulgated under authority of any other statute of the state.

6. No standard or regulation shall be established or prescribed by the department of markets under this section in any case where any other state department, commission or official has authority to establish such a standard or prescribe such a regulation, unless the department of markets establishes the standard or prescribes the regulation jointly with such other department, commission or official. No standard or regulation shall be established or prescribed by any other state department, commission or official in any case where the department of markets has authority to establish such a standard or prescribe such a regulation under this section, unless such other department, commission or official establishes the standard or prescribes the regulation jointly with the department of markets. The governor shall act as arbiter in case of disagreement or conflict of authority between the department of markets and any other state department, commission or official under this section.

7. No standard established under this section shall become effective until at least thirty days after the text thereof is published.

8. Whenever any standard or regulation under this section has become effective, no person marketing or having in his possession for commercial purposes any product or receptacle to which the standard is applicable shall represent such product or receptacle, unless in a manner authorized by the department, as being of any grade or classification other than a grade or classification contained in such standard, except as provided in subsections 2 and 3 of this section; and no person marketing or having in his possession for commercial purposes any product or receptacle to which the standard is applicable shall represent such product or receptacle as being of a grade or classification contained in the standard, when as a matter of fact such product or receptacle is below the requirements of such grade or classification; and no person shall market or have in his possession for commercial purposes any product or receptacle unless the marking or tagging thereon conforms to the regulation prescribed under this section; provided, that representing a product or receptacle as being of a grade or classification contained in the standard, when as a matter of fact such product or receptacle is below the requirements of such grade or classification, shall not be a violation of this section, if the department has adopted the means of enforcing the standard described in section 1495—11; provided, further, that possession, under this section, shall not include possession by a carrier or other bailee.

9. Whenever the department finds that any person marketing or having in his possession any product or receptacle to which the standard is applicable has intentionally violated any provision of subsection 8 of this section, the department, after opportunity for hearing has been given such person, may, by special order, revoke the right of such person to represent any product or receptacle to which the standard is applicable as being of any grade or classification contained in the standard and may, in said order,

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require such person to mark or tag such product or receptacle as provided in subsection 4 of this section. The department may, without hearing, suspend such right for a period not exceeding ten days, pending investigation. The department may, in the discretion of the commissioner, restore such right to any person from whom it has been revoked. [*1921 c. 571 s. 2*]

Inspector's certificate. SECTION 1495—11. 1. The department, as a means of enforcing the standard for the grade or other classification of any food product or farm product or for any receptacle therefor, may require any such product or receptacle to bear the official certificate of an inspector licensed under section 1495—12.

2. Whenever the department has required any product or receptacle to bear the official certificate of an inspector licensed under section 1495—12, no person marketing or having in his possession for commercial purposes any such product or receptacle shall remove, mutilate or alter the official certificate thereon or represent such product or receptacle, unless in a manner authorized by the department, as being of any grade or classification other than the grade or classification designated by the official certificate thereon, except as provided in subsections 2 and 3 of section 1495—10; and no person shall market or have in his possession for commercial purposes any such product or receptacle unless such product or receptacle bears the official certificate of an inspector licensed under section 1495—12, except as provided in subsections 2, 3 and 4 of section 1495—10; provided, that such a product or receptacle may be marketed or had in possession without an official certificate issued at the point of shipment if such product or receptacle is destined for shipment to a point within the state, where the shipper has arranged for the issuance of an official certificate; provided, further, that possession under this section, shall not include possession by a carrier or other bailee. [*1921 c. 571 s. 2*]

Licensing of inspectors. SECTION 1495—12. 1. The department, upon presentation of satisfactory evidence that the applicant is competent, may issue a license to any person to certify the grade or other classification of food products or farm products or of receptacles therefor, for which standards have become effective under section 1495—10. The purpose of such certification may be either to enforce the standard or merely to furnish to an interested party an official statement of the grade or other classification. A certificate issued under this section, unless superseded by a finding as provided in subsection 4 of this section, shall be accepted in any court of this state as prima facie evidence of the facts to which the certificate relates.

2. No fee shall be charged the licensee for any license issued under this section.

3. The department may—in the discretion of the commissioner—fix and cause to be collected a reasonable, uniform fee for certification where the purpose of such certification is to enforce the standard. The department shall fix and cause to be collected a reasonable, uniform fee for certification where the purpose of such certification is merely to furnish to an interested party an official statement of the grade or other classification.

4. Any person affected by a certification made under this section may appeal to the department from such certification within a reasonable time to be prescribed in regulations issued by the department. The department shall thereupon make an investigation to determine the true grade or other classification of the product or receptacle and shall issue a finding thereof. Such a finding shall be accepted in any court of this state as prima facie evidence of the facts to which the finding relates.

5. The department shall charge and collect a reasonable fee for any appeal taken under this section but shall refund such fee if the appeal is sustained.

6. The department, after opportunity for hearing has been given the licensee, may, by special order, revoke any license issued under this section, whenever the department finds that such licensee is incompetent or has knowingly or carelessly issued any false or improper certificate of grade or other classification or has accepted money or other consideration, directly or indirectly, as compensation for any neglect or improper performance of duty or has violated any provision of sections 1495—1 to 1495—30, inclusive, or any regulation made thereunder. The department may, without hearing, suspend such right for a period not exceeding ten days, pending investigation. The department may, in the discretion of the commissioner, restore the license of any person whose license has been revoked.

7. No person shall certify or attempt to certify that the grade or other classification of any food product or farm product or of any receptacle therefor conforms or does not conform to the standard established under section 1495—10, unless such person holds an unrevoked and unsuspended license issued under this section. No person shall influence or attempt to influence any licensee to neglect or improperly perform his duty. No licensee shall knowingly issue any false or improper certificate of grade or other classification or accept money or other consideration, directly or indirectly, as compensation for any neglect or improper performance of his duty. [*1921 c. 571 s. 2; 1921 c. 9 s. 2*]

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Uniform labels and trade-marks. SECTION 1495—13. 1. The department may adopt uniform labels and trade-marks for brands of Wisconsin products and shall, upon request, permit the use of such labels and trade-marks by any person engaged in the production or distribution of products who complies with regulations issued by the department for the use of such labels or trade-marks.

2. The secretary of state shall, upon application of the commissioner, record any such label or trade-mark under sections 1747*a* to 1747*dd*—2, inclusive. The department shall be entitled to protect such label or trade-mark under said sections and in any other manner authorized by law. [*1921 c. 571 s. 2*]

Methods of competition and trade practices. SECTION 1495—14. 1. Methods of competition in business and trade practices in business shall be fair. Unfair methods of competition in business and unfair trade practices in business are hereby prohibited.

2. The department, after public hearing, may issue general orders forbidding methods of competition in business or trade practices in business which are determined by the department to be unfair. The department, after public hearing, may issue general orders prescribing methods of competition in business or trade practices in business which are determined by the department to be fair.

3. The department, after public hearing, may issue a special order against any person, enjoining such person from employing any method of competition in business or trade practice in business which is determined by the department to be unfair. The department, after public hearing, may issue a special order against any person, requiring such person to employ the method of competition in business or trade practice in business which is determined by the department to be fair. [*1921 c. 571 s. 2*]

Damage for violation. SECTION 1495—15. Any person who shall suffer pecuniary loss because of a violation by any other person of any order issued under section 1495—14 may sue such person for damages therefor in any court of competent jurisdiction and shall recover twice the amount of such pecuniary loss, together with costs, including a reasonable attorney's fee. [*1921 c. 571 s. 2*]

Distribution methods and practices. SECTION 1495—16. 1. The methods of distribution and practices in the distribution of food products and fuel shall be free from needless waste and needless duplication which tend to increase the cost of such products to the consuming public. Methods of distribution and practices in the distribution of food products and fuel, wherever such waste or duplication tends to increase the costs of such products to the consuming public, are hereby prohibited.

2. The department, after public hearing, may issue general orders forbidding methods of distribution or practices in distribution which are found by the department to cause waste or duplication as defined herein. The department, after public hearing, may issue general orders prescribing methods of distribution or practices in distribution which are found by the department to avoid waste or duplication as defined herein.

3. The department, after public hearing, may issue a special order against any person, enjoining such person from employing any method of distribution or practice in distribution which is found by the department to cause waste or duplication as defined herein. The department, after public hearing, may issue a special order against any person, requiring such person to employ the method of distribution or practice in distribution which is found by the department to avoid waste or duplication as defined herein. [*1921 c. 571 s. 2*]

Relief of food scarcity. SECTION 1495—17. The department, with the consent of the governor, may issue orders to avert, relieve or terminate a scarcity of food products or fuel in this state. [*1921 c. 571 s. 2*]

Enforcement of trade statutes. SECTION 1495—18. The department, at the request of the attorney-general or of any district attorney, may assist in the enforcement of any of the following statutes relating to trade: 1747*e* to 1747*h*—1, inclusive; 1791*j* to 1791*m*, inclusive; 1770*g* to 1770*i*, inclusive; 1791*n*—1 to 1791*n*—12, inclusive; 4466*a*; 4568; 1747*k*; 1747*m*; 4432; 4601*aa*; 1684*w*—7 to 1684*w*—10, inclusive; 3237; 3241; 3466. [*1921 c. 571 s. 2*]

Power to secure evidence. SECTION 1495—19. 1. The commissioner or any official, employe or agent of the department authorized by him may, in relation to any matter within the department's powers, issue subpœnas to compel the attendance of witnesses and the production of documents, administer oaths and take testimony.

2. Any witness who appears in response to a subpœna issued under this section and every officer who serves such a subpœna shall be entitled to the same fees as are allowed to witnesses and officers in civil actions in courts of record. Such fees shall be audited and paid by the state in the same manner as other expenses are audited and paid and shall be charged to the appropriation of the department. No witness subpœnaed

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at the instance of any party other than the department shall be entitled to payment of fees by the state, unless the department certifies that the testimony of such witness was material to the hearing or proceeding.

3. No person shall, without reasonable cause, fail to comply with a subpœna issued under his section, nor, without reasonable cause, refuse to be sworn or to be examined or to answer a proper question or produce a pertinent document, when ordered to do so by the official, employe or agent conducting the investigation or proceeding.

4. If any person shall, without reasonable cause, fail to comply with a subpœna issued under this section or, without reasonable cause, refuse to be sworn or to be examined or to answer a proper question or produce a pertinent document, when ordered to do so by the official, employe or agent conducting the investigation or proceeding, the commissioner or any official, employe or agent of the department authorized by him may apply to the circuit court of any county or to the judge thereof for an order requiring such person to comply with the subpœna or to be sworn or to be examined or to answer the question or produce the document; and it shall be the duty of the circuit court or the judge thereof to issue such an order and to punish disobedience thereof as contempt of court. [*1921 c. 571 s. 2*]

Reports to department; inspections. SECTION 1495—20. 1. The department may require persons engaged in business to file with the department, at such time and in such manner as the department may direct, sworn or unsworn reports or sworn or unsworn answers in writing to specific questions, as to any matter upon which the department may demand information through subpœna process.

2. The commissioner or any official, employe or agent authorized by him may have access to and may copy any document, or any part thereof, which is in the possession or under the control of any person engaged in business, provided that the contents of such document, or of such part thereof, are relevant to any matter upon which the department may demand information through subpœna process.

3. The commissioner or any official, employe or agent authorized by him may, for purposes within the department's powers, have access during usual business hours to any storehouse, warehouse, cold storage plant, packing house, stockyard, railroad yard, railroad car, or any other building or place, where products are kept or stored for commercial purposes.

4. The commissioner or any official, employe or agent authorized by him may, for purposes within the department's powers, open any receptacle, inspect the contents thereof, and, upon payment or tender of the market value, take samples of any product contained therein.

5. No person shall refuse, neglect or fail to render any report or answer required under this section at such time and in such manner as the department may prescribe. No person shall refuse, neglect or fail to submit, for the purpose of inspection or copying, any document demanded under this section. No person shall wilfully make any false entry or statement in any report or answer required or document demanded under this section. No person shall wilfully fail to make full and true entries and statements in any report or answer required or document demanded under this section. No person shall, for the purpose of embarrassing the department in the conduct of any investigation, hearing or proceeding, remove out of the jurisdiction of the state or mutilate or alter any document. No person shall, except through judicial process, resist or obstruct any official, employe or agent of the department in the exercise of authority conferred by this section. [*1921 c. 571 s. 2*]

Preliminary investigation. SECTION 1495—21. 1. The department may, at any time, conduct such preliminary investigation as is necessary and proper to determine whether a hearing or proceeding ought to be begun under sections 1495—1 to 1495—30, inclusive.

2. The authority contained in sections 1495—19 and 1495—20 may be used in the conduct of a preliminary investigation under this section. [*1921 c. 571 s. 2*]

Immunity; perjury. SECTION 1495—22. Except as to a hearing or proceeding under section 1495—18 or as to an investigation preliminary thereto, no person shall be excused from testifying or rendering a report or answer or producing or submitting a document, in response to a demand made under section 1495—19 or section 1495—20, upon the ground or for the reason that the testimony or report or answer or document required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he shall have testified or rendered a report or answer or produced or submitted a document, in response to a demand made under section 1495—19 or section 1495—20, and no testimony so given

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or report or answer so rendered or document so produced or submitted shall be received against him in any criminal action, investigation or proceeding; provided, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed by him in so testifying or for misrepresentation or concealment committed by him in so rendering a report or answer or so producing or submitting a document. [*1921 c. 571 s. 2*]

Plenary power. SECTION 1495—23. The department may adopt such measures and make such regulations as are necessary and proper for the enforcement of the provisions of sections 1495—1 to 1495—30, inclusive. [*1921 c. 571 s. 2*]

Hearings; orders; service; procedure; revocation. SECTION 1495—24. 1. The department shall publish notice of any public hearing, except under subsection 3 of section 1495—14 or under subsection 3 of section 1495—16.

2. The department, in any matter arising under subsection 3 of section 1495—14 or under subsection 3 of section 1495—16, shall serve a complaint, prepared in the name of the department, upon the person against whom the complaint is made and shall accompany such complaint by notice of public hearing to be held in the matter not sooner than ten days after such service. The person against whom the complaint is made shall be entitled to be heard in person, or by agent or attorney, and shall have subpœna process to compel the attendance of witnesses.

3. The department shall publish all general orders.

4. The department shall serve a copy of any special order upon the person against whom the order is issued.

5. A complaint, notice of hearing, subpœna, special order or any other process issued by the department may be served by any person authorized by the commissioner either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership or corporation at his or its principal office or place of business. The verified return by the person serving such process setting forth the manner of service or the return post-office receipt for such process mailed as aforesaid shall be proof of the service of the same.

6. The department shall make its own rules of procedure and practice not inconsistent with any provision of sections 1495—1 to 1495—30, inclusive, or with any other provision of law governing such procedure or practice.

7. The department may revoke or amend any standard, order or regulation made under sections 1495—1 to 1495—30, inclusive; provided, that public hearing has been held and notice thereof given in the same manner as is prescribed for the making of such standard, order or regulation. [*1921 c. 571 s. 2*]

Records; report. SECTION 1495—25. 1. The commissioner shall keep a record of all standards, orders and regulations made under sections 1495—1 to 1495—30, inclusive, and shall authorize copies thereof to be printed. Any such authorized copy, stamped with the official seal of the department, shall be competent evidence of the standard, order or regulation in any court of this state, without further proof or authentication.

2. The commissioner, on or before the first day of December in each year, shall submit to the governor a report of the work of the department for the preceding fiscal year, together with such recommendations as may be deemed of value to the people of the state. [*1921 c. 571 s. 2*]

Rehearing. SECTION 1495—26. 1. Any person affected by a standard, order or regulation made under sections 1495—1 to 1495—30, inclusive, may file with the department an application for rehearing upon such standard, order or regulation; provided, that such application shall be filed not later than thirty days after such standard, order or regulation becomes effective.

2. The pendency of any application for rehearing shall not stay or suspend the operation of the standard, order or regulation. [*1921 c. 571 s. 2*]

Judicial review; provisions not interdependent. SECTION 1495—27. 1. The provisions for judicial review of any standard, order or regulation made under sections 1495—1 to 1495—30, inclusive, shall be as prescribed in sections 1797*m*—64 to 1797*m*—71, inclusive, so far as those sections are applicable. The department's findings of fact, if supported by evidence before it, shall be presumptive, in the absence of fraud.

2. The pendency of any proceeding for review shall not stay or suspend the operation of the standard, order or regulation.

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3. The legislature intends that the provisions contained in sections 1495—1 to 1495—30, inclusive, shall be independent of each other and that the invalidity, for any reason, of any provision shall not affect the validity of any other provision. [*1921 c. 571 s. 2*]

Revocation of corporate authority. SECTION 1495—28. 1. Any corporation organized under the laws of this state which shall violate any order issued under section 1495—14 shall, upon proof thereof, in any court of competent jurisdiction, have its charter or authority to do business in this state canceled and annulled.

2. Upon complaint being made to the attorney-general and evidence presented to him which shall satisfy him that any such corporation has violated any order issued under section 1495—14, he shall forthwith bring an action in the name of the state in any circuit court of this state to have the charter or authority of such corporation to do business in this state canceled and annulled, and, upon due proof being made thereof to the satisfaction of the court, judgment shall be entered therefor.

3. Any foreign corporation which shall violate any order issued under section 1495—14 shall, upon proof thereof, in any court of competent jurisdiction, have its license or authority to do business in this state canceled and annulled.

4. Upon complaint being made to the attorney-general and evidence presented to him which shall satisfy him that any such foreign corporation has violated any order issued under section 1495—14, he shall forthwith bring an action in the name of the state in any circuit court of this state to have the license or authority of such corporation to do business in this state canceled and annulled, and, upon due proof being made thereof to the satisfaction of the court, judgment shall be entered therefor. [*1921 c. 571 s. 2*]

Penalty upon persons. SECTION 1495—29. 1. Any person who violates any provision of subsection 8 of section 1495—10, subsection 2 of section 1495—11, or subsection 7 of section 1495—12, or who violates or refuses, neglects or fails to obey any order or regulation made under any section other than section 1495—14, 1495—16 or 1495—17 shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

2. Any person who violates any provision of subsection 3 of section 1495—19 or subsection 5 of section 1495—20, or who violates or refuses, neglects or fails to obey any order or regulation made under section 1495—14, 1495—16 or 1495—17 shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. [*1921 c. 571 s. 2*]

District attorneys and county agricultural agents. SECTION 1495—30. It shall be the duty of district attorneys to prosecute cases arising under sections 1495—1 to 1495—30, inclusive. The department may be represented in any such case by its attorney. It shall be the duty of county agricultural agents, upon request of the commissioner, to assist in carrying out the provisions of sections 1495—1 to 1495—30, inclusive. [*1921 c. 571 s. 2*]

SECTION 1495—31. [*Repealed by 1921 c. 571 s. 1*]
SECTION 1495—32. [*Repealed by 1921 c. 571 s. 1*]
SECTION 1495—33. [*Repealed by 1921 c. 571 s. 1*]
SECTION 1495—34. [*Repealed by 1921 c. 571 s. 1*]
SECTION 1495—35. [*Repealed by 1921 c. 571 s. 1*]
SECTION 1495—36. [*Repealed by 1921 c. 571 s. 1*]
SECTION 1495—37. [*Repealed by 1921 c. 571 s. 1*]

STORING OF FARM PRODUCTS.

Definitions. SECTION 1495—38. 1. Terms as used in this section are defined as follows:

(a) "Bonded warehouseman" means a person duly licensed under this section to engage in the business of storing farm products.

(b) A "bonded warehouse" means any building, structure or other protected inclosure approved by the director of the division of markets for storage of farm products by a bonded warehouseman.

(c) "Farm product" means all products included in the term "farm products" under section 1495—1.

(d) "Director" means director of the division of markets.

Powers of director. 2. The director is authorized:

(a) To investigate the storage and warehousing of farm products.

(b) To inspect bonded warehouses, or buildings or other places for which licenses have been applied for under the provisions of this section, and to determine when the same are suitable to remain or become bonded warehouses.

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(c) To classify bonded warehouses according to ownership, location, surroundings, capacity or other qualities.

(d) To prescribe the duties and responsibilities of bonded warehousemen with respect to the operation of bonded warehouses.

(e) To license persons to operate bonded warehouses under such terms and conditions as he may prescribe and not inconsistent with the provisions of this section.

Application for a license. 3. Each application for a license to operate a bonded warehouse shall be accompanied by a fee of ten dollars, and as a condition to the granting of a license hereunder the applicant shall execute and file a bond with the director, in such form and amount and with such surety or sureties as he may direct. Such bond shall be conditioned that the applicant will faithfully perform his obligations as a bonded warehouseman under the laws of this state and the rules and regulations of the director. Whenever the director shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds, and unless the same be given within the time fixed by a written demand therefor the license of such bonded warehouseman may be suspended or revoked.

Bond. 4. Any person injured by the breach of any obligation which a bond is given to secure may sue on such bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

License issued. 5. Each license issued under the provisions of this section shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the director, and the payment of five dollars, such license may be renewed or extended by a written instrument, which shall specify the date of its termination.

Revoking license. 6. For failure on the part of any bonded warehouseman to comply with any of the provisions of this section, or with any of the rules or regulations prescribed by the director, the license of such bonded warehouseman may be revoked upon notice and opportunity to defend.

Penalties. 7. Any person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the director, or who shall issue or utter a false or fraudulent receipt or certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars or be imprisoned in the county jail not more than six months, or both, in the discretion of the court. [*1921 c. 62*]

SECTION 1496. [*Repealed by 1915 c. 406 s. 3*]

SECTION 1496*a*. [*Repealed by 1911 c. 527 s. 2*]

SECTIONS 1496*b* to 1498, inclusive. [*Revised by 1915 c. 594; see sections 62.01 to 62.58 and 4562d*]

SECTIONS 1497*a* and 1498*a*. [*Repealed by 1915 c. 635 s. 9, 10*]

SECTIONS 1498*a*—1 to 1498—25, inclusive. [*Revised by 1915 c. 594; see sections 62.01 to 62.58 and 4562d*]

SECTION 62.01 sub. (1) to (8). [*Renumbered section 23.09 by 1917 c. 456 s. 10*]

SECTION 62.01 sub. (9) and (10). [*Renumbered section 13.23 by 1917 c. 634 s. 23*]

SECTION 62.01 sub. (11) and (12). [*Renumbered section 13.24 by 1917 c. 634 s. 24*]

SECTION 62.02 [*Repealed by 1917 c. 456 s. 11*]

SECTION 62.03. [*Renumbered section 23.10 by 1917 c. 456 s. 12*]

SECTIONS 62.04 to 62.58 [*Repealed by 1917 c. 668 s. 1. See chapter 29*]

SECTION 1499. [*Renumbered section 49.01 by 1919 c. 345 s. 2*]

SECTION 1500. [*Renumbered section 49.02 by 1919 c. 345 s. 3*]

SECTION 1501. [*Renumbered section 49.01 by 1919 c. 345 s. 2*]

SECTION 1502. [*Renumbered section 49.11 by 1919 c. 345 s. 13*]

SECTION 1502*a*. [*Renumbered section 49.11 by 1919 c. 345 s. 13*]

SECTION 1502*b*. [*Renumbered section 49.11 by 1919 c. 345 s. 13*]

SECTION 1503. [*Renumbered section 49.11 by 1919 c. 345 s. 13*]

SECTION 1504. [*Renumbered section 49.11 by 1919 c. 345 s. 13*]

SECTION 1505. [*Renumbered section 49.12 by 1919 c. 345 s. 14*]

SECTION 1505*a*. [*Renumbered section 49.10 by 1919 c. 345 s. 12*]

SECTION 1506. [*Renumbered section 49.13 by 1919 c. 345 s. 15*]

SECTION 1507. [*Renumbered section 15.07 by 1919 c. 345 s. 15*]

SECTION 1508. [*Renumbered section 49.13 by 1919 c. 345 s. 15*]

SECTION 1509. [*Renumbered section 49.13 by 1919 c. 345 s. 15*]

SECTION 1510. [*Renumbered section 49.13 by 1919 c. 345 s. 15*]

SECTION 1511. [*Renumbered section 49.05 by 1919 c. 345 s. 6*]

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SECTION 1512. [*Renumbered section 49.03 by 1919 c. 345 s. 4*]
SECTION 1512*a*. [*Renumbered section 49.03 by 1919 c. 345 s. 4*]
SECTION 1513. [*Renumbered section 49.07 by 1919 c. 345 s. 8*]
SECTION 1514. [*Renumbered section 49.08 by 1919 c. 345 s. 9*]
SECTION 1515. [*Renumbered section 49.06 by 1919 c. 345 s. 7*]
SECTION 1516. [*Renumbered section 49.09 by 1919 c. 345 s. 10*]
SECTION 1517. [*Renumbered section 49.04 by 1919 c. 345 s. 5*]
SECTION 1518. [*Renumbered section 49.14 by 1919 c. 345 s. 16*]
SECTION 1519. [*Renumbered section 49.15 by 1919 c. 345 s. 17*]
SECTION 1520. [*Renumbered sections 17.10, 17.22 and 46.18 by 1919 c. 328 s. 25 and 1919 c. 362 s. 22, 34*]
SECTION 1521. [*Renumbered section 46.18 by 1919 c. 328 s. 25*]
SECTION 1522. [*Renumbered section 49.14 by 1919 c. 345 s. 16*]
SECTION 1523. [*Renumbered section 49.14 by 1919 c. 345 s. 16*]
SECTION 1524. [*Renumbered section 45.20 by 1919 c. 345 s. 18*]
SECTION 1525. [*Renumbered section 49.16 by 1919 c. 345 s. 19*]
SECTION 1526. [*Renumbered section 49.14 by 1919 c. 345 s. 16*]
SECTION 1527. [*Renumbered section 48.05 by 1919 c. 614 s. 11*]
SECTION 1528. [*Renumbered section 51.09 by 1919 c. 347 s. 12*]
SECTION 1529. [*Renumbered section 49.17 by 1919 c. 345 s. 20*]
SECTION 1529*a*. [*Renumbered sections 20.15 and 45.07 by 1917 c. 14 s. 21, 22; 1917 c. 68; 1917 c. 453 s. 7*]
SECTION 1529*a*—1. [*Renumbered section 45.08 by 1917 c. 453 s. 7*]
SECTION 1529*a*—2. [*Renumbered section 45.09 by 1917 c. 453 s. 7*]
SECTION 1529*b*. [*Renumbered section 45.10 by 1917 c. 453 s. 7*]
SECTION 1529*c*. [*Renumbered section 45.11 by 1917 c. 453 s. 7*]
SECTION 1529*d*. [*Renumbered section 45.12 by 1917 c. 453 s. 7*]
SECTION 1529*d*—1. [*Renumbered section 45.13 by 1917 c. 453 s. 7*]
SECTION 1529*e*. [*Renumbered section 45.14 by 1917 c. 453 s. 7*]
SECTION 1529*f*. [*Renumbered section 45.15 by 1917 c. 453 s. 7*]
SECTION 1529*g*. [*Renumbered section 45.16 by 1917 c. 453 s. 7*]
SECTION 1529*h*. [*Renumbered section 45.17 by 1917 c. 453 s. 7*]
SECTION 1529*i*. [*Renumbered section 45.18 by 1917 c. 453 s. 7*]
SECTION 1529*j*. [*Renumbered section 45.19 by 1917 c. 453 s. 7*]

CHAPTER 76*h*.

BASTARDS.

Proceedings on complaint. SECTION 1530. On complaint being made to any justice of the peace by any female who shall be delivered of a bastard child or who shall be pregnant with a child which, if born alive, may be a bastard, accusing any person of being the father of such child the justice shall take such complaint in writing, under the oath of such female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before the justice to answer such complaint. [*R. S. 1849 c. 31 s. 1; R. S. 1858 c. 37 s. 1; R. S. 1878 s. 1530; Ann. Stats. 1889 s. 1530; Stats. 1898 s. 1530*]

Proceedings on return of warrant. SECTION 1531. On the return of such warrant, if the accused be in custody or shall appear, the justice shall examine the complainant under oath respecting the cause of complaint, and the accused may cross-examine her and put any questions necessary for his defense. Witnesses may be examined on behalf of either party. All testimony taken and proceedings had shall be reduced to writing; the proceedings for cause shown may be adjourned from time to time, not exceeding ten days at any one time; and on such adjournment the accused may be recognized for his appearance for such examination in a sum not less than one hundred dollars nor more than one thousand dollars, and with sureties to the satisfaction of the justice, and in default thereof he shall be committed, pending such examination, to the county jail. The accused shall be entitled to a removal of such action as in criminal examination before justices of the peace. [*R. S. 1849 c. 31 s. 2; R. S. 1858 c. 37 s. 2; 1862 c. 108 s. 1;*

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1868 c. 79; 1874 c. 284; R. S. 1878 s. 1531; Ann. Stats. 1889 s. 1531; Stats. 1898 s. 1531; 1905 c. 136 s. 1; Supl. 1906 s. 1531; 1907 c. 118]

Discharge of accused. SECTION 1532. If the accused person shall pay or secure to be paid to the female complaining such sum of money or other property as she may agree to receive in full satisfaction and as shall be approved by the supervisors of the town, of which agreement and approval the justice shall make a memorandum on his docket, and shall also give bonds with sufficient sureties, to be approved by the justice, to the town in which she shall reside, or if she shall reside in a county which has abolished the distinction between county poor and town poor, to such county, conditioned to secure and indemnify such town (or county, as the case may be) from all charges for the maintenance of such child, and shall also pay all expenses, if any, incurred by such town or county for the lying-in and the support and attendance upon the mother during her sickness and the costs of prosecution and further conditioned to support and maintain such child until it is sixteen years of age the justice shall discharge such accused person. [*R. S. 1849 c. 31 s. 3; 1854 c. 26; R. S. 1858 c. 37 s. 3; R S. 1878 s. 1532; Ann. Stats. 1889 s. 1532; Stats. 1898 s. 1532; 1915 c. 258*]

Recognizance and commitment. SECTION 1533. In case any person accused as aforesaid shall not comply with the provisions of the preceding section and there is probable cause to believe the accused person guilty the justice shall bind such person in a recognizance with one or more sureties, to be approved by the justice, in a sum of not less than two hundred dollars nor more than two thousand dollars, to appear at the next term of the circuit court for the proper county, and from time to time thereafter until final judgment, to answer the said complaint and to abide the order of said court thereon; and on his neglect or refusal to find such security the justice shall cause him to be committed to the county jail, there to be held to answer to such complaint; and such justice shall thereupon certify and return the examination and all testimony so taken before him with all process and papers in the case to the clerk of said court. In case any examination has been had as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the district attorney shall afterwards discover admissible evidence sufficient, in his judgment, to convict the person discharged, he may, notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon another arrest and examination shall be had. [*R. S. 1849 c. 31 s. 4; R. S. 1858 c. 37 s. 4; 1862 c. 108 s. 3; R. S. 1878 s. 1533; Ann. Stats. 1889 s. 1533; Stats. 1898 s. 1533; 1905 c. 136 s. 2; Supl. 1906 s. 1533; 1907 c. 118*]

Change of venue. SECTION 1533*a*. All cases begun under the provisions of this chapter shall be tried in the county where the action is properly commenced unless it shall appear to the satisfaction of the court by affidavit that a fair and impartial trial cannot be had in such county, in which case the court may direct that the accused be tried in some adjoining county where a fair and impartial trial can be had; the accused shall be entitled to a change of venue but once and no more. [*1887 c. 469; Ann. Stats. 1889 s. 1533a; Stats. 1898 s. 1533a*]

Jurisdiction of bastardy actions. SECTION 1533*b*. Any judge of a court of record, in vacation as well as in open court, and all court commissioners, except in counties containing cities having a population of one hundred fifty thousand or more, shall have concurrent jurisdiction with justices of the peace in all complaints and proceedings arising under chapter 64*pp* of the statutes. [*1913 c. 329*]

Bastardy; prosecution and costs; no fees for counsel or witnesses. SECTION 1533*m*. 1. It shall be the duty of the district attorney to appear and prosecute in all bastardy proceedings in the trial court and, whenever notified and requested by the justice or magistrate, at the preliminary examination, and the rule for the taxation and payment of costs therein shall be the same as in criminal proceedings and actions; provided, that the provisions of section 4062 and 4713, of the statutes shall not apply.

2. In counties having a population of two hundred thousand or more according to the last state or national census, the district attorney or an assistant district attorney, shall appear and prosecute all bastardy cases at the preliminary examinations in justice courts and at the trial court. No agreement or settlement of any bastardy proceedings in any such county shall be valid unless approved by the district attorney or an assistant district attorney. [*1907 c. 648*]

Continuance; bail. SECTION 1534. If at the next term of the court to which the accused is recognized or to which the venue has been changed the complainant shall not have been delivered or shall not be able to attend, or if at any time there shall be any other sufficient reason therefor the court may order a continuance of the cause from term to term as shall be judged necessary. If the sureties in the recognizance shall at

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any term of court object to being any longer held liable or if the court shall for any cause deem it proper such court may order a new recognizance to be taken and the defendant shall be committed until he gives such new recognizance. [*R. S. 1849 c. 31 s. 5; R. S. 1858 c. 37 s. 5; R. S. 1878 s. 1534; Ann. Stats. 1889 s. 1534; Stats. 1898 s. 1534*]

Trial; evidence; judgment. SECTION 1535. Upon the trial of the cause the issue shall be whether the accused is guilty or not guilty; and if the mother of the bastard be dead her examination taken before the justice may be read in evidence, and in all cases it shall be read when demanded by the accused. If the accused shall be found guilty or shall admit the truth of the accusation he shall be adjudged to be the father of such child and shall stand chargeable with its future maintenance in such sum and in such manner as the court shall direct, and also for all expenses incurred by such town or county or by the mother of such child for the lying-in and attendance of the mother during her sickness and also for the care and support of such child since its birth and until it shall attain the age of sixteen years and for the costs of the prosecution. All which matters shall be ascertained and fixed by the court and shall be inserted in the judgment. [*R. S. 1849 c. 31 s. 6, 7; R. S. 1858 c. 37 s. 6, 7; 1862 c. 108 s. 2; R. S. 1878 s. 1535; Ann. Stats. 1889 s. 1535; Stats. 1898 s. 1535; 1915 c. 258*]

Bond or commitment. SECTION 1536. If the person so adjudged to be the father of such child shall give a bond to the proper town or county in such sum and with such sureties as shall be approved by the court, conditioned for the performance of such judgment and the payment of all sums ordered thereby to be paid as therein directed, and shall pay the costs of prosecution and any sums adjudged then to be paid, he shall be discharged; otherwise he shall be committed to the county jail until he shall comply with and perform such judgment or shall be otherwise discharged according to law. In counties having and maintaining a house of correction, or workhouse the commitment may be to the house of correction or workhouse of said county instead of to the county jail. [*R. S. 1849 c. 31 s. 7; R. S. 1858 c. 37 s. 7; R. S. 1878 s. 1536; Ann. Stats. 1889 s. 1536; Stats. 1898 s. 1536; 1905 c. 110 s. 1; Supl. 1906 s. 1536; 1907 c. 118*]

When and how discharged. SECTION 1537. Any person who shall have been so imprisoned ninety days may apply for his discharge from imprisonment in the manner provided by law for the discharge from imprisonment of persons confined in jail upon executions against the person; but notice of the application for such discharge shall be given to the complainant, if living within the state, and also to the chairman of the proper town or county board at least fifteen days before such application for discharge is made. [*R. S. 1849 c. 31 s. 8; R. S. 1858 c. 37 s. 8; R. S. 1878 s. 1537; Ann. Stats. 1889 s. 1537; Stats. 1898 s. 1537*]

Execution. SECTION 1538. The court, upon motion by the mother of such child or of any town or county interested may, from time to time, order execution to issue against the defendant and his sureties in any bond given as aforesaid to secure the performance of any such judgments, or against a defendant who shall have been discharged under the preceding section for such sum as may at any time become due thereon and remain unpaid. [*R. S. 1849 c. 31 s. 9; R. S. 1858 c. 37 s. 9; R. S. 1878 s. 1538; Ann. Stats. 1889 s. 1538; Stats. 1898 s. 1538*]

Prosecution by officers. SECTION 1539. When the mother of a bastard child commences any such proceeding and fails to prosecute the same the supervisors of the proper town or proper officers of the county in which the distinction between town and county poor has been abolished or any person interested in the support of such bastard may prosecute the proceedings commenced by the mother to final judgment. [*R. S. 1849 c. 31 s. 10; 1854 c. 26 s. 1; R. S. 1858 c. 34 s. 37; R. S. 1858 c. 37 s. 10; R. S. 1878 s. 1539; Ann. Stats. 1889 s. 1539; Stats. 1898 s. 1539*]

Inquiry by officers. SECTION 1540. If any female shall be delivered of a bastard child which is or is likely to become a public charge, or shall be pregnant of a child likely to be born a bastard and to become a public charge, any member of the town board in a town, village board in a village, common council in a city or superintendent or commissioner of poor or the chairman of the committee on poor in any such town, village or city wherein such female shall reside, or in case she shall reside in a county which has abolished the distinction between county poor and town poor, any member of the county board or any superintendent of the county poor thereof may, if they deem proper, apply to some justice of the peace of the same county, who shall thereupon examine such female on oath respecting the father of such child, the time when and the place where such child was begotten and as to such other circumstances as he may deem necessary; and such justice shall reduce such examination to writing and shall thereupon issue his warrant, without further or formal complaint, to apprehend the reputed father, and the same proceeding shall be had thereon and with the like effects as are

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hereinbefore provided in cases of complaint made by such female. [*R. S. 1849 c. 31 s. 11; R. S. 1858 c. 37 s. 11, 12; R. S. 1878 s. 1540; Ann. Stats. 1889 s. 1540; Stats. 1898 s. 1540; 1905 c. 136 s. 3; Supl. 1906 s. 1540; 1907 c. 118*]

Warrant; attendance of female. SECTION 1541. Any warrant issued under this chapter may be executed in any part of this state; and in all cases said town and county supervisors, superintendents of county poor and the accused may compel the said female to attend and testify the same as witnesses in other cases. [*R. S. 1849 c. 31 s. 12; R. S. 1858 c. 37 s. 12; R. S. 1878 s. 1541; Ann. Stats. 1889 s. 1541; Stats. 1898 s. 1541*]

Compromise. SECTION 1542. The chairman of the town, president of the village or mayor of the city wherein any such female shall reside, or county superintendents of poor in such counties as may have abolished the distinction between town and county poor, shall have power to make such compromise or arrangement with the putative father of any bastard child in any such town, city, village or county relative to the support of such child as they shall deem equitable and just; and thereupon may discharge such putative father from all liability for the support of such bastard. [*R. S. 1849 c. 31 s. 13; R. S. 1858 c. 37 s. 13; R. S. 1878 s. 1542; Ann. Stats. 1889 s. 1542; Stats. 1898 s. 1542; 1905 c. 136 s. 4; Supl. 1906 s. 1542; 1907 c. 118*]

SECTION 1542*a*. [*Renumbered section 58.04 by 1919 c. 616 s. 5*]
SECTION 1542*b*. [*Renumbered section 58.04 by 1919 c. 616 s. 5*]
SECTION 1542*c*. [*Renumbered section 58.04 by 1919 c. 616 s. 5*]
SECTION 1542*d*. [*Renumbered section 58.04 by 1919 c. 616 s. 5*]
SECTION 1542*e*. [*Renumbered section 58.04 by 1919 c. 616 s. 5*]
SECTION 1542*f*. [*Renumbered section 4586m by 1919 c. 616 s. 6*]
SECTION 1542*g*. [*Renumbered section 58.04 by 1919 c. 616 s. 5*]

CHAPTER 76*hh*.

EXCISE, MANUFACTURE, AND SALE OF INTOXICATING LIQUORS AND NONINTOXICATING BEVERAGES.

Prohibition enforcement. SECTION 1543. (1) DEFINITIONS. (a) The term "physician" includes only physicians engaged in the actual practice of medicine.

(b) The word "permit" means a formal written authorization by the commissioner setting forth therein the things that are authorized.

(c) The word "druggist" means a proprietor of a retail drug store, and also the registered pharmacist in personal charge of the pharmacy in any bona fide hospital.

(d) The word "commissioner" means the state prohibition commissioner, and unless the contrary intent is apparent includes his deputies.

(e) The term "peace officer" includes sheriffs, undersheriffs, deputy sheriffs, police officers, marshals, deputy marshals, and constables.

(f) The term "sell" or "sold" or "sale" includes the transfer, gift, barter, trade or exchange, or any shift, device, scheme or transaction whatever whereby intoxicating liquors may be obtained.

(g) The term "magistrate" includes the judges of the several courts of record, and judges of any municipal court in vacation as well as term time, court commissioners, police justices, and all justices of the peace.

(h) The term "application" means a formal written request, supported by a verified statement of facts showing that the commissioner may grant the request.

(i) "Fermented malt liquor" means a beverage made by the alcoholic fermentation of an infusion in potable water, of barley, malt and hops, with or without unmalted grains or decoricated and degerminated grains.

(j) "Vinous liquor" as herein used, means a fermented liquor containing alcohol and where such alcohol is produced by fermentation but not preceded by any malting process.

(k) The term "regulation" means any reasonable rule prescribed by the commissioner for carrying out the provisions of this chapter.

(l) The word "liquor" or the phrase "intoxicating liquor" and the word "alcohol" means the same as in the "National Prohibition Act."

(m) The words "nonintoxicating liquor" includes all liquors, liquids or compounds, whether medicated, proprietary, patented, or not and by whatever name called, fit for

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use for beverage purposes, containing alcohol in any degree, not defined to be "intoxicating liquors."

(n) The "National Prohibition Act" is Title II of the act of congress enacted October 28, 1919, commonly known as the "Volstead Act" and includes any amendment to the same and lawful regulations thereunder.

(2) PROHIBITION COMMISSIONER, POWERS AND DUTIES. (a) The office of state prohibition commissioner, created by chapter 556 of the laws of 1919, is continued.

(b) Such commissioner shall keep his office at the capitol and shall be provided by the superintendent of public property with suitable rooms, furniture, supplies, and other necessary equipment. He shall be appointed by the governor by and with the advice and consent of the senate and hold his office for the term of four years from the date of his appointment and until his successor shall be appointed and qualified. He shall receive a salary of four thousand dollars per year and his actual and necessary expenses incurred in the discharge of his duties. He shall take and file the official oath and execute and file an official bond in the sum of twenty-five thousand dollars, to be approved by the governor.

(c) The commissioner may appoint necessary deputy prohibition commissioners, employ necessary clerks, fix their compensation and file such appointments with the secretary of state with a statement showing the compensation so fixed, prior to the employe or appointee entering upon his duties. Such compensation shall be audited, and paid on the certificate of the commissioner in the same manner as compensations are audited and paid other state officials and employes. The provisions of chapter 16 of the statutes shall not apply to appointments under this section.

(d) Said deputies shall perform the duties herein specified and such other duties as the commissioner may direct. Each deputy shall file such bond as the commissioner may require.

(e) The commissioner shall have a suitable seal, and permits issued by him shall have a clear impression of said seal. Other documents may be authenticated by a printed copy of the impression of said seal.

(f) It shall be the duty of district attorneys and peace officers to co-operate with the commissioner in the enforcement of this chapter.

(g) Any district attorney, peace officer, or the commissioner who shall know or be credibly informed that any offense has been committed against any of the provisions of this chapter shall make complaint against the person so offending within his respective jurisdiction to a proper magistrate and for every wilful neglect or refusal so to do every such officer shall be subject to removal from office. No such officer shall be required to give any security for costs.

(h) The commissioner and his deputies shall have the same power to make arrests and serve process under the provisions of this chapter as sheriffs and shall receive the same fees. Such fees shall be paid into the state treasury and be credited to the general fund.

(i) The commissioner is authorized and empowered to make reasonable regulations for the enforcement of this chapter, and such regulations shall have the force of law when published in the official paper.

(j) The commissioner or any peace officer may examine any vehicle he has good reason to believe is being used in unlawfully transporting liquors and may open and examine any package contained therein or any package in the possession of a carrier which he has good reason to believe contains contraband liquors, but if no such liquors are found the package shall be restored to its original condition.

(3) DEALING IN INTOXICATING LIQUOR PROHIBITED. After this act becomes operative, the manufacture, sale or transportation of intoxicating liquors, as herein defined, within, the importation thereof into, or the exportation thereof from the state of Wisconsin, except as may be herein or hereafter provided, is hereby prohibited.

(4) EXCEPTION. Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, transported, imported, exported, delivered, and possessed by complying with the "National Prohibition Act" and by obtaining a permit from the commissioner. Nothing in this chapter shall prohibit the sale of warehouse receipts covering distilled spirits on deposit in government bonded warehouses.

(5) WHAT NOT SUBJECT TO THIS ACT. (a) The articles enumerated in this subsection shall not, after having been manufactured and prepared for the market, be subject to the provisions of this chapter if they correspond with the following description and limitations, namely:

1. Denatured alcohol or denatured rum produced and used as provided by the "National Prohibition Act."

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2. Medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopœia, national formulary or the American institute of homeopathy, that are unfit for use for beverage purposes.

3. Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

4. Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

5. Flavoring extracts and syrups that are unfit for use as a beverage.

6. Vinegar and preserved sweet cider.

(b) A person who manufactures any of the articles mentioned in this subsection may purchase and possess liquor for that purpose, but he shall secure permits to manufacture such articles and to purchase such liquor, give the bonds, keep the records and make the reports specified in this chapter, and as directed by the commissioner. No such manufacturer shall sell, use, or dispose of any liquor otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any of the articles named in subdivisions 2, 3, 4 and 5 of this subsection than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article.

(c) No person shall knowingly sell any of the articles mentioned in subdivisions 1, 2, 3, 4 and 5 of this subsection for beverage purposes, nor sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purposes.

(6) PERMIT TO MANUFACTURE NONINTOXICATING LIQUOR. (a) A manufacturer of any beverage containing less than one-half of one per centum of alcohol by volume may, on making application and giving such bond as the commissioner shall prescribe, be given a permit to develop in the manufacture thereof by the usual methods a liquid such as beer, ale, porter, or wine, containing more than one-half of one per centum of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic contents thereof shall, under such regulations as the commissioner may prescribe, be reduced below one-half of one per centum of alcohol. Such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having alcohol extracted therefrom. Any such liquids may be developed, under permit, by persons other than the manufacturers of beverages containing less than one-half of one per centum of alcohol by volume, and sold to such manufacturers for conversion into such beverages.

(b) In any case where the manufacturer is charged with violating paragraph (a) of this subsection the burden of proof shall be on such manufacturer to show that such liquids so manufactured, sold, or withdrawn contained less than one-half of one per centum of alcohol by volume.

(7) PERMITS TO MANUFACTURE AND SELL LIQUORS. (a) No one shall manufacture for sale, sell, purchase, transport or prescribe any liquor without first obtaining a permit from the commissioner so to do, except that a person may, without a permit, purchase or use liquor for medicinal purposes when prescribed by a physician as herein provided, and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanatorium engaged in the treatment of persons suffering from alcoholism, may, under such regulations and conditions as the commissioner shall prescribe, purchase and use, in accordance with the methods in use in such institution, liquor to be administered to the patients of such institutions under the direction of a physician employed by such institution.

(b) Permits to manufacture, prescribe, sell, or transport liquor, may be issued for one year, and shall expire on the thirty-first day of December next succeeding the issuance thereof. No permit shall be issued to any person who within one year prior to the application therefor shall have violated the terms of any permit issued under this chapter or any law of the United States or of this state regulating traffic in liquor. No permit shall be issued to any one to sell liquor at retail, unless the sale is to be made through a pharmacist upon a physician's prescription. No one shall be given a permit to prescribe liquor unless he is a physician. No permit shall be issued until an application shall have been made therefor.

(c) The commissioner may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted the commissioner may require a bond in such form and amount as he may prescribe to insure compliance with the terms of the permit and the provisions of this chapter.

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(d) In the event of breach of any of the conditions contained in said bond, the same shall be forfeited to the state and the person so offending shall be liable to all other penalties herein prescribed. Action for forfeiture of such bond shall be instituted in the name of the state by the attorney-general.

(e) No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by a church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this subsection mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture.

(f) All permits in force at the time of the passage and publication of this chapter shall remain effective until December 31, 1921, upon the payment of the fee herein provided.

(g) Nothing herein contained shall prohibit the commissioner or any peace officer, or special agent, employed by the state, or any subdivision thereof, from purchasing or transporting liquor to be used as evidence.

(8) FEES FOR PERMIT. (a) Every application for a permit shall be accompanied by a fee of ten dollars and the written approval or disapproval of the district attorney of the county in which the permit is to be used. A separate permit and bond shall be required for each place of business. No fee shall be required for a permit to obtain wine for sacramental or religious rites.

(b) The commissioner shall be satisfied that necessity exists for the granting of such permit, and in addition to the application and the recommendation of the district attorney may require additional proof of such applicant.

(c) All moneys derived from the issuance of permits shall be paid to the state treasurer and shall go into the general fund.

(9) PHYSICIANS' PRESCRIPTIONS. Prescriptions for intoxicating liquors may be issued only as provided in the "National Prohibition Act," by physicians holding a permit under this chapter; provided, that no licensed physician shall issue any prescription for intoxicating liquor for the use of any minor unless he shall at the same time deliver to the parent or guardian of said minor a certificate in writing stating that in his judgment intoxicating liquor is necessary for the health of said minor. Provided, further, that said liquor cannot be obtained except upon presentation by said parent or guardian of said minor of said certificate attached to said prescription.

(10) REVOCATION OF PERMITS. Permits granted hereunder may be revoked by the commissioner upon notice and hearing pursuant to regulations therefor provided by the commissioner.

(11) RECORD OF MANUFACTURE, ETC. No person shall manufacture for sale, purchase for sale, sell, or transport any liquor without making at the time a permanent record as required by the "National Prohibition Act."

(12) PERMITS, HOW TRANSFERRED. Permits and licenses mentioned in this chapter may be transferable on proper application as to the locations, but shall not be transferable as to the persons. Permits issued to individuals shall not pass to personal representatives.

(13) LIQUOR TO BE LABELED. All persons manufacturing liquor for sale under the provision of this chapter shall label the same as provided in the "National Prohibition Act."

(14) CARRIER TO BE NOTIFIED OF LIQUOR SHIPMENTS. It shall be unlawful for a person to use or induce any carrier, or any agent or employe thereof, to carry any package or receptacle containing liquor without notifying the carrier of the true nature and character of the shipment. No carrier shall transport, nor shall any person receive, liquor from a carrier unless there appears on the outside of the package containing such liquor, the following information: Name and address of the consignor or seller, name and address of the consignee, kind and quantity of liquor contained therein, and number of the permit to purchase and ship the same, together with the name and address of the person using the permit.

(15) UNLAWFUL TO ACCEPT PACKAGE FALSELY LABELED. It shall be unlawful for any consignee to accept or receive any package containing any liquor upon which appears a statement known to him to be false, or for any carrier or other person to consign, ship, transport or deliver any such package, knowing such statement to be false.

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(16) UNLAWFUL TO GIVE CARRIER FALSE ORDER. It shall be unlawful to give any carrier or any officer, agent, or person acting or assuming to act for such carrier, an order requiring the delivery to any person of any liquor or package containing liquor consigned to, or purporting or claimed to be consigned to, a person, when the purpose of the order is to enable any person not an actual bona fide consignee to obtain such liquor.

(17) UNLAWFUL TO ADVERTISE LIQUOR. (a) No person shall advertise, manufacture, sell or possess for sale, any still, utensil, contrivance, machine preparation, compound, tablet, substance, formula, direction or receipt advertised, designed or intended for use in the unlawful manufacture of intoxicating liquor.

(b) No person shall advertise liquor by any means or methods, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained. No person shall permit any sign or billboard containing such advertisement to remain upon his premises. But nothing herein shall prohibit manufacturers and wholesale druggists holding permits to sell liquor, from furnishing price lists with description of liquor for sale, to persons permitted to purchase liquor, or from advertising alcohol in business publications or trade journals circulating generally among manufacturers of lawful alcoholic perfumes, toilet preparations, flavoring extracts, medical preparations and like articles. Nothing in this chapter shall apply to newspapers published in foreign countries when mailed to this country.

(18) NOT TO SOLICIT OR RECEIVE LIQUOR, ETC. No person shall solicit, receive, or knowingly permit his employe to solicit or receive, from any person, any order for liquor, or give any information of how liquor may be obtained in violation of this chapter.

(19) NOT TO DESTROY LIQUIDS TO PREVENT SEIZURE. It shall be unlawful for any person to secrete or destroy any fluids on premises being searched for the purpose of preventing the seizure of such fluids by the commissioner, or any peace officer.

(20) DRUNKENNESS, PENALTY. Any person found in any public place in such a state of intoxication as to disturb others, or unable, by reason of his condition, to care for his own safety or the safety of others, shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment; but this section shall not abridge the powers of towns, cities or villages to enact ordinances for punishment of such offenses, nor be applicable to any city or village which has, pursuant to its charter, enacted an ordinance for the punishment of such offense.

(21) LIQUORS LAWFULLY ACQUIRED. Liquors lawfully acquired for private use and not for unlawful sale, kept in the owner's private dwelling occupied by him as such, may be used by him, his family and bona fide guests in such dwelling. Provided, however, that no intoxicating liquors be given away or dispensed in such a manner as to constitute such private dwelling a public nuisance. Liquor acquired for medicinal purposes on prescription may be used only by the person for whom and as prescribed.

(22) PUBLIC NUISANCE. Any room, house, building, boat, vehicle, air craft, or place where intoxicating liquor is manufactured, sold or kept in violation of any of the provisions of this chapter, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared a public nuisance, and any person who maintains such nuisance, upon conviction thereof, shall be fined not more than one thousand dollars or be imprisoned for not more than one year or both. If a person has reason to believe that his room, house, building, boat, vehicle, air craft, or place, is occupied or used for the manufacture or sale of liquor, contrary to the provisions of this chapter, and suffers the same to be so occupied, or used, such room, house, building, boat, vehicle, air craft, or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance and any such lien may be enforced by action in any court having jurisdiction.

(23) SEIZURE AND SALE OF VEHICLES. When the commissioner, his deputies or any peace officer shall discover any person in the act of unlawfully transporting intoxicating liquors in any wagon, automobile, water or air craft, or other vehicle, it shall be his duty to seize the same together with any team used in connection therewith, and arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this chapter in any court having jurisdiction; but the said vehicle or team shall be returned to the owner upon execution by him of a bond with sufficient sureties in a sum double the value of the property, which bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court. The court upon conviction of the person so arrested shall order the liquor disposed of in accordance with the provisions of this act, and unless good cause to the contrary is shown by the owner, may order a sale by public auction of the property seized, and the officer making the sale, after de-

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ducting the expense of keeping the property, the fee for the seizure, and the cost of the sale, shall pay all liens according to their priorities, which are established, by intervention or otherwise at said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor, and shall pay the balance of the proceeds into the treasury of the state for credit to the general fund. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming such vehicle, or team, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the county where taken, once a week for two successive weeks, and by handbills posted in three public places near the seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the treasury of the state and credited to the general fund.

(24) DISPOSAL OF CONTRABAND LIQUOR. In all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this chapter the court may order them delivered to any public state institution for medicinal, mechanical, or scientific uses, or order the same sold at private sale for a lawful purpose, to any person having a permit to purchase liquor, the proceeds to be turned into the treasury of the state and credited to the general fund.

(25) IMMUNITY TO TESTIFY. No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpœna of any court in any proceeding growing out of any alleged violation of this chapter; but no natural person shall be prosecuted or subjected to any penalty or forfeiture on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence. No person shall be exempt from prosecution and punishment for perjury committed in so testifying.

(26) VENUE; SALE AND DELIVERY. In case of a sale of liquor where the delivery thereof was made by a common or other carrier, the sale and delivery shall be deemed to be made in the county wherein the delivery was made by such carrier to the consignee, or in the county wherein the sale was made, or from which the shipment was made, and prosecution for such sale or delivery may be had in any such county. Prosecution in one county may be pleaded in bar to prosecution in another county for the same offense. The court in the county first securing jurisdiction shall proceed to final disposition of the action.

(27) PLEADING, PRACTICE. (a) In any affidavit, complaint, information, or indictment for the violation of this chapter, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was prohibited and unlawful. The trial court may direct a bill of particulars, to be furnished the defendant.

(b) The prosecuting attorney shall plead and prove previous convictions of the accused for any violation of this act.

(28) UNLAWFUL POSSESSION; EVIDENCE. The possession of liquor by any person without a permit, other than in his private dwelling used exclusively as such, shall be prima facie evidence of unlawful possession.

(29) LICENSE FEES, NONINTOXICATING LIQUORS. (a) Each town board, village board and common council may grant licenses to such persons as they deem proper for the sale of nonintoxicating liquors for which a license fee of not less than fifty dollars nor more than one hundred dollars to be fixed by the board or council shall be paid. Such license shall be issued by the town, village or city clerk, designate the premises for which granted and shall expire the thirtieth day of June thereafter. The full license fee shall be charged for the whole or a fraction of the year. No such liquor shall be sold or kept for sale for consumption on the premises where sold without such license.

(b) It shall be the duty of the treasurer of each town, village or city in the state, wherein a fee is collected for license as herein provided, to remit to the state treasurer within sixty days after such fee is collected, ten per cent of the total amount collected.

(c) It shall be the duty of the state treasurer to require all town, village and city treasurers to file as of July first in each year, detailed statement of all license fees received by him during the preceding year, and he shall collect the proportionate percentage due to the state.

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(30) NOT TO HAVE BAR, CURTAINS, ETC. No person having a license for the sale of nonintoxicating liquors to be sold for consumption upon the premises where sold, shall maintain a standing bar or counter of any description at which any such drinks or liquors are consumed, in the place or room covered by such license, and no stall, booth, or other inclosure of any kind in or connected with such place or room shall be maintained, and the windows and doors of any such place or room shall be unobstructed by screens, blinds, paint or other articles so that a clear and unobstructed view of the interior of said place or room from the outside may at all times be had. No such person shall have in his possession on or about said premises any intoxicating liquor. The commissioner, his deputies or any peace officer may inspect such premises at any reasonable time without warrant.

(31) QUALIFICATIONS OF LICENSEE, OR PERMITTEE. No license or permit shall be granted to any person, unless to a domestic corporation, not a citizen of the United States and of this state and a resident of the town, village or city in which such license is applied for, nor to any person who has been convicted of a felony, unless such person has been pardoned. No license shall be granted to any person who has been convicted of a violation of any of the provisions of this chapter, or of any of the provisions of the "National Prohibition Act," within the period of one year from the date of conviction.

(32) PENALTIES; APPEARANCE BONDS; SEIZURES. (a) Any person violating any of the provisions of this chapter for which a specific penalty is not prescribed, shall for the first offense be fined in addition to the costs of the action not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than one month, nor more than six months, and for a second or subsequent offense shall be fined in addition to the costs of the action not less than two hundred dollars nor more than two thousand dollars, and be imprisoned in the county jail not less than one month, nor more than one year.

(b) In addition to the penalties provided by paragraph (a) the court in rendering judgment for the violation of any of the provisions of this chapter by a pharmacist or physician:

1. May for the first offense suspend the permit of such defendant for a period not exceeding six months, and

2. Shall for the second offense suspend the permit of such defendant for a period of six months, and

3. May for a third or subsequent offense revoke, or for such period as the court may see fit, suspend defendant's certificate as a pharmacist, or his license to practice medicine, as the case may be, and the court rendering such judgment shall forthwith cause a certified copy of the same to be filed with the state board of pharmacy or the state board of medical examiners, as the case may require.

(c) At the time of the return of the warrant issued for the violation of any of the provisions of this chapter, the defendant shall give a bond in such sum as shall be fixed by the court, but not less than in the penal sum of five hundred dollars, with sufficient sureties, payable to the state for his appearance, as shall be required by the court from time to time until said proceedings shall finally be determined. Said bond shall further be conditioned that he will not sell, vend, deal, barter or traffic in, any intoxicating liquors or nonintoxicating liquors in violation of any law of this state or of the United States.

(d) There shall be no property rights in any liquor unlawfully possessed, or in any device for the unlawful manufacture of liquor, or in any vehicle or conveyance used to unlawfully transport liquor, and all such liquors, devices, vehicles and conveyances are contraband subject to seizure, sale, or other disposition by the commissioner, his deputies or any peace officer for the benefit of the state. The possession of any still or other contrivance used or capable of being used for the distillation of alcoholic liquors without a permit, as provided in the "National Prohibition Act," or the possession of any mash from which distilled liquor is customarily made, or the possession of any privately manufactured distilled liquors without such permit is hereby prohibited, and the possession of any such still, mash, or liquor shall be prima facie evidence of unlawful manufacture of liquor.

(33) HOW CONSTRUED. (a) This chapter shall be deemed an exercise of the power reserved by and granted to the state by the eighteenth amendment to the constitution of the United States and also an exercise of the police power of the state for the protection of the public health, peace, safety and morals of its people. It shall be liberally construed to the end that the use of intoxicating liquors as a beverage be prevented. In the event of any conflict between the provisions of this chapter and the "National Prohibition Act" or the lawful regulations thereunder, the national act and regulations shall prevail.

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(b) It is the intent of this act that its provisions are separable and the holding of any provision thereof unconstitutional shall not affect the remainder thereof.

(34) ACTION WHEN BARRED. Conviction of a person under the "National Prohibition Act" shall bar a prosecution under this chapter on the same state of facts.

(35) RECORDS, DOCUMENTS, EVIDENCE. All records and documents required to be kept under this chapter shall be open at all reasonable hours for inspection and may be copied by the commissioner, his deputies or any peace officer. A verified copy of any such record or document shall be evidence in any proceeding under this chapter.

(36) PROHIBITION ON TRAINS. (a) No person while intoxicated, shall enter or be on or remain upon, as a passenger, a train of a steam railroad, interurban railroad, or a car of a street railway connecting any two or more cities in this state or any city in this state with a city or cities in any other state.

(b) No person shall publicly drink any intoxicating liquor as a beverage in any smoking car, parlor car or day coach of a steam railroad or interurban railroad, or car of a street railway included within the provisions of paragraph (a), or give, or cause to be given, to any other person therein, intoxicating liquor as a beverage.

(37) POLICE POWER OF CONDUCTOR. The conductor of a railway train or car on any railroad or street railway included within the provisions of subsection (36) shall summarily arrest, with or without a warrant, any person violating any of the provisions of subsection (36), and for such purpose shall have the same power and authority as any peace officer, including the power to summon assistance, and such conductor shall further have power to deliver any such person to any policeman, constable or other public officer of the county in which such offense was committed, and it shall be the duty of such officer to bring the person charged with such offense before the nearest justice of the peace or municipal court of the county where said offense was committed, and to make a complaint against such person. Provided, that if the car on which such arrest is made does not stop within the county within which such offense was committed, then such conductor shall deliver the person so arrested to some sheriff, constable or police officer of the county wherein such car shall first stop after such such arrest, who shall deliver the person so arrested to some judge or justice of the peace of the county in which the offense was committed, for trial.

(38) CONFISCATION OF LIQUOR. The conductor of any railway train may take from any person found violating any of the provisions of subsection (36) any intoxicating liquor then in the possession of such person, and deliver the same to the nearest station agent, giving the person from whom it is taken a receipt therefor. Upon the presentation and surrender of such receipt, within ten days thereafter, such liquor shall be delivered to the person presenting same, and if not so delivered within such time, shall be destroyed by such agent.

(39) PENALTY FOR PERMITTING VIOLATION. Persons and corporations engaged wholly, or in part, in the business of carrying passengers for hire, their agents, servants or employes, who shall knowingly permit any person to drink any intoxicating liquor as a beverage in any train of a steam railroad or interurban railroad or coach, or in any car of any street railway included in the provisions of subsection (36), and any person violating any other provisions of subsections (36) to (39), inclusive, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days, nor more than ninety days.

(40) REVIEW OF ACTION OF COMMISSIONER. Any action of the commissioner may be reviewed in action in equity, in the circuit court for Dane county.

(41) REVOKING LICENSE OR PERMIT. The license or permit of any person hereunder shall stand revoked without further proceeding upon the conviction of such person for maintaining a disorderly or riotous, indecent or improper house, for permitting gambling in any form upon or within his premises or any appendage thereto, or for violating any of the provisions of this chapter or the "National Prohibition Act." [*Stats. 1919 s. 1565—1, 1565—2, 1565—3, 1565—4; 1921 c. 441 s. 1, 2, 3; 1921 c. 590 s. 19a, 20, 118; 1921 c. 9 s. 2*]

SECTION 1544. [*Repealed by 1919 c. 614 s. 7*]

SECTION 1545. [*Repealed by 1919 c. 614 s. 7*]

SECTION 1546. [*Renumbered section 4556a by 1919 c. 614 s. 6*]

SECTION 1546*a*. [*Repealed by 1919 c. 614 s. 4*]

SECTION 1547. [*Repealed by 1919 c. 614 s. 3*]

SECTIONS 1548 to 1565, inclusive. [*Repealed by 1921 c. 441 s. 6*]

SECTION 1565—1. [*Renumbered section 1543 subsection (36) by 1921 c. 441 s. 2*]

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SECTION 1565—2. [*Renumbered section 1543 subsection (37) by 1921 c. 441 s. 2*]
SECTION 1565—3. [*Renumbered section 1543 subsection (38) by 1921 c. 441 s. 2*]
SECTION 1565—4. [*Renumbered section 1543 subsection (39) by 1921 c. 441 s. 2*]
SECTIONS 1565*a* to 1569—23, inclusive. [*Repealed by 1921 c. 441 s. 6*]

CHAPTER 76*i*.

PEDDLERS.

License. SECTION 1570. No person shall engage in or follow the business or occupation of a hawker or peddler within this state without having first obtained a license for that purpose as provided in sections 1570 to 1584*i*, inclusive. [*1870 c. 72; 1876 c. 395; 1877 c. 295; R. S. 1878 s. 1570; 1881 c. 100; 1882 c. 218; 1885 c. 263; 1889 c. 510; Ann. Stats. 1889 s. 1570; 1895 c. 81; 1897 c. 84; Stats. 1898 s. 1570; 1901 c. 341 s. 1; 1905 c. 490 s. 1; Supl. 1906 s. 1570; 1907 c. 118; 1911 c. 663 s. 259*]

License fees. SECTION 1571. Every person desiring to engage in or follow the business or occupation mentioned in section 1570, before he shall be entitled to a license authorizing him so to do, shall pay into the state treasury an annual license fee, as follows: Where he shall use in such business or occupation a wagon or other vehicle, drawn by two or more horses, or other beasts of burden, or automobile or other vehicle or conveyance propelled by any mechanical power, the sum of seventy-five dollars; where he shall use in such business or occupation a wagon or other vehicle, drawn by one horse, or other beast of burden, the sum of forty-five dollars; where he shall use in such business or occupation a push or hand cart, or other vehicle not drawn by horses, or other beasts of burden, the sum of thirty dollars; and where he shall conduct such business on foot by means of pack, basket or other means for carrying merchandise on foot, the sum of twenty dollars. [*1870 c. 72; R. S. 1878 s. 1572; 1889 c. 510; Ann. Stats. 1889 s. 1572; 1895 c. 81; Stats. 1898 s. 1572; 1905 c. 490 s. 2; Supl. 1906 s. 1571; 1907 c. 118; 1911 c. 456; 1911 c. 664 s. 85*]

Application. SECTION 1572. The application for a license as a hawker or peddler shall be made in writing to the treasury agent on blanks to be furnished by him, wherein the applicant shall specify whether he intends to carry on his business by wagon or other vehicle, or on foot. The applicant shall at or before the time of filing his application for a license, pay or cause to be paid to treasury agent the amount prescribed in the preceding section and applicable to the manner in which such applicant intends to carry on his business, and the treasury agent shall thereupon issue to the applicant a receipt therefor. [*1870 c. 72; R. S. 1878 s. 1571; 1889 c. 510; Ann. Stats. 1889 s. 1571; Stats. 1898 s. 1571; 1901 c. 341; 1905 c. 490 s. 3; Supl. 1906 s. 1572; 1907 c. 118; 1917 c. 670*]

Issue of license; tags. SECTION 1573. 1. Upon the filing of an application for such license with the treasury agent, and the payment of the fee, as hereinbefore provided, the treasury agent shall issue to the applicant a license for a period of one year, from the date of the issuance of the receipts the full license fee to be paid in every case, which license shall be signed by the treasury agent and every such license shall authorize the person receiving the same to use one wagon or other vehicle, drawn by two or more horses or other beasts of burden and no more, or automobile or other vehicle or conveyance propelled by mechanical power, one wagon or other vehicle drawn by one horse or other beast of burden and no more, one push or handcart or other vehicle not drawn by horses or other beasts of burden and no more, or the baskets, packs or other means necessary for one peddler carrying (by himself) merchandise on foot, as the case may be, and such license shall not be assignable or transferable, except where due notice has been given the state treasury agent and the same has received his approval.

2. Any person having a license in one class may, with approval of the treasury agent, and on application and payment as with other applications, have his license changed to a higher class by paying the difference in cost between the fee for the license he has and the fee for the higher class applied for, the time of expiration of the license to remain unchanged. Peddlers may at any time, without notice, peddle in any class below the class he has paid for, but except as otherwise provided by law no part of any fee can be returned.

3. On and after the passage of this act, the state treasury agent shall also deliver to each applicant an official number plate, or in case of a peddler carrying merchandise on foot, an official badge. The official number plates shall be of uniform size and design and contain a distinguishing number to be assigned to the applicant, and the date of expiration of such license followed by the letter "W." The official number plate shall be

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placed in a conspicuous place on the push or hand cart, wagon, automobile or other vehicle, and be so kept and displayed at all times where the same can be readily and distinctly seen. The official badge shall be of uniform size and design, containing the distinguishing number to be assigned to the applicant, and the year covered by the license and the letter "W." The official badge shall be worn in a conspicuous place by the licensee while engaged in doing any act for which the license is required, and shall be so kept and displayed at all such times where the same can be readily and distinctly seen. Expenses incurred in carrying out the provisions of this section shall be charged to the proper appropriation for the treasury agent. [*1870 c. 72; 1874 c. 141; R. S. 1878 s. 1575; 1881 c. 100; Ann. Stats. 1889 s. 1575; Stats. 1898 s. 1575; 1905 c. 490 s. 4; Supl. 1906 s. 1573; 1907 c. 118, 634; 1911 c. 456; 1911 c. 664 s. 85; 1913 c. 772 s. 127; 1917 c. 670*].

Transient merchant defined; fee. SECTION 1574. A transient merchant within the meaning of sections 1570 to 1584*i*, inclusive, is defined as one who engages in the vending or sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. No person shall engage in or follow the business or occupation of a transient merchant, as hereinbefore defined, at any place in this state, without first obtaining a license authorizing him to do so. Any person desiring a license as a transient merchant shall, before receiving the same, pay to the treasury agent the sum of seventy-five dollars, and he shall in addition to such amount, after receiving such license, also pay to the treasurer, of any city or village where he may be conducting his business, a sum not to exceed twenty-five dollars per day for each day that he may be engaged in carrying on his business, such amount to be determined by ordinance or resolution of such city or village; provided, further, that if complaint be made to the mayor of any city, or the president of any village, that any person doing business therein is a transient merchant, and such person shall claim to be a permanent merchant, he may be required as a condition of transacting business in any such city or village, without the payment of a license fee to such city or village, to give a bond to such city or village to secure the payment of the state and local license, in the event that he fails to become a permanent merchant, under the terms of sections 1570 to 1584*i*, inclusive, in a penal sum not to exceed five hundred dollars to be determined by resolution or ordinance of such city or village, with sureties to be approved by the clerk of the municipality, and which bond shall be enforced in case of a breach thereof, by the proper local officers of the city or village, and upon its collection the amount of the state license shall be paid to the treasury agent and the remainder shall be paid into the treasury of the city or village and become a part of the license fund. The application for a license as a transient merchant shall be made in writing to the treasury agent upon blanks to be furnished by him, and upon the filing of such application with the treasury agent and the payment of the license fees hereinbefore provided for, the treasury agent shall issue to such applicant a license for a period of one year, commencing on the first day of May, or for such portion of a year as may intervene between the date of the issuance of the receipt and the first day of May next ensuing, the full license fee to be paid in every case, which license shall be signed by the treasury agent and every such license shall authorize the person receiving the same to engage in the business of a transient merchant within this state. [*1870 c. 72; 1876 c. 395; 1877 c. 295; R. S. 1878 s. 1570; 1881 c. 100; 1882 c. 218; 1885 c. 263; 1889 c. 510; Ann. Stats. 1889 s. 1570; Stats. 1898 s. 1570; 1901 c. 341 s. 3; 1903 c. 393 s. 1; 1905 c. 490 s. 5; Supl. 1906 s. 1574; 1907 c. 118; 1911 c. 663 s. 259; 1917 c. 670*]

License several; penalty. SECTION 1575. But one person shall be authorized to carry on business under the terms of any license provided for in sections 1570 to 1584*i*, inclusive, and no persons shall conduct business under the same license as copartners, agents or otherwise. And it shall be the duty of any person licensed as herein provided, upon the demand of the treasury agent or any of his deputies, or of any sheriff, constable or police officer to exhibit his license and make affidavit that he is the person named therein. Any person failing to exhibit his license when requested by the persons above designated, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than fifteen days nor more than thirty days. [*1870 c. 72; 1876 c. 395; 1877 c. 296; R. S. 1878 s. 1576; 1881 c. 100; 1889 c. 510; Ann. Stats. 1889 s. 1576; Stats. 1898 s. 1576; 1901 c. 341 s. 4; 1905 c. 490 s. 6; Supl. 1906 s. 1575; 1907 c. 118; 1911 c. 663 s. 260*].

Local license. SECTION 1576. Nothing in sections 1570 to 1584*i*, inclusive, contained shall be construed as prohibiting or in any way limiting or interfering with the rights of any city or village to further license hawkers, peddlers or transient merchants to trade within the corporate limits thereof where authority to do so is conferred upon them by

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law. [*1870 c. 72; R. S. 1878 s. 1583; 1879 c. 194; 1889 c. 510; Ann. Stats. 1889 s. 1583; Stats. 1898 s. 1583; 1899 c. 52 s. 1; 1899 c. 351 s. 24; 1901 c. 341 s. 5; 1905 c. 490 s. 7; Supl. 1906 s. 1576; 1907 c. 118; 1911 c. 663 s. 259*]

Revocation. SECTION 1577. Any license issued pursuant to the terms of sections 1570 to 1584*i*, inclusive, may be revoked by the treasury agent upon the conviction of any person to whom the same was issued, of any fraud or false representation, misrepresentation or imposition in the sale of any goods, wares or merchandise or the sale of any adulterated food, drink or drug, or the sale of any food deleterious to health, and the filing with the treasury agent of a certified copy of the final judgment of conviction of any court in which any such person may be tried, shall be sufficient authority for the revocation of such license. [*1905 c. 490 s. 8; Supl. 1906 s. 1577; 1907 c. 118; 1911 c. 663 s. 259; 1917 c. 670*]

Penalty for peddling without license. SECTION 1578. Every person who shall engage in or follow the business of a hawker, peddler or transient merchant in this state, without having first obtained a license, or shall when licensed as a transient merchant neglect or refuse to pay the per diem fee as provided by sections 1570 to 1584*c*, inclusive, or who in any manner shall fail to comply with the provisions of subsection 3, of section 1573, shall be guilty of a misdemeanor, and be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or in default of the payment of such fine, by imprisonment in the county jail of the county in which he shall have been convicted, for a period not exceeding sixty days, for each offense. [*1870 c. 72; 1876 c. 395; 1877 c. 296; R. S. 1878 s. 1576; 1881 c. 100; 1889 c. 510; Ann. Stats. 1889 s. 1576; Stats. 1898 s. 1576; 1905 c. 490 s. 9; Supl. 1906 s. 1578; 1907 c. 118; 1911 c. 456; 1911 c. 664 s. 85*]

Treasury agent; oath; bond. SECTION 1579. The governor shall appoint a treasury agent who shall hold his office for the term of two years from the date of his appointment and until his successor shall have been appointed and duly qualified. Before entering upon the duties of his office the treasury agent shall take and subscribe the oath of office required by the constitution and give a bond to the state in the sum of five thousand dollars, with sufficient sureties to be approved by the governor, conditioned for the faithful performance of the duties of his office, and for the faithful performance of all persons employed by him of their duties and trusts, and that all moneys collected by him or his assistants, in the enforcement of the duties of his office, shall be paid into the state treasury. Said bond and oath of office shall be filed in the office of the secretary of state. [*1872 c. 177; R. S. 1878 s. 1578; Ann. Stats. 1889 s. 1578; Stats. 1898 s. 1578; 1905 c. 490 s. 10; Supl. 1906 s. 1579; 1907 c. 118*]

Duties of treasury agent. SECTION 1580. It shall be the duty of the treasury agent to superintend and enforce the collection of all license fees required to be paid to the state under the provisions of sections 1570 to 1584*i*, inclusive, or of any act relating to hawkers, peddlers or transient merchants and to perform such other duties as the secretary of state may prescribe under any other license law. Upon receipt of any application for license or any license fees, he shall immediately file the application in his office and pay all such fees into the state treasury in the name of the applicant, and deliver or forward to such applicant his proper license, duly issued. He may appoint an assistant, who shall take a like oath and give a like bond, and may perform such duties as are required of the treasury agent, and shall report to the governor at the end of each fiscal year a statement of all the moneys received and disbursed by him, the names and post-office addresses of the persons from whom they were collected and the amount paid by each; such report shall also give information upon any other matters relating to his duties which the governor may require. [*1872 c. 177; R. S. 1878 s. 1579; 1889 c. 172; Ann. Stats. 1889 s. 1579, 1579a; Stats. 1898 s. 1579; 1905 c. 490 s. 11; Supl. 1906 s. 1580; 1907 c. 118; 1911 c. 663 s. 259; 1917 c. 670*]

Special agents; levy; process. SECTION 1581. The treasury agent may appoint special treasury agents, who, as well as said treasury agent and his assistant, may, when there is reasonable ground to suppose that such license fees as are required by any law to be paid into the state treasury, may become otherwise uncollectable, arrest, seize and detain any person, vehicle or any animals attached thereto, or any push or handcart, or any of the goods, wares or merchandise conveyed thereby, or any trunk, box or pack, or other means of carrying goods or any of the contents therein contained, carried by foot peddlers, until the process provided by law can be issued and served. Such agent, assistant and special agents may serve any writ or process necessary to enforce the provisions of sections 1570 to 1584*i*, inclusive, in the same manner and for the same compensation as constables and sheriffs. [*1870 c. 72; R. S. 1878 s. 1580; Ann. Stats. 1889 s. 1580; Stats. 1898 s. 1580; 1905 c. 490 s. 12; Supl. 1906 s. 1581; 1907 c. 118; 1911 c. 663 s. 261; 1917 c. 670*]

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Oath, bond. SECTION 1582. Every such special treasury agent before entering upon the duties of his office shall take and subscribe the oath of office required by the constitution and execute to the treasury agent a bond, with sufficient sureties, in such sum as said agent shall fix, conditioned for the faithful performance of his duty, and deliver the same, with his oath of office, to the treasury agent. [*1870 c. 72; 1876 c. 395; R. S. 1878 s. 1581; Ann. Stats. 1889 s. 1581; Stats. 1898 s. 1581; 1905 c. 490 s. 13; Supl. 1906 s. 1582; 1907 c. 118*]

SECTION 1583. [*Repealed by 1913 c. 772 s. 128*]

SHOWMEN'S LICENSES.

Showmen's state licenses. SECTION 1584. 1. Every owner, manager or agent of a caravan, circus or menagerie, before he shall be allowed to exhibit the same in this state, shall procure a license as a public showman by making application in writing to the treasury agent, which application shall state in detail the manner in which he intends to travel and the nature and character of his exhibition, and shall pay into the treasury therefor the sum of one hundred dollars; and every owner or manager of a so-called side show, traveling vaudeville, Ferris wheel, merry-go-round, ocean wave, or transient shooting gallery, and every person exhibiting for money any trained animal, wild animal or any object of curiosity shall procure a state license as a public showman and pay therefor twenty dollars; provided, that if such person, owner, manager, or agent shall state in the application that he applies for the license solely for the purpose of exhibiting at fairs, expositions, exhibits or carnivals held on the grounds and under the direction of a society, association, or board receiving state aid, the license shall be granted upon payment of the following fees: For a caravan, circus, or menagerie, twenty-five dollars; for a side show, traveling vaudeville, the exhibit of any trained animal, wild animal, or any object of curiosity, ten dollars; for any Ferris wheel, merry-go-round, ocean wave, or transient shooting gallery, the license shall be granted without charge.

2. No caravan, circus, or menagerie, nor any so-called side show, or traveling vaudeville, nor any animal, wild animal, or object of curiosity exhibited for money shall exhibit, or be exhibited at or during the continuance of any fair, exposition, or carnival given by and on the grounds of any society, association, or board drawing aid from the state under the statutes, nor shall any such society, association, or board permit any such exhibit, or give license, permit, or concession for such exhibit unless the treasury agent shall have previously granted to such owner, manager, or agent, a permit to make such exhibit at such fair, exposition or carnival.

3. Upon application of any owner, manager, or agent of any such caravan, circus, menagerie, side show, traveling vaudeville, animal, or object of curiosity exhibited for money, which shall have obtained a license under the provisions of subsection 1 hereof, the treasury agent after determining that the performance or exhibit is not immoral, indecent, disorderly, degrading, or otherwise objectionable, shall issue a permit to such owner, manager, or agent permitting such exhibit or performance at a stated fair, exposition, or carnival of such society, association or board and at no other time or place.

4. Any person violating any requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than twenty days nor more than sixty days or by both such fine and imprisonment. [*1870 c. 72; 1877 c. 296; R. S. 1878 s. 1574; Ann. Stats. 1889 s. 1574; Stats. 1898 s. 1574; 1905 c. 490 s 15; Supl. 1906 s. 1584; 1907 c. 118, 634; 1911 c. 663 s. 262; 1917 c. 670*]

LICENSES FOR CLOSING OUT SALES.

Bankrupt and forced sales; local; exceptions. SECTION 1584*a*. Every person, firm or corporation which shall not have become a permanent merchant or dealer in the town, city or village in which any such person, firm or corporation sells or exposes for sale any goods, wares or merchandise and which shall advertise, represent and hold forth that the sale thereof is an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver, job lot or closing out sale, or a sale of goods, wares or merchandise damaged by smoke, fire, water or otherwise, or that by reason of financial difficulty or other special or peculiar circumstances such goods, wares or merchandise will be disposed of for less than their real value, shall, before commencing or advertising a sale thereof, procure a state and local license in the manner hereinafter provided; but nothing in this or the five sections next following shall affect the right of any town, city or village to adopt such resolutions, orders or ordinances relating to such sales and the advertisement thereof as are authorized by law; provided, that nothing in said sections shall apply to

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any sale made by virtue of any judgment, order or process of any court, or pursuant to any law of this state or of the United States or in enforcement of any contract right or lien. [*1905 c. 490 s. 16; Supl. 1906 s. 1584a; 1907 c. 118*]

Form of application. SECTION 1584*b*. The application for a state license under the preceding section shall be made to the treasury agent under oath, shall disclose the name and residence of the applicant, who shall, before making such sale advertising so to do, state in his original or supplementary application the details concerning such sale, including all the facts relating to the insurance, bankruptcy, insolvency, or other reason for making the same, with sufficient fullness as to time, place and persons to permit the verification thereof. Such statement shall be copied on the license issued by said treasury agent, and all applications shall be filed by him and a record of all licenses issued be made. All files and records of the treasury agent and of the town, city and village clerks shall be in convenient form and be open for public inspection. Any false statement in either such application or any failure of any licensee to comply with all the requirements of this section shall render him liable to the same penalty as is imposed by section 1584*f*. [*1905 c. 490 s. 17; Supl. 1906 s. 1584b; 1907 c. 118; 1911 c. 663 s. 263; 1917 c. 670*]

Licenses; not assignable; agents' liability. SECTION 1584*c*. Upon application in proper form and the payment of seventy-five dollars as a fee the treasury agent shall issue to the applicant a license authorizing him to advertise and make such sales as are specified in section 1584*a* for the term of one year, commencing on the first day of May, or for such portion of a year as may intervene between the date of the issuance of the receipt and the first day of May next ensuing, the full license fee to be paid in every case, unless such license be sooner surrendered for cancellation. Every license shall contain a copy of the application therefor. Such license shall not be transferable nor authorize more than one person, firm or corporation to sell or advertise goods, wares or merchandise in the manner specified, either by agent or clerk or in any other way than in the proper person of the licensee, except that when the licensee is a firm or corporation the sale may be conducted by the members of the partnership or the officers of the corporation, and any licensee may have the assistance of one or more persons, who shall not, however, have authority to act for him in his absence. Any agent or employe who conducts or advertises a sale for his principal shall be liable to the penalty hereinafter prescribed if such principal has failed to comply with any of the provisions of law. [*1905 c. 490 s. 18; Supl. 1906 s. 1584c; 1907 c. 118; 1911 c. 663 s. 264; 1917 c. 670*]

SECONDHAND DEALERS' LICENSES.

Secondhand goods; dealers to report purchases. SECTION 1584*cm*. 1. Every dealer in or manufacturer of articles composed, in whole or in part, of gold, silver, precious stones, copper, lead or brass, doing business in cities of the first, second, third and fourth classes within this state, who shall obtain, by purchase or exchange, from any person any secondhand article or articles made or constructed, in whole or in part, of gold, silver, precious stones, copper, lead or brass, shall, within twenty-four hours after receiving such article or articles, report to the chief of police the fact that the same has or have been received, with the name, address and description of the person from whom such article or articles was or were received, together with a description of such article or articles and no such dealer or manufacturer shall destroy or alter the form of any such secondhand article or articles until the expiration of twenty-four hours from the time the same was or were received by such dealer or manufacturer.

Record. 2. Every dealer or manufacturer referred to in subsection 1 of this section shall enter, in ink, in a book to be kept for that purpose a correct description, in the English language, of all secondhand articles composed, in whole or in part, of gold, silver, precious stones, copper, lead or brass, received by him by purchase or exchange, and the name and residence of, together with a true description of, the person or persons from whom such articles were received, and no entry made in such book shall be erased, obliterated or defaced.

Inspection. 3. Such book, and the entries therein, referred to in subsection 2 of this section as well as every such secondhand article received by such dealer or manufacturer, shall, at all reasonable times be open to the inspection of the chief of police of such city, or any member of the police force designated by the chief of police for such purpose.

Police powers. 4. Such chief of police may, in his discretion, cause any such article as is referred to in subsection 1 of this section which he shall have reason to believe was sold or exchanged by some person other than the lawful owner thereof, to be held for the purpose of identification by its lawful owner, for such reasonable length of time as said chief of police shall deem necessary.

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Penalty. 5. Every person violating any of the provisions of this section shall be punished by a fine not exceeding one hundred dollars nor less than ten dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. [*1909 c. 210; 1911 c. 663 s. 265*]

LICENSE OF PEDDLERS BY LOCAL AUTHORITIES.

Local licenses. SECTION 1584*d*. Any town board, village board or common council may, by resolution, ordinance or order, require the payment by every person, firm or corporation intending to make such sale a per diem license fee not exceeding twenty-five dollars. Before making or offering to make any such sale under the state license every such person, firm or corporation shall exhibit said license to the clerk of the town, city or village where it is proposed to make sales, and upon payment to said clerk of such fee as is required by the local authorities, he shall record the state license, indorse upon it the words "local license fees paid," affix his official signature with the date of such indorsement, and issue a license authorizing sales within the limits of his town, city or village. Making sales or offering to do so without such license or indorsement shall subject such person to the same penalty as he would be liable to if no state license had been issued. [*1878 c. 5; R. S. 1878 s. 1584a; Ann. Stats. 1889 s. 1584a; Stats. 1898 s. 1584a; 1905 c. 490 s. 19; Supl. 1906 s. 1584d; 1907 c. 118*]

Prosecutions. SECTION 1584*e*. The district attorney of each county shall prosecute all violations of any of the provisions of sections 1584*a* to 1584*d*, inclusive, and may demand from any person making any such sale or advertising to do so, the production of his state and local license; and any failure to produce the same shall be prima facie evidence that no such license has been obtained. [*1870 c. 72; R. S. 1878 s. 1576; 1881 c. 100; 1889 c. 510; Ann. Stats. 1889 s. 1576; Stats. 1898 s. 1576; 1901 c. 341 s. 6; 1905 c. 490; Supl. 1906 s. 1584e; 1907 c. 118*]

Penalty. SECTION 1584*f*. Every person violating any provision of either of sections 1584*a* to 1584*e*, inclusive, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than sixty days or by both such fine and imprisonment; and each advertisement or sale made in contravention of the provisions of said sections shall be deemed a distinct offense and shall subject the offender to such punishment. [*1870 c. 72; 1876 c. 395; 1877 c. 296; R. S. 1878 s. 1576; 1881 c. 100; 1889 c. 510; Ann. Stats. 1889 s. 1576; Stats. 1898 s. 1576; 1901 c. 341; 1905 c. 490; Supl. 1906 s. 1584f; 1907 c. 118; 1917 c. 670*]

In villages. SECTION 1584*g*. The supervisors of the several towns in this state containing villages not incorporated and the trustees of incorporated villages are hereby authorized and shall have power to establish rates for and license and regulate the traffic of all peddlers endeavoring to procure the sale of any goods, wares or merchandise of whatever description, by putting up booths or stalls or stopping with their vehicles or other conveyances in any of the streets, alleys, public squares or vacant lots within and near the limits of any of said villages, which shall be designated and determined by said supervisors or trustees, as the case may be, during any days of public assemblages held therein, such as county or monthly cattle fairs, election or town meeting days, not to exceed twenty days in any year. [*1878 c. 5; R. S. 1878 s. 1584a; Ann. Stats. 1889 s. 1584a; Stats. 1898 s. 1584a; 1905 c. 490 s. 22; Supl. 1906 s. 1584g; 1907 c. 118*]

Term of license. SECTION 1584*h*. The license or permit provided for in the preceding section shall be good only for the day or days designated therein, and may be issued by the town or village clerk, as the case may be, by and under the direction and regulations of the supervisors of such towns or the trustees of such incorporated villages as may have adopted the same under the preceding section. [*1878 c. 5; R. S. 1878 s. 1584b; Ann. Stats. 1889 s. 1584b; Stats. 1898 s. 1584b; 1905 c. 490 s. 23; Supl. 1906 s. 1584h; 1907 c. 118*]

Penalty. SECTION 1584*i*. Whenever the supervisors of any town or the trustees of any incorporated village shall have adopted the system provided for in section 1584*g*, by resolution or otherwise, any person violating the provisions of said section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than sixty days; provided, however, that the provisions of this and the two preceding sections shall in no way affect existing laws regulating agricultural societies. [*1878 c. 5; R. S. 1878 s. 1584c; Ann. Stats. 1889 s. 1584c; Stats. 1898 s. 1584c; 1901 c. 341 s. 8; 1905 c. 490 s. 24; Supl. 1906 s. 1584i; 1907 c. 118*]

SECTION 1584*j*. [*Repealed by 1919 c. 679 s. 72*]

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CHAPTER 76ii.

AUCTIONS AND AUCTIONEERS.

Fees in towns; what sales not included. SECTION 1585. There shall be paid by the auctioneer to the town treasurer, for the use of the town, upon all sales by auction made in any town and outside of a city or village of goods, wares and merchandise, except household furniture which has been used as such, twenty per centum out of the gross receipts accruing from such sales, except when sale is made by virtue of a chattel mortgage, or of a rule, order or judgment of a court, or of some law of the state or the United States respecting the collection of some tax or duty; or in consequence of a general assignment of property or effects for the benefit of creditors; or when made of property belonging to the state or of the United States; or when made by or on behalf of any executor or administrator; or when made for the purpose of closing up his business by or on behalf of any merchant who shall reside and trade in any town, city or village and who shall have paid the taxes lawfully levied on his stock in trade; or when made of his farm property by or on behalf of a resident farmer who has paid the taxes lawfully levied on his property; provided, that in the two last cases such sale shall be made in the town, city or village in which such taxes were paid. Whenever the auctioneer or the owner of the property sold or any person employed by them or either of them shall buy anything at any such sale the same duty shall be paid as if any other person were purchaser thereof, and sales on credit shall be liable to duty as if made for cash. Sales at auction or to the highest bidder, within the meaning of this chapter, shall include all sales by auction whether the property is put up to the highest bidder in fact or whether it is sold by what is usually called "dutch auction," or by bidding down the seller thereof, or by adding to the quantity of property first offered for sale at a fixed price, or in any other way if made to evade the provisions hereof. [*1851 c. 288 s. 1, 7; R. S. 1858 c. 54 s. 1, 7; 1867 c. 59 s. 1; 1868 c. 106 s. 1; 1885 c. 291; 1887 c. 334 s. 2; Ann. Stats. 1889 s. 1585, 1586a*]

Selling without license. SECTION 1586. No person shall, without the limits of an incorporated city or village, exercise the business of an auctioneer by selling any goods, wares and merchandise at any sale at which the highest bidder is deemed the purchaser, except in cases where no duty is payable therefor under the provisions of this chapter, unless such person shall have a license then in force authorizing the same from the town clerk of the town in which such sale is made; and for every violation hereof the person offending shall forfeit one hundred dollars and pay to the town all the duties required to be paid by this chapter. [*1851 c. 288 s. 2; R. S. 1858 c. 54 s. 2; 1868 c. 106 s. 2; R. S. 1878 s. 1586; 1885 c. 291; 1887 c. 334 s. 2; Ann. Stats. 1889 s. 1586; Stats. 1898 s. 1586*]

License; bond; fee. SECTION 1587. The several town clerks may grant, under their hands, license to exercise the business of auctioneer within their respective towns and without the limits of any incorporated city or village for any term, not exceeding one year from the date thereof, to any inhabitant of the state who shall apply for the same; provided, that the applicant shall first file with such clerk a bond to the town in the sum of two hundred and fifty dollars, with surety to be approved by the county judge or chairman of the town, conditioned that such applicant, being licensed, shall duly pay to the town treasurer all the duties imposed by this chapter and render to the town clerk an account in writing, as required by section 1588, within twenty-four hours after the close of any sale at auction for which any duty shall be payable. The clerk shall be entitled to receive from such applicant one dollar as fees for every such license. [*1851 c. 288 s. 3, 6; R. S. 1858 c. 54 s. 3, 6; 1868 c. 106 s. 3; R. S. 1878 s. 1587; 1885 c. 291 s. 3; 1887 c. 334 s. 2; Ann. Stats. 1889 s. 1587; Stats. 1898 s. 1587*]

Report. SECTION 1588. Every auctioneer shall, within the time mentioned in the preceding section, render to the town clerk a particular account in writing, verified by his affidavit, of the gross amount for which any goods, wares or merchandise liable to duty have been sold by him and of the amount of such duty paid to the town treasurer. [*1851 c. 288 s. 4; R. S. 1858 c. 54 s. 4; 1868 c. 106 s. 4; R. S. 1878 s. 1588; 1885 c. 291 s. 4; 1887 c. 334 s. 2; Ann. Stats. 1889 s. 1588; Stats. 1898 s. 1588*]

Town clerk to report. SECTION 1589. Each town clerk who shall receive any reports on sales at auction agreeably to the provisions of this chapter shall, at the annual town meeting, render an account thereof in writing to said meeting, containing the number of licenses by him granted, the amount of duties reported by him to have been paid to the town treasurer, from whom paid, with the total amount of sales made by auction in

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such town. [*1851 c. 288 s. 5; R. S. 1858 c. 54 s. 5; 1868 c. 106 s. 5; R. S. 1878 s. 1589; 1885 c. 291 s. 5; 1887 c. 334 s. 2; Ann. Stats. 1889 s. 1589; Stats. 1898 s. 1589*]

Authority of cities and villages. SECTION 1590. The common council of any city and the board of trustees of any village may regulate uniformly, by ordinances, the sale by auction, within the meaning of this chapter, of goods, wares and merchandise or other property within their respective cities or villages; and thereby may prohibit, under proper fines or penalties, any sales at auction therein by any person without license, require daily reports of any sales made, verified by affidavits, to be made by every auctioneer to the clerk of such city or village, require sufficient bonds from the licensee for compliance with any such ordinance, and the payment of a license fee of not less than ten nor more than twenty-five dollars per day, or when fixed by the year not less than ten nor more than three hundred dollars per year, in addition to any percentage they may fix, which shall not be less than ten nor more than twenty per centum upon the gross amount of sales made; but they shall not require the payment of any per diem or percentage in the cases excepted in section 1585. [*1856 c. 124 s. 1, 2; R. S. 1858 c. 54 s. 8; 1869 c. 170; R. S. 1878 s. 1590; 1883 c. 160; 1885 c. 291 s. 6; 1887 c. 334 s. 2; Ann. Stats. 1889 s. 1590; 1897 c. 20; Stats. 1898 s. 1590*]

CHAPTER 76*j*.

LAW OF THE ROAD.

Rule for passing vehicles. SECTION 1591. Whenever any persons shall meet each other on any bridge or road, traveling with carriages, wagons, sleds, sleighs or other vehicles, each person shall seasonably drive his carriage or other vehicle to the right of the middle of the traveled part of such bridge or road, so that the respective carriages or other vehicles aforesaid may pass each other without interference; and every person offending against this section shall forfeit not exceeding twenty dollars and shall be liable to the party injured for all damages sustained thereby. [*R. S. 1849 c. 33 s. 1; R. S. 1858 c. 40 s. 1; R. S. 1878 s. 1591; Ann. Stats. 1889 s. 1591; Stats. 1898 s. 1591*]

Employment of drunken drivers. SECTION 1592. No person owning or having the direction or control of any coach or other vehicle running or traveling upon any road in this state for the conveyance of passengers shall employ or continue in employment any person to drive such coach or other vehicle who is addicted to drunkenness or to the excessive use of intoxicating liquors; and if any such person shall violate the provisions of this section he shall forfeit five dollars per day for all the time during which he shall have kept such driver in such employment. [*R. S. 1849 c. 33 s. 3; R. S. 1858 c. 40 s. 3; R. S. 1878 s. 1592; Ann. Stats. 1889 s. 1592; Stats. 1898 s. 1592*]

Their discharge. SECTION 1593. If any driver, while actually employed in driving such coach or vehicle, shall be guilty of intoxication the owner or person having the charge or control of such coach or other vehicle shall, on receiving written notice of the fact, signed and sworn to by any passenger who witnessed the same, forthwith discharge such driver from such employment; and every person who shall retain or have in such service, within six months after the receipt of such notice, any driver who shall have been so intoxicated shall forfeit five dollars per day for all the time during which he shall keep any such driver in such employment after receiving such notice. [*R. S. 1849 c. 33 s. 4; R. S. 1858 c. 40 s. 4; R. S. 1878 s. 1593; Ann. Stats. 1889 s. 1593; Stats. 1898 s. 1593*]

Leaving animals unfastened. SECTION 1594. It shall not be lawful for the driver of any carriage or other vehicle used for the conveyance of passengers for hire to leave the horses or other animals attached thereto, while any passenger remains in or upon the same, without making such horses fast with a sufficient halter, rope or chain or without some suitable person to take the charge and guidance of them so as to prevent their running; and if any such driver shall violate the provisions of this section he and his employer, jointly and severally, shall forfeit a sum not exceeding twenty dollars; but no prosecution shall be commenced therefor after the expiration of three months from the time of committing the offense. [*R. S. 1849 c. 33 s. 5; R. S. 1858 c. 40 s. 5; R. S. 1878 s. 1594; Ann. Stats. 1889 s. 1594; Stats. 1898 s. 1594*]

Liability for acts of driver. SECTION 1595. The owners of every carriage or other vehicle, running or traveling upon any road or public highway for the conveyance of passengers for hire, shall be liable, jointly and severally, to the party injured for all injuries and damages done by any person in the employment of such owners as a driver,

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while driving such carriage, to any person or to the property of any person, whether the act occasioning such injury or damage be wilful, negligent or otherwise, in the same manner as such driver would be liable. [*R. S. 1849 c. 33 s. 6; R. S. 1858 c. 40 s. 6; R. S. 1878 s. 1595; Ann. Stats. 1889 s. 1595; Stats. 1898 s. 1595*]

SECTION 1596 sub. 1. [*Renumbered sections 1.02 sub. (3) and 30.01 sub. (2) and (4) by 1917 c. 335 s. 3, 5, 7*]

SECTION 1596 sub. 2. [*Renumbered section 31.25 by 1917 c. 474 s. 25*]

SECTION 1596 sub. 3. [*Renumbered section 31.23 by 1917 c. 474 s. 23*]

SECTION 1596 sub. 4. [*Renumbered section 31.24 by 1917 c. 474 s. 24*]

SECTION 1596*a*. [*Repealed by 1913 c. 755*]

SECTION 1596*m*. [*Renumbered section 31.30 by 1917 c. 474 s. 33*]

SECTIONS 1596—1 to 1596—76. [*1911 c. 652; repealed by 1913 c. 755*]

SECTION 1596—1. [*1915 c. 380 s. 3; renumbered section 31.01 by 1917 c. 474 s. 2*]

SECTION 1596—2. [*1915 c. 380 s. 3; renumbered section 31.02 by 1917 c. 474 s. 3*]

SECTION 1596—3. [*1915 c. 380 s. 3; renumbered section 31.03 by 1917 c. 474 s. 4*]

SECTION 1596—4. [*1915 c. 380 s. 3; renumbered section 31.04 by 1917 c. 474 s. 5*]

SECTION 1596—5. [*1915 c. 380 s. 3; renumbered section 31.04 by 1917 c. 474 s. 5*]

SECTION 1596—6. [*1915 c. 380 s. 3; renumbered section 31.05 by 1917 c. 474 s. 6*]

SECTION 1596—7. [*1915 c. 380 s. 3; renumbered section 31.06 by 1917 c. 474 s. 7*]

SECTION 1596—8. [*1915 c. 380 s. 3; renumbered section 31.07 by 1917 c. 474 s. 8*]

SECTION 1596—9. [*1915 c. 380 s. 3; renumbered section 31.08 by 1917 c. 474 s. 9*]

SECTION 1596—9*m*. [*1915 c. 380 s. 3; renumbered section 31.09 by 1917 c. 474 s. 10*]

SECTION 1596—10. [*1915 c. 380 s. 3; renumbered sections 31.10 and 31.11 by 1917 c. 474 s. 11*]

SECTION 1596—11. [*1915 c. 380 s. 3; renumbered section 31.12 by 1917 c. 474 s. 12*]

SECTION 1596—12. [*1915 c. 380 s. 3; renumbered section 31.13 by 1917 c. 474 s. 13*]

SECTION 1596—13. [*1915 c. 380 s. 3; renumbered section 31.14 by 1917 c. 474 s. 14*]

SECTION 1596—14. [*1915 c. 380 s. 3; renumbered section 31.15 by 1917 c. 474 s. 15*]

SECTION 1596—15. [*1915 c. 380 s. 3; renumbered section 31.16 by 1917 c. 474 s. 16*]

SECTION 1596—16. [*1915 c. 380 s. 3; renumbered section 31.17 by 1917 c. 474 s. 17*]

SECTION 1596—17. [*1915 c. 380 s. 3; renumbered section 31.18 by 1917 c. 474 s. 18*]

SECTION 1596—18. [*1915 c. 380 s. 3; renumbered section 31.19 by 1917 c. 474 s. 19*]

SECTION 1596—19. [*1915 c. 380 s. 3; renumbered section 31.20 by 1917 c. 474 s. 20*]

SECTION 1596—20. [*1915 c. 380 s. 3; renumbered section 31.21 by 1917 c. 474 s. 21*]

SECTION 1596—21. [*1915 c. 380 s. 3; renumbered section 31.22 by 1917 c. 474 s. 22*]

SECTION 1596—22 sub. 1. [*1915 c. 380 s. 3; renumbered section 31.23 by 1917 c. 474 s. 23*]

SECTION 1596—22 sub. 2. [*1915 c. 380 s. 3; renumbered section 31.24 by 1917 c. 474 s. 24*]

SECTION 1596—23. [*1915 c. 380 s. 3; renumbered section 31.26 by 1917 c. 474 s. 26*]

SECTION 1596—24. [*1915 c. 380 s. 3; renumbered section 31.27 by 1917 c. 474 s. 27*]

SECTION 1596—25. [*1915 c. 380 s. 3; renumbered section 31.28 by 1917 c. 474 s. 28*]

SECTION 1596—26. [*1915 c. 380 s. 3; repealed by 1917 c. 474 s. 29*]

SECTION 1596—27. [*1915 c. 579 s. 3; renumbered section 31.29 by 1917 c. 474 s. 32*]

SECTIONS 1596—50 to 1596—77. [*1913 c. 755; repealed by 1915 c. 380*]

SECTIONS 1596—78 and 1596—79. [*1913 c. 755; repealed by 1915 c. 579*]

SECTION 1597. [*Renumbered section 30.10 by 1917 c. 335 s. 20*]

SECTION 1598. [*Renumbered section 31.23 by 1917 c. 474 s. 23*]

SECTION 1599. [*Repealed by 1917 c. 474 s. 30*]

SECTION 1600. [*Renumbered sections 30.07 and 30.08 by 1917 c. 335 s. 16, 17*]

SECTION 1600*a*. [*Renumbered section 30.07 by 1917 c. 335 s. 16*]

SECTION 1600*b*. [*Renumbered section 30.07 by 1917 c. 335 s. 16*]

SECTION 1601. [*Renumbered section 31.18 by 1917 c. 474 s. 18*]

SECTION 1602. [*Renumbered section 31.18 by 1917 c. 474 s. 18*]

SECTION 1603. [*Renumbered section 31.25 by 1917 c. 474 s. 25*]

SECTION 1604. [*Renumbered section 31.26 by 1917 c. 474 s. 26*]

SECTION 1604*m*. [*Repealed by 1917 c. 474 s. 31*]

SECTION 1605. [*Renumbered section 31.18 by 1917 c. 474 s. 18*]

SECTION 1606. [*Renumbered section 31.26 by 1917 c. 474 s. 26*]

SECTION 1607. [*Repealed by 1917 c. 335 s. 6*]

SECTION 1607*a*. [*Renumbered 30.01 sub. (1) by 1917 c. 335 s. 2*]

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CHAPTER 76jj.

STRAYS AND LOST MONEY AND GOODS.

Who may take up strays. SECTION 1608. No stray, except horses and mules, shall be taken up by any person not a resident of the town in which it is found nor unless it is found upon land owned or occupied by him. [*R. S. 1849 c. 36 s. 1; R. S. 1858 c. 43 s. 1; 1869 c. 54; R. S. 1878 s. 1608; Ann. Stats. 1889 s. 1608; Stats. 1898 s. 1608*]

Finder to give notice; penalty. SECTION 1609. Every finder of a stray shall, within seven days thereafter, notify the owner thereof, if to him known, and request him to pay all reasonable charges and take such stray away; and if such owner be to him unknown he shall, within ten days, file a notice with the town clerk of the town, who shall transmit a copy thereof to the county clerk. If the stray is of less value than five dollars he shall post copies of such notice in at least two public places in such town; but if such stray exceeds five dollars in value he shall publish such notice for four successive weeks either in some newspaper published in the county or in an adjoining county, if one be there published nearer to his residence than any paper published in his county; but if no newspaper is published within twenty miles of his residence then he may post such notice in three public places in his county. Such notices shall briefly describe the stray by giving its marks, natural or artificial, as near as practicable, the name and residence of the finder, specifying the section and town, and the time when such stray was taken up. For neglect or refusal to post up or publish such notice as required the finder of such stray shall be liable in double the amount of damages sustained by the owner of such stray thereby. For neglect or failure for one year to so post and publish such notices the finder of such stray shall be liable for its full value, to be recovered by action in the name of the town, and the amount recovered shall be added to the school fund of such town. [*R. S. 1849 c. 36 s. 2, 3; R. S. 1858 c. 43 s. 2, 3; 1869 c. 54; R. S. 1878 s. 1609; Ann. Stats. 1889 s. 1609; Stats. 1898 s. 1609*]

Appraisement. SECTION 1610. Every finder of a stray of the value of ten dollars or more, at the time of such taking up, shall also within one month thereafter cause the same to be appraised by a justice of the peace of such town, and a certificate of such appraisal, signed by the justice, shall be filed in the town clerk's office. The finder shall pay the justice fifty cents for the certificate and ten cents per mile for each mile necessarily traveled to make the same. [*R. S. 1849 c. 36 s. 4; R. S. 1858 c. 43 s. 4; 1869 c. 54; R. S. 1878 s. 1610; Ann. Stats. 1889 s. 1610; Stats. 1898 s. 1610*]

Charges for keeping. SECTION 1611. The owner or person entitled to the possession of any such stray at any time within one year after such notice is filed with such town clerk may have the same restored to him upon proving his right thereto and paying all lawful charges incurred in relation to the same. If the claimant and the finder cannot agree as to the amount of such charges or upon what should be allowed for the use of such stray either party, on notice to the other, may apply to any justice of the peace of such town to settle the same, who for that purpose may examine witnesses on oath. If any amount shall be found due to the finder, over the value of the use of such stray, the same, with the costs, shall be a lien upon such stray, and costs of such adjudication shall abide the decision of the justice. [*R. S. 1849 c. 36 s. 5, 6; R. S. 1858 c. 43 s. 5, 6; 1869 c. 54; R. S. 1878 s. 1611; Ann. Stats. 1889 s. 1611; Stats. 1898 s. 1611*]

Sale of stray. SECTION 1612. If no claimant for such stray shall cause its return to him as before provided and if such stray shall not have been appraised at more than ten dollars the finder shall thereupon become the absolute owner thereof; but if such appraised value exceeds ten dollars such stray shall be sold at public auction by the sheriff or any constable of the county on the request of the finder. Notice thereof shall be given and the sale shall be conducted and the same fees allowed therefor as in case of sales upon a justice's execution. The finder may bid at such sale and shall, at the time of sale, deliver to such officer a statement in writing of his charges, which shall be filed by such officer with the town treasurer; and after deducting such charges, if just and reasonable, and the costs of the sale the officer shall pay one-half of the remaining proceeds to the finder and within ten days thereafter the other half to the treasurer of such town for its use. If the finder of any such stray shall neglect or refuse to cause such sale to be made when required by law he shall pay to the town the value of such stray, to be recovered in an action by the town. [*R. S. 1849 c. 36 s. 7; R. S. 1858 c. 43 s. 7; 1869 c. 54; 1874 c. 167; R. S. 1878 s. 1612; Ann. Stats. 1889 s. 1612; Stats. 1898 s. 1612*]

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Removal of stray; neglect to give notice, etc. SECTION 1613. If any person shall, without the consent of the finder, take away any stray taken up pursuant to this chapter without first paying all the lawful charges incurred in relation to the same he shall be liable to the finder for the value of such stray; and if any finder shall neglect to give, file or publish the notices or have the appraisal made or do any other act prescribed by this chapter he shall be precluded from acquiring any right of property in such stray and from receiving any charges or expenses relative thereto. [*R. S. 1849 c. 36 s. 8, 9; R. S. 1858 c. 43 s. 8, 9; 1869 c. 54; R. S. 1878 s. 1613; Ann. Stats. 1889 s. 1613; Stats. 1898 s. 1613*]

LOST MONEY AND GOODS.

Finder to give notice. SECTION 1614. If any person shall find any money or goods of the value of three dollars or more and if the owner thereof be unknown, such person shall, within five days after finding such money or goods, give notice thereof in writing to the town clerk of the town in which such property was found and shall also, within said five days, cause a notice thereof to be posted up in two public places in the same town. [*R. S. 1849 c. 36 s. 10; R. S. 1858 c. 43 s. 10; R. S. 1878 s. 1614; Ann. Stats. 1889 s. 1614; Stats. 1898 s. 1614*]

Notice and appraisal. SECTION 1615. Every finder of lost goods of the value of ten dollars or more shall, in addition to the requirements of the preceding section, within fifteen days after finding the same, cause notice thereof to be publishd in a newspaper printed in the county, if there be one published therein; if there be none, then such notices shall be posted up in three of the most public places in the county; and if no person shall appear to claim the same who may be entitled thereto he shall, within two months after finding such goods and before using the same to their injury, procure an appraisal thereof by a justice of the peace of his town, which appraisal shall be certified to by such justice and filed in the town clerk's office of such town. [*R. S. 1849 c. 36 s. 11; R. S. 1858 c. 43 s. 11; R. S. 1878 s. 1615; Ann. Stats. 1889 s. 1615; Stats. 1898 s. 1615*]

Restitution. SECTION 1616. If the owner of such lost money or goods shall appear within one year after notice given to the town clerk as aforesaid and shall make out his right thereto he shall have restitution of the same or the value thereof, upon his paying all the costs and charges thereon, including a reasonable compensation to the finder for his trouble. [*R. S. 1849 c. 36 s. 12; R. S. 1858 c. 43 s. 12; R. S. 1878 s. 1616; Ann. Stats. 1889 s. 1616; Stats. 1898 s. 1616*]

Payment to town. SECTION 1617. If no owner shall appear within one year then the finder of such lost money or goods shall pay one-half of the value thereof, after deducting all legal charges, to the treasurer of the town; and in case such finder shall neglect to pay the same on demand, after the expiration of the time aforesaid, the same may be sued for and recovered by such town. [*R. S. 1849 c. 36 s. 13; R. S. 1858 c. 43 s. 13; R. S. 1878 s. 1617; Ann. Stats. 1889 s. 1617; Stats. 1898 s. 1617*]

Penalty for neglect. SECTION 1618. If any finder of lost money or goods of the value of three dollars or upward shall neglect to give notice of the same and otherwise to comply with the provisions of this chapter he shall be liable for the full value of such money or goods, one-half to the use of the town and the other half to the person who shall sue for the same, and shall also be responsible to the owner for such lost money or goods. [*R. S. 1849 c. 36 s. 14; R. S. 1858 c. 43 s. 14; R. S. 1878 s. 1618; Ann. Stats. 1882 s. 1618; Stats. 1898 s. 1618*]

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CHAPTER 76*k*.

DOGS AND WILD ANIMALS.

Dogs may be killed. SECTION 1619. 1. Any person may kill any dog, that he knows is affected with the disease known as hydrophobia, or that may suddenly assault him while he is peacefully walking or riding and while being out of the inclosure of its owner or keeper, and may pursue to and upon the premises of the owner or elsewhere, and kill any dog found killing, wounding or worrying any horses, cattle, sheep, lambs or other domestic animals. [*1850 c. 284; 1852 c. 383; R. S. 1858 c. 48 s. 1, 2; 1871 c. 67 s. 8; R. S. 1878 s. 1619; Ann. Stats. 1889 s. 1619; Stats. 1898 s. 1619; 1903 c. 328; Supl. 1906 s. 1619; 1907 c. 118; 1915 c. 512*]

Owner's liability. SECTION 1620. The owner or keeper of any dog which shall have injured or caused the injury of any person or property or killed, wounded or worried any horses, cattle, sheep or lambs shall be liable to the person so injured and the owner of such animals for all damages so done, without proving notice to the owner or keeper of such dog or knowledge by him that his dog was mischievous or disposed to kill, wound or worry horses, cattle, sheep or lambs. [*1852 c. 383 s. 2; R. S. 1858 c. 48 s. 3; 1871 c. 67 s. 8; R. S. 1878 s. 1620; Ann. Stats. 1889 s. 1620; Stats. 1898 s. 1620*]

Double damages. SECTION 1621. If any dog shall worry, wound or kill any horses, cattle, sheep or lambs, and the person owning or harboring such dog shall not keep such dog confined after being notified of such worrying, wounding or killing, such owner or keeper shall be liable to pay damage in double the value of any horses, cattle, sheep or lambs which may be thereafter killed or injured by such dog, to be recovered in an action by the owner of such animals; and any person may kill any such dog if found out of the inclosure or immediate care of its owner or keeper after twenty-four hours from the time of such notice. [*R. S. 1858 c. 48 s. 4; R. S. 1878 s. 1621; Ann. Stats. 1889 s. 1621; Stats. 1898 s. 1621*]

Treble damages. SECTION 1622. Any person suffering personal injury by any dog in the manner set forth in the first section of this chapter may give notice to the owner or keeper of the act done, and if after such notice such dog shall injure any person, or wound or kill any horses, cattle, sheep or lambs, or do any other mischief or injury the owner or keeper shall be liable to pay to the person injured thereby treble damages. [*R. S. 1858 c. 48 s. 5; R. S. 1878 s. 1622; Ann. Stats. 1889 s. 1622; Stats. 1898 s. 1622*]

Dog licenses; application for. SECTION 1623. 1. Every owner of a dog more than six months of age on January first of any year (the word "owner" when used in chapter 76*k* of the statutes in relation to property in, or possession of, dogs shall include every person who owns, harbors or keeps a dog) shall annually, before the first day of February, obtain a license therefor, and shall pay for such license one dollar for each male dog, and spayed female dog, and two dollars for each female dog; such payments to be made to the town, village or city treasurer or his deputy of the town, village or city in which said dog is kept; such treasurer, excepting treasurers of cities of the first class, shall retain out of the moneys thus received the sum of fifteen cents for each dog licensed, which fee shall be in addition to his salary. The application for such license shall be in such form as shall be prescribed by the department of agriculture, shall be in writing, and shall state the name, sex, breed, age, color and marking of the dog for which the license is sought.

2. The license year shall commence on the first day of January and end on the thirty-first day of the following December. The current license year shall expire December 31, 1921. Every owner of a dog for which a license is required shall make application for and shall obtain such license before the first of February each year. The sale or transfer of any licensed dog shall carry with it and transfer the license. Existing dog licenses which would expire by their terms on June 30, 1921, are continued until January 1, 1922. [*1919 c. 527; 1921 c. 438 s. 2*]

Owners of dogs listed by assessors; lists card indexed by clerks. SECTION 1624. 1. Every assessor shall annually ascertain by diligent inquiry the dogs owned, harbored or kept within his assessment district. Every person shall answer frankly and fully all questions which shall be put to him by such assessor relative to the ownership or keeping of dogs within the assessor's district. The assessor shall prepare a list containing the names and addresses of all owners of dogs in his district, and the number and sex of dogs owned, harbored or kept. He shall make a list of the names of persons owning and operating kennels and the number of dogs kept in each. The term "kennel" shall

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mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale or sporting purposes. Any person who keeps or operates a kennel may in lieu of the license for each dog required by this act apply to the town, city or village treasurer for a kennel license for the keeping or operating of such kennel. For such a kennel license he shall pay a fee of twenty dollars for the license year. With such kennel license the treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. Such tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The licensee of a kennel shall at all times keep one of such tags attached to the collar of each dog over six months old kept by him under a kennel license. Such tags may be transferred from one dog to another within the kennel wherever any dog is removed from the kennel. No dog bearing any tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless he is in leash or temporarily for the purposes of hunting, breeding, trial or show. Such list shall be filed with the town, village or city clerk at the time the assessor delivers to such clerk his assessment roll. Said clerk shall deliver the same to the local treasurer when the tax roll is deliverd. The assessor shall receive as compensation therefor the sum of fifteen cents for each dog listed by him to be audited and allowed by the county board as other claims against the county, but to be paid solely out of the dog license fund. The treasurer, excepting treasurers of cities of the first class, may appoint a deputy or deputies to issue such licenses.

2. A license shall be issued by the treasurer or his deputy upon application being made therefor and upon payments made as herein provided. Such license shall be in the form prescribed by the department of agriculture and shall be executed by the proper town, village or city treasurer or his deputy. The license shall state the date of its expiration, shall bear a serial number, the owner's name and address, and the name, sex, breed and color of the dog licensed. Whenever an affidavit is furnished that any dog on the assessor's list is dead the treasurer shall so indicate on such list. [*1919 c. 527; 1921 c. 438 s. 2*]

Dog collars to be tagged; duplicate of license to be retained by the clerk. SECTION 1625. 1. The treasurer or his deputy issuing a license shall at the same time deliver to the licensee a metal tag which shall bear the same serial number as the license. Said tag shall also bear the name of the county in which issued and the license year. The department of agriculture shall contract for and have prepared and furnished annually to the county clerk of each county a sufficient number of such metal tags, and a sufficient supply of suitable blank licenses to be bound in books of proper size and perforated so that a duplicate of each license may be kept upon the stub thereof. The cost of making, printing and furnishing said tags and blank license receipts shall be paid by the several counties out of the dog license fund.

2. The several county clerks shall distribute said tags and license blanks to the several town, village and city treasurers in proper amounts together with blank license receipts. The licensee shall securely attach the tag to a collar and this collar with the tag attached shall at all times be kept on the dog for which the license is issued. A new tag with a new number shall be furnished to the licensee by the town, village or city treasurer or his deputy in place of the original tag upon presentation of the license and proof of the loss of the original tag. The treasurer or his deputy shall then indorse the new tag number on such license and shall enter it upon the register. The treasurer shall receive for his services in issuing such new tag the sum of ten cents to be paid by the person obtaining the new tag.

3. Every town, village or city treasurer or his deputy shall at the time of issuing a license and before delivering the same make a complete duplicate thereof upon the stub portion of the license blank. Said treasurer shall annually during the month of January return to his county clerk all unused tags of the preceding license year, together with license books therefor and all duplicate licenses of the preceding year and the said county clerk shall carefully check said returned tags, duplicate licenses, and license blanks to ascertain whether all tags and license blanks which were furnished by the county clerk have been accounted for, and to enable the county clerk to do that he shall charge each town, village, or city treasurer with all tags and blank licenses furnished or delivered to him and credit him with those returned. In case of discrepancy, the county clerk shall notify the department of agriculture thereof.

4. In cities of the first, second and third class the duties imposed by sections 1623 to 1630 of the statutes, upon local assessors shall be performed by the police force under the direction of the chief of police. In every such city a license shall be necessary for the keeping of any dog over six months of age, and in every such city the chief of police and the police force shall on February first of each year and from time to time thereafter

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check the dogs therein and cause to be disposed of as provided by law all unlicensed dogs which are required to be licensed; and all moneys received or collected by any policeman in the enforcement of said law shall be by him paid to the city treasurer and by the treasurer credited to the police pension fund. [*1919 c. 527; 1921 c. 438 s. 2*]

Licenses to be recorded; license fees paid to county treasurer monthly. SECTION 1626. Every town, village or city treasurer or his deputy shall at the end of each month pay all license fees received by him and his deputy and not before paid, to the county treasurer and shall at the same time report in writing to the county clerk the licenses issued during the month and for which the license fees so deposited with the county treasurer were paid. Such report shall be in the form prescribed by the department of agriculture, which forms shall be furnished by the several county clerks. [*1919 c 527; 1921 c. 438 s. 2*]

License fees to constitute "the dog license fund;" how disposed of and accounted for. SECTION 1627. 1. The license fees so paid to the county treasurer shall be kept in a separate account and shall be known as the "dog license fund" and shall be appropriated and disbursed for the purposes and in the manner following. Within thirty days after receipt of the same the county treasurer shall pay into the state treasury fifteen per cent of all license fees which shall have been received by the county treasurer.

2. Expenses necessarily incurred by the county in purchasing and providing books, forms and other supplies required in the administering of the dog license law shall be paid out of said dog license fund. The amount remaining thereafter in said fund shall be available for and may be used as far as necessary for paying claims allowed by the county to the owners of domestic animals on account of damages done by dogs during the license year for which the fees were paid. Any surplus which may remain from the license fees of any license year shall on March first of the succeeding license year belong and be credited and paid by the county treasurer to the towns, villages and cities of his county for their use in the proportion in which said towns, villages and cities, shall have contributed and paid to the fund out of which said surplus arises. In cities having police pension funds the money shall belong to such funds. In all other cases it shall be used as the governing body of the town, village or city shall determine. [*1919 c. 527; 1921 c. 438 s. 2*]

Unlicensed dogs to be impounded; without a collar, presumed to be unlicensed. SECTION 1628. 1. Any person may seize, impound or restrain any unlicensed dog which he may find running at large. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. No action shall be maintained for an injury to or the destruction of a dog without a tag, unless it shall appear affirmatively that the dog is duly licensed and that a tag had been properly attached to the collar of the dog and had been lost or removed without the knowledge or consent of the owner, or that the dog is not required to be licensed. The sheriff and his deputies, any marshal or constable or other police officer shall seize, impound or restrain any dog for the keeping of which no license has been issued and for which one is required and any such officer may enter the premises of the owner to seize such dog and if it is not delivered to him by the owner on request and he cannot with reasonable effort catch it, he may kill the dog. Any officer who shall seize, restrain, impound or kill any dog found in any place without a license as required under sections 1623 to 1630, inclusive, upon delivery of such dog or carcass and the proper disposal of the carcass and after making a report to the village, town or city treasurer of the village, town or city in which the dog was seized or killed, showing that the dog did not have a license, shall receive therefor a payment of two dollars, the same to be made from any funds in the village, town or city treasury not otherwise appropriated. Any dog unaccompanied by its owner or keeper which enters the field, pasture, meadow or farm inclosure of another shall constitute a private nuisance and the owner or tenant of such field, pasture, meadow or farm inclosure may seize, impound or restrain such dog while therein without liability or responsibility of any nature therefor. Any person may kill a dog, whether licensed or unlicensed, if found killing or worrying any domestic animal.

2. It shall be unlawful for any person to harbor or permit to remain about his premises any dog for which no license exists and for which one is required. Any person who shall kill a dog not his own or not in his keeping shall forthwith report such fact in writing to the town, village or city clerk of the town, village or city in which the killing occurred. Such report shall state the name and address of the person who killed the dog, the time, place and circumstances of such killing, and the disposition made of the carcass. Any person who shall have seized or impounded a dog with or without license under section 1628 shall deliver such dog to the humane officer of the village, town or city, if such officer exists; or if there be no such officer to the constable, village mar-

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shal, or the town, village or city police officer. The officer to whom the dog is delivered shall notify the owner personally or through the United States mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or cannot be ascertained, then the officer shall post written notice in three public places in his town, giving a description of the dog, stating where it is impounded and the conditions for its release within forty-eight hours, Sundays excepted, after such officer shall have taken such dog into his possession. If after five days the owner does not claim such dog such officer shall dispose of the dog in a proper and humane manner.

3. Any dog found or discovered off the premises of its owner between sunset and sunrise and unaccompanied by its owner or some person in control of it shall be considered an unlicensed dog and a private nuisance and may be seized, restrained, impounded and disposed of as provided by this section by any one during said time and before it returns to the control or premises of its owner.

4. Any person who shall violate any of the provisions of chapter *76k* of the statutes shall be liable to a penalty of not less than five dollars nor more than fifty dollars for such violation. [*1919 c. 527; 1921 c. 438 s. 2*]

Claims for damage by dogs to domestic animals; payable, when, from dog license fund; appeals. SECTION 1629. 1. The owner of any domestic animals (including poultry) attacked, chased, worried, injured or killed by a dog or dogs may within ten days after the owner shall have knowledge or notice thereof, file a written claim for damages with the clerk of the town, village or city in which the damage occurred. The form of such claim may be prescribed by the department of agriculture. Upon presentation of such claim the supervisors of the town, the board of trustees of the village, or the common council of the city, or a committee appointed for that purpose by the supervisors, the board of trustees or the common council shall promptly investigate said claim and may subpœna witnesses, administer oaths and take testimony relative thereto and shall within thirty days after the filing of said claim make, certify and return to the county clerk said claim, a report of the investigation, the testimony taken and the amount of damages suffered by the owner of said animals.

2. The form of the report and certification may be prescribed by the department of agriculture, and shall be subscribed by the supervisors, board or committee making the same. The county clerk shall lay before the county board at its first meeting, following the receipt of any such claim, all claims so filed and reported and the same shall be acted upon and determined by the county board as other claims are determined and acted upon. The amount of damages filed and reported to the county clerk shall be prima facie proof of the actual damages sustained, but evidence may be taken before the county board relative to the claim as in other cases and appeals from the action of the county board shall lie as in other cases. On appeal from the action of the county board, said trial shall be by the court without a jury.

3. Such claims shall be solely against the dog license fund and shall create no other liability on the part of the county. When said claims shall be finally determined, the claimant shall be paid eighty per cent thereof out of the dog license fund.

4. The amount allowed by the county board upon any such claim shall in no case exceed one hundred dollars for each horse, mule, or bovine, or thirty dollars for each sheep, goat or swine, or three dollars for each fowl. Whenever the claimant shall furnish conclusive evidence as to the ownership of the dog or dogs doing the damage the claimant shall be paid the full amount of the claim submitted. [*1919 c. 527; 1921 c. 438 s. 2*]

Actions against owners. SECTION 1630. 1. The allowance by the county of any claim for damages done by dogs shall work an assignment to the county of the cause of the action of the claimant for which the claim is filed and the county may sue and recover from the owner of the dog or dogs doing the damages the full amount thereof and which shall not be limited to the sum paid the claimant by the county. Before any claim shall be allowed by the county on account of damages done by dogs, the claimant shall furnish satisfactory proof that the damage was not done in whole or in part by any dog owned, kept or harbored by him.

2. No claim shall be allowed by the county board at less than the amount so certified and reported, unless the claimant shall first be notified that such action is contemplated and shall have been given a reasonable opportunity to be heard and to offer further evidence in support of his claim.

3. The provisions of chapter *76k* of the statutes shall not in any way limit the existing right or authority of any town, village or city to pass ordinances for the keeping and regulating of dogs, or repeal or annul any existing statute or ordinance or local regulation governing the keeping and regulating of dogs; but on and after July 1, 1920, no town, village or city shall pass any ordinance for the licensing of dogs, and all town,

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village or city ordinances and local regulations licensing dogs then in force shall be null and void.

4. No person except the owner or his authorized agent shall remove any license tag from a dog collar or remove any collar with a license attached thereto from any dog. No person shall keep or harbor a dog wearing a fictitious, altered or invalid license tag, or a license tag not issued in connection with the licensing or keeping of the dog wearing the same. No license or license tag issued for one dog shall be transferrable to another dog. Every town, village or city treasurer shall notify the district attorney of his county of every refusal or failure of an owner to obtain a license for keeping his dog and it shall be the duty of the district attorney to institute proceedings against such owner and against every owner within his county who has violated any of the provisions of the dog license law.

5. Dogs brought into the state temporarily for a period not to exceed thirty days if kept confined or in leash shall be exempt from the provisions of chapter 76*k* of the statutes.

6. The provisions of this chapter of the statutes relating to the licensing of dogs and the provisions for the payment of claims out of the dog license fund for damages done by dogs are severable and the provisions relating to such payment of claims are not an inducement to the enactment of any other provisions of said chapter. [*1919 c. 527; 1921 c. 438 s. 2*]

CHAPTER 76*kk*.

DISTRESS OF ANIMALS DOING DAMAGE.

Who may make; notice; appraisers. SECTION 1631. The owner or occupant of any lands may distrain any beast doing damage on his premises, either while upon the premises or upon immediate pursuit of such beasts escaping therefrom and before returning to the inclosure of or to the immediate care of the owner or keeper, and may keep such beasts upon his premises or in some public pound in his town, city or village until his damages shall be appraised as hereinafter provided. If the owner of such beasts be known to the person distraining and resides within the same town, city or village the person distraining shall give a written notice to such owner within twenty-four hours, but if he shall reside in the same county, but not in the same town, city or village, within forty-eight hours, Sundays excepted, specifying therein the time when and the place where distrained, the number of such beasts and the place of their detention, and that at a time and place, which shall not be less than twelve hours after the serving of such notice nor more than three days after such distress, he will apply to some justice of the peace of the county (naming him) for the appointment of three disinterested freeholders of such town, city or village to appraise the damages; but if such owner be unknown or does not reside in the county he shall apply for the appointment of such appraisers without notice and within twenty-four hours after such distress; and upon such application such justice of the peace shall appoint in writing three disinterested freeholders of such town, city or village to appraise the damages, and shall receive fifty cents therefor. [*1852 c. 29 s. 1, 6; R. S. 1858 c. 51 s. 1, 6; 1861 c. 229 s. 2; 1864 c. 470 s. 1; 1877 c. 194; R. S. 1878 s. 1631; Ann. Stats. 1889 s. 1631; Stats. 1898 s. 1631*]

SECTIONS 1631*k* to 1631*n*, inclusive. [*Renumbered sections 1630a to 1630d, inclusive, by 1913 c. 773 s. 55*]

Appraisement. SECTION 1632. Such freeholders shall be immediately notified and shall immediately repair to the place and view the damages done, and they may take evidence of any witnesses of the facts and circumstances necessary to enable them to ascertain the extent of such damages and the sufficiency of any line fence on the premises where such damage was done, if any dispute shall arise touching the same, and for such purpose may administer oaths to such witnesses. They shall certify under their hands the amount of such damages and the cost of keeping such beasts to that time, with their fees for services, not exceeding one dollar per day each, and their determination as to the sufficiency of such fence, if in dispute, and their decision as to such damages and sufficiency shall be conclusive. [*1852 c. 29 s. 2–4; R. S. 1858 c. 51 s. 2, 3; R. S. 1878 s. 1632; Ann. Stats. 1889 s. 1632; Stats. 1898 s. 1632*]

Sale; costs. SECTION 1633. Unless the damages so ascertained, together with the fees of the appraisers and justice, shall have been paid within twenty-four hours after such appraisal the person distraining shall cause the beasts distrained to be put into the

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nearest pound of the same town, city or village, if there be one, and if not, then in some secure inclosure therein, where the same shall remain until sold as hereinafter directed, or until such damages, fees and the costs of keeping such beasts after appraisal shall be paid or until otherwise seized or discharged according to law. Such beasts shall be furnished with suitable food from the time of seizure until discharged therefrom or sold; and the expense thereof, after the appraisal, shall be added thereto and paid as additional costs; and if such beasts be put in a pound the certificate of appraisal shall be delivered to the keeper of such pound. [*R. S. 1858 c. 51 s. 4, 5; 1861 c. 229; R. S. 1878 s. 1633; Ann. Stats. 1889 s. 1633; Stats. 1898 s. 1633*]

Time and notice of sale. SECTION 1634. The poundmaster of any such pound shall receive and keep any beasts so delivered to him and unless seized or discharged according to law within six days shall sell such beasts or so many as shall be necessary to pay such damages, fees and costs, at public auction, giving two days' notice of such sale by notice posted upon such pound and at three public places in such town, city or village. [*1852 c. 29 s. 4; R. S. 1858 c. 51 s. 5; 1861 c. 229 s. 2; R. S. 1878 s. 1634; Ann. Stats. 1889 s. 1634; Stats. 1898 s. 1634*]

Sale of animal not impounded. SECTION 1635. If in consequence of there being no pound within such city, town or village such beasts shall be kept in some other inclosure and if the same shall not be discharged in the manner hereinbefore provided within six days after being placed therein, the sheriff or any constable of the county shall sell such beasts or so many as shall be necessary to pay such damages, fees and costs of keeping, upon the same notice as is required in case of a constable's sale of personal property taken by execution. [*1852 c. 29 s. 6; R. S. 1858 c. 51 s. 6; 1861 c. 229 s. 2; R. S. 1878 s. 1635; Ann. Stats. 1889 s. 1635; Stats. 1898 s. 1635*]

Proceeds of sale. SECTION 1636. From the proceeds of such sale the person making it shall retain his fees therefor, which shall be the same as are allowed to constables upon sales of personal property on execution, and the cost of keeping such beasts; and he shall pay to the person who distrained such beasts the damages so certified, with the fees of the appraisers and justices, and pay the surplus, if any, to the owner of such beast, if known. If no owner appear at the time of sale or within one week thereafter and claim such surplus it shall be paid to the treasurer of such town, city or village. If such money shall not be applied for within one year thereafter the treasurer shall place the same in the town treasury, to be expended in the support of the poor; but if the owner shall apply therefor and make proper proof of ownership within six years after its receipt by such treasurer it shall be paid over to such owner, deducting two per cent for fees. [*1852 c. 29 s. 7–9; R. S. 1858 c. 51 s. 7–9; R. S. 1878 s. 1636; Ann. Stats. 1889 s. 1636; Stats. 1898 s. 1636*]

CHAPTER 76*l*.

MISCELLANEOUS PROVISIONS.

Forbidding fires. SECTION 1636*a*. Whenever the supervisors of any town shall be satisfied that the burning of grass, stubble, logs or brush on any lands therein will be a source of public danger they shall make an order in writing, which shall be signed by them, prohibiting the burning thereof on any such lands during such period as they shall deem best for the public interest, which order shall be revoked by them as soon as the cause for making it shall cease to exist. Such order shall be published at least once in a newspaper published in such town, if one be published therein, and if not it shall be posted in three of the most public places therein at least three days before it shall be in force. Like notice shall be given of the revocation of the order, and such revocation shall be effectual from the time notice of it is given. Any person who shall violate any such order shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not more than thirty days, or by both fine and imprisonment. [*1887 c. 343; Ann. Stats. 1889 s. 1636b; Stats. 1898 s. 1636a*]

SECTION 1636*b*. [*1903 c. 450 s. 3; repealed by 1905 c. 264 s. 23*]

Manufacture, storage and distribution of matches. SECTION 1636*b*. 1. No person, association or corporation shall manufacture, store, offer for sale, sell, or otherwise dispose of or distribute white phosphorus, single-dipped, strike-anywhere matches of the type popularly known as "parlor matches;" nor manufacture, store, sell, offer for sale, or otherwise dispose of or distribute white phosphorus, double-dipped, strike-anywhere matches, or other type of double-dipped matches, unless the bulb or first dip of such match is composed of a so-called safety or inert composition, nonignitible on an abrasive surface; nor

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manufacture, store, sell or offer for sale, or otherwise dispose of or distribute matches which, when packed in a carton of five hundred approximate capacity and placed in an oven maintained at a constant temperature of two hundred degrees F., will ignite in eight hours; nor manufacture, store, offer for sale, sell or otherwise dispose of or distribute Blazer, or so-called wind matches, whether of the so-called safety or strike-anywhere type.

2. No person, association or corporation shall offer for sale, sell or otherwise dispose of or distribute any matches, unless the package or container in which such matches are packed bears plainly marked on the outside thereof the name of the manufacturer and the brand or trade-mark under which such matches are sold, disposed of or distributed; nor shall more than one case of each brand of matches of any type or manufacture be opened at any one time in the retail store where matches are sold or otherwise disposed of; nor shall loose boxes or paper-wrapped packages of matches be kept on shelves or stored in such retail stores at a height exceeding five feet from the floor; all matches, when stored in warehouses, excepting manufacturers' warehouses at place of manufacture, when such warehouses contain automatic sprinkler equipment, must be kept only in properly secured cases, and not piled to a height exceeding ten feet from the floor; nor be stored within a horizontal distance of ten feet from any boiler, furnace, stove or other like heating apparatus, nor within a horizontal distance of twenty-five feet from any explosive material kept or stored on the same floor; all matches shall be packed in boxes or suitable packages, containing not more than seven hundred matches in any one box or package; provided, however, that when more than three hundred matches are packed in any one box or package. the said matches shall be arranged in two nearly equal portions, the heads of the matches in the two portions shall be placed in opposite directions, and all boxes containing three hundred and fifty or more matches shall have placed over the matches a center holding or protecting strip, made of chipboard, not less than one and one-quarter inches wide; said strip shall be flanged down to hold the matches in position when the box is nested into the shuck or withdrawn from it.

3. All match boxes or packages shall be packed in strong shipping containers or cases; maximum number of match boxes or packages contained in any one shipping container or case, shall not exceed the following number:

Number of Boxes	Nominal Number of Matches per Box
One-half gross	700
One gross	500
Two gross	400
Three gross	300
Five gross	200
Twelve gross	100
Twenty gross	over fifty and under 100
Twenty-five gross	under 50

No shipping container or case constructed of fiber board, corrugated fiber board, or wood, nailed or wirebound, shall exceed a weight, including its contents, of seventy-five pounds; and no lock-cornered wooden case containing matches shall have a weight, including its contents, exceeding eighty-five pounds; nor shall any other article or commodity be packed with matches in any such container or case; and all such containers and cases in which matches are packed shall have plainly marked on the outside of the container or case the words "Strike-Anywhere Matches" or "Strike-on-the-Box Matches."

4. Any person, association or corporation violating any of the provisions of this act shall be fined for the first offense not less than five dollars nor more than twenty-five dollars, and for each subsequent violation not less than twenty-five dollars. [*1913 c. 317*]

SECTIONS 1636*c* to 1636*e*, inclusive. [*Repealed by 1905 c. 264 s. 23*]

SECTIONS 1636*ee* to 1636*i*, inclusive. [*Repealed by 1901 c. 349 s. 6*]

SECTION 1636*j*. [*Repealed by 1913 c. 223*]

SECTION 1636*jj*. [*Repealed by 1915 c. 604 s. 32*]

SECTION 1636*k*. [*Renumbered section 58.07 by 1919 c. 616 s. 9*]

Humane agent; appointment, term, compensation, powers. SECTION 1636*km*. 1. The commissioner of agriculture shall appoint a state humane agent who shall have the powers of a police officer and constable in the cities and counties of this state into which his work may carry him and shall superintend and assist in the organization of humane societies in the several counties and shall administer and enforce the laws relating to humane education and the prevention of cruelty to animals.

2. The term of the state humane agent first appointed under the provisions of this section shall expire on the first Monday in February, 1923. The term of each state hu-

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mane agent thereafter appointed shall be four years and shall expire on the first Monday of February and each state humane agent appointed shall hold office until his successor is appointed and qualifies. For the purpose of securing advice and assistance in the selection of a suitable person as state humane agent and in fixing an adequate compensation for such agent, the commissioner of agriculture shall confer with representatives of existing county humane societies of this state.

3. The state humane agent shall receive such compensation as may be fixed by the commissioner of agriculture and shall be reimbursed for actual and necessary traveling expenses incurred in the discharge of his official duties. [*1919 c. 359 s. 2*]

TRAFFIC IN OILS AND PAINTS.

Linseed oil; standards; sale. SECTION 1636*l*. 1. No person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, shall sell, offer or expose for sale or have in possession with intent to sell as and for "raw flaxseed oil" or "raw linseed oil" any oil unless the same is obtained from the seeds of the flax plant and unless the same fulfills all the requirements for linseed oil laid down in the eighth decennial revision of the United States pharmacopoeia; or as and for "boiled linseed oil" or "boiled flaxseed oil" any oil unless the same shall have been prepared by heating pure raw linseed oil with or without the addition of not to exceed four per cent of drier to a temperature not less than two hundred twenty-five degrees Fahrenheit. And for the purpose of this act, it shall also be deemed a violation of this act if said boiled linseed oil does not conform to the following requirements: First, its specific gravity at sixty degrees Fahrenheit must be not less than nine hundred thirty-five thousandths and not greater than nine hundred forty-five thousandths; second, its saponification value (Koettstorfer figure) must not be less than one hundred eighty-six; third, its iodine number must not be less than one hundred sixty; fourth, its acid value must not exceed ten; fifth, the volatile matter expelled at two hundred twelve degrees Fahrenheit must not exceed one-half of one per cent; sixth, no mineral or other foreign oil or free rosin shall be present, and the amount of unsaponifiable matter as determined by standard methods shall not exceed two and five-tenths per cent; seventh, the film left after flowing the oil over glass and allowing it to drain in a vertical position must dry free from tackiness in not to exceed twenty hours, at a temperature of about seventy degrees Fahrenheit.

Labeling. 2. Nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, expose or offer for sale or have in possession with intent to sell, any raw or boiled linseed oil unless it is so done under its true name, and each tank car, tank, barrel, keg, can or vessel of such oil has distinctly and durably painted, stamped, stenciled or marked thereon the true name of such oil in ordinary bold-faced capital letters, not less than five-line pica in size, in the words, "Pure Linseed Oil—Raw" or "Linseed Oil—Boiled," as the case may be, and the name and address of the manufacturer thereof.

Compounds. 3. Linseed oil compounds designed to take the place of raw or boiled linseed oil, whether sold, offered or exposed for sale, under invented proprietary names or titles, or otherwise, shall bear conspicuously upon the containing receptacle in which the same is kept for sale or sold, in ordinary bold-faced capital letters not less than five-line pica in size, the word "Compound," followed immediately with the true distinctive names of the actual ingredients in the order of their greater preponderance, in the English language, in plain legible type of the same style, not less than three-line pica in size, in continuous list with no intervening matter of any kind and shall also bear the name and address of the manufacturer.

Lead; zinc oxide; sale; labeling. 4. Nor shall any person by himself, his servant, or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, offer or expose for sale or have in possession with intent to sell as and for dry white lead any substance other than basic carbonate of lead or basic sulphate of lead; nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, offer or expose for sale or have in possession with intent to sell as and for white lead in oil, any product other than basic carbonate of lead ground in pure linseed oil or basic sulphate of lead ground in pure linseed oil; nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, offer or expose for sale or have in possession with intent to sell any basic carbonate of lead ground in linseed oil, unless each keg, can or other receptacle containing the same has distinctly and durably painted, stamped, stenciled or marked thereon the words, "white lead, basic carbonate, in oil," and the name and address of

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the manufacturer or jobber thereof; nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, offer or expose for sale or have in possession with intent to sell any basic sulphate of lead ground in linseed oil, unless each cask, keg or other receptacle containing the same has distinctly and durably painted, stamped, stenciled or marked thereon the words "white lead, basic sulphate, in oil," and the name and address of the manufacturer or jobber thereof; nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, offer or expose for sale or have in possession with intent to sell as and for dry oxide of zinc, or zinc oxide, or zinc white, any substance other than commercially pure oxide of zinc; nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, offer or expose for sale, or have in possession with intent to sell as and for oxide of zinc in oil, or zinc oxide in oil, or zinc white in oil, any product other than commercially pure oxide of zinc ground in pure linseed oil; nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, offer or expose for sale, or have in possession with intent to sell any oxide of zinc ground in linseed oil, unless each keg, can or other receptacle, containing the same has distinctly and durably painted, stamped, stenciled or marked thereon the words "oxide of zinc in oil," or "zinc oxide in oil," or "zinc white in oil," and the name and address of the manufacturer or jobber thereof.

Turpentine; sale; labeling. 5. Nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation sell, offer or expose for sale, or have in possession with intent to sell as and for turpentine, spirits of turpentine or oil of turpentine, any article except pure oil of turpentine distilled from the natural gum, dip or scrape of pine trees and unmixed with kerosene or other mineral oil or other foreign substance; nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, offer or expose for sale or have in possession with intent to sell as and for wood turpentine or wood spirits of turpentine any article except the distillates and spirits prepared directly from or by the distillation of the wood of pine trees, and unmixed with kerosene or other mineral oil or other foreign substance; nor shall any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, offer or expose for sale, or have in possession with intent to sell any oil of turpentine or wood spirits of turpentine unless it is so done under its true name, and each tank car, tank, barrel, keg, can or vessel of such oil has distinctly and durably painted, stamped, stenciled or marked thereon the true name of such oil in ordinary bold-faced capital letters, not less than five-line pica in size the words "Oil of Turpentine" or "Wood Spirits of Turpentine" as the case may be, and the name and address of the manufacturer or jobber thereof.

Inspection; prosecution. 6. It is hereby made the duty of the dairy and food commissioner, by himself or by his assistants, chemists, inspectors or agents to see that the provisions of this section are enforced, and personally or by said assistants, chemists, inspectors or agents to inspect any flaxseed oil or linseed oil or oil of turpentine or wood spirits of turpentine or white lead, dry or in oil, or zinc oxide, dry or in oil, made or offered or exposed for sale or had in possession with intent to sell in this state, and any tank car, tank, barrel, keg, can or any vessel containing the same in this state which he may suspect or have reason to believe, fails to comply with the provisions of this section, and to prosecute or cause to be prosecuted, any person or firm whom he may suspect or have reason to believe, may be violating any of the provisions of this section, which prosecution shall be conducted by the district attorney in the same manner as is now provided in case of the violation of the laws relating to the production, manufacture and sale of dairy products and to the adulteration of food, drinks, condiments and drugs, and for the purposes of this section and the enforcement thereof, the dairy and food commissioner, his assistants, chemists, inspectors and agents shall have all the powers conferred by the statutes upon him or them or any of them for the enforcement of the dairy and food and drug laws of the state, in so far as the same may be applicable thereto. The dairy and food commissioner shall have the power to appoint, with the approval of the governor, special counsel to prosecute or assist in prosecution of any case arising under the provisions of this section. The cost of such counsel shall be charged to the appropriation for the dairy and food commissioner and ex officio superintendent of weights and measures. All fines collected in prosecutions begun or caused to be begun by

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the dairy and food commissioner or any of his assistants, chemists, inspectors or agents shall be paid into the state treasury.

Penalty. 7. Any person who shall violate any of the provisions of this section or any person who shall obstruct the dairy and food commissioner of this state, his assistants, chemists, inspectors or agents in the performance of his or their duty in the enforcement of the provisions of this section by refusing him entrance to any place he is authorized to enter or by refusing to deliver to him a sample of any article or articles described in this section, that is sold, or offered or exposed for sale or had in possession with intent to sell by the person to whom request therefor is made, if the value thereof is tendered, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars or by imprisonment in the county jail not less than thirty days nor more than four months.

Assistant chemist; appointment; duties; salary; expenses. 8. To assist in the analysis of linseed oil, turpentine, white lead and oxide of zinc herein required, the dairy and food commissioner may, with the advice and consent of the governor, appoint an assistant chemist, who shall be paid in the same manner as is provided by law for the payment of salaries of other state officers and employes, an annual salary of twelve hundred dollars. There shall also be paid to said assistant chemist his necessary and actual expenses incurred in the discharge of his official duties on the approval of the dairy and food commissioner and the governor of verified and itemized accounts therefor. When not engaged in the analysis of the articles as herein required, the said assistant chemist shall perform such other duties as may be required by the dairy and food commissioner in the enforcement of the dairy and food and drug laws of the state. [*1909 c. 532; 1911 c. 663 s. 299; 1913 c. 772 s. 34*]

SECTION 1636*o*. [*Renumbered section 58.07 by 1919 c. 616 s. 9*]

SECTION 1636*p*. [*Repealed by 1919 c. 679 s. 76*]

TELEGRAMS.

Time of filing indorsed on telegrams delivered. SECTION 1636*p*—10. 1. Every person, firm or corporation operating a telegraph line or lines in this state shall, without extra charge therefor, cause to be written, stamped or printed in a conspicuous place upon the addressee's copy of each telegram originating at and destined to a point within this state, the hour and minute of the day in which the copy of such telegram was filed or left with such person, firm or corporation for transmission and the hour and minute of the day when such telegram was received in the office of such person, firm or corporation at its destination.

2. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor. [*1915 c. 212*]

STREET CARS.

Street cars; safety devices; air brakes; penalty. SECTION 1636*q*. 1. Every person, partnership, or corporation owning or operating a street or interurban car line shall provide and equip each and every motor car weighing over forty thousand pounds net or empty weight, used for the transportation of passengers or freight, and added to the service from and after the passage of this act, with air brakes of modern design, to be approved by the railroad commission.

2. Nothing herein contained shall limit or restrict the power of the railroad commission to order air brakes upon other cars.

3. Any such corporation neglecting or refusing to comply with any of the foregoing provisions shall forfeit and pay a penalty to the state of not less than twenty-five dollars nor more than one hundred dollars, and each day's operation of one or more cars in violation of this act shall be considered a separate offense. [*1909 c. 310*]

Full stop at railroad grade crossing. SECTION 1636*q*—5. 1. Every corporation operating a street or interurban railway in this state shall cause every car operated by it to come to a standstill at least twenty feet from the nearest rail of the track of any steam railway to be crossed at grade, and such car shall not be caused or permitted to cross such track until an employe of such corporation shall have ascertained from a position on such track that it is safe to proceed and cross such track. Provided, that if at any such crossing there shall have been placed or erected by either the corporation operating the street or interurban railway or the steam railway, or both, any works, fixtures or appliances, or interlocking arrangements, so as to render it safe to cross without stopping and the plan

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of such works, fixtures, appliances, or interlocking arrangement has been filed with and approved by the railroad commission as provided in section 1808 then and in that case the provisions of this subsection requiring street and interurban cars about to pass over any such crossing to come to a standstill before crossing the same shall not apply.

2. A petition may be filed with the railroad commission by any corporation described in subsection 1, requesting that it be relieved of the duty imposed by said subsection, as to such crossing or crossings as are described in said petition, stating the reasons therefor. Thereupon it shall be the duty of said commission to give notice to all interested persons, including the governing body of the town, village or city, in which any such crossing is located, of the filing of such petition and to order a hearing thereon in the manner provided for hearings in section 1797—12. If upon such hearing it shall appear to the satisfaction of the commission that arrangements have been made which will protect the traveling public at the crossing or crossings described in the petition it shall make an order granting the request of said corporation. If arrangements have not been made satisfactory to said commission it may make an order granting the request of such corporation under such conditions as it may prescribe.

3. Any such corporation neglecting or refusing to comply with any of the provisions of this section shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars. [*1919 c. 545; 1921 c. 463*]

To equip cars with window cleaners. SECTION 1636*q*—7. 1. Every corporation owning or operating a street or interurban car line in this state shall equip each of its motor driven cars with a suitable mechanical device designed for the removal of snow and water from a sufficient portion of the window in front of the motorman to afford an unobstructed view. Such device shall be attached to such window so as to permit its being used by the motorman without leaving his position while operating said car. Such mechanical device is to be of a design approved by the railroad commission.

2. Any such corporation neglecting or refusing to comply with the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. [*1921 c. 193*]

SEGREGATION OF COACHES.

Segregation of wooden and steel coaches in trains. SECTION 1636*q*—10. 1. It shall be unlawful for any railroad company in this state to cause, allow, or permit any mail, mail-apartment, express, baggage or passenger car or coach constructed principally of wood to be used or drawn in any passenger train between the engine and any two or more steel cars or coaches, or other cars or coaches of substantially the same weight as steel passenger cars or coaches, included in any such train run or operated wholly between points in this state after January 1, 1914; provided, that the railroad commission of Wisconsin may further extend the time upon application of any railroad company so affected for good cause shown.

2. Any railroad company violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than two thousand dollars. [*1913 c. 630*]

NEGLECTED OR ABANDONED ANIMALS.

Animals; neglected or abandoned; police powers. SECTION 1636*r*. 1. Any sheriff, constable, village marshal, police officer or agent of any humane society may remove, shelter and care for any horse or other animal found to be cruelly exposed to the weather, starved, neglected or abandoned, and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary; but in all cases the owner, if known, shall be immediately notified; and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

Estray. 2. If the owner or custodian be unknown and cannot with reasonable effort be ascertained, or shall not within five days after notice redeem such animal by paying the expenses incurred as aforesaid, it may be treated as an estray and dealt with as such.

Killing. 3. Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted. [*1909 c. 40; 1919 c. 359 s. 1*]

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Running at large in streets. SECTION 1636s. Live stock or poultry shall not be permitted to run at large upon the streets or public grounds of any city. [*Stats. 1919 s. 925—52 sub. (67); 1921 c. 396 s. 12*]

SECTIONS 1636—1 to 1636—8, inclusive. [*Repealed by 1913 c. 588 s. 4*]

SECTIONS 1636—9 to 1636—12, inclusive. [*Repealed by 1913 c. 663*]

PRIVATE DETECTIVE AGENCY.

Private detectives not to act without license; penalty for violation. SECTION 1636—12m. 1. No person, copartnership, or corporation shall act as a private detective for hire or reward or engage in the business of private detective for hire or reward, or advertise such business to be that of private detective or that of conducting a detective agency, without having first obtained a license so to do, as hereinafter provided, from the secretary of state of the state of Wisconsin.

2. Any person, copartnership or corporation intending to act as a private detective for hire or reward or to conduct the business of private detective or detective agency or advertise said business shall present to the secretary of state and file in his office a written application duly signed and verified by such person in case of an individual for such license; and in case of a copartnership such application must be signed and verified by all of the individuals composing such copartnership; and in case of a corporation such application shall be signed and verified by the president or secretary and manager of such corporation; and if such person, copartnership or corporation intends to establish an office in any city in this state such application must be approved in each instance by the fire and police commission of those cities having a fire and police commission, but in those cities where there is no fire and police commission by the chief of police of said city and, in addition thereto, by not less than five reputable citizens, freeholders of the county where the applicant or applicants propose to establish such office, all of which approvals shall be signed by the fire and police commission of those cities having a fire and police commission, and by the chiefs of police and freeholders in such cities where there is no fire and police commission and acknowledged before an officer authorized by law to take acknowledgments. Such application shall state the age, residence, present and previous occupation of such applicant or applicants and the name of the city where the principal place of business is, or is to be located, and such further facts as will show the good character, competency and integrity of such applicant or applicants.

3. The secretary of state, when satisfied from an examination of such applications and such further inquiry and investigation as he shall deem proper, of the good character, competency and integrity of such applicant or applicants, shall issue and deliver to such person, copartnership or corporation, a license, upon the applicant paying to the secretary of state, for the use of the state, a license fee of two hundred dollars. Such license shall not be issued by the secretary of state, unless there is executed, delivered and filed in his office a bond by such applicant or applicants, with two sureties, freeholders of the state, in the sum of two thousand dollars, conditioned that such applicant or applicants will faithfully and honestly act as private detective or detectives or faithfully and honestly conduct the business of private detectives and the business of detective agency, which bond, as to its form, manner of execution and sufficiency of the sureties must be approved by said secretary of state. Such bond shall be taken in the name of the state of Wisconsin, and any person injured by the wilful, malicious or wrongful act of the licensee may bring an action on said bond in his own name to recover damages suffered by reason of such wilful, malicious or wrongful act.

4. The license granted pursuant to this section shall be for the period of five years from the date of issue but may be revoked at any time by the secretary of state, for cause shown. Such license shall authorize the person, copartnership or corporation to whom said license is issued and their agents, employes and representatives to act as private detectives for hire or reward in this state and to conduct the business of private detective and detective agencies for hire or reward in this state and if such person, copartnership or corporation has complied with the law so as to be entitled to establish an office or place of business in a city in this state, such license shall authorize such office to be established in such city, which city must be named in such license.

5. Any person, copartnership or corporation now acting as a private detective for hire or reward or now conducting the business of private detective or detective agency, or holding himself or themselves out to the public as conducting such business, shall procure a license, in accordance with the provisions of this section, on or before the first day of September, A. D. 1919.

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6. This section shall not require any agents, employes or representatives of any person, copartnership or corporation which has a license under this section to take out a license, but such licensee shall be responsible for the good conduct of such agents, employes and representatives. This section shall not apply to any detective or officer belonging to the police force of the state or any county, city, town or village, appointed or elected according to law or to any officer, detective or watchman employed by railroad companies under the provisions of section 1861*a*.

7. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. [*1919 c. 444*]

PAYMENT OF WAGES.

Time checks. SECTION 1636—13. All corporations or individuals paying wages in time checks or other paper than legal money, shall make such time checks or paper payable in some designated place of business in the county in which the work was performed or at the office of such corporation or individual if within the state of Wisconsin, or at any bank within said state.

Penalty. Any corporation or individual failing to comply with the terms of the above section shall upon conviction thereof be fined not to exceed one hundred dollars nor less than ten dollars. [*1899 c. 221 s. 1, 2; Supl. 1906 s. 1636—13; 1907 c. 118*]

ELECTRIC WIRING.

Specifications for entrance or exit of wires. SECTION 1636—14. That it shall be unlawful hereafter to introduce any electric wire into any building in any incorporated city or village in this state, which wire may or shall be used for lighting, power or heating purposes in such building, unless such wire shall, where the same so enters such building or passes through the outside thereof, as also where the same passes through any floor, ceiling, partition or inner wall of such building or is affixed to or supported by a post, timber or other structure in the same, be securely protected by such wire, passing through a nonabsorptive insulating tube throughout such wall, floor, ceiling, partition, inner wall, post, timber or other structure; and where such wire passes along a wall, floor or ceiling in such building, the same shall be safely fastened by a nonabsorptive insulating device. [*1901 c. 431 s. 1; Supl. 1906 s. 1636—14; 1907 c. 118*]

Duty of contractor, etc. SECTION 1636—15. It is hereby made the duty of every contractor and other person so introducing, placing and affixing such wires, to splice or join all such electric wires where connections thereof are made so as to be both mechanically and electrically secure without solder, and, they must then be soldered to secure preservation, and the joint covered with an insulation equal to that on the conductors, and at the exterior of such building there shall be affixed an automatic cut-out by means of which the electric current can be completely shut off. [*1901 c. 431 s. 2; Supl. 1906 s. 1636—15; 1907 c. 118*]

Standard gauge required; drop not considered. SECTION 1636—16. It shall be unlawful to use or employ any wire for the purposes aforesaid of less than what is known as number 14 Brown and Sharp's gauge, and no such number 14 wire shall carry more than 12 amperes, and if a wire of larger size is used the amperes as to number shall only be increased as per the following table:

TABLE A.—RUBBER COVERED WIRES.		TABLE B.—WEATHERPROOF WIRES.	
B. & S. G.	Amperes.	Amperes.	Circular Mills.
16	6	8	2,583
14	12	16	4,107
12	17	23	6,530
10	24	32	10,380
8	33	46	16,510
6	46	65	26,250
5	54	77	33,100
4	65	92	41,740
3	76	110	52,630
2	90	131	66,370
1	107	156	83,690
0	127	185	105,500
00	150	220	133,100
000	177	262	167,800
0000	210	312	211,600

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CIRCULAR MILLS.

200,000	200	300	1,200,000	730	1,150
300,000	270	400	1,300,000	770	1,220
400,000	330	500	1,400,000	810	1,290
500,000	390	590	1,500,000	850	1,360
600,000	450	680	1,600,000	890	1,430
700,000	500	760	1,700,000	930	1,490
800,000	550	840	1,800,000	970	1,550
900,000	600	920	1,900,000	1,010	1,610
1,000,000	650	1,000	2,000,000	1,050	1,670
1,100,000	690	1,080			

The lower limit is specified for rubber covered wires to prevent gradual deterioration of the high insulations by the heat of the wires, but not from fear of igniting the insulation. The question of drop is not taken in consideration in the above tables. [*1901 c. 431 s. 3; Supl. 1906 s. 1636—16; 1907 c. 118*]

Penalty for violations. SECTION 1636—17. Any violation of the provisions of sections 1636—14 to 1636—16, inclusive, is hereby declared a misdemeanor, and any person convicted under its provisions shall for each offense be fined not less than twenty-five dollars, nor more than one hundred dollars, and for a failure to pay such fine, together with costs of prosecution, he shall be committed to the county jail until the same are paid. Such imprisonment shall, however, not exceed four months. [*1901 c. 431 s. 4; Supl. 1906 s. 1636—17; 1907 c. 118; 1911 c. 663 s. 275*]

REGULATION OF BARBERS.

Barbering defined. SECTION 1636—18. Practicing the occupation of barber within the meaning of sections 1636—18 to 1636—29, inclusive, shall be construed to mean shaving, trimming the beard, cutting the hair, shampooing, scalp or face massage of any male person over the age of ten years for which a payment is made, to the person performing the service or to any other person. [*1903 c. 191 s. 12; Supl. 1906 s. 1636—29; 1907 c. 118; 1911 c. 663 s. 276; 1913 c. 752; 1919 c. 314*]

Committee of examiners of barbers. SECTION 1636—19. The state board of health shall on or before August 1, 1915, appoint three competent and practical barbers, each of whom shall have been engaged in the occupation of barbering for at least five years in this state, to be known as the committee of examiners, who shall conduct the examinations required by the provisions of sections 1636—18 to 1636—29, inclusive, of the statutes. Such examiners shall be exempt from the state civil service law. [*1903 c. 191 s. 2; Supl. 1906 s. 1636—19; 1907 c. 118; 1911 c. 663 s. 276; 1913 c. 752; 1915 c. 221; 1919 c. 362 s. 19; 1919 c. 679 s. 73*]

SECTION 1636—20. [*1903 c. 191; repealed by 1915 c. 221*]

State board of health regulates barbers. SECTION 1636—20. The term "board" when used in any of the provisions of sections 1636—18 to 1636—29, inclusive, of the statutes, shall mean the state board of health and all fees required to be paid by any of said sections shall be paid to the secretary of said board. Such board shall have power and authority and it shall be its duty to prescribe, amend and enforce rules and regulations for the examination and licensing of journeymen and master barbers and make and enforce reasonable rules governing the sanitary and hygienic conditions of barber shops. [*1915 c. 221*]

SECTION 1636—21. [*Repealed by 1919 c. 649 s. 1*]

Inspection and administration. SECTION 1636—22. The regular examinations for the licensing of journeymen and master barbers shall be held at least four times a year. Special examinations may be held whenever the board shall deem it necessary. The times and places of examinations shall be fixed by the board. Whenever complaint is made that any barber shop is kept in an unsanitary condition or that a contagious disease has there been imparted the board shall investigate or cause to be investigated such complaint and enforce the provisions of sections 1636—18 to 1636—29, inclusive. The board shall keep a register of all licensed apprentices, journeymen and master barbers and such register shall at all times be open to public inspection. The board shall keep a record of all its proceedings, shall show whether an applicant was licensed or rejected by examination or otherwise, and such books shall be prima facie evidence of all matters reported therein. The fiscal year of said board shall close on June thirtieth, and said board shall file with the governor annually in July an itemized report giving the full statement of all receipts and expenditures and of its proceedings, business and activities. [*1903 c. 191 s. 5, 10; Supl. 1906 s. 1636—22; 1907 c. 54 s. 5; 1907 c. 118; 1911 c. 663 s. 276; 1913 c. 752; 1915 c. 221 s. 3*]

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Barbers' apprentices. SECTION 1636—23. 1. Nothing in sections 1636—18 to 1636—29, inclusive, shall prohibit any person from serving as an apprentice in said trade under a licensed master barber in this state, or from serving as a student in any barber school for the training of students in such trade under the supervision of a licensed master barber.

2. Such apprentice or student shall apply to said board for an apprentice license and upon such application being approved by said board an apprentice license shall be issued permitting such apprentice to practice as an apprentice or student under the instruction of a licensed master barber. No fee shall be received from an apprentice in connection with the apprenticeship license. Said apprentice license shall be valid for a period of two years from the date thereof unless revoked by action of said board. After having practiced the trade for two years under a licensed master barber the said apprentice or student shall be eligible to apply for a journeyman's license and it shall be unlawful for such apprentice or student to practice the trade after the expiration of the apprentice license unless such apprentice or student has applied for and received a journeyman's license or has duly qualified and received a master barber's license. [*1903 c. 191 s. 8; Supl. 1906 s. 1636—25; 1907 c. 118; 1911 c. 663 s. 276, 277; 1913 c. 752*]

Examinations; permits; licenses. SECTION 1636—24. Any person desiring to become a licensed master barber shall first make an application for a journeyman's license and such application shall be accompanied by a fee of five dollars. Upon approval of such application the board shall issue to such person a journeyman's license which shall entitle the holder thereof to practice as a barber under a master barber for a period of one year from the date of said journeyman's license and shall also entitle the holder thereof to take one or more examinations provided for in section 1636—22. Said examinations may only be taken during the life of such journeyman's license. Such license may, for good and sufficient reason, be revoked by said board at any time. No charge shall be made for the privilege of taking examinations, but examinations shall only be given to persons who at the time hold journeymen's licenses. When such applicant shall have successfully passed an examination the journeyman's license shall become null and void and the board shall thereupon issue a master's license to such successful applicant, which license shall entitle the holder thereof to practice as a duly licensed master barber. All such master's licenses issued by said board shall expire on June thirtieth, next succeeding the date of issuance thereof. Every person receiving any such master's license shall pay a fee of two dollars. All holders of master's licenses shall, on or before July first, make application for a renewal of such license for the subsequent year and shall accompany such application with a fee of two dollars and upon receipt of such application and fee the board shall issue a new license good for the ensuing fiscal year. If such application is not made by the date above named the board may revoke the license. Persons who at the time of the passage of this act hold apprentice or barbers' permits or registered barbers' licenses shall have the same rights and be subject to the same regulations applying to licensed apprentices, journeymen or master barbers, respectively. [*1903 c. 191 s. 6, 7; Supl. 1906 s. 1636—23, 1636—24; 1907 c. 54, 118; 1911 c. 663 s. 276; 1913 c. 752; 1915 c. 221 s. 3; 1931 c. 173*]

Card or insignia. SECTION 1636—25. Said board shall furnish to each licensed apprentice, journeyman or master barber a card or insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder is entitled to practice the occupation of barber in this state as provided in sections 1636—18 to 1636—29, inclusive, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his working chair. [*1903 c. 191 s. 9; Supl. 1906 s. 1636—26; 1907 c. 118; 1911 c. 663 s. 278; 1913 c. 752*].

Conditions of license. SECTION 1636—26. 1. A journeyman barber's license shall be issued only to such persons as shall show themselves to have studied or practiced the trade for two years as an apprentice under one or more licensed master barbers or for at least two years in a properly appointed and conducted barber school or college under the instruction of a licensed master barber or has practiced the trade for at least two years in this or other states. The board may refuse to grant a journeyman barber's license to any journeyman barber who does not pass an examination for master barber's license after taking the same three times, or to any one who refuses to take such examination without sufficient cause.

2. Master barber licenses shall be issued only to such persons having a journeyman's license as are possessed of the requisite skill in such trade to properly perform all the duties thereof including ability in the preparation of the tools, shaving, beard-trimming, hair-cutting, and all the duties and services incident thereto, and have sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade.

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3. Any owner, proprietor or manager of a barber shop or barber college in this state who contracts with any person to teach him the barber trade and accepts money in payment for such service without first explaining to such person the provisions of sections 1636—23, 1636—26 and 1636—28, or any owner, proprietor or manager of a barber shop who sells or offers to sell such barber shop to any person who is not the holder of a master barber's license under the provisions of section 1636—24 without first explaining to such person the provisions of sections 1636—23, 1636—26 and 1636—28, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1636—29.

4. The board shall furnish a copy of sections 1636—17 to 1636—29, inclusive, to each person making request therefor. [*1903 c. 191 s. 7; Supl. 1906 s. 1636—24; 1907 c. 54, 118; 1911 c. 663 s. 276; 1913 c. 752; 1921 c. 212*]

Sanitary regulation; revocation of license. SECTION 1636—27. Said board is authorized to adopt reasonable rules providing for the sanitary regulation of barber shops, and shall have the power to enter any barber shop during business hours for the purpose of inspection of such shops. If any shop be found in an unsanitary condition, or if any barber working therein has been charged with imparting any contagious disease, the board shall immediately notify the local health officer thereof, and such shop shall be quarantined, and the barber so charged shall not practice his occupation until such quarantine shall be removed by the health officer. Said board shall have the power to revoke any license granted by it for (a) conviction of crime, (b) habitual drunkenness, (c) having imparted any infectious or contagious disease, (d) for violation of the sanitary rules adopted by the board and approved by the state board of health or (e) for gross incompetency. Provided, that before any license shall be so revoked the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice, at least five days after the service thereof, be given a public hearing and be given an opportunity to present testimony in his behalf and to confront the witnesses against him. Any person whose license has been revoked, may after the expiration of ninety days, apply to have his license regranted, and the same shall be regranted upon his giving satisfactory proof that the disqualification has ceased to exist. [*1903 c. 191 s. 11; Supl. 1906 s. 1636—28; 1907 c. 54, 118; 1913 c. 752; 1915 c. 221 s. 3*]

Unlawful practice. SECTION 1636—28. It shall be unlawful for any person to follow the occupation of barber in this state either as apprentice, journeyman or master barber, without having first obtained a license as provided in sections 1636—18 to 1636—29, inclusive. Apprentice and journeyman barbers shall only be allowed to pursue such calling under the supervision or direction of a licensed master barber. [*1903 c. 191 s. 1; Supl. 1906 s. 1636—18; 1907 c. 118; 1911 c. 663 s. 276; 1913 c. 752*]

Penalties. SECTION 1636—29. Any person who shall practice the occupation of barber in this state either as apprentice, journeyman or master barber without having obtained a license; or any person who shall wilfully employ any such above-named barber knowing that such barber has not obtained a license; or any person who shall falsely pretend to be a licensed apprentice, journeyman or master barber of this state; or any person who shall violate any of the sanitary rules adopted by the board, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment in the county jail for not less than ten nor more than ninety days, or by both such fine and imprisonment. [*1903 c. 191 s. 13; Supl. 1906 s. 1636—30; 1907 c. 54, 118; 1911 c. 663 s. 276; 1913 c. 752*]

BEAUTY PARLOR SHOPS.

Regulation of. SECTION 1636—30. 1. No person shall act as manager of or as an operator or apprentice in any beauty parlor shop without first having obtained a license so to do as provided in this section.

2. The state board of health shall on or before August 1, 1919, appoint, and shall have power to remove, three competent persons to be known as the committee of examiners who shall conduct the examinations required under the provisions of this section. No person shall be appointed such examiner unless she shall have had at least five years' experience as a manager of a beauty parlor shop. All such examiners shall be exempt from the provisions of sections 16.01 to 16.30 of the statutes.

3. The state board of health shall appoint and provide for the payment of one woman inspector who shall devote her whole time to the duties of the office in inspecting beauty parlor shops and to doing such other work as the state board of health may require.

4. Each such examiner shall receive ten dollars per day for the actual number of days served by such member in performing the duties imposed by this section, and in addition

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to such compensation shall be reimbursed his actual and necessary expenses in performing the duties prescribed by this section. All claims for services shall show the actual number of hours of service for each day of such service and in no case shall the allowance exceed the amount of ten dollars for services performed during any one calendar day. The total expenditures for carrying out the provisions of this section shall not exceed the amount of money collected and deposited by the secretary of the state board of health as provided in subsection (12) of section 20.43.

5. The regular examinations for the licensing of managers and operators shall be held four times a year and special examinations may be held whenever the state board of health may deem it necessary. Whenever a complaint that any beauty parlor shop is kept in an insanitary condition or that a contagious disease has there been imparted, said board shall investigate such complaint and enforce the penalty provisions of this section. Said board shall keep a register of all licensed managers of and operators and apprentices in beauty parlor shops, which register shall be open to public inspection. Said board shall also keep a record of all its proceedings, showing whether an applicant was accepted or rejected by examination or otherwise, and such books shall be prima facie evidence of all matters reported therein. The fiscal year of said board shall close on June thirtieth and said board shall file with the governor annually in July an itemized report giving the full statement of all receipts and expenditures and of its proceedings, business and activities.

6. Any person desiring to become a manager of a beauty parlor shop shall make an application for a manager's license, which application shall be accompanied by a fee of fifteen dollars. Upon approval of such application, the state board of health shall issue said manager's license, which shall entitle the holder to be the manager of a beauty parlor for the period ending December thirty-first next after the date of said license, such license may for good and sufficient reason be revoked by said board at any time. All such licenses issued by said board shall expire on January first next succeeding the date of issuance thereof; but all licenses issued in the year 1919 shall expire on December 31, 1920. All holders of any such license shall on or before January first in each year make application for renewal of such license for the subsequent year and shall accompany such application with a fee of ten dollars and upon receipt of such application and fee the state board of health shall issue a new license good for the ensuing year. If such application is not made by the date above named, the board may revoke the license.

7. Any person desiring to become an operator in any beauty parlor shop shall make application as provided in subsection 6, but the initial license fee shall be two dollars with an annual fee of one dollar. Apprentices in beauty parlor shops may be licensed or issued a permit upon application without charge.

8. No person shall be licensed as a manager of any beauty parlor shop unless such person shall have an education equivalent to the eighth grade in the public schools, and shall have passed the examination provided for in this act, except as otherwise provided in subsection 11.

9. Apprentices shall practice for six months under the direction and supervision of a licensed manager before they shall be eligible to be licensed as operators. Upon proof of having so practiced and upon payment of the initial license fee, an operator's license may be issued to such former apprentice and an operator in any such beauty parlor shop may be licensed as a manager after having served one year as an operator under a licensed manager and upon passing the required examination.

10. The state board of health shall have the same power and control over beauty parlor shops as are given it by the provision of sections 1636—16 to 1636—27 of the statutes in regulating barber shops.

11. Any person now actually engaged as manager of or as an operator in a beauty parlor shop and who has been so engaged in this state continuously since January 1, 1919, may be licensed as hereinbefore provided without examination, providing application for such license is made on or before January 1, 1920. Each person applying for a license under the provisions of this subsection shall furnish evidence of good, moral and professional character. Such practice and character is to be attested by the oath of a licensed physician or health officer in the municipality in which the person making application has her place of business and also by one freeholder resident therein. Any such applicant shall accompany her application with the license fee hereinbefore provided.

12. All fees required to be paid by this section shall be paid to the secretary of the state board of health.

13. It shall be unlawful for any person to follow the occupation of beauty parlor manager, operator or apprentice without first having obtained the license provided for in this section.

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14. Any person who shall act as manager of or operator or apprentice in any beauty parlor shop without having obtained a license as herein provided or any person who shall wilfully employ a beauty parlor manager, operator or apprentice, knowing that such person has not obtained a license, or any person who shall falsely pretend to be a licensed manager, operator or apprentice, or any person who shall violate any of the sanitary rules adopted by the board of health shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars or more than one hundred dollars or by imprisonment in the county jail for not less than ten days nor more than ninety days, or by both such fine and imprisonment. [*1919 c. 605; 1919 c. 703 s. 27*]

SECTIONS 1636—31 to 1636—46, inclusive. [*Repealed by 1913 c. 223*]

REGISTRATION OF AUTOMOBILES.

Registry required. SECTION 1636—47. 1. No automobile, motor cycle or other similar motor vehicle shall be operated, ridden or driven along or upon any public highway of the state, nor shall the owner thereof permit the same to be so operated, ridden or driven, unless the same shall have been registered or application for the registration of the same shall have been made and forwarded to the secretary of state accompanied by the requisite fee therefor in accordance with the provisions of sections 1636—47 to 1636—57, inclusive; provided, however, that in case any person shall operate, ride or drive any automobile, motorcycle or other similar motor vehicle along or upon any public highway of this state, without the display thereon of registration number plates as provided by sections 1636—47 to 1636—57, inclusive, such fact shall be prima facie evidence of operating the same without the registration thereof as hereinafter provided.

Application. 2. Application for such registration shall be made to the secretary of state upon blanks prepared under his authority, for that purpose. Blank applications shall be kept in the offices of the county clerks throughout the state.

Contents. 3. The application shall contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile, motor cycle or other similar motor vehicle, including the name of such vehicle, the number, if any, affixed by the maker, the character of motor power and the amount of such motor power stated in figures of horse power, and with each application shall be deposited a registration fee as hereinafter provided.

Registry. 4. The secretary of state or his duly authorized agent shall then register in a book or card index system to be kept for that purpose the automobile, motor cycle or other similar motor vehicle described in said application, giving to such automobile, motor cycle or other similar motor vehicle a distinguishing number, and shall thereupon issue to said applicant a certificate of registration in card form, which shall contain the name, place of residence and address of the applicant, the registered number assigned, the date of registration and a brief description of the automobile, motor cycle or other similar motor vehicle so registered. Said certificate of registration shall always be in the possession of the operator or firmly attached in some accessible place in the automobile, motor cycle or other similar motor vehicle described therein.

Fee. 5. (a) There shall be paid annually to the secretary of state for the registration of each automobile, a fee of ten dollars for the registration of each motor cycle a fee of four dollars, and for the registration of each motor truck, motor delivery wagon or passenger automobile bus as follows: If the advertised load carrying capacity is less than twenty-one hundred pounds, a fee of fifteen dollars; if twenty-one hundred pounds or more and less than fifty-one hundred pounds, a fee of twenty dollars; if fifty-one hundred pounds or more a fee of twenty-five dollars.

(b) The registration number plates furnished for every motor truck, motor delivery wagon, and passenger automobile bus shall differ in character and series number from those furnished for automobiles or for motor cycles except those furnished for such vehicles as are registered in accordance with the provisions of subdivision (d) of this section.

(c) Failure to display on any motor truck, motor delivery wagon, or passenger automobile bus the special registration number plates provided for in subdivision (b) of this section, when such vehicle is used outside the incorporated limits of any city or village shall constitute a violation of the provisions of section 1636—47 of the statutes.

(d) If the owner of any motor truck, motor delivery wagon, or passenger automobile bus shall, at the time he makes application for registration, accompany such application with an affidavit that said vehicle will be used entirely for the transportation of persons or goods within the limits of an incorporated city or village, the fee for the registration of such vehicle shall be ten dollars and the registration number plates furnished such appli-

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cant shall be of the same number series and character as those furnished for automobiles. All registrations shall expire on December 31 of each year.

Temporary provision. 6. All certificates of registration of motor vehicles issued in 1917 shall be issued on payment of the registration fees in effect on January 1, 1917, and shall continue in force until December 31, 1917, and every owner of a motor vehicle so registered shall thereafter register such motor vehicle annually in accordance with the provisions of sections 1636—47 to 1636—57, inclusive.

Number plates. 7. The secretary of state shall issue and deliver to each owner of an automobile so registered two official number plates, of uniform size and design, containing in three-inch Arabic numerals, followed by the letter "W," and the year of issuance, the distinguishing number so assigned to said motor vehicle, one of which said number plates shall be placed in a conspicuous place on the front of such automobile or other similar motor vehicle, and the other of such number plates shall be firmly and rigidly fastened and placed in a conspicuous place on the rear of such automobile or other similar motor vehicle, and be so displayed and kept reasonably clean at all times so that the same can be readily and distinctly seen.

Motor cycle numbers. 8. The secretary of state shall also issue and deliver to each owner of a motor cycle, an official number plate of uniform size and design, which shall have displayed thereon the initial letter of the state and the number assigned to such motor cycle, such letter and figures to be at least two inches high, and which said number plate shall be firmly and rigidly fastened on the rear of such motor cycle in a conspicuous place and be so displayed at all times.

Registry not transferable. 9. Upon the sale of such automobile, motor cycle or other similar motor vehicle, the owner of the certificate of registration thereof and number plate or plates thereon shall retain the same, and may, during any such year, make application to the secretary of state, upon blanks prepared for such purpose, for the transfer of such number plate or plates to any other automobile, motor cycle or other similar motor vehicle acquired and owned by him during such year. Such application for a transfer of such number plate or plates shall be accompanied by a fee of fifty cents to cover the cost of the issuance of a new certificate of registration. In case of sale, the new owner of any automobile, motor cycle or other similar motor vehicle previously registered during any such year, shall make application for transfer to such automobile, motor cycle or other similar motor vehicle so purchased of any number plate or plates theretofore issued to him during such year, or in case no such number plate or plates shall have been so issued during such year, he shall make application for a certificate of registration and number plate or plates and pay the fee, in the manner hereinbefore provided. In case of a sale of any such automobile, motor cycle or other motor vehicle during any such year, it shall be unlawful for the seller to permit the use of and it shall be unlawful for the buyer to use the number plate or plates upon such automobile, motor cycle or other motor vehicle under which the same had theretofore been registered and operated.

Record. 10. Record of all applications and certificates issued shall be kept by the secretary of state at his office, and shall be open to the inspection of all persons during reasonable business hours.

Duplicates. 11. Upon satisfactory proof of the loss or destruction of any certificate of registration or number plate, the secretary of state shall issue a duplicate thereof to the owner of such automobile, motor cycle or other similar motor vehicle, upon the payment of a sum not exceeding one dollar to cover the cost of such duplicates.

Publication of registry list. 12. The secretary of state shall hereafter, on or before April first of any year, transmit to each county clerk, sheriff and to the chief of police in each city in this state and every village clerk making application therefor an up-to-date numerical list, from January first, and every two months thereafter up to November fifteenth, a supplementary list, in booklet form, of all registrations of automobiles, motor cycles and other motor vehicles registered during each intermittent period. Such lists so furnished to such officers and clerks shall contain the name and address of the person registering such vehicle, the name or make thereof, and the registered number so assigned to it. Such officers and clerks shall keep such lists of registrations on file in their respective offices as official records, and the same shall be open to the inspection of all persons during reasonable business hours. The superintendent of public property shall, upon application therefor, sell to the general public copies of such registration lists in booklet form, at a cost not exceeding ten dollars for the entire annual series. [*1905 c. 305; Supl. 1906 s. 1636—47; 1907 c. 118; 1909 c. 500; 1911 c. 600; 1911 c. 664 s. 136; 1913 c. 690; 1913 c. 772 s. 109; 1917 c. 175 s. 3; 1919 c. 630 s. 6; 1919 c. 697 s. 1, 4*]

Dealers need not register each motor vehicle separately. SECTION 1636—48. 1. Every dealer or subdealer in, or manufacturer or distributor of motor cars, motor trucks or

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other motor vehicles, may, instead of registering each motor car, motor truck or other motor vehicle owned by him or temporarily in his custody, make application upon the official blank for a general distinguishing number or mark, and the secretary of state shall issue to the applicant a certificate of registration containing the name, place of residence and business address of the applicant and the distinguishing number or mark assigned to such applicant, and made in such form and containing such further information as said secretary of state may determine, and every motor car, motor truck or other motor vehicle owned by such applicant or temporarily in his custody, if designated by a number corresponding to the registration number issued to such manufacturer, dealer, distributor or subdealer, shall be regarded as registered under, and having assigned to it such general distinguishing number or mark until sold or let for hire, while such motor vehicle is being operated by such manufacturer or dealer or his agent or representative on any of the public highways of the state of Wisconsin, provided, if such applicant has an established place of business in two or more towns or cities in the state, distinct register numbers must be assigned such applicant for each such town or city upon the payment of the fee for each registration granted.

2. Manufacturers, distributors, dealers and subdealers shall not be required to carry their certificates upon the motor vehicles registered under the provisions of this section. Every dealer shall, at the time of making his application, in case he shall represent any particular manufacturer, or distributor, file with the secretary of state a certificate of his appointment as dealer or subdealer by every manufacturer or distributor represented by him, provided, with respect to such appointment as dealer, that if the same should cease during the said registration year and an appointment made to such dealer by any other manufacturer or distributor such dealer shall notify the secretary of state of such change of appointment.

3. No manufacturer, distributor, dealer or subdealer shall use any motor car, motor truck or other motor vehicle registered under the preceding provisions of this section for any other purpose than the trial, test and adjustment of such motor vehicle, or for its demonstration or exhibition to a prospective buyer, or for some purpose necessarily incidental to the legitimate business, or personal use of such manufacturer, distributor, dealer, or subdealer, including service cars, but in no case shall a motor vehicle registered under the provisions of this section be rented for hire, or used for hire for the purpose of conveying passengers or freight.

4. Any manufacturer, distributor, dealer or subdealer who has filed his certificate of appointment as provided may make application for a special distinguishing number or mark for use only when transporting new motor vehicles over the public highways from any vessel, depot, warehouse, or other place of delivery of said vehicles to him by the manufacturer thereof to any place of business of such applicant or to a warehouse or other place of storage but not for demonstration, testing or any other use. The secretary of state shall, if satisfied as to such facts as he may require in such application, issue to the applicant a special certificate of registration, containing the name, residence and all of the registered business addresses of the applicant where he conducts the sale of motor vehicles, and also the special distinguishing number or mark assigned to such applicant for such special use, and such other information as said secretary of state may determine, and every new motor vehicle transported by the applicant from its point of delivery direct to any of his business places shall be regarded as registered under and having assigned to it such special distinguishing number or mark.

5. No person other than a bona fide manufacturer, distributor, dealer or subdealer shall obtain or use a registration certificate or the corresponding number plates issued for a manufacturer, distributor, dealer or subdealer except for the purposes mentioned herein; and no person registered under the provisions of this section shall loan or allow to be used such registration certificate or such number plates under any circumstances not specifically permitted hereby.

6. No manufacturer or dealer or any employes of such manufacturer or dealer, shall cause or permit the display, or other use, of any number plate, or certificate of registration which may have been furnished to such manufacturer or dealer under the general distinguishing number or symbol hereinbefore provided for, excepting upon motor vehicles owned by such manufacturer or dealer within the meaning and intent of this act; provided, further that no person shall display, or otherwise use or have in his possession any number plate, or certificate of registration furnished by the secretary of state under a general manufacturer's or dealer's distinguishing number or symbol, except such manufacturer or dealer or his employe, and then only under the provisions of this act.

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7. The secretary of state shall cause to be printed and distributed suitable forms for application for registration of motor vehicles by dealers; and shall also cause to be printed and distributed in necessary quantities and to adopt a form of motor vehicle dealers' certificate of appointment, the same to be filed by each applying dealer with the secretary of state for registration or issuing of special distinguishing numbers to such applicants.

8. There shall be paid to the secretary of state annually by each manufacturer of, distributor, dealer or subdealer in automobiles, motor trucks, trailers or motorcycles, a fee of twenty-five dollars.

9. There shall be paid to the secretary of state annually by each manufacturer, distributor, dealer or subdealer granted a special certificate number or mark, distinguishing cars in transit from factories, railroad depots, storage warehouses, boat landings to place of business or destination of manufacturer, distributor, dealer or subdealer a fee of five dollars.

10. The secretary of state shall furnish without other charge than the fee, specified hereinbefore, with transportation charges prepaid to every manufacturer or distributor of or dealer or subdealer in motor cars or motor trucks, applying therefor, whose vehicles are registered in accordance with the provisions of this act, two pairs of number plates as provided for, the plates to have displayed upon them the registration number which is assigned to such manufacturer, distributor, dealer or subdealer with a different symbol on each pair of number plates as a special distinguishing factor. The secretary of state shall also furnish two number plates of suitable design to each motorcycle dealer, the plates to have displayed upon them the registration number which is assigned to the motorcycle dealer with a different symbol on each single motorcycle plate as a special distinguishing factor. He shall likewise furnish to said manufacturer, distributor, dealer or subdealer additional sets of number plates upon payment of five dollars for each additional set of two plates.

11. It is hereby made the duty of every manufacturer of or dealer in motor vehicles in this state to make a monthly report to the secretary of state on blanks to be prescribed and furnished by the secretary of state, showing information, as follows: The date of the sale of each motor vehicle sold, date of delivery of same, the name and address of the party to whom sold, maker's name of motor vehicle, motor number, style of vehicle, motive power, horsepower, new or secondhand motor vehicle. [*1905 c. 305 s. 2; Supl. 1906 s. 1636—48; 1907 c. 118; 1909 c. 500; 1911 c. 521; 1913 c. 690; 1917 c. 175 s. 3; Spl. S. 1918 s. 7; 1919 c. 450*]

Inspectors; auto license law; powers; penalties. SECTION 1636—48*a*. 1. It shall be the duty of the oil inspectors, and the dairy and food inspectors, in the course of the performance of their duties, to make such reasonable investigations as may be requested by the secretary of state, to ascertain violations of the provisions of sections 1636—47 and 1636—48; and whenever any such inspector shall discover any violation or alleged violation of the provisions of said sections, he shall report the same to the secretary of state. The secretary of state shall appoint at least two and not over five additional inspectors to carry on this work, who shall be charged with the duty of assisting police officers of the state, in the detecting and punishing violations of the provisions of said sections 1636—47 and 1636—48. Each of such inspectors shall receive such compensation as may be fixed by the secretary of state, but not to exceed at the rate of two thousand dollars per annum and actual and necessary expenses, to be paid out of the fund received from motor vehicle licenses as part of the actual cost of administering said sections. Any such inspectors shall have full authority to enter any garage, factory, or other place where motor vehicles are stored or parked, at any reasonable time, to examine motor vehicles and license plates therein.

2. While performing the duties of his office such inspector shall have the general power vested by law in deputy sheriffs. Any person obstructing or interfering with any such officer shall be deemed guilty of a misdemeanor and subject to the penalty prescribed in section 1636—49*a* for violations of this section. Any such inspector may make a complaint before a magistrate alleging a violation of the provisions hereof, and security for costs shall not be required in any such case as a prerequisite to the issuance of a warrant. [*1917 c. 617 s. 2; 1921 c. 265*]

Age and speed limit. SECTION 1636—49. 1. No person under the age of sixteen years, unless accompanied by parent, guardian or other adult person, and no intoxicated person shall operate, ride or drive any automobile, motor truck, motor delivery wagon, passenger automobile bus, motor cycle or other similar motor vehicle, along or upon any public highway of this state. No person shall operate or drive any automobile, motor truck, motor delivery wagon, passenger automobile bus, motor cycle or other similar motor vehicle, recklessly or at a rate of speed greater than is reasonable and proper, having re-

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gard to the width, traffic and use of the highways and the general and usual rules of the road, or so as to endanger the property, life or limb of any person, and no person shall operate or drive any automobile, motor cycle or other similar motor vehicle, along any public highway, within the corporate limits of any city or village, or through any unincorporated settlement containing more than ten houses or places of business, at a speed exceeding fifteen miles per hour, except where the houses or business places, or both, shall average more than two hundred feet apart, where a safe speed not exceeding twenty miles an hour may be used, nor on any of the public highways outside of the corporate limits of any city or village at a speed exceeding thirty miles per hour; and provided, further, that no person shall operate or drive any automobile, motor cycle or other similar motor vehicle through any cemetery or through any county or state hospital or poor farm grounds or through any part or in passing any school ground where persons are or may be in said highway at a speed exceeding twelve miles per hour; and provided further, that in turning corners, in going around curves, at sharp declines, at the intersection of any street or crossroad, and where, for any cause, the view in the direction in which the vehicle is proceeding, shall be obstructed, the speed shall be reduced to such a rate as will tend to avoid danger of accident; the operator, when such automobile, motor truck, motor delivery wagon, passenger automobile bus, motor cycle or other similar motor vehicle is in motion, shall observe the rules of the road by keeping to the right upon meeting vehicles and by passing to left of all vehicles overtaken on any public highway of this state, and at all times giving to the vehicle passed or overtaken or seeking to pass said vehicle one-half of the road. At the intersection of any public street or highway with any other public street or highway of this state, the operator or driver of any vehicle shall have the right of way over the operator or driver of any other vehicle approaching him on such cross street or highway from the left, excepting only in cases where a police officer shall be in actual charge of the regulation of traffic at such intersection. The operator or driver of any vehicle, when any street car proceeding in the same direction is actually taking on or discharging passengers at the crossings or intersections of any public streets or highways, shall stop such automobile, motor truck, motor delivery wagon, passenger automobile bus, motor cycle or other similar motor vehicle, until such passengers shall have been taken on or discharged from such car.

2. It shall be unlawful for any person to operate any automobile, motor cycle or other similar motor vehicle without a sufficient modern and improved muffler to prevent noise, or with its muffler open upon or along any public street within the corporate limits of any city or village of this state. [*1905 c. 305 s. 3; Supl. 1906 s. 1636—49; 1907 c. 118; 1911 c. 600; 1913 c. 103, 690; 1915 c. 170, 557; 1919 c. 229; 1921 c. 537*]

Motor vehicles; highways, traffic on. SECTION 1636—49*a*. 1. Commencing on January 1, 1922, the highways of Wisconsin, maintained by the state or by its counties, insofar as the limitation upon the use of motor vehicles, trailers, or semitrailers upon said highways is concerned, are divided into the following classes:

(a) Class A highways shall include those highways upon which may be used any motor vehicle, trailer, or semitrailer weighing with its load not to exceed twelve tons.

(b) Class B highways shall include those highways upon which may be used any motor vehicle, trailer, or semitrailer weighing with its load not to exceed seven and one-half tons.

2. The class into which any section of highway shall fall shall be determined by the state highway commission, if said section forms a portion of the maintained state trunk highway system; by the county state road and bridge committee, if said section is a highway, not a state trunk highway, maintained by a county.

3. The determination of classification to be made in accordance with the provisions of subsections 1 and 2 of this section shall be so made by those herein directed to make such classification for the several units of government, and all of said highways shall have been classified on or before January 1, 1922. As soon thereafter as may be possible the state highway commission shall prepare and publish a map of Wisconsin showing the state trunk highway system and also all important and continuous roads to be maintained in 1922 by the counties of the state. Said map shall clearly indicate thereon the classification wherein each portion of said highways shall lie, as determined by the state highway commission and by the county state road and bridge committees. The cost of the preparation and publication of such map shall be a charge against the map revolving fund, created and existing under the provisions of subsection 14 of section 1313 and of subsection (5) of section 20.49, and the proceeds of the sale of said map shall be paid into said revolving fund in accordance with the provisions of said subsections. On or before the first day of May, 1923, and annually thereafter, a similar map showing the revised classification of said highways, if any changes in classification shall have been made by

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the said commission or committees due to new construction in the preceding year, shall be similarly prepared, published and offered for sale.

4. Except as provided in subsection 6 of this section, no person shall, on or after January 1, 1922, operate any automobile, motor truck, motor delivery wagon, passenger automobile bus, or other similar motor vehicle or trailer or semitrailer, hauled by or used in connection therewith, upon any class of highways when the weight of said vehicle and load combined shall exceed the maximum weight specified to be used upon said class of highway in subsection 1 of this section.

5. (a) On and after January 1, 1922, no motor truck, motor delivery wagon, passenger automobile bus, or trailer or semitrailer hauled by or used in connection therewith, shall be operated by any person upon any highway of Wisconsin, unless the said motor vehicle, trailer, or semitrailer shall have attached to or lettered upon each side thereof, a sign giving its weight without load, the actual advertised load carrying capacity of such motor vehicle, trailer or semitrailer, and the total weight of the vehicle and load, the last named being the total of the two above weights. Said weights are to be given in short tons and nearest quarter fractions thereof. The load carrying capacity indicated on any such motor vehicle, trailer or semitrailer shall, in no case, exceed the load carrying capacity of such vehicle or trailer as advertised or established by the manufacturer thereof.

(b) Any police officer of any municipality, if he has good reason to believe that the total weight of any vehicle and load exceeds the legal load permitted upon the class of highway over which the same is being driven or hauled, may demand that the owner, operator or driver of any such vehicle shall drive or convey the same to the most convenient public scale and weigh it thereon, and if the total weight of such vehicle and its load is in excess of the legal load herein specified for the class of highway upon which said vehicle was being operated or hauled, it shall constitute a misdemeanor within the provisions of this section.

(c) In case of any motor truck, motor delivery wagon, passenger automobile bus, or trailer or semitrailer used in connection therewith, shall be registered with the secretary of state at a lower load carrying capacity than that indicated thereon as required in this subsection, the owner thereof shall be required to re-register the same in conformity with the true load carrying capacity of the vehicle or trailer, and there shall be no return of the registration fee and special privilege highway tax previously paid thereon, and in addition the penalties provided in subsection 10 of this section may also be imposed.

6. For good cause, in specific instances, for specific constructio operations, or for a specified period, the state highway commission, a county state road and bridge committee, may allow loads to be hauled on any class of highways in excess of those herein provided for, provided that none of the administrative or governing bodies named above may allow such excess loads to be hauled except on highways, the cost of the maintenance of which is paid by the municipalities which said bodies respectively represent. The officers of any municipality charged with maintaining its highways may suspend for a period the right to haul any loads destructive to any highway in case the public interest shall at times require such suspension, by giving notice of such suspension in the public press or by posting a notice of such suspension in which notice shall be specified the total weight of vehicle and load combined allowed for the specified period upon and along the highway upon which traffic is to be so limited. Said specified total weight of vehicle and load combined shall in no case be less than seven thousand pounds. If at any time any person or persons shall be engaged in hauling, upon any class of highway, any load or loads which are causing injury to the highway or are visibly endangering the permanency of the highway or of the public investment therein, the said officers may summarily suspend such hauling in or by any vehicle, be the same motor or tractor driven, propelled or drawn, or horse drawn, and the owner, operator or driver of said vehicle or vehicles, shall instantly comply with such suspension. The authorized representatives of the municipalities paying for the maintenance of any section of highway, have hereby conferred upon them the full control of the use of such highways and of the use of all vehicles on such highways, and may at any and all times, take any proper and reasonable steps in their opinion necessary to insure the preservation of said highways.

7. On and after January 1, 1922, every motor truck, motor delivery wagon and automobile passenger bus operated in Wisconsin having a load carrying capacity of over two tons, shall be equipped with a mirror or mirrors so mounted and placed that the driver thereof may have a view in said mirror or mirrors of traffic approaching said vehicle from the rear.

8. Whenever the provisions of this section conflict with any of the provisions of sections 1636—57*a* to 1636—57*n*, inclusive, the provisions of this section shall supersede the same.

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9. Any city of the first, second or third class may permit the use on class A highways within their limits of trucks weighing with their loads, more than twelve tons, upon highways wholly maintained by said cities.

10. Any person, firm, or corporation violating or failing to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars for each offense, and whenever any motor vehicle, wagon, trailer, semitrailer, or other vehicle shall be operated contrary to the provisions of this section, such unlawful operation shall be deemed a distinct and separate offense on each day that it is continued, and the owner, driver or operator of any such motor vehicle, wagon, trailer or other vehicle shall be responsible for all damages which any highway, street, alley, bridge or culvert may sustain as a result of said unlawful operation, and the amount thereof may be recovered in any action brought by the unit of government which maintains such highway, street, alley, bridge or culvert.

11. It shall be the duty of the inspectors provided for in section 1636—48*a* to ascertain violations of the provisions of sections 1636—57*a* to 1636—57*n*, inclusive, of the statutes, and also of the provisions of section 1636—49*a* of the statutes. Said inspectors may arrest, with or without a warrant, any person detected in the actual violation of, or whom such inspector has reasonable cause to believe is guilty of a violation of, any of the provisions of said sections, and to take such person before any court and make proper complaint. [*1913 c. 138; 1921 c. 537 s. 2, 3; 1921 c. 590 s. 119*]

Motor vehicles; law of the road. SECTION 1636—49*b*. 1. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or other draft animal, or any other vehicle, the person so operating such motor vehicle or vehicles, or riding or driving a horse, or other draft animal, shall each seasonably turn to the right of the center of the beaten track of such highway so as to pass without interference. Any such person so operating a motor vehicle or motor cycle shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as possible and with all convenient speed, upon signal, turn to the right of the center of the beaten track of such highway so as to allow free passage on the left, and if necessary on account of road condition, such driver of said draft animal or other vehicle shall stop for sufficient length of time to allow said automobile to pass. Any such person so operating a motor vehicle shall, at the intersection of public highways, keep to the right of the center of such intersection of such highway when turning to the right and pass to the right of the center of such intersection when turning to the left.

2. Any person violating any of the provisions of this act shall be punished by a fine of not less than five dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than ten days nor more than three months. [*1913 c. 249*]

Heavy traffic defined. SECTION 1636—49*c*. (1) The term "heavy traffic" when used in this section shall mean any cart, dray, wagon, truck, sleigh, or other vehicle including motor trucks or other similar motor vehicles carrying goods, merchandise, timber, stone, building material, wood, manure, dirt or other articles, or solely employed and used for carrying goods, merchandise, timber, stone, building material, wood, manure, dirt or other articles, either loaded or unloaded.

(2) Any city within this state, whether operating under a general or special charter, is hereby authorized, by a majority vote of the common council of such city, by ordinance to set aside any streets within such city and declare the same to be arteries for heavy traffic within the meaning of subsection (1), and such common council may provide for the use thereof and regulate the same.

(3) Whenever any such city shall have set aside streets as arteries for heavy traffic, it may, by ordinance passed by a majority of its common council, provide for the use of and regulate traffic on any other streets within such city and designate what character of vehicles may travel thereon, provided that no such city shall be authorized to prohibit the ordinary use of any such street for the purpose of obtaining orders for and the carrying of supplies or any other necessary things to or from any place or residence fronting on said street.

(4) Any such city, by its common council, may prescribe penalties for the violation of any rule or regulation it may prescribe for the use of such arteries of heavy traffic and such other streets as mentioned in subsection (3). [*1919 c. 158*]

Automobiles; passing horses; unattended on highway. SECTION 1636—50. Every person operating an automobile or other similar motor vehicle upon or along any public highway shall upon a signal by putting up the hand or other sign of distress, made by a person riding or driving a horse or horses, which are frightened, cause such automobile or other similar motor vehicle to stop, unless a movement forward is necessary to avoid ac-

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cident or injury, and upon request shall stop all motor power until such horse or horses are under control; and shall, if requested, assist such person or persons to pass such automobile or other similar motor vehicle in safety. [*1905 c. 305 s. 4; Supl. 1906 s. 1636—50; 1907 c. 118, 516; 1913 c. 690*]

Road rights; signals. SECTION 1636—51. Every owner and operator of an automobile or other similar motor vehicle shall have equal rights upon all public highways of this state with all other users of such highways, and no person or persons shall unreasonably obstruct or impede the right of travel of such operator or owner while operating, propelling or driving such automobile or other similar motor vehicle. No person or persons shall give a signal or sign of danger or distress or call for assistance upon a person lawfully operating any such automobile or other similar motor vehicle on a public highway without a reasonable cause for so doing. [*1905 c. 305 s. 5; Supl. 1906 s. 1636—51; 1907 c. 118*]

Brakes and signal devices on automobiles and motor cycles. SECTION 1636—52. Every automobile, motor cycle, or other similar motor vehicle, while being used upon any public highway of this state, shall be provided with efficient brakes and an adequate bell, horn or other signal device. No person shall use any signal device which shall not produce an abrupt sound sufficiently loud to serve as an adequate warning of danger, and no person operating any motor vehicle or motor cycle shall make or cause to be made any unnecessary noise with any such bell, horn or other signal device, or use the same except as a warning of danger. The use of siren horns except upon motor vehicles in charge of the police and fire department of cities and upon hospital ambulances and fire insurance patrol, is hereby prohibited. [*1905 c. 305 s. 6; Supl. 1906 s. 1636—52; 1907 c. 118; 1911 c. 600; 1913 c. 602, 690; 1919 c. 626 s. 1*]

Lights on motor vehicles. SECTION 1636—52*a*. 1. From thirty minutes after sunset until thirty minutes before sunrise, no automobile, motor cycle or other similar motor vehicle shall be driven upon or occupy any public highway in this state unless such vehicle is provided with sufficient lights, of such design and so adjusted and operated as to render the use of the highway by such vehicles safe for all the public.

2. The minimum requirements for head lamps on any automobile or other similar motor vehicle, except motor cycles, while being driven upon the highway, shall be such as to enable the driver to clearly distinguish a person, vehicle or other substantial object two hundred feet ahead, and the design, adjustment and operation of such head lamps shall be such as to avoid dangerous glare or dazzle.

3. Subject to the minimum requirements provided in subsection 2 of this section, it shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority, to investigate, ascertain, determine and fix such reasonable standards of lighting equipment for automobiles, motor cycles and other similar motor vehicles, and for the adjustment and use of such equipment, as to make the use of the highways by such vehicles safe for all the public, and to issue general or special orders prohibiting the use of any highway by such motor vehicle contrary to such standards of safety. Such investigations, standards and orders, and any action, proceeding or suit to set aside, vacate or amend any such order of said commission, or enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394—41 to 2394—70, inclusive; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394—41 to 2394—70, inclusive; and the penalties shall be such as are imposed for a violation of section 1636—49*a*.

4. Failure to comply with the standards fixed by the industrial commission and with such orders as it may issue for the adjustment and use of lighting equipment on automobiles, motor cycles and other similar motor vehicles, shall be prima facie evidence of unsafe practice in the use of the public highway by such vehicle. [*1919 c. 626 s. 2*]

Operation without owner's consent; penalty. SECTION 1636—52*m*. 1. Any person who shall take, use and operate any automobile, motor cycle, or other similar motor vehicle upon any public highway of this state without the consent of the owner thereof shall, upon conviction thereof, be punished by imprisonment in the state prison not more than five years, or by imprisonment in the county jail or workhouse not more than one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment in the discretion of the court. [*1909 c. 254; 1913 c. 690*]

Street cars to stop until fire apparatus passes. SECTION 1636—52*n*. 1. The motorman of any street car shall immediately stop his car upon the approach of any fire apparatus when responding to a fire alarm call and shall keep the car stationary until such time as such apparatus is passed; and the driver of any vehicle, motor or otherwise, shall immediately drive his vehicle as near as possible to the right-hand curb and keep said vehicle stationary until such fire apparatus has passed. [*1917 c. 449*]

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Nonresidents. SECTION 1636—53. The provisions of section 1636—47 shall not apply to automobiles or other similar motor vehicles owned by nonresidents of this state; provided, the owners thereof have complied with any law requiring the registration of such automobile or other similar motor vehicle, or its owner, in force in the state, territory or federal district of their respective residence, and the registration number of such state, territory or federal district shall be displayed on the rear of such automobile or other similar motor vehicle substantially as provided in section 1636—47. Nonresidents passing through this state from states having no registration as provided in section 1636—47 shall comply with all the provisions of sections 1636—47 to 1636—57, inclusive. [*1905 c. 305 s. 7; Supl. 1906 s. 1636—53; 1907 c. 118; 1911 c. 663 s. 282, 283*]

Penalties. SECTION 1636—54. Any person or persons who shall violate the provisions of sections 1636—47, 1636—51 and 1636—52 of the statutes, except as provided in section 1636—53, shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars; any person or persons who shall violate the provisions of section 1636—49, except as hereinafter provided in cases of intoxicated persons, or section 1636—50 hereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. If the person offending be a municipality or other corporation, it may be proceeded against as provided in section 4734 of the statutes. And any person convicted of a second or subsequent violation of the provisions of section 1636—49 or section 1636—50 of the statutes, in any one year, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment, in the discretion of the court. Any person operating an automobile, motorcycle or other similar motor vehicle, who shall injure any person therewith and fail to stop and give assistance, his name and address, and the name and address of the owner of the automobile, motorcycle or other similar motor vehicle so operated, to the person so injured, or to any bystander who shall request such information on behalf of the injured person, shall be guilty of a felony, punishable by a fine of not more than one thousand dollars, or by imprisonment for a period of not less than three months, nor more than two years. Any person who shall operate, ride or drive any automobile, motorcycle or other similar motor vehicle upon or along any public highway of this state, while intoxicated, shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. [*1905 c. 305 s. 8; Supl. 1906 s. 1636—54; 1907 c. 118, 516; 1911 c. 600; 1913 c. 576; 1915 c. 317, 379; 1917 c. 530; 1919 c. 697 s. 2*]

Destruction of marks, penalty. SECTION 1636—54*a*. (1) Any person who removes, defaces, alters, destroys or changes the manufacturers' serial number upon any automobile, motor cycle or other similar motor vehicle for the purpose of concealing or misrepresenting the identity of such motor vehicle, and any person who buys, sells, disposes of, conceals, receives or has in his possession any automobile, motor cycle, or similar motor vehicle with knowledge that the manufacturers' serial number thereof has been removed, defaced, altered or destroyed for the purpose of concealing or misrepresenting the identity of said motor vehicle, shall be deemed guilty of an offense under this law and shall be fined not more than two hundred dollars or imprisoned not more than six months, or both such fine and imprisonment.

(2) The fact that a person buys, sells, disposes of, conceals, receives, or has in his possession any such motor vehicle from which the manufactures' serial number has been removed, defaced, altered or destroyed, shall be prima facie evidence that such person had knowledge of such removal, defacement, alteration, or destruction, and that the same was done for the purpose of concealment or misrepresenting the identity of such motor vehicle. [*1917 c. 100; 1917 c. 566 s. 58*]

No municipal regulation, except in parks, etc. SECTION 1636—55. The provisions of sections 1636—47 to 1636—57, inclusive, shall be uniform in operation throughout the state, and no city, village, county, town, park board or other local authorities shall have power to enact, pass, enforce or maintain any ordinance, resolution, rule or regulation, requiring local registration or other requirements or in any manner excluding or prohibiting any automobile, motor cycle or other similar motor vehicle, whose owner has complied with the provisions of sections 1636—47 to 1636—57, inclusive, from the free and unobstructed use of all public highways, driveways and parkways within the state; but the provisions of sections 1636—47 to 1636—57, inclusive, shall not apply to parks and driveways under the control and management of corporations organized under and pursuant to the provisions of chapter 55, laws of 1899 or of chapter 138, laws of 1907, and shall not prohibit any city, village, county, town, park board or local authorities from passing any ordinance, resolution, rule or regulation in strict conformity with the provisions of sec-

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tions 1636—47 to 1636—57, inclusive, imposing the same penalty for a violation of any of the provisions of said sections, where such violation occurs within such city, county, town or village, except that any city, whether operating under a general or special charter, is hereby authorized by a majority vote of the common council by ordinance to designate any streets within such city and declare the same to be arteries for through traffic, and may compel all vehicles to come to a full stop before crossing or turning into such streets. Any police officer of any city, county, town or village shall be exempt from the provisions of said sections 1636—47 to 1636—57, inclusive, while actually in pursuit of a criminal or attempting to apprehend a person who is violating any of the provisions of these sections, and all members of fire departments shall be exempt from such provisions while going to a fire or answering a fire alarm, but shall be subject to local municipal regulation. Nothing herein contained shall be construed to exempt any motor-driven vehicle used in such police and fire department service, nor the owner or driver thereof from the provisions of sections 1636—47 to 1636—57, inclusive, so far as said sections relate to the registration of motor vehicles and the payment of license fees therefor. [*1905 c. 305 s. 9; Supl. 1906 s. 1636—55; 1907 c. 118; 1911 c. 663 s. 282, 284; 1913 c. 690; 1915 c. 511; 1917 c. 249; 1917 c. 677 s. 18; 1919 c. 697 s. 3; 1921 c. 359; 1921 c. 590 s. 21*]

Liability of owner. SECTION 1636—56. Nothing in this act shall relieve the owner of any automobile or other similar motor vehicle from liability for damages to any person or persons or property due to the negligent use of his or her automobile or other similar motor vehicle, which may be operated upon any public highway of this state. [*1905 c. 305 s. 10; Supl. 1906 s. 1636—56; 1907 c. 118*]

Application of fees. SECTION 1636—57. All moneys received from registration fees under the provisions of sections 1636—47 to 1636—56, inclusive, shall be paid, within one week of receipt, into the general fund of the state treasury. [*1905 c. 305 s. 11; Supl. 1906 s. 1636—57; 1907 c. 118; 1911 c. 663 s. 282; 1913 c. 772 s. 108*]

Motor truck, tractor, trailer and wagon defined. SECTION 1636—57*a*. The term "motor truck," when used in sections 1636—57*a* to 1636—57*n*, inclusive, shall include every type of self-propelled vehicle used for commercial purposes carrying its loads as a single unit with nondetachable propelling power, except those exclusively running on rails or tracks. The term "tractor" when used in sections 1636—57*a* to 1636—57*n*, inclusive, shall mean a self-propelled vehicle used exclusively for commercial hauling purposes to haul one or more articles or vehicles, except those exclusively running on rails or tracks. The term "trailer" when used in sections 1636—57*a* to 1636—57*n*, inclusive, shall mean a vehicle which is not self-propelled, and which is attached to another vehicle when operated, except those exclusively running on rails or tracks. The term "wagon" when used in sections 1636—57*a* to 1636—57*n*, inclusive, shall mean any animal-drawn vehicle regardless of the number of wheels, except those exclusively running on rails or tracks. [*1919 c. 493*]

Vehicles not properly equipped, not to be operated; rubber tires required. SECTION 1636—57*b*. It shall be unlawful for any person, firm or corporation to operate, or to cause or permit any of his or its agents or employes to operate, any motor truck, tractor, trailer or wagon, on any public highway or street, contrary to the provisions of sections 1636—57*c* to 1636—57*n*, inclusive, or unless the same shall comply in all respects as to equipment, size, weight, width of tires, weight of load, speed and all other provisions set forth in sections 1636—57*c* to 1636—57*n*, inclusive. All motor trucks or tractors, operating on any public highway or street, shall have tires of rubber or some material or construction of equal resiliency, of the width provided for in section 1636—57*c*. [*1919 c. 493*]

Limitations of weights of loads. SECTION 1636—57*c*. No motor truck, tractor, trailer or wagon shall be so loaded or operated that the total weight of the portion of the vehicle and load combined resting upon any wheel of the same shall exceed eight hundred pounds for each inch of width of tire upon such wheel, and no such vehicle shall carry a load of such weight that the maximum gross weight of vehicle and load combined shall exceed twenty-four thousand pounds, nor shall such load be so carried that the maximum gross weight of vehicle and load combined upon an axle of same shall exceed eighteen thousand pounds. [*1919 c. 493*]

Limitations of size of loads. SECTION 1636—57*d*. No motor truck, tractor, trailer or wagon, except when loaded with loose hay or straw or similar material, shall be operated on any public highway or street when the overall dimensions exceed ninety-six inches in width, including load, or thirty feet in length, including load, except under a special permit as provided for under sections 1636—57*e* or 1636—57*f*. [*1919 c. 493*]

Trains of tractors, trailers and wagons. SECTION 1636—57*e*. (a) The commissioner of public works of any city of the first class, or the executive in charge of the main-

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tenance of the highways or streets desired to be used in other units of government, is hereby authorized to issue permits for the operation of trains consisting of tractors, trailers, or wagons not exceeding one hundred feet total length between the hours of eight o'clock P. M. and five o'clock A. M. on such route or routes as may be designated in the permit. Such trains shall carry in addition to the lights prescribed by statute and the existing ordinances of the unit of government in which it is moved, a red light at the rear end, and a white light on each side of each trailer, so placed as to make the train visible from all sides.

(b) No motor truck, tractor or trailer shall have any load or part of a load projecting more than four feet beyond the rear end of the body or carrying part of such vehicle, unless during the period from one-half hour after sunset of any day to one-half hour before sunrise of the next succeeding day, there shall be a red light firmly attached to the rear end of the upper sides of such projecting load or part of a load. Such red light shall be in addition to any other light required to be carried by vehicles under any law of the state or any existing ordinance of the unit of government in which the same is operated. [*1919 c. 493*]

Permits for special loading. SECTION 1636—57*f*. Whenever it shall be necessary to transport a single article which cannot be divided and which exceeds eighteen thousand pounds total load on any axle over any public highway or street, the same shall be done only after the issuance of a special permit for a single trip with the load so to be transported. The commissioner of public works in cities of the first class, and the executive in charge of the maintenance of the highways or streets desired to be used in other units of government, is hereby authorized, upon proper application in writing, to grant such special permit for the moving of any such heavy single article which cannot be divided, provided that the person, firm or corporation making such application for such permit shall furnish a bond, or certified check in a suitable sum, running to the unit of government and conditioned so as to save the unit of government harmless from any claim, loss or damage that may result from the granting of such permit, or that may arise from or on account of any work done thereunder, and further conditioned that the grantee shall restore to a condition satisfactory to the executive in charge of the maintenance of any such highway or street, any pavement, bridge, culvert, sewer, pipe or other public utility that may be injured by reason of the transportation of such heavy article under such permit. If after such article has been moved over the highway, no damage is found to have resulted therefrom, the certified check or bond shall be returned to the person or persons furnishing same, but in the event of any damage having resulted therefrom the executive in charge shall repair same or, if necessary, replace the damaged portion of the highway and the cost of the same shall be paid by the owner of the vehicle causing same, and for failure to pay such costs, the executive officer shall deduct the required amount from the proceeds of the certified check, or shall require the surety furnishing the bond to pay such costs. [*1919 c. 493*]

Movement of heavy loads may be prohibited. SECTION 1636—57*g*. The executive officer in charge of the maintenance of any road or street may prohibit the moving of any load over any highway when such load produces a weight of more than four hundred pounds per inch of width of tire in contact with the surface, at periods of the year when frost is leaving the ground or when from any other cause, the highway or street in question is liable to be destroyed or seriously damaged by the moving of such load. Notice of such additional restriction shall be given by placing at the beginning and end of each section of road or street over which loads in excess of four hundred pounds per inch width of tire are prohibited a sign plainly stating the maximum load per inch of tire allowed on such road. Traffic shall not be so restricted on any portion of highway or street for periods totalling more than sixty days in any one calendar year. [*1919 c. 493*]

Speed limit. SECTION 1636—57*h*. No vehicle weighing more than three tons and less than six tons, including the weight of vehicle and load, if equipped with pneumatic tires, shall be operated at a speed to exceed twenty miles per hour, and if equipped with two or more solid rubber tires, the speed shall not exceed sixteen miles per hour. No vehicle weighing six tons or more, including the weight of vehicle and load, shall be operated in excess of sixteen miles per hour if equipped with pneumatic tires or in excess of twelve miles per hour if equipped with two or more solid rubber tires. All vehicles weighing more than three tons, including the weight of vehicle and load, provided with metal tires shall be limited to a speed not to exceed six miles per hour whenever operated, which provision shall apply to trailers having steel tires drawn either by animals or by motor vehicles. These speed limits shall supplement and not replace those specified elsewhere in the statutes. [*1919 c. 493*]

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Additional rules by city ordinances. SECTION 1636—57i. Cities of the first, second or third class may enact additional rules and regulations in regard to the size, weight, speed, equipment, and loads of vehicles when operated in said cities over streets maintained by such cities. [*1919 c. 493*]

Sales of certain vehicles forbidden. SECTION 1636—57j. No wagon or other wheeled vehicle, except animal-drawn pleasure vehicles seating less than eight persons, having metal tires less than three inches in width shall be sold in the state of Wisconsin from and after July 1, 1920. [*1919 c. 493*]

Regulation of flanges, cleats and lugs on wheels. SECTION 1636—57k. On and after January 1, 1920, except when engaged in actual highway construction or maintenance on unfinished highways, no person shall propel or draw, or cause to be propelled or drawn, along, over or across any public highway any tractor or traction engine equipped with any flange, cleat, lug, spud, or other projection extending more than two inches beyond the outside surface of any wheel or tractive rim thereof. No flange, cleat, lug, spud, rim or other projection on any wheel or tractive rim thereof, shall come to a sharp edge or point and no angle iron or V shaped cleats or rims shall be used unless they are so mounted that the ends of both legs of such angle iron or V shaped cleats are on the wheel or tractive rim. In all cases the cleats or lugs shall be so arranged on all driving wheels so that two or more cleats or lugs are in contact with the road surface at all times. Provided also that the weight on any wheel or tractive rim shall not exceed eight hundred pounds per inch of tire width. [*1919 c. 493*]

Parking on highways. SECTION 1636—57l. Except when making absolutely necessary repairs, no person shall park or leave any vehicle along, upon, or within the limits of any public highway in such manner as to interfere with the free passage of vehicles over and along such highway. In all cases there shall be left a free and usable passageway of at least eighteen feet so that vehicles going in opposite directions may pass without interference from any standing vehicle. [*1919 c. 493*]

Regulation of automobile drivers. SECTION 1636—57m. 1. The common council of any city and the village board of any village in this state, however incorporated, are authorized to regulate and license chauffeurs and drivers of automobiles or other similar motor vehicles used for hire, and to require that no unlicensed person shall operate or drive an automobile, or other similar motor vehicle, for hire upon the streets or public places of such city or village, and to revoke such license when in its judgment the public safety requires such revocation. Any person residing in any city or village in this state shall not be required to procure a license in any other city or village until he shall remain in such other city or village continuously for at least five days. [*1913 c. 310*]

Penalties for violations. SECTION 1636—57n. Any person, firm, or corporation violating or failing to comply with any of the provisions of sections 1636—57*a* to 1636—57*n*, inclusive, shall be guilty of a misdemeanor and shall be fined in any sum not exceeding one hundred dollars for each offense, and whenever any motor truck, wagon, tractor or trailer shall be operated contrary to the provisions of sections 1636—57*a* to 1636—57*n*, inclusive, such unlawful operation shall be deemed a distinct and separate offense on each day that it is continued, and the owner, driver, operator or mover of any such motor truck, wagon, tractor or trailer shall be responsible for all damages which said highway, street, alley or bridge may sustain as a result of said violation, and the amount thereof may be recovered in an action brought by the unit of government wherein such highwway, street, alley or bridge is located. [*1919 c. 493; 1921 c. 9 s. 2*]

Certain provisions not applicable if county board so orders. SECTION 1636—57o. The provisions of sections 1636—57*a* to 1636—57*n*, inclusive, insofar as they apply to the width of tires on wagons used or sold and the load per inch of width of tires on wagons, shall not be in effect in any county if the county board shall, by majority vote of all members thereof, determine that the provisions of said sections shall not apply to wagons used and sold in said counties. [*1919 c. 493; 1921 c. 9 s. 2*]

STREET AND INTERURBAN RAILWAYS.

Street and interurban railways; car fenders mandatory. SECTION 1636—58. 1. Every person, firm or corporation operating any street or interurban railway or other railway operating cars similar to those used by street or interurban railways shall provide all cars operated singly, and the front car in all trains, with suitable fenders or pilots so arranged and constructed as to protect the lives, limbs and bodies of all persons that may be upon the street or highway, against injury by striking or running over them.

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Penalties. 2. Any person, firm or corporation who shall fail or neglect to comply with the provisions of this section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each day during which such neglect or failure continues and the manager of such railway who causes such violation or permits same shall be liable with said person, firm or corporation to said fine. [*1907 c. 390*]

SECTION 1636—59. [*Renumbered sections 30.06 and 4570d by 1917 c. 335 s. 14, 15*]
SECTION 1636—61. [*Renumbered section 1410d—1 by 1917 c. 648 s. 2*]
SECTION 1636—62. [*Renumbered section 1410d—2 by 1917 c. 648 s. 2*]
SECTION 1636—63. [*Renumbered section 1410d—3 by 1917 c. 648 s. 2*]
SECTION 1636—64. [*Renumbered section 1410d—4 by 1917 c. 648 s. 2*]
SECTION 1636—65. [*Renumbered section 1410d—5 by 1917 c. 648 s. 3*]
SECTION 1636—66. [*Renumbered section 1410d—6 by 1917 c. 648 s. 4*]
SECTION 1636—67. [*Renumbered section 1410d—7 by 1917 c. 648 s. 5*]
SECTION 1636—67m. [*Renumbered section 1410d—8 by 1917 c. 648 s. 6*]
SECTION 1636—70. [*Repealed by 1919 c. 455 s. 1*]
SECTION 1636—71. [*Repealed by 1921 c. 259 s. 1*]
SECTION 1636—72. [*Repealed by 1921 c. 259 s. 1*]
SECTION 1636—73. [*Repealed by 1921 c. 259 s. 1*]
SECTION 1636—74. [*Repealed by 1921 c. 259 s. 1*]
SECTION 1636—75. [*Repealed by 1921 c. 259 s. 1*]
SECTION 1636—76. [*Repealed by 1921 c. 259 s. 1*]
SECTION 1636—77. [*Repealed by 1921 c. 259 s. 1*]
SECTION 1636—78. [*Repealed by 1911 c. 663 s. 89*]
SECTIONS 1636—81 to 1636—84, inclusive. [*Repealed by 1913 c. 588 s. 4*]
SECTIONS 1636—91 to 1636—95, inclusive. [*Repealed by 1909 c. 532 s. 2*]

CIGAR MANUFACTURING.

No basements. SECTION 1636—101. No shop or place wherein cigars are manufactured shall be located below the ground floor. [*1899 c. 79 s. 1; Supl. 1906 s. 1636—101; 1907 c. 118*]

Floor space. SECTION 1636—102. Each employe in any shop or place wherein cigars are manufactured, shall, while actually employed, be allowed to use twenty square feet of surface space, unobstructed to the ceiling. [*1899 c. 79 s. 2; Supl. 1906 s. 1636—102; 1907 c. 118*]

Air space. SECTION 1636—103. Every room wherein cigars are manufactured shall contain at least seven hundred cubic feet of air space. It shall in every part be not less than eight feet in height, from floor to ceiling, every window shall have not less than twelve square feet in superficial area, and the entire area of window surface shall not be less than twelve per cent of the floor space of such room. [*1899 c. 79 s. 3; Supl. 1906 s. 1636—103; 1907 c. 118*]

Ventilation. SECTION 1636—104. Every room in which cigars are manufactured while work is carried on shall be so ventilated that the air shall not become impure and injurious to the health of the persons employed therein, and it shall wherever necessary, by the means of air shafts or other ventilation, be so changed as to render harmless all gases, dust and other impurities generated in the process of manufacturing cigars. All windows are to be kept open for thirty minutes before working hours and for thirty minutes after working hours. [*1899 c. 79 s. 4; Supl. 1906 s. 1636—104; 1907 c. 118*]

Sanitation. SECTION 1636—105. Every such shop or place in which one or more persons are employed and every such factory in which five or more persons are employed, shall be kept clean. The dust must be removed from work tables and floors once every day, the floors scrubbed at least once a week and one cuspidor provided for every two employes. [*1899 c. 79 s. 5; Supl. 1906 s. 1636—105; 1907 c. 118*]

SECTION 1636—106. [*Repealed by 1921 c. 434 s. 1*]

Closets. SECTION 1636—107. Where men and women are employed there shall be separate dressing rooms and water-closets for the different sexes. [*1899 c. 79 s. 7; Supl. 1906 s. 1636—107; 1907 c. 118*]

Penalty. SECTION 1636—108. Any person violating any provision of sections 1636—101 to 1636—109, inclusive, shall be punished by fine not exceeding twenty-five dollars and no less than ten dollars for the first offense, and by fine not exceeding fifty dollars, and no less than twenty-five dollars for the second and each following offense. [*1899 c. 79 s. 8; Supl. 1906 s. 1636—108; 1907 c. 118; 1911 c. 663 s. 291*]

Enforcement. SECTION 1636—109. The factory inspector shall have full power and it shall be his duty to enforce all the provisions of sections 1636—101 to 1636—109,

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inclusive, but no prosecution shall be instituted for any violation of sections 1636—102, 1636—103 and 1636—104, unless the employer or manufacturer, or the firm has been notified by a notice sent in a registered letter for at least four weeks prior to a prosecution, requiring the necessary changes in the factory or workshop, and such request has not been complied with. [*1899 c. 79. s. 9; Supl. 1906 s. 1636—109; 1907 c. 118; 1911 c. 663 s. 291, 292*]

CORN SHREDDERS.

Safety appliances. SECTION 1636—131. Any person, firm, or corporation who shall sell, offer or expose for sale, or use any machine to be operated by steam, or other power, for the purpose of husking or shredding corn or corn stalks shall provide such machine with safety or automatic feeding devices for the protection from accident by the snapping rollers, husking rollers, and shredding knives of any person using or operating such machine in the discharge of their duty, and such machine shall be so guarded that the person feeding said machine shall be compelled to stand at a safe distance from the snapping rollers; and any person, firm, or corporation operating such machine shall maintain thereon such safety or automatic feeding devices. The duty to equip such machine with safety or automatic feeding devices, as well as the duty to maintain the same, shall be absolute; and the exercise of ordinary care on the part of such person, firm, or corporation operating such machine shall not be deemed a compliance with such duty; and in case any person in the employ of such person, firm, or corporation operating such machine continues in such employment when such device has not been installed and maintained, as above provided, such employe shall not be deemed guilty of a want of ordinary care, on account of so continuing in such employment. [*1905 c. 296 s. 1; Supl. 1906 s. 1636—131; 1907 c. 118; 1909 c. 373; 1911 c. 466 s. 1*]

Operation. SECTION 1636—131*m*. No person, firm or corporation shall use, operate or permit to be used or operated any such machine purchased prior to June 12, 1909, unless during all the time such machine shall be used and operated it shall be in charge of a competent person whose sole duty shall be to oversee and attend to the operation and use of the same; nor use, operate or permit to be used or operated any such machine whatever while the safety devices or guards are detached. [*1905 c. 296; Supl. 1906 s. 1636—131, 4398h; 1907 c. 118; 1909 c. 373; 1913 c. 773 s. 47*]

SECTION 1636—132. [*Repealed by 1911 c. 466*]

Sale regulated. SECTION 1636—133. No such machine shall be sold or offered or exposed for sale unless the said machine shall have plainly marked upon it the name and location of the person, firm or corporation manufacturing the same. [*1905 c. 296 s. 3; Supl. 1906 s. 1636—133; 1907 c. 118*]

SECTION 1636—134. [*Renumbered section 4398h by 1913 c. 773 s. 73*]

Enforcement. SECTION 1636—135. It shall be the duty of the industrial commission to enforce the provisions of sections 1636—131 to 1636—135, inclusive, provided, that nothing therein contained shall be construed to authorize such industrial commission to select or compel the adoption of any particular or special safety device, and that the question of the reasonable safety of any such device used by any manufacturer shall be subject to judicial determination. [*1905 c. 296 s. 5; Supl. 1906 s. 1636—135; 1907 c. 118; 1911 c. 663 s. 293, 294; 1921 c. 35 s. 4*]

WOOD SAWING MACHINES.

Wood sawing machines; sale without safety devices. SECTION 1636—136. No person, firm or corporation shall offer or expose for sale any machine for the purpose of sawing wood unless the said machine shall be provided with reasonable safety devices for the protection from accidents from saws, gears, knuckles, belts, set screws or other dangerous parts. [*1909 c. 139*]

Operation; safety devices detached. SECTION 1636—137. It shall be unlawful for any person, firm or corporation owning such machine to use, operate or permit to be used or operated any such machine while the safety devices or guards are detached. [*1909 c. 139*]

Penalty. SECTION 1636—138. Any such person, firm or corporation who shall violate any of the provisions of sections 1636—136 to 1636—139, inclusive, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each offense. [*1909 c. 139; 1911 c. 663 s. 295*]

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Complaint. SECTION 1636—139. Upon complaint to the industrial commission it shall be its duty to enforce the provisions of sections 1636—136 to 1636—139, inclusive. [*1909 c. 139; 1911 c. 663 s. 295; 1921 c. 35 s. 5*]

SECTIONS 1636—150 to 1636—159, inclusive. [*Repealed by 1913 c. 588 s. 4*]

SECTIONS 1636—160 to 1636—176, inclusive. [*Repealed by 1909 c. 394 s. 2; 1909 c. 472*]

TENEMENT HOUSES IN CITIES OF THE FIRST CLASS.

Tenement, lodging and boarding houses in cities of first class; other cities may adopt. SECTION 1636—180. The provisions of this act shall apply to and be in force in cities of the first class only, but all or any of the provisions thereof shall apply to and be in force in any city of the second or third class in which the common council thereof shall by ordinance provide that the same or such designated part or provisions thereof shall so apply and be in force in such city. [*1909 c. 394*]

Definitions; tenement or apartment. SECTION 1636—181. 1. An apartment or tenement house, in the meaning of sections 1636—180 to 1636—201, inclusive, is any house or building, or portion thereof, which is rented, leased, let or hired out to be occupied as a home or residence of three or more families living independently and doing their cooking or having facilities for doing their cooking upon the premises, and having a common right in the stairways, yards and water-closets or some of them.

Lodging or boarding. 2. A lodging or boarding house is any house or building or portion thereof, in which six or more persons are harbored, received or lodged for hire, or any building or part thereof which is used for six or more persons not members of the family, to sleep in or occupy as a lodging.

Apartment. 3. An apartment is a room or suite of rooms occupied or designed to be occupied as a family domicile.

Yard. 4. A yard is an open, unoccupied space on the same lot with a tenement, lodging or boarding house, between the rear line of the house and the rear line of the lot.

Court. 5. A court is an open, unoccupied space other than a yard, on the same lot with a tenement, lodging or boarding house. A court entirely surrounded by a house or building is an inner court. A court bounded on one side and both ends by a house or building and on the remaining side by a lot line is an inner lot-line court. A court extending to a street, alley or yard, is an outer court. A court with one side on a lot line and opening to street or yard or both is an outer lot-line court.

Shaft. 6. A shaft includes exterior and interior shafts, whether for light, air, elevator, dumb-waiter or any other purpose. A vent shaft is one used solely to ventilate or light a water-closet compartment, bathroom or passageway.

Public hall. 7. A public hall is a hall, corridor, or passageway not within an apartment.

Stair hall. 8. A stair hall includes the stairs, stair landings, those portions of the public halls through which it is necessary to pass in getting from the entrance floor to the roof, and the inclosing partitions.

Basement. 9. A basement is a story partly, but not more than one-half its height, below the level of the lot.

Cellar. 10. A cellar is a story more than one-half its height below the level of the lot.

Attic. 11. An attic is an inclosed portion of a building above the top story and is not to be construed or counted as a story.

"Fireproof;" limitation. 12. The expressions "fireproof" and "fireproof construction" wherever used in sections 1636—180 to 1636—201, inclusive, mean a construction of walls, piers, partitions, floors, roof and stairs in which no wood or other inflammable material is used, in which the several structural parts are made of hard, incombustible, fire-resisting materials and in which all structural parts of steel and iron are thoroughly protected from fire by an ample covering of such fire-resisting material. A fireproof tenement, lodging or boarding house is one of fireproof construction. But this definition shall not be construed as prohibiting, elsewhere than in stair halls or entrance halls, the use of wooden flooring on top of the fireproof floors or the use of hardwood rails to stairs.

Street grade. 13. Where a grade in the street or lot adjacent to a tenement, lodging or boarding house varies, the mean or average grade of such street or lot shall be considered the grade of such street or lot.

Lot line. 14. A lot line is the boundary line on either side of the proposed building premises to be indicated as such on the lot diagram, and a lot is such building premises open and unoccupied by any other building. [*1909 c. 394; 1911 c. 663 s. 297, 298*]

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Building permit; application; plans; specifications; filing. SECTION 1636—182. Before the erection, construction or alteration, except minor repairs, of any apartment house, tenement house, boarding or lodging house, or any part of such building, or the excavation of any cellar therefor is commenced, the owner or lessee, or agent or either, or the architect or builder employed by such owner or lessee in connection with the proposed erection or operation, shall apply to the building inspector for a permit to do such work. The application for such permit shall state the exact site to be occupied and indicate by diagram the dimensions thereof and location of the building thereon, and state the materials to be used, the dimensions and estimated cost of the proposed building and the probable time to be occupied in the completion. The application shall be accompanied by a detailed statement of the specifications, a full and complete copy of the plans of such proposed work and such structural detail drawings of such proposed building as the said officer may require, and a written statement giving the full name and residence, street and number, of the owner or each of the owners of such proposed building, also the name and residence of the architect and contractor. Said statement and specifications and copy of plans, shall, if approved, be kept on file in the office of the city building inspector, and the erection, construction or alteration of such building shall not be commenced or proceeded with until such statement and plans shall have been so filed and a permit issued by such building inspector, and when proceeded with, the erection, construction or alteration of such building shall be carried on in accordance with such approved detailed statement of specifications and copy of plans and not otherwise. If the detailed statement of specifications and copy of plans indicate that the building contemplated will not in all respects be in accordance with the requirements of sections 1636—180 to 1636—201, inclusive, the building inspector shall refuse to issue a permit until said specifications and plans shall have been made to conform in every respect with the requirements of sections 1636—180 to 1636—201, inclusive. [*1909 c. 394; 1911 c. 663 s. 297*]

Five-story fireproof construction. SECTION 1636—183. Every apartment house, tenement, lodging or boarding house hereafter erected, five stories or more above cellar or basement, shall be of fireproof construction. [*1909 c. 394*]

Three-story; first floor fireproof. SECTION 1636—184. In every nonfireproof, as well as fireproof tenement, lodging or boarding house hereafter erected, three stories or more in height, exclusive of cellar, the floor of the first story above the cellar shall be of fireproof construction. [*1909 c. 394*]

Stair halls; inclosing partitions; fireproof. SECTION 1636—185. The stair halls in all nonfireproof as well as fireproof tenement houses hereafter erected shall be constructed as in this section specified. In every apartment house, tenement house, boarding or lodging house hereafter erected, which either is occupied or is arranged to be occupied by more than two families on any floor, or which is four stories and cellar in height, the stair halls shall be constructed of fireproof material throughout. In apartment, tenement houses and boarding and lodging houses hereafter erected three stories and cellar in height, and which also are not occupied or arranged to be occupied by more than two families on any floor, the stair halls shall be made of fireproof or open mill construction. Inclosing partitions shall be either fireproof or filled with incombustible materials. [*1909 c. 394*]

Shafts; fireproof. SECTION 1636—186. All shafts hereafter constructed in apartment houses, tenement, lodging and boarding houses, shall be constructed fireproof throughout. No elevator shall be built in the wellhole of the stairs but shall be inclosed in separate fireproof shaft. [*1909 c. 394*]

Iron fire escapes; stairways; balconies; access; construction; ladders; standpipes; hose. SECTION 1636—187. Every apartment house, tenement, lodging or boarding house hereafter erected, exceeding two stories in height and every such building heretofore erected, which at the time of the passage and publication of this act is not provided with sufficient iron fire escapes shall have on the outside thereof, one or more open iron fire escapes, consisting of stairways and balconies. Such fire escapes in tenement houses shall open directly from at least one room other than a bathroom or water-closet compartment in each apartment at each story above the ground floor. In all lodging and boarding houses with separate rooms for occupants, such fire escapes must be directly accessible from all the public halls in each story, communicating with the several sleeping rooms. All fire escape stairways shall be placed at an angle not steeper than forty-five degrees and shall be constructed with steps not less than six inches in width nor less than twenty-two inches in length and with a rise of not more than eight inches, and constructed of sufficient strength and in all other respects to afford an accessible and safe exit and escape in case of fire, for all occupants of the building, that may at any time be dependent thereon. Such stairs shall rest upon and be bolted to brackets, the upper arm of which

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shall go through the wall and be properly secured and the lower end of which shall be let into the wall and be securely fastened in place. Such fire escapes shall be connected with the building at each story above the first story by a wrought iron balcony not less than three feet four inches wide which shall be surrounded with a wrought iron railing not less than two feet nine inches high. All said fire escape stairs shall be of such strength and construction as will sustain a safe load of at least one hundred and fifty pounds per step; and all said fire escape balconies shall sustain a safe load of eighty pounds per square foot. The balcony on the top floor shall be provided with a gooseneck ladder leading to and above the roof. The lowest balcony shall be provided with a drop ladder reaching to the ground. There shall be attached to such fire escape a three inch wrought iron standpipe extending from a point within five feet of the ground to a point three feet above the roof or cornice, and at each story above the first and on the roof there shall be attached a two and one-half inch angle hose valve with male hose connection and a double or Siamese "Y" female hose connection, at the base of the pipe, with threads to conform to the size and pattern used by the fire department where the building is located. All such fire escapes shall be maintained at all times in good, serviceable and safe repair and condition and free from incumbrances of any kind. [*1909 c. 394*]

Location; space. SECTION 1636—188. No tenement, lodging or boarding house shall hereafter be erected or enlarged upon or moved onto any lot so as to occupy more than ninety per cent of a corner lot, or more than seventy-five per cent of any other lot; provided, that the space occupied by fire escapes shall not be deemed a part of the lot occupied. [*1909 c. 394*]

Yard; dimensions. SECTION 1636—189. 1. Behind every apartment house, tenement, lodging or boarding house hereafter erected or enlarged upon or moved onto any lot which does not extend from the street to an alley, there shall be a yard extending across the entire width of the lot at every point from the ground to the sky unobstructed, except that fire escapes or uninclosed outside stairs may project not over four and one-half feet from the rear line of the house; and the depth of said yard measured from the extreme rear wall of the house to the rear line of the lot shall be as follows: The depth of the yard behind such house hereafter erected upon a corner lot shall not be less than ten feet in every part provided that where such lot is less than one hundred feet in depth, the depth of the yard shall not be less than ten per centum of the depth of such lot, but shall never be less than five feet in every part. The depth of the yard behind apartment, tenement, boarding or lodging houses built on other than corner lots, measured from the rear line of any part of such house to the center line of the alley, if there is an alley, or the rear line of the lot where there is no alley, shall be equal to at least one-fourth of the height of such building above the ground level, but in no case shall it be less than ten feet.

Front and rear tenements; space between. 2. No apartment, tenement, lodging or boarding house shall be erected upon or moved onto the front of any platted lot or other parcel of land abutting upon but one street, where there is another building upon the rear of the same lot or parcel, or upon the rear of any such lot or parcel where there is another building upon the front of the same unless there be between such buildings a clear, unobstructed space at least fifteen feet in width, if either building be two stories in height, and at least twenty feet in width, if either building be three stories high, and at least twenty-five feet in width, if either building be over three stories high. [*1909 c. 394*]

Vent shafts. SECTION 1636—190. No apartment, tenement, lodging or boarding house hereafter constructed shall have vent shafts, except for the purpose of lighting or ventilating water-closet or bathroom compartments, or passageways. [*1909 c. 394*]

Outer lot-line court; dimensions. SECTION 1636—191. 1. No outer lot-line court measured from the lot line to the wall of the building, shall be less than three feet for buildings two stories or less in height. For buildings more than two stories in height, the width of such court shall increase one foot for each additional story.

Outer. 2. Where an outer court is situated between wings or parts of the same building or between different buildings on the same lot the width of said court measured from wall to wall shall not be less than eight feet in any part, provided the court does not exceed thirty-six feet in length, in all buildings four stories or less in height; for each additional story in height such court shall increase one foot in width; and for each additional ten feet of increase or fraction thereof in the length of such court, the entire width shall be increased one foot, and the increase in width shall be cumulative.

Inner. 3. No inner lot-line court shall be less than six feet in width, nor less than sixty square feet in area of unobstructed space for courts two stories or less in height; no inner court shall be less than ten feet in width nor less than one hundred and fifty square feet in area for courts two stories or less in height; and for every additional

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story every such inner court or inner lot-line court shall be increased in size by at least one linear foot in its length and one linear foot in its width.

No roof exit. 4. No court or vent shaft shall be covered by a roof or skylight but shall be open and unobstructed from the bottom thereof to the sky. No fire escape or stairway shall be constructed therein unless the court be enlarged proportionately, and have direct exit outside of the building.

Access at bottom; air intake. 5. At the bottom of every shaft or inner court there shall be a sufficient access to such shaft or court as to enable it to be properly cleaned out. All such inner courts shall have an intake for fresh air, leading from a street or yard, the area of which intake in square feet shall equal two one-thousandths of the number of cubic feet contained in said court.

Light; air. 6. No building shall hereafter be altered or enlarged to encroach upon the space reserved by law for light and air, on the lots or parcels of ground on which such apartment house, tenement house, lodging house or boarding house is erected. [*1909 c. 394*]

Windows; area; height; opening. SECTION 1636—192. In every apartment house, tenement, lodging or boarding house hereafter erected, every room, except water-closet compartments and bathroom shall have at least one window opening directly upon the street or upon a yard or court. The total window area in such room shall be at least one-tenth of the superficial floor area of the room and the top of at least one window shall be not less than seven feet above the floor and the upper half of it shall be made so as to open the full width. No building hereafter erected shall be converted into, used or leased for a tenement, lodging or boarding house, unless every such room thereof used for such purpose shall have a window opening directly upon a street, yard or court, nor shall any building or part thereof constructed and used for a different purpose, be remodeled so as to convert it into a tenement, lodging or boarding house, unless so remodeled as to comply with the requirements of this section. [*1909 c. 394*]

Public hall; windows; skylight. SECTION 1636—193. In every apartment house, tenement, lodging or boarding house hereafter erected, one at least of the windows provided to light each public hall or part thereof, shall contain not less than ten square feet of glass area. In every such house three or more stories in height where the stairs of public halls are not provided with windows on each floor opening directly to the outer air, there shall be in the roof directly over each stair well a ventilating skylight with ridge or gable ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvers. The glazed roof of such skylight shall be not less than twenty square feet in area. [*1909 c. 394*]

Chimneys; grates; stoves; except. SECTION 1636—194. In every apartment house, tenement, lodging or boarding house there shall be adequate chimneys running through every floor with an open fire place or grate, or place for a stove properly connected with one of said chimneys for every apartment, unless the apartment is heated by a furnace, hot water or steam and provision is made for cooking by gas or electricity. [*1909 c. 394*]

Basement living rooms; construction. SECTION 1636—195. No room in the cellar or basement of any apartment, tenement, lodging or boarding house shall be constructed, altered or occupied for living purposes unless all of the following conditions are complied with: Such rooms shall be at least eight feet high in every part from the floor to the ceiling; the ceiling of such room shall be at least four feet above the level of the lot; such room shall have a window or windows opening upon the street, yard or outer court and the total window area shall be at least one-tenth the superficial floor area of the room; one-half of sash of such window shall be made to open the full width; the walls and floor of such room shall be dampproof and waterproof, and fit for human habitation as determined by the departments charged with the enforcement of sections 1636—180 to 1636—201, inclusive. [*1909 c. 394; 1911 c. 663 s. 297*]

Water-closets; number. SECTION 1636—196. 1. In every apartment house, tenement, hereafter erected accessible to the city sewer and water system, water-closets shall be provided as follows: There shall be a separate water-closet in a bathroom or separate compartment within each apartment; provided, that where there are apartments consisting of but one or two rooms there shall be at least one water-closet for every two apartments.

Heretofore erected. 2. For every tenement house heretofore erected there shall be provided at least one water-closet for every two apartments; provided, that the total number of persons in such two apartments does not exceed eight; where the total number of persons exceeds eight there shall be a separate water-closet for each apartment.

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Lodging; boarding places. 3. In every lodging or boarding house there shall be provided at least one water-closet for every eight persons, and for each additional eight persons or fraction thereof there shall be at least one additional water-closet.

Windows; ventilation; lighting. 4. Every water-closet and bathroom compartment in every apartment house, tenement, lodging or boarding house hereafter constructed shall have a window at least three square feet in area, opening upon a street, alley, yard, court or upon a vent shaft not less than twenty-one square feet in area; and every water-closet and bathroom compartment in every apartment house, tenement, lodging or boarding house heretofore erected shall receive compartment ventilation by such window or by a proper metal or masonry ventilating pipe running up to and above the roof, with a sectional area of at least one square inch for every six cubic feet of space contained in such apartment, but no such vent pipe shall be less than thirty-six square inches in area. Every water closet compartment in every tenement, lodging or boarding house shall be provided with proper means of lighting the same. All water-closets shall be kept in repair, and drip trays shall not be permitted.

Privy vaults. 5. All apartment houses, tenement houses, lodging and boarding houses not so situated as to be accessible to the sewerage system of the city, shall be provided with privy vaults constructed as follows: The vaults shall be outside of said buildings and sunk in the ground not less than six feet and shall be walled up with concrete or brick or stone laid in cement mortar with bottom of the same material, shall be rendered water-tight, and shall be so constructed that the outside shall be at least two feet from the line of all adjoining lots, and also the same distance from every street and alley. The vaults shall be carried one foot above the surface of the ground and shall be built to exclude all water from the surface or from the roofs of the buildings. Such privies shall be repaired or cleaned on the order of any of the officers charged with the enforcement of sections 1636—180 to 1636—201, inclusive. [*1909 c. 394; 1911 c. 663 s. 297*]

Water supply. SECTION 1636—197. Every apartment house, tenement house, lodging or boarding house shall have water furnished in sufficient quantity at one or more places on each floor occupied by one or more families provided the said apartment, tenement, lodging or boarding house is located on a street or alley supplied with the city water pipes. When said building is not so situated a sufficient supply of wholesome water shall be provided on a part of the lot where it will not be contaminated from closets, barns, garbage or other sources of impurity. [*1909 c. 394*]

Officers charged with enforcement. SECTION 1636—198. In addition to the officers now charged by law with the enforcement of the statutes, it shall be the duty of the commissioner of health and building inspector in cities, to enforce the provisions of sections 1636—180 to 1636—201, inclusive, and such officers are hereby clothed with full authority and power for such purposes. [*1909 c. 394; 1911 c. 663 s. 297*]

Penalties. SECTION 1636—199. Every person who shall violate or assist in violating, or who shall fail to comply with any of the provisions of sections 1636—180 to 1636—201, inclusive, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than five dollars nor more than two hundred dollars, or by imprisonment in the county jail, workhouse or house of correction, not less than fifteen days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court. Every person who shall continue to violate or assist in violating or who shall continue to fail, neglect or refuse to comply with any of the provisions of sections 1636—180 to 1636—201, inclusive, after having been so convicted for violating, assisting in violating or failing to comply therewith, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment in the county jail, workhouse or house of correction not less than sixty days nor more than six months. [*1909 c. 394; 1911 c. 663 s. 297*]

Buildings, declared a nuisance, when; abatement; prosecution. SECTION 1636—200. Any building or portion thereof constructed, remodeled, removed or used as a tenement, lodging or boarding house or in the process of construction, remodeling or removal therefor contrary to or in violation of the provisions of sections 1636—180 to 1636—201, inclusive, is hereby declared a nuisance. Any officer charged with the duty of enforcing the provisions of sections 1636—180 to 1636—201, inclusive, who shall receive information that any such nuisance exists shall forthwith examine such building, portion thereof, or premises, and upon determining that such nuisance exists, he shall notify the owner, occupant or agent thereof and the architect or contractor, if any having charge of such construction, remodeling or removing of the same, to abate such nuisance within a time to be specified in such notice, which notice shall further state the character of such nuisance and the determination of such officer. If such notice is not complied with within the time provided thereby and the nuisance shall continue unabated, the said officer shall cause such

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nuisance to be abated by the proper action, order and judgment in the circuit court of the county in which such building or premises is located. It shall be the duty of the district attorney of such county to institute and prosecute such action. [*1909 c. 394; 1911 c. 663 s. 297*]

Notice of ownership. SECTION 1636—201. 1. Every owner or lessee, or other person having control of a tenement house shall file with the board of health a notice containing his name and address, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the board easily to find the same; and also the number of apartments in such house, the number of rooms in each apartment, and the number of families occupying the apartments. In case of the sale or conveyance of any tenement house it shall be the duty of the grantor or grantee to file with said board within thirty days a notice of the same, stating the name of the new owner. In case of the devolution of such property by will or otherwise, it shall be the duty of the executor, heirs, guardian, or administrator, as the case may be, to file with said board within thirty days a notice stating the death of the deceased owner and the names of those who have succeeded to his interest in said property.

Service. 2. Every notice or order in relation to a tenement house shall be served five days before the time of doing that in relation to which it shall have been issued; the posting of a copy of such notice or order in a conspicuous place in the tenement house, together with the mailing of a copy thereof, on the same day that it is posted, to each person, if any, whose name has been filed with said board in accordance with this section, at his address as therewith filed, shall be sufficient service thereof; and if the name of the owner or agent has not been filed in accordance with this section, then the posting of a copy of such notice or order as herein provided shall be sufficient service thereof. [*1909 c. 394*]

CHAPTER 76*ll*.

STATE BOARD OF ACCOUNTANCY.

State board of accountancy. SECTION 1636—202. 1. The governor shall, within thirty days after the passage of this act, appoint three suitable persons, residents of the state of Wisconsin, who are hereby constituted a board by the name and style of the "Wisconsin State Board of Accountancy." The members of said board, with the exception of the members first to be appointed, shall be the holders of certificates issued under the provisions of sections 1636—202 to 1636—211, inclusive, shall hold office for a term of three years and until their successors are appointed and qualified.

2. Of the members of the board first to be appointed, one shall be a professor of economics, finance, accountancy, or business administration and commercial law in a school of higher learning, and two shall be skilled public accountants who shall, for not less than three consecutive years, have been actually engaged in practice as public accountants. Such members shall hold office one for a term of one year, one for a term of two years, and one for a term of three years. The term of office of each shall be designated by the governor in his appointment.

3. The persons so appointed shall meet and organize within ninety days after their appointment and shall reorganize each year thereafter. A majority of said board shall constitute a quorum. They shall elect one of their number as president, one as vice president, and one as secretary, and said officers shall hold their respective offices for the term of one year and until their successors are elected and qualified. The affirmative vote of two members of said board shall be considered as the action of said board, except in actions relative to the revocation of any certificate as provided for in subsection 1 of section 1636—206. In all such cases three affirmative votes shall be considered the action of said board.

5. In addition to the other duties provided by sections 1636—202 to 1636—211, inclusive, it shall be the general duty of this board to foster the standard of education pertaining to the science and art of accountancy, not only in its relationship to the interest of individual and organized business enterprises but in its relationship to the welfare of government, both general and local. This board shall endeavor, both within and without the profession of accountancy, to bring about a better understanding of the relationship of the science of accounting to the problems of public welfare. [*1913 c. 337; 1913 c. 772 c. 111; 1919 c. 362 s. 19, 32*]

Examination of accountants. SECTION 1636—203. 1. No certificate as a certified public accountant shall be granted to any person other than a citizen of the United States, or person who has in good faith declared his intention of becoming such citizen, who is

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over the age of twenty-three years and of good moral character and (except under the provisions of section 1636—204) who shall have successfully passed an examination in commercial accounting, governmental accounting, auditing, commercial law as affecting accountancy and in such other subjects as the board may deem necessary.

2. Examinations shall be held by the board at least once in each year at such times and places as may be determined by them. The time and place of holding examinations shall be advertised for not less than three consecutive days, not less than thirty days prior to the date of such examination, in at least one daily newspaper printed and published in the city of Milwaukee and in at least one daily newspaper printed and published in the city of Madison. Each applicant shall also be notified by mail, by the secretary of the board, at the address mentioned in the application, when and where such examination will be held. Such notice shall be mailed not less than thirty days prior to the date of the next examination.

3. All certificates issued under the provisions of sections 1636—202 to 1636—211, inclusive, shall be signed by at least two members of the board. The board shall record its proceedings, list all certificates issued and revoked and shall maintain such other records as may be necessary or desirable and all records shall be open to the inspection of the public at the office of the secretary of the board. The members of the board shall have the power of administering oaths as may be necessary to carry out the provisions of sections 1636—202 to 1636—211, inclusive.

4. The board may make all needful rules and regulations regarding the conduct of the examinations or their character or scope, the method and time of filing applications for examination and their form and contents, and all other rules and regulations necessary to carry into effect the purposes of sections 1636—202 to 1636—211, inclusive. [*1913 c. 337*]

Waiver of examination. SECTION 1636—204. The state board of accountancy may, in its discretion, waive the examination of, and issue a certificate to any person possessing the qualifications mentioned in subsection 1 of section 1636—203, who

(a) is the holder of a certificate to practice as a certified public accountant issued under the laws of any other state, provided such certificate was issued upon due examination, and provided that the requirements of the law of such state are, in the opinion of the board, equivalent to the requirements of the law of this state;

(b) is the holder of a certificate or license to practice as a public accountant issued in any foreign country, provided such certificate was issued upon due examination, and provided that the requirements regulating the issuance of such certificate are, in the opinion of the board, equivalent to the requirements of the law of this state;

(c) shall have had more than three years' experience as a public accountant and who either shall have been a resident of this state for at least one year prior to the passage of this act, or who, individually or as a member of a partnership or as an executive officer of a corporation, shall have maintained in this state an office for the regular transaction of business as a public accountant for not less than one year prior to the passage of this act. The provisions of this subdivision shall apply only to such persons as shall have applied in writing within six months after the appointment of the first board, as provided in section 1636—204 as enacted by the legislature of 1913. [*1913 c. 337; 1913 c. 772 s. 111; 1915 c. 394 s. 2*]

Certificate. SECTION 1636—205. Any person who has received from the Wisconsin state board of accountancy a certificate of his qualifications to practice as a public accountant shall be known and styled as a "certified public accountant," and no other person and no partnership, all the members of which have not received such a certificate, and no corporation, shall assume such title or the title "certified accountant" or "chartered accountant" or "chartered public accountant" or the abbreviation "C. P. A." or any words, letters, or abbreviations tending to indicate that the person, firm, or corporation so using the same is a certified public accountant. [*1913 c. 337*]

Revocation of certificate. SECTION 1636—206. 1. The board shall revoke any certificate issued under sections 1636—202 to 1636—211, inclusive, for unprofessional conduct or other sufficient cause; provided, that written notice of the cause of such contemplated action and the date and place of the hearing thereon by the board, shall have been mailed to the holder of such certificate at his last known address at least twenty days before such hearing. At the said hearing the attorney-general of this state or one of his assistants, designated by him, shall sit with said board with all the powers of a member thereof.

2. All suits and proceedings arising out of the provisions of sections 1636—202 to 1636—211, inclusive, in which this board or any of its members or agents shall be parties shall be conducted under the direction and supervision of the attorney-general. All expense incurred by or for the department of the attorney-general in performing his duties under said sections shall be paid in the same manner as other expenses of his department

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and shall be charged against the appropriation for the department of the attorney-general. [*1913 c. 337*]

Examination fee. SECTION 1636—207. 1. Any person making an application for examination or certificate shall accompany such application with a United States money order or a certified check indorsed to the treasurer of the state of Wisconsin in the sum of twenty-five dollars for application filed under section 1636—203 or under subdivision (a) of section 1636—204 and in the sum of fifty dollars for application filed under subdivision (b) or (c) of section 1636—204. Should such application be rejected by the state board of accountancy, such check or money order shall be returned to the applicant but immediately upon approval of the application such check or money order shall be deposited in the treasury of the state, in the manner provided by law, and shall be added to the general fund.

3. Every applicant, who shall be unsuccessful in the initial examination, shall have the privilege of one re-examination without payment of an additional fee, if application for such re-examination be made within two years from the date of the first examination. [*1913 c. 337; 1915 c. 394 s. 2; 1917 c. 14 s. 88*]

SECTION 1636—208. [*Renumbered section 20.54 by 1917 c. 14 s. 88*]

Unauthorized practice. SECTION 1636—209. 1. If any person represents himself to the public as having received a certificate as provided in sections 1636—202 to 1636—211, inclusive, or shall assume to practice as a certified public accountant, a certified accountant, a chartered public accountant, a chartered accountant, or use the abbreviation C. P. A. or any other words, letters or abbreviations to indicate that the person using the same is a certified public accountant, within the meaning of said sections, without having received a certificate to practice as a certified public accountant as herein provided, or having been deprived of such certificate by revocation as hereinbefore provided, shall continue to practice or represent himself as a certified public accountant, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for a period of not less than one month nor more than six months, or by both such fine and imprisonment in the discretion of the court for each day during which he shall have practiced or violated any of the provisions of said sections.

2. Subsection 1 of section 1636—209 shall also apply to all partnerships, all the members of which have not received such certificates to practice as certified public accountants, and the penalties provided shall apply to all members of such partnership. Subsection 1 of section 1636—209 shall likewise apply to all corporations who shall assume such title or other words, letters, or abbreviations, and the penalties provided therein shall apply to each officer and director of such corporation.

3. Nothing in sections 1636—202 to 1636—211, inclusive, shall be construed to exclude any person from practicing as a public or expert accountant in this state, but said sections shall apply to such persons, partnerships or corporations representing themselves or practicing as set forth in subsection 1 of section 1636—209. [*1913 c. 337*]

Negligence; misconduct. SECTION 1636—210. If any person practicing in the state of Wisconsin as a certified public accountant under sections 1636—202 to 1636—211, inclusive, or if any person who is in the practice of public accountancy as a certified public accountant or otherwise, shall be found guilty of gross negligence or carelessness or shall wilfully falsify any report or statement bearing on any examination, investigation, or audit made by him or under his direction, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment in the county or city jail for a term of not less than three months nor more than one year or by both such fine and imprisonment for each time he may be convicted of such a misdemeanor. [*1913 c. 337*]

SECTION 1636—211. [*1913 c. 337; renumbered to be section 1636—212 by 1915 c. 394*]

Certificate of accountant must disclose interest in corporation reported on. SECTION 1636—211. 1. Whenever any person shall, as a certified public accountant, sign or certify any report, schedule, or statement relative to the affairs of any corporation, association, firm, or copartnership, in which such person is financially interested, or by which such person is regularly engaged as an officer or employe, such signature or certification shall be accompanied by a specific statement setting forth the fact that such person is financially interested in, or is an officer or regular employe of such corporation, association, firm, or copartnership. If such person is both financially interested and an officer or regular employe, the statement shall cover both such financial interest and employment.

2. The board may make and enforce all necessary rules and regulations relative to the foregoing provisions and may determine upon the particular phraseology necessary to carry into effect the provisions thereof.

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3. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars. [*1915 c. 394 s. 2*]

Prosecutions. SECTION 1636—212. It shall be the duty of the respective district attorneys to prosecute all violations of the provisions of sections 1636—202 to 1636—211, inclusive. [*1913 c. 337; Stats. 1913 s. 1636—211; 1915 c. 394 s. 2*]

Records stored with superintendent of public property. SECTION 1636—213. Papers, documents and records pertaining to the work of the state board of accountancy may, in the discretion of the said board, be stored in the custody of the superintendent of public property. [*1917 c. 628 s. 20*]

SECTION 1636—215. [*Renumbered sections 2394—97 and 4432—9 by 1919 c. 198 s. 1, 2*]

CHAPTER 76*m*.

WISCONSIN REAL ESTATE BROKERS BOARD.

Definition; creation of board; organization; duties. SECTION 1636—225. Terms as used in this section are defined as follows:

(1) "Board" means the Wisconsin real estate brokers board.

(2) "Real estate broker" means any person, firm or corporation, not excluded by subsection (3) of this section, who, for another, and for commission money or other thing of value:

(a) Sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of an interest or estate in real estate; or,

(b) Collects, or offers or attempts to collect, rent for real estate; or,

(c) Negotiates, or offers or attempts to negotiate a loan, secured, or to be secured, by mortgage or other transfer of or incumbrance on real estate.

(3) The term "real estate broker" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court; or,

(b) Public officers while performing their official duties; or,

(c) Any bank, trust company, building and loan association, or any land mortgage or farm loan association organized under the laws of this state or of the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law; or,

(d) Employers of persons, companies or associations enumerated in paragraphs (a), (b) and (c) of this subsection, when engaged in the specific performance of their duties as such employers.

(4) "Real estate salesman" means one who is employed by a licensed real estate broker to sell or offer for sale, to buy or offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to negotiate a loan on real estate, or to lease or offer to lease, rent or place for rent any real estate.

(5) On and after January 1, 1920, no person, firm or corporation shall engage in or follow the business or occupation of, or advertise or hold himself or itself out as or shall act temporarily or otherwise as a real estate broker or real estate salesman in this state, without first procuring a license therefor as provided in this section. Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof thereof has been presented to the board.

(6) There is created the "Wisconsin Real Estate Brokers Board." On or before August 1, 1919, the governor shall appoint three persons, at least two of whom shall be real estate brokers in this state, to be members of said board. One of said members shall be appointed for a term of one year; one for a term of two years; and one for a term of three years, from said first day of August and until his successor is appointed and qualifies. Thereafter the terms of members of said board shall be three years and until their successors are appointed and qualify. Appointments to fill vacancies on the board shall be made by the governor for the unexpired term. Each member of the board shall, before entering upon his duties, take and file the official oath. The governor may remove any member of the board at pleasure.

(7) The board, immediately following the qualification of the member appointed in each year, shall organize by selecting from its number a president and a treasurer, and

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may promulgate rules and regulations for carrying into effect the provisions of this section and for the performance of its duties and functions. The director of immigration in the department of agriculture shall be and act as secretary of said board.

(8) The board shall receive applications for, and issue licenses to real estate brokers and real estate salesmen as provided in this section, and shall administer the provisions of this section.

(9) The board shall keep its offices in the capitol, but may hold meetings, hearings or investigations at such points in the state as it may deem advisable, and any such meetings or investigations may be conducted by any member of the board, the secretary or by any duly authorized employe of the board.

(10) The secretary and treasurer of the board shall each give a bond in the sum of five thousand dollars with sureties to be approved by the secretary of state, conditioned for the faithful performance of the duties of his office. Such bonds shall be filed in the office of the secretary of state.

(11) Any person desiring to act as a real estate broker or real estate salesman in this state on or after January 1, 1920, shall file with the board an application for a license therefor. Said application shall be in such form as shall be prescribed by the board, and shall set forth:

(a) The kind of license desired;

(b) The name and address of the applicant; if the applicant be a firm, the name and address of each member thereof; if the applicant be a corporation, the name and address of each of its officers;

(c) The place or places, including the town, village or city, street number and county where the business is to be conducted, and the manner in which such place of business is designated;

(d) The business or occupation theretofore engaged in by the applicant, or, if a firm, by each member thereof, or if a corporation, by each officer thereof, for a period of at least two years immediately preceding the date of such application;

(e) Such further information as the board may reasonably require to enable it to determine the trustworthiness of each applicant, including each member of the firm, or each officer of the corporation, and his or their competency to transact the business of a real estate broker or salesman in such manner as to safeguard the interests of the public.

(12) Such application shall be verified by the applicant; if made by a firm it shall be verified by at least two members thereof; if made by a corporation it shall be verified by the president and secretary thereof. Each application for a real estate broker's license shall be accompanied by a license fee of ten dollars and for a real estate salesman's license by a fee of five dollars for the calendar year ending on the thirty-first day of December thereafter. Unless the application be withdrawn in writing before the board shall have made any investigation thereon, neither said fee, nor any part thereof, shall be returned to the applicant.

(13) In the case of applications for renewals of licenses the board may dispense with such of the matters contained in paragraphs (a), (b), (c), (d), or (e) of subsection (11) as it deems unnecessary in view of prior applications.

(14) A license issued by the board shall entitle the person, firm or corporation, including the members of the firm and officers of the corporation who apply therefor, to act as a real estate broker or brokers, or if the application is for a real estate salesman's license, to act as a real estate salesman in this state up to and including the thirty-first day of December in the year in which it was issued.

(15) Each real estate broker shall be responsible for the acts of any and all of his or its salesmen while acting as his or its agents.

(16) The board shall from time to time prepare and publish in convenient form the names of all real estate brokers and salesmen licensed under this section, together with information as to when the license of each expires. There shall also be included in such publication the names of all real estate brokers and salesmen whose licenses have been revoked at any time within one year prior to the issue thereof.

(17) The board shall receive, consider and investigate complaints made by such person or persons against any real estate broker or salesman, or may make any necessary investigation on its own motion, and may revoke any license issued by it, if, after due investigation, and after a public hearing or hearings held before it, or before any member of said board, or before any duly authorized employe whose report the board shall have adopted, the board shall determine that the holder of such license:

(a) Made a material misstatement in the application for such license; or,

(b) Has been guilty of fraud or fraudulent practices; or,

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(c) Has demonstrated untrustworthiness or incompetency to act as a real estate broker in such manner as to safeguard the interests of the public; or,

(d) Has violated any provision of this section.

(18) Every such complaint shall be in writing, duly signed and verified by the complainant and a copy thereof shall be served personally or by mail upon the real estate broker or salesman complained against and in case the complaint is against a salesman a copy of the complaint shall also be served upon the broker for whom he was acting, within twenty days after the complaint was filed with the board. Unless the matters therein complained of are adjusted a public hearing or hearings thereon shall be held by the board in the county wherein the real estate broker complained of or whose salesman is complained of, has his place of business not less than ten days after service of the copy of the complaint as herein required.

(19) The board may subpœna and compel the attendance and testimony of witnesses within this state, and the production of books, papers and documents, and each member of the board and its duly authorized representative may administer oaths to witnesses.

(20) In case of the refusal of any person to comply with any subpœna issued hereunder or to testify to any matter regarding which he may lawfully be interrogated, the circuit court of any county or the judge thereof, on application of any member of the board, shall issue an order requiring such person to comply with such subpœna and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(21) The board may also take depositions in the manner prescribed by law for the taking of depositions in actions pending in circuit court.

(22) Each witness who appears before the board pursuant to its subpœna, order or request, shall be paid the fees and mileage provided by law for witnesses in courts of record. Such payments shall be made from the funds deposited pursuant to section 20.575 of the statutes, upon vouchers approved by the president and secretary of the board.

(23) No license shall be issued to any person, firm or corporation whose license shall have been previously revoked, until the expiration of a period of not to exceed two years from the date such revocation becomes finally effective, such period to be determined in each case by the board.

(24) The action of the board in refusing to grant a license or in revoking a license hereunder shall be subject to review by writ of certiorari brought in the circuit court for Dane county; but the action of the board shall stand until otherwise directed by said court or by the supreme court of the state upon appeal.

(25) On and after January 1, 1920, any person, firm, or corporation who shall engage in or follow the business or occupation of, or advertise or hold himself or itself out as or act temporarily or otherwise as a real estate broker or real estate salesman in this state without first having obtained a license therefor as required and provided by this section, or who otherwise violates any provisions of this section, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than twenty-five nor more than two hundred and fifty dollars or by imprisonment in the county jail for not less than ten nor more than sixty days. [*1919 c. 656 s. 1*]

CHAPTER 76*mm*.

NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

NOTARIES PUBLIC.

How appointed; terms. SECTION 1636—226. 1. The governor shall appoint, in each organized county of the state, one or more notaries public, who shall be residents and qualified electors, of the county for which they are appointed. They shall be considered state officers, and shall hold their offices for the term of four years from the date of their appointment, and have power to act by virtue of their office throughout the state.

Bond by surety company; approval. 2. Every notary public shall take and file the official oath and execute and file an official bond in the sum of five hundred dollars, with surety to be approved by the county judge or clerk of the circuit court of his county, or, when executed by a surety company, approved by the secretary of state. He shall also provide an engraved official seal, which shall make a distinct and legible impression on paper, giving his name, office and county, and shall deposit an impression of the same, together with his said oath and bond and a statement of his post-office address, in the office

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of the secretary of state and pay into the treasury the sum of two dollars; and thereupon his commission shall issue, and the secretary of state shall deliver to such notary a certificate, of his appointment, stating the date when his commission will expire, which together with his autograph and an impression of his official seal, shall be filed in the office of the clerk of the circuit court of the county where he resides. Not less than thirty nor more than sixty days before the expiration of his commission the secretary of state shall notify by mail every notary public of the time when his commission will expire.

Powers. 3. Notaries public shall have power to demand acceptance of foreign and inland bills of exchange and payment thereof, and payment of promissory notes, and may protest the same for nonacceptance or nonpayment, may administer oaths, take depositions and acknowledgments of deeds, and perform such other duties as by the law of nations, or according to commercial usage, may be exercised and performed by notaries public.

Expiration of commission to be indorsed on acknowledgment. 4. All certificates of acknowledgments of deeds and other conveyances, or any written instrument required or authorized by law to be acknowledged before any notary public, within the state of Wisconsin, shall be attested by a clear impression of the official seal of said officer, and in addition thereto shall be written or stamped the day, month and year, when the commission of said notary public will expire.

Facts in certificate when, to be presumptive evidence. 5. The official certificate of any notary public, when attested and completed in the manner provided by subsection 4 of this section, shall be presumptive evidence in all cases, and in all courts of the state of Wisconsin, of the facts therein stated, in cases where by law a notary public is authorized to certify such facts.

Official character, clerk of court to certify. 6. Whenever any notary public shall have filed in the office of the clerk of the circuit court of his county a certificate of the secretary of state, together with his autograph and an impression of his official seal, as required by subsection 2 of this section, such clerk may certify to the official qualifications of such notary public and the genuineness of his signature and seal. All such clerk's certificates, made previous to the first day of April, A. D. 1877, shall be presumptive evidence of the facts therein stated.

Official records to be filed. 7. When any notary public shall cease to hold office as such, he, or in case of his death his executor or administrator, shall deposit his official records and papers in the office of the clerk of the circuit court of the county of his residence when appointed; and if any such notary or any executor or administrator, after such records and papers shall come to his hands, shall neglect for three months so to do he shall forfeit not less than fifty nor more than five hundred dollars; and if any person shall knowingly destroy, deface or conceal any records or papers of any notary public he shall forfeit not less than fifty nor more than five hundred dollars, and shall be liable to the party injured for all damages thereby sustained. The several clerks of the circuit courts shall receive and safely keep all such papers and records in their office.

Liability. 8. If any notary public shall be guilty of any misconduct or neglect of duty in office he shall be liable to the party injured for all the damages thereby sustained.

Fees. 9. A notary public shall be allowed the following fees:

(a) For drawing and copy of protest of the nonpayment of a promissory note or bill of exchange, or of the nonacceptance of such bill, fifty cents in the cases where by law such protest is necessary, but in no other case.

(b) For drawing and copy of every other protest, twenty-five cents.

(c) For drawing, copying and serving every notice of nonpayment of a note or bill, or nonacceptance of a bill, twenty-five cents.

(d) For drawing any affidavit, or other paper or proceeding for which provision is not herein made, twenty-five cents for each folio, and for copying the same six cents per folio.

(e) For taking the acknowledgment of deeds, and for other services authorized by law, the same fees as are allowed to other officers for similar services. [*R. S. 1849 c. 9 s. 57, 58, 59, 63, 64, 65; R. S. 1849 c. 131 s. 14; 1856 c. 116 s. 1-3; R. S. 1858 c. 12 s. 1-3, 7-12; R. S. 1858 c. 133 s. 19; 1867 c. 110; 1870 c. 38; 1877 c. 138; R. S. 1878 s. 173, 174, 175, 177, 179, 180, 181; 1879 c. 194 s. 2; 1881 c. 20; Ann. Stats. 1889 s. 173, 174, 175, 177, 179, 180, 181; Stats. 1898 s. 173, 174, 175, 177, 179, 180, 181; 1901 c. 38 s. 1, 2; Supl. 1906 s. 176a, 176b; 1907 c. 118, 435; 1919 c. 93 s. 19; 1919 c. 362 s. 11; Stats. 1919 s. 173, 174, 175, 176a, 176b, 177, 179, 180, 181; 1921 c. 13 s. 2-7*]

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COMMISSIONERS OF DEEDS.

Appointment, term, oath, seal. SECTION 1636—227. 1. The governor shall have power to appoint one or more commissioners in any of the United States, or of the territories belonging to the United States and in foreign countries, who shall hold his office for the term of four years unless sooner removed. Every such commissioner shall take the official oath before a judge or clerk of one of the courts of record of the state or territory or country in which he shall reside, and file the same, with an impression of his seal of office and a statement of his post-office address, in the office of the secretary of state, and shall at the same time pay into the treasury the sum of five dollars; and thereupon his commission shall issue.

Authority. 2. Such commissioner shall have authority to take the acknowledgment and proof of the execution of deeds, conveyances and leases of any lands lying in this state, or written instruments relating thereto, or of any contract or any other writing, sealed or unsealed, to be used or recorded in this state; to administer oaths required to be used in this state; to take and certify depositions to be used in the courts of this state, either under a commission, by consent of parties or on notice to the opposite party; and all such acts done pursuant to the laws of this state and certified under his hand and seal of office shall be as valid as if done by a proper officer of this state. [*R. S. 1849 c. 9 s. 1, 4; R. S. 1849 c. 61 s. 1-3; R. S. 1858 c. 88 s. 1-4; R. S. 1878 s. 182, 183; Ann. Stats. 1889 s. 182, 183; Stats. 1898 s. 182, 183; 1905 c. 201 s. 1; Supl. 1906 s. 182; 1907 c. 118; 1919 c. 93 s. 20; Stats. 1919 s. 182, 183; 1921 c. 13 s. 9*]

CHAPTER 76*n*.

STATE ATHLETIC COMMISSION.

Appointment. SECTION 1636—241. 1. There is hereby created a board, which shall be known as the "State Athletic Commission of Wisconsin." Within thirty days after the passage and publication of this act, the governor shall appoint a member who shall serve for two years, another who shall serve for three years and another who shall serve for four years. Thereafter each member shall be appointed for a term of five years. Two members of the commission, with the secretary, shall constitute a quorum for the exercise of the powers or authority conferred upon it, and in case of a vacancy, the remaining members of the commission, unless such vacancy is filled.

Office; employes; report. 2. The commission shall maintain a general office for the transaction of its business at such place as the commission may designate. The commission may hold meetings at any place other than the place in which the general office is located, when the convenience of the parties so requires. The members of the commission shall elect one of their number chairman of the commission, shall adopt a seal for the commission and make such rules and regulations for the administration of their office, not inconsistent herewith, as they may deem expedient, and may from time to time amend or abrogate the same.

(a) The commission shall appoint, and may remove, a secretary to the commission, whose duty it shall be to keep a full and true record of all the proceedings, of the commission, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission, and to perform such other duties as the commission may prescribe; and he may, under the direction of the commission, issue subpœnas for the attendance of witnesses before the commission with the same effect as if they were issued in an action in the circuit court, and may, under the direction of the commission, administer oaths, in all matters appertaining to the duty of his office or connected with the administration of the affairs of the commission. Disobedience of such subpœnas and false swearing before such secretary, shall be attended by the same consequences, and be subject to the same penalties, as if such disobedience or false swearing occurred in an action in the circuit court.

(a—1) The secretary shall hold office during the pleasure of the commission and shall give a bond to the state of Wisconsin in the sum of two thousand dollars, with good and sufficient sureties to be approved by the commission, for the faithful performance of his duties as such secretary. Such secretary shall receive such salary as the commission shall fix, not exceeding fifteen hundred dollars per annum.

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(a—2) The commission shall have, and is hereby vested with the sole direction, management and control of, and jurisdiction over, all boxing and sparring matches and exhibitions to be conducted, held or given within the state by any club, corporation or association; and no boxing or sparring matches or exhibitions shall be conducted, held or given within the state except pursuant to authority therefor granted by the commission and in accordance with the provisions of this act and the rules and regulations of the commission. The commission may, at its discretion, issue, and for cause revoke a license to conduct, hold or give boxing and sparring matches and exhibitions to any incorporated club or association formed as hereinafter provided. The commission shall have full power and authority to limit the number of sparring or boxing exhibitions to be held or given by any club, organization or corporation in any city in this state, wherein such boxing contests are conducted in the manner herein provided. No boxing or sparring exhibition shall be conducted by any club, organization or corporation having a license to conduct sparring or boxing exhibitions in this state except by a sanction or permit from the state athletic commission. Every license shall be subject to such rules and regulations, and amendments thereof, as the commission may prescribe. From and after January 1, 1916, no license shall be issued by the commission to any club, corporation or association to conduct boxing or sparring exhibitions as herein provided for in any city of the second, third or fourth class unless such city shall have consented by ordinance or resolution by its common council to the conducting of boxing or sparring exhibitions in such city.

(b) The commission shall make to the legislature a full report of its proceedings for the two years ending with the preceding first day of December, before the beginning of the regular session of the legislature; said report to the legislature shall be completed and shall contain a statement of clubs, organizations or corporations, the number of licenses revoked, the gross receipts from each club, organization or corporation, and such other information and comments in relation to the work of the commission as the public interest may require.

2a. No boxing or sparring exhibition shall be conducted by any club or organization except by license issued to such club or organization by the state athletic commission of Wisconsin; and no club or organization shall be entitled to receive a state license unless it has been incorporated under the laws of the state of Wisconsin, and provided, further, that the membership of such club shall be limited to persons who have been continuous residents in the state at least one year. The application for a license, as herein provided for, shall be in writing, and shall be addressed to the commission, and shall be verified by some officer of the club, organization or corporation on whose behalf the application may be made. Such application shall be accompanied by an annual fee, which shall be twenty-five dollars in cities of not more than five thousand inhabitants; fifty dollars in cities of not more than fifty thousand inhabitants; one hundred dollars in cities of not more than seventy-five thousand inhabitants; and three hundred dollars in all cities of the state having a population of over one hundred fifty thousand inhabitants. Such application must show that the club or organization has a bona fide lease for one year of the building, for athletic purposes, wherein such contests are to be held. Before any such permit or license is granted to any club, organization or corporation, which shall have filed its application as herein provided, such applicant must file a bond of two thousand dollars of good and sufficient surety with the state treasurer, conditioned for the payment of the taxes herein imposed.

3. Every club, corporation or association which may hold or exercise any of the privileges conferred by this section shall, within twenty-four hours after the determination of every contest, furnish to the said commission a written report, duly verified by one of its officers, showing the number of tickets sold for such contest, and the amount of gross proceeds thereof, and such other matters as the commission may prescribe; and shall also within said time, pay to the said commission a tax of five per cent of its total gross receipts from the sale of tickets of admission to such boxing or sparring match or exhibition.

4. Whenever amateur boxing and sparring matches or exhibitions are held under the auspices or sanction of the Amateur Athletic Union, or the Young Men's Christian Association, or an organization of Wisconsin National or State Guard, the license fee necessary under this act shall not be required of said organization; such matches and exhibitions shall, however, be subject to all the other provisions of this act and the rules and regulations of the commission.

5. The commission shall appoint official representatives designated as "inspectors," each of whom shall receive from the commission a card, authorizing him to act as such inspector wherever the commission may designate him to act. The commission may, and

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at least one inspector shall be present at all exhibitions and matches and see that the rules are strictly observed, and an inspector shall also be present at the counting up of the gross receipts, and shall immediately mail to the commission the official box-office statement received by him from the officers of the club.

6. No boxing or sparring match or exhibition shall be held on Sunday.

7. No intoxicating liquor shall be given away, sold or offered for sale in any building or part thereof, in which boxing or sparring exhibitions are being conducted.

8. No boxing or sparring exhibition shall be of more than ten rounds duration, and no one round of such exhibition shall be permitted to extend for a longer period than three minutes.

(a) There shall be one minute intermission between each round.

(b) No contestants shall in any such boxing or sparring exhibition wear, or be permitted to wear, gloves weighing less than five ounces for contestants under one hundred and forty pounds, and six ounces for contestants over one hundred and forty pounds.

(c) No contestant under the age of eighteen years shall be permitted to participate in any such boxing or sparring contest.

(d) No betting or wagering at any boxing or sparring contests shall be permitted by any club or organization before, after, or during any such contest, in the building where such contest is held.

(e) Contestants shall break clean, and must not hold and hit. Butting with head or shoulder, wrestling or illegal use of elbows shall not be allowed. There shall be no unsportsmanlike conduct on the part of the contestants. This shall include the use of abusive or insulting language.

(f) No decision shall be rendered in any contest held under the provisions of this section.

9. No person under the age of eighteen years shall be admitted to a boxing or sparring exhibition, unless accompanied by his parent.

10. Each contestant must be examined prior to entering the ring by a physician who has been licensed to practice in Wisconsin for not less than five years; such physician to be appointed by the commission. The physician shall certify in writing, over his signature, as to the contestants' physical condition to engage in such contest.

The commission is authorized to grant licenses upon application and the payment of a fee of ten dollars per annum to competent referees, who shall be bona fide residents of the state, and may revoke any license so granted to any such referee upon such cause as the commission shall deem sufficient. The referee must stop the contest or match when either of the contestants shows a marked superiority or is apparently outclassed.

11. Any club, corporation or organization which shall conduct, hold or give or participate in any sham or fake boxing or sparring match, shall thereby forfeit its license in accordance with the provisions of this section which shall thereupon be by the commission cancelled and declared void; and it shall not thereafter be entitled to receive another such, or any license pursuant to the provisions of this section; nor shall any such license be issued to any club or organization, which has among its members any member who belonged to a club or organization which had its license revoked.

12. Any contestant who shall participate in any sham or fake boxing or sparring match or violate any rule or regulation of the commission shall be penalized in the following manner:

For the first offense he shall be restrained by order of the commission for a period of not less than three months nor more than one year in the discretion of the commission, such period to begin immediately after the occurrence of such offense, from participating in any boxing to be held or given by any club or corporation, duly licensed to give or hold such boxing or sparring match or exhibition; for a second offense, he shall be totally disqualified from further admission or participation in any boxing contest, held or given by any club, corporation or association, duly licensed for such purpose in this state.

13. Whenever any club, corporation or association shall fail to make a report of any contest at the time prescribed by this section, or whenever such report is unsatisfactory to the commission, the secretary may examine or cause to be examined, the books and records of such club, corporation or association, and subpœna and examine under oath its officers and other person or persons for witnesses for the purpose of determining the total amount of its gross receipts for any contest and the amount of taxes due pursuant to the provisions of this section, which tax he may, upon and as a result of such examination, fix and determine. In case of a default in the payment of any taxes so adjudged to be due, together with the expenses incurred in making such examination, for a period of twenty days after notice to such delinquent club, corporation or association of the amount, such delinquent club, corporation or association shall ipso facto forfeit its license and shall be

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thereby disqualified from receiving any new license, or any renewal of its license; and it shall in addition forfeit to the people of the state of Wisconsin the sum of one thousand dollars, which may be recovered by the attorney-general in the name of the people of the state of Wisconsin, in the same manner as other penalties are by law recovered.

14. Any person who violates any of the provisions of this section, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor. [*1913 c. 632; 1913 c. 773 s. 85; 1915 c. 272, 486; 1919 c. 362 s. 32; 1919 c. 374*]

SECTION 1636—250. [*Renumbered sections 34.01 to 34.09 by 1917 c. 99*]

SECTION 1636—275. [*Renumbered section 34.10 by 1919 c. 679 s. 75*]

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TITLE XVIII.

Regulation of Trade.

CHAPTER 76*nn*.

DISPOSITION OF UNCLAIMED PROPERTY.

Duty of consignee or bailee. SECTION 1637. Whenever any personal property shall be consigned to or deposited with any common carrier, forwarding merchant, wharfinger, warehouseman, innkeeper or the keeper of any depot for the storage of baggage, merchandise or other personal property, such consignee or bailee shall immediately cause to be entered in a proper book kept by him a description of such property with the date of the reception thereof; and if the same shall not have been so consigned or deposited for the purpose of being forwarded or disposed of according to directions received by such consignee or bailee at or before his reception thereof he shall immediately notify the owner by mail thereof, if his name and residence be known or can with reasonable diligence be ascertained. [*R. S. 1849 c. 37 s. 1, 2; R. S. 1858 c. 44 s. 1, 2; R. S. 1878 s. 1637; Ann. Stats. 1889 s. 1637; Stats. 1898 s. 1637*]

SECTIONS 1638 to 1644, inclusive. [*Repealed by 1911 c. 663 s. 300*]

Disposition of proceeds. SECTION 1645. If the owner of the property sold or his legal representatives shall, at any time within five years after such money shall have been deposited in the county treasury, furnish satisfactory evidence to the treasurer of the ownership of such property he or they shall be entitled to receive from such treasurer the amount so deposited with him. If not claimed within said time by the owner or his legal representatives the same shall belong to the county. [*R. S. 1849 c. 37 s. 11, 12; R. S. 1858 c. 44 s. 11, 12; Ann. Stats. 1889 s. 1645; Stats. 1898 s. 1645*]

Officers' fees. SECTION 1646. The fees allowed to any justice of the peace under this chapter shall be one dollar for each day's service, and to any constable the same fees as are allowed by law for sales upon execution, and ten cents per folio for making an inventory of property. [*R. S. 1849 c. 37 s. 14; R. S. 1858 c. 44 s. 14; R. S. 1878 s. 1646; Ann. Stats. 1889 s. 1646; Stats. 1898 s. 1646*]

Perishable property, held for carriage or storage, how disposed of. SECTION 1646—1. (1) If any property delivered to any forwarding merchant, wharfinger, or warehouseman, for carriage or storage, shall be in a state of decay, or manifestly liable to immediate damage and decay, the person in whose custody the same shall then be, his agent or attorney, may make an affidavit of such fact, and present the same to a circuit judge, county judge, court commissioner, or justice of the peace of the county in which such property shall then be, and such circuit judge, county judge, court commissioner, or justice of the peace, shall thereupon immediately make an order requiring the sheriff or any constable of such county to immediately inspect such property, and directing him, if the same shall be found by him to be in a state of decay, or manifestly liable to immediate damage or decay, to summarily sell the same without notice.

(2) If such sheriff or constable shall upon inspection, find such property to be in a state of decay, or manifestly liable to immediate damage or decay, he shall attach to such order his affidavit stating such fact, and shall make an inventory of said property, and shall thereupon summarily sell said property without notice, and shall make full return of his execution of said order to the judge or justice who issued the same, together with his affidavit, inventory, and the proceeds of said sale, after deducting his fees therefrom.

(3) From the proceeds of such sale, the judge or justice shall pay all legal charges that have been incurred in relation to such property, or a ratable proportion of each charge if the proceeds of such sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immedidately pay over to the treasurer of his county.

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with a copy of all the proceedings in said matter. The county treasurer shall file such copy in his office.

(4) The person in whose custody such property shall be when any such proceeding for the sale thereof shall be commenced, shall immediately notify the consignor and consignee of such sale, which notice shall be in writing, and shall be served by leaving a copy thereof with the consignor and consignee, personally or by mail. [*R. S. 1849 c. 37; R. S. 1858 c. 44; R. S. 1878 s. 1638-1644; Ann. Stats. 1889 s. 1638-1644; Stats. 1898 s. 1638-1644; 1903 c. 391 s. 1; Supl. 1906 s. 1646—1; 1907 c. 118; 1921 c. 356 s. 1*]

Perishable property, held otherwise, how disposed of. SECTION 1646—2. If any such property shall be perishable or subject to decay by keeping, the person in whose custody such property shall then be, his agent or attorney, may make an affidavit of such fact and present the same to a circuit judge, county judge, court commissioner, or justice of the peace of the county in which such property shall then be, and such circuit judge, county judge, court commissioner, or justice of the peace, shall thereupon immediately make an order requiring the sheriff or any constable of such county to immediately inspect such property, and if the same shall be found by him to be perishable or subject to decay by keeping, to make and return an affidavit of such fact. Upon the return of such affidavit, the judge or justice making such order shall immediately make an order requiring such sheriff or constable to sell such property at public auction, first giving ten days' public notice of the time and place of such sale by one publication in a newspaper published in the county, and serving upon the consignor, the consignee, and the custodian, of such property, if they shall be known, a copy of said notice by mail. Such sheriff or constable shall, at the time and place fixed by said notice, unless said property has been otherwise lawfully disposed of, sell said property at public auction, and shall make full return of his execution of said order, and return the same with an inventory of said property and the proceeds of said sale, after deducting his fees, to the judge or justice making said order. From the proceeds of such sale, said judge or justice shall pay all legal charges that have been incurred in relation to such property, or a ratable proportion of each charge, if the proceeds of such sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the treasurer of his county, with a copy of all the proceedings in said matter. The county treasurer shall file such copy in his office. The person in whose custody such property shall be when any such proceedings for the sale thereof shall be commenced, shall immediately notify the consignor and consignee of such sale, which notice shall be in writing, and shall be served by leaving a copy thereof with the consignor and consignee personally or by mail. [*R. S. 1849 c. 37; R. S. 1858 c. 44; R. S. 1878 s. 1638-1644; Ann. Stats. 1889 s. 1638-1644; Stats. 1898 s. 1638-1644; 1903 c. 391 s. 2; Supl. 1906 s. 1646—2; 1907 c. 118*]

Unclaimed property, how disposed of. SECTION 1646—3. When any such property shall not be perishable or subject to decay and shall not be claimed and taken away within one year after it shall have been so received, the same may be sold as follows: The person in whose custody such property shall then be, his agent or attorney, may make an affidavit of the facts and present the same to a circuit judge, county judge, court commissioner, or justice of the peace of the county in which such property shall then be, and such circuit judge, county judge, court commissioner, or justice of the peace, shall thereupon immediately make an order requiring the sheriff or any constable of such county to sell such property at public auction, first giving sixty days' notice of the time and place of such sale to the consignor, the consignee, and the custodian of such property. Such notice shall be in writing and shall be served personally or by mail upon such of such persons the names and residences of whom are known. If the name or residence of any of such persons is unknown and cannot with reasonable diligence be ascertained, such sheriff or constable shall make an affidavit of such fact and shall thereupon cause such notice to be published in a newspaper of the county at least once in each week for six successive weeks before such sale. At the time and place of such sale such sheriff or constable shall sell said property at public auction and shall make a full return of his proceedings under said order to the judge or justice making the same, together with proof of service or publication of the notice of the sale, and an inventory of the property sold and the proceeds of such sale after deducting his fees. From the proceeds of such sale the judge or justice shall pay all legal charges that have been incurred in relation to such property, including the charges of the person in whose custody said property was when said proceedings were begun, or a ratable proportion of each charge if the proceeds of such sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the treasurer of his county, with a copy of all proceedings in said matter. The county treasurer shall file such copy in his office. The person in whose custody such property shall be when any

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such proceeding for the sale thereof shall be commenced, shall immediately notify the consignor and consignee of such sale, which notice shall be in writing, and shall be served by leaving a copy thereof with the consignor and consignee, personally or by mail. [*R. S. 1849 c. 37; R. S. 1858 c. 44; R. S. 1878 s. 1638–1644; Ann. Stats. 1889 s. 1638–1644; Stats. 1898 s. 1638–1644; 1903 c. 391 s. 3; Supl. 1906 s. 1646—3; 1907 c. 118*]

Railroad liens for transportation. SECTION 1646—5. 1. Any property transported or stored, or left with any railroad company shall be subject to a lien for the lawful charges thereon for the transportation and storage thereof.

2. If any property not perishable in its nature shall be permitted to remain in the possession of the railroad company, unclaimed or refused, for a period of sixty days, with the lawful charges thereon due and unpaid, such railroad company may proceed to sell the same at public auction at its freight station at the destination of the shipment, after mailing notice by United States mail of the amount of the charges to the consignor and consignee, if their whereabouts are known, or if their whereabouts be unknown, then to the consignor at the originating point of the shipment and to the consignee at the destination of the shipment, and in addition thereto posting, at its freight station, in a conspicuous place accessible to the public, for a period of ten days after the mailing of such notices, a notice of the time and place of the proposed sale and a description of the property to be sold, if known, and if not, a description of the package in which it is contained, the amount of charges thereon and the name of the consignee and consignor thereof; provided, however, that if there be no satisfactory bid at such auction sale, the railroad company may remove the property to some other city of not less than five thousand inhabitants within the state and there proceed to sell the same at public auction after giving additional notice by mailing and posting as hereinbefore provided.

3. Fruit, fresh fish, oysters, game, and other perishable property after having been retained for twenty-four hours after notice to consignee, if he be known, may be sold, either at public or private sale in the discretion of the railroad company, for the highest price that the same will bring.

4. After the lawful charges of the railroad company for transportation and storage for the period of compulsory retention shall be deducted from the proceeds of the sale, the overplus, if any, shall be held by the railroad company subject to the order of the owner, and, at any time within twelve months after such sale, upon the demand of the owner, the railroad company shall pay the same to him. [*1921 c. 356*]

CHAPTER 76*o*.

MINING AND SMELTING.

Rules governing mining rights. SECTION 1647. Where there is no contract between the parties or terms established by the landlord to the contrary the following rules and regulations shall be applied to mining contracts and leases for the digging of ores and minerals, viz.:

(1) No license or lease, verbal or written, made to a miner shall be revocable by the maker thereof after a valuable discovery or prospect has been struck unless the miner shall forfeit his right by negligence such as establishes a forfeiture according to mining usages.

(2) The discovery of a crevice or range containing ores or minerals shall entitle the discoverer to the ores or minerals pertaining thereto, subject to the rent due his landlord, before as well as after the ores or minerals are separated from the freehold; but such miner shall not be entitled to recover any ores or minerals or the value thereof from the person digging on his range in good faith and known to be mining thereon until he shall have given notice of his claim; and he shall be entitled to the ores or minerals dug after such notice.

(3) Usages and customs among miners may be proved in explanation of mining contracts to the same extent as usage may be proved in other branches of business. [*1860 c. 260 s. 1–3, 6; 1872 c. 117 s. 1, 2; R. S. 1878 s. 1647; Ann. Stats. 1889 s. 1647; Stats. 1898 s. 1647*]

Mining statement. SECTION 1647*a*. When there shall be no agreement between the parties to any mining lease, license or permit, to mine or remove ore from any lands in this state, regulating the method of reporting the amount of ore taken, it shall be the

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duty of the person, firm or corporation mining and removing such ore or ores, to keep proper and correct books, and therefrom to make and deliver by or before the fifteenth day of each month to the lessor, owner or person entitled thereto, a detailed statement covering the operations of the preceding month. Such statement shall show the total amount of tons or pounds of each kind of ore produced; if sold, then to whom sold, giving the date of sale, date of delivery to any railroad company, naming such company, and the station where delivered or billed for shipment; the name and address of the purchaser; the price per ton at which sold and the total value of each kind of ore so sold. Such books shall be always open to any owner, lessor, licensor or stockholder, if such owner, lessor, or licensor is a corporation, and to any person or stockholder interested in any such mining operations, for the purpose of inspection and taking copies thereof or abstracts therefrom.

Penal. Any person, firm, joint stock company or corporation, and every officer, agent or employe of any thereof, who shall violate any of the provisions of this act, or who shall make any false or incomplete entries on any such books or statements, shall, upon conviction, thereof, be punished by a fine of not less than one hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment. [*1905 c. 236 s. 1; Supl. 1906 s. 1647a; 1907 c. 118*]

Conflicting claims. SECTION 1648. In case of conflicting claims to a crevice or range bearing ores or minerals the court may continue any action to enforce a claim or grant any necessary time for the purpose of allowing parties to prove up their mines or diggings if it shall be made satisfactorily to appear necessary to the ends of justice; and in such case the court or judge in term or vacation may appoint a receiver and provide that the mines or diggings shall be worked under the receiver's direction, subject to the order of the court, in such manner as will best tend to ascertain the respective rights of the parties; and the ores or minerals raised by either party pending the dispute shall be delivered to the receiver, who may, by order of the court or judge, pay any rent or other necessary expenses therefrom. [*1860 c. 260 s. 4; 1872 c. 117 s. 3; R. S. 1878 s. 1648; Ann. Stats. 1889 s. 1648; Stats. 1898 s. 1648*]

Lessee's fraud; failure to work mine. SECTION 1649. Any miner who shall conceal or dispose of any ores or minerals or mines or diggings for the purpose of defrauding his lessor of his rent or who shall neglect to pay any rent on ores or minerals raised by him for three days after the notice thereof and claim of such rent, shall forfeit all right to his mines, diggings or range; and his landlord after such concealment or after three days have expired from the time of demanding rent, may proceed against him to recover possession of the mines or diggings before a justice of the peace as in the case of a tenant holding over after the termination of his lease as provided by these statutes; and in case a miner shall neglect to work his mines or diggings according to the usages of miners, without reasonable excuse, he shall likewise forfeit his mines or diggings and his landlord may proceed against him in like manner to recover possession of the same. [*1860 c. 260 s. 5; 1872 c. 117 s. 4; R. S. 1878 s. 1649; Ann. Stats. 1889 s. 1649; Stats. 1898 s. 1649*]

Water may be conducted across land. SECTION 1650. Every corporation, company or person engaged in mining may, when it is necessary in order to prosecute their work in mining, upon complying with the provisions of this chapter, conduct or convey the water away from their shafts, levels or land upon, over or below the surface of the land of any adjoining owner in pipes, ditches, races or tunnels, doing as little damage as the case will admit of. [*1860 c. 359 s. 1; R. S. 1878 s. 1650; Ann. Stats. 1889 s. 1650; Stats. 1898 s. 1650*]

Appointment of commissioners. SECTION 1651. Whenever such corporation, company or person cannot agree with such adjoining owner upon the damages for the right of so conducting or conveying the water across his land they may, upon petition setting forth the facts and specifying the kind and character of the pipe, ditch, race or tunnel proposed to be constructed and the line or route thereof, and after at least eight days' notice to the landowner, to be served in the manner provided for serving a summons of the circuit court, apply to the county judge for the appointment of commissioners to appraise the damages. Upon proof of the due service of such notice and after hearing the parties interested who shall appear, if the county judge be satisfied of the necessity for the proposed use of such land he shall by order appoint three disinterested freeholders, resident in the county, to examine the premises and appraise the damages of such landowner. [*1860 c. 359 s. 2; R. S. 1878 s. 1651; Ann. Stats. 1889 s. 1651; Stats. 1898 s. 1651*]

Proceedings in making award. SECTION 1652. The said commissioners shall, before entering on the discharge of their duties, take and subscribe an oath that they will

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support the constitution of the United States and the constitution of the state of Wisconsin and faithfully discharge their duties as such commissioners to the best of their ability. They shall give the landowner at least six days' notice of the time and place at which they will meet to make their examination and award, to be served in the manner provided for serving a summons of the circuit court. They shall meet at the time and place appointed in such notice, and shall view and examine all the land upon which the pipe, ditch, race or tunnel is proposed to be constructed and also such land as may be liable to be overflowed by the construction, maintenance and use thereof, and shall hear the parties interested and such testimony as they shall produce, and make an award in writing of all the damages which such landowner will sustain by reason of the construction, maintenance and use of the proposed pipe, ditch, race or tunnel, and within sixty days from the date of their appointment return the same to the county judge. Said commissioners shall each receive two dollars per day for their services. [*1860 c. 359 s. 2, 3, 5; R. S. 1878 s. 1652; Ann. Stats. 1889 s. 1652; Stats. 1898 s. 1652*]

Filing award; judgment. SECTION 1653. The county judge shall forthwith file with the clerk of the circuit court the said award, with the petition and notices and proofs of service thereof, with all other papers relating thereto; and the award shall be presumptive evidence of the regularity of the proceedings. The corporation, company or person shall pay all the costs of the proceedings, and on motion the circuit court may enter judgment upon the award, to be docketed and collected in the same manner and with like effect as judgments in civil actions. [*1860 c. 359 s. 4; R. S. 1878 s. 1653; Ann. Stats. 1889 s. 1653; Stats. 1898 s. 1653*]

Appeal; costs. SECTION 1654. Either party may appeal to the circuit court from the award of commissioners within twenty days after the same is filed by filing with the clerk a written notice of appeal. Upon the filing of such notice the appeal shall be deemed an action pending in court, in which the landowner is plaintiff and the other party defendant, for trial by jury, unless waived, and subject to appeal to the supreme court. The appellant shall recover costs if the award be altered in his favor on appeal; otherwise the respondent; and judgment shall be rendered according to the rights of the parties. Unless so appealed from the award of the commissioners shall be final. [*1860 c. 359 s. 5; R. S. 1878 s. 1654; Ann. Stats. 1889 s. 1654; Stats. 1898 s. 1654*]

Land, how taken. SECTION 1655. After the award of commissioners is filed the corporation, company or person procuring the same may pay to the landowner or to the clerk of the circuit court for his use the amount awarded, and thereupon may enter upon the land, construct, maintain and use the pipe, ditch, race or tunnel as proposed and described in the petition; and on motion a writ of assistance may issue therefor, provided security be given to the satisfaction of the court for the payment of any judgment that may be rendered on appeal, if an appeal shall have then been taken or the time for appeal shall not have expired. But if entry shall be made for such purpose the landowner shall be entitled to the money paid into court absolutely without prejudice to the appeal. [*R. S. 1878 s. 1655; Ann. Stats. 1889 s. 1655; Stats. 1898 s. 1655*]

SMELTERS.

Account of ore received. SECTION 1656. Every smelter and every purchaser of ores and minerals shall keep a substantially bound book, ruled into suitable columns, in which shall be entered from day to day, as ores or minerals are received, the following items: The day, month and year when received; the name of the person from whom purchased; the name of the person by whom hauled and delivered; name of the owner of the land from which the ores or minerals were obtained, or if not known, the name of the diggings or some distinct description of the land. Said book shall be kept at the furnace or at the usual place of business of such smelter or purchaser or his agent in this state, and shall be open to all persons at reasonable times for inspection and taking extracts. [*1851 c. 221 s. 1, 2; R. S. 1858 c. 55 s. 1, 2; R. S. 1878 s. 1656; Ann. Stats. 1889 s. 1656; Stats. 1898 s. 1656*]

Penalty. SECTION 1657. If any such smelter or purchaser or the agent of any such smelter or purchaser doing his business shall fail to keep such a book or to make such entries, or shall unreasonably refuse to show the same for inspection or taking extracts or shall make false entries therein he shall forfeit ten dollars for each offense, one-half to the use of the prosecutor; and each day such failure or refusal shall continue shall be deemed a distinct and separate offense. [*1851 c. 221 s. 3, 4; R. S. 1878 c. 55 s. 3; Ann. Stats. 1889 s. 1657; Stats. 1898 s. 1657*]

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CHAPTER 76oo.

WEIGHTS AND MEASURES.

Public standards. SECTION 1658. The weights and measures and the scales and beams, received from the United States under a resolution of congress, approved June 14, 1836, and such new weights and measures and scales and beams in addition thereto or in renewal thereof, and such as shall be made under the direction of the new state superintendent of weights and measures in conformity therewith, and certified to by the national bureau of standards shall be the state standards. [*R. S. 1858 c. 58 s. 1; R. S. 1878 s. 1658; 1885 c. 181 s. 1; Ann. Stats. 1889 s. 1658; Stats. 1898 s. 1658; 1911 c. 566 s. 1*]

Superintendent. SECTION 1659. 1. The dairy and food commissioner shall be ex officio state superintendent of weights and measures.

Custody of standards; comparison of city standards. 2. He shall take charge of the standards adopted by section 1658 as the standards of the state; cause them to be kept in a fireproof building belonging to the state, from which they shall not be removed except for repairs or for certification; and take all other necessary precautions for their safe-keeping. He shall maintain the state standards in good order and shall submit them once in ten years to the national bureau of standards for certification. He shall keep a seal which shall be so formed as to impress the letters "Wis." upon the weights and measures, scales, and beams sealed by him, and he shall correct the standards of the several cities, and as often as once in five years, compare the same with those in his possession, and shall seal the same when tried and proved to be in conformity to the state standards.

General supervision; testing of standards. 3. He shall have and keep a general supervision of the weights and measures and the weighing and measuring devices of the state, and in use in the state. He or his inspectors by his directions shall, upon the written request of any citizen, firm, or corporation, or educational institution of the state, test or calibrate weights, measures, weighing or measuring devices, and instruments or apparatus used as standards in this state.

Testing for state institutions. 4. He, or his inspectors by his direction, shall at least once annually test all scales, weights, and measures used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the state board of control. And he shall report in writing his findings to such board of control and to the executive officer of the institution concerned; and at the request of such officer, the superintendent of weights and measures shall appoint in writing one or more employes, then in the actual service of such institution, who shall act as special deputies for the purpose of checking the receipt and disbursement of supplies.

Record and report. 5. He shall keep a complete record of the standards, balances, and other apparatus belonging to the state and take receipt for same from his successor in office. He shall annually, during the second week of January, make to the governor a report of the work done by his office. The state superintendent, or his deputy or inspectors by his direction, shall inspect all the standards used by the cities at least once in each two years and shall keep a record of the same.

Supervision of local sealers; regulations. 6. He, or his inspectors by his direction, shall at least once in each two years visit the various cities of the state in order to inspect the work of the local sealers; and in the performance of such duties, he or his inspectors by his direction may inspect the weights, measures, balances, or any weight or measuring appliance of any person, firm, or corporation and shall have the same powers as the local sealer of weights and measures. The superintendent of weights and measures shall issue from time to time, regulations for the guidance of all sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties. In said regulations he shall prescribe the amount of tolerance to be allowed, and may make reasonable regulations regarding the varieties or kinds of devices, attachments or parts entering into the construction or installation of weights and measures or weighing or measuring appliances which shall have for their object the tendency to secure correct results in the use of such appliances.

Office and supplies. 7. He shall be provided with necessary postage and shall be provided by the superintendent of public property with a suitable room or rooms, necessary office and laboratory furniture and appliances, supplies, stationery, books and peri-

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odicals. [*R. S. 1858 c. 58 s. 2; R. S. 1878 s. 1659; 1885 c. 181 s. 2; Ann. Stats. 1889 s. 1659; Stats. 1898 s. 1659; 1905 c. 71; Supl. 1906 s. 1659; 1907 c. 118; 1911 c. 566; 1915 c. 356; 1917 c. 14 s. 115*]

City standards. SECTION 1660. The common council of each city appointing a sealer under section 1661 shall procure at the expense of the city and shall keep at all times a complete set of weights and measures, scales, and beams in exact conformity to the state standards, except that they may be made of such materials as the superintendent of weights and measures may direct; all such weights and measures, scales, and beams having been tried and accurately proved by him shall be sealed and certified to by the state superintendent of weights and measures, and shall then be deposited with and preserved by the city sealer as public standards. Whenever the common council of such city shall neglect for six months so to do, the city clerk, on notification and request by the superintendent of weights and measures, shall provide such standards and cause the same to be so tried, proved, sealed, certified, and deposited at the expense of the city. [*R. S. 1858 c. 58 s. 3, 4, 6; R. S. 1878 s. 1660; 1885 c. 181 s. 3; Ann. Stats. 1889 s. 1660; Stats. 1898 s. 1660; 1911 c. 566 s. 1*]

City sealers. SECTION 1661. 1. There shall be a city sealer of weights and measures in all cities having a population of more than five thousand inhabitants according to the last official United States census, who shall be appointed by the mayor from a list to be furnished by the state or local civil service board and under the rules of said board. He shall be paid a salary to be fixed by the board or body authorized to fix the salaries of city officials, and shall be provided with suitable office quarters in said city, and no fees shall be charged by him or by the city for inspection or testing of weights, measures, or weighing or measuring devices.

Duties. 2. Except as otherwise provided in sections 1747—20 to 1747—25 and in sections 1797*m*—23 to 1797*m*—25, the city sealer shall within his city have the power to inspect, test, try, and ascertain if they are correct, all weights, measures, or weighing or measuring devices, kept, offered, or exposed for sale or sold, and it shall be his duty to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments, or mechanical devices for measurement, and tools, appliances, or accessories connected with any or all such instruments or measurements, used or employed within the city by any proprietor, agent, lessee or employe in determining the size, quantity, extent, area, or measurement of quantities, things, produce, or articles of any kind offered for distribution, consumption, transportation, sale, barter, exchange, hire, or award. The city sealer shall have the power to and shall from time to time weigh or measure and inspect packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered or exposed for sale, sold or in the process of delivery, in order to determine whether the same contain the amounts represented, and whether they be offered for sale or sold in a manner in accordance with law.

Powers. 3. He shall, at least once in each year or as much oftener as he may deem necessary, see that all weights, measures, and weighing and measuring apparatus used in the city are correct and that the same are in compliance with the regulations issued by the state superintendent of weights and measures. He may for the purpose above mentioned, and in the general performances of his official duties, with or without formal warrant, enter or go in or upon any stand, place, building, or premises; or may stop any vendor, peddler, junk dealer, coal wagon, ice wagon, or any dealer whatsoever, for the purpose of making the proper tests.

Sealing; prosecutions. 4. Whenever the city sealer finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted. Whenever the sealer compares weights and measures and finds that they correspond or causes them to correspond with the standards in his possession, and with the regulations issued by the state superintendent of weights and measures, he shall seal or mark the same with appropriate devices to be approved by the state superintendent of weights and measures. The sealer shall condemn and seize and may destroy incorrect weights and measures and weighing or measuring instruments which cannot be repaired; and such as are incorrect and yet may be repaired, he shall mark or tag as "condemned for repairs" in a manner prescribed by the state superintendent of weights and measures.

Record and report. 5. The city sealer shall keep a complete record of the work done by him and shall make a quarterly report to the mayor, which report shall be filed with the city clerk, and a quarterly report duly sworn to, to the state superintendent of weights and measures, these quarterly reports to cover the three-month periods beginning July first, October first, January first, and April first respectively and to be submitted not later than twenty days following the expiration of the period covered by the report.

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Bond. 6. The city sealer of weights and measures shall forthwith on his appointment execute and file an official bond, with sureties approved by the appointing power.

Legislative powers reserved to cities. 7. Nothing contained in sections 1658 to 1670*a*, inclusive, shall be construed as prohibiting cities subject to the provision of this section from enforcing ordinances regulating weights and measures, heretofore or hereafter enacted not in conflict with said sections or the regulations of the superintendent of weights and measures issued in pursuance thereof. [*R. S. 1858 c. 58 s. 4, 5, 7; R. S. 1878 s. 1661; 1885 c. 181 s. 4; Ann. Stats. 1889 s. 1661; Stats. 1898 s. 1661; 1911 c. 566; 1911 c. 664 s. 123; 1915 c. 152; 1915 c. 356 s. 2; 1917 c. 37; 1919 c. 93 s. 29; 1919 c. 152*]

Sealers in state at large. SECTION 1662. In all territory within this state, except cities subject to the provisions of section 1661, the inspectors of weights and measures appointed under subsection 1 of section 1659 and such assistant dairy and food commissioners and such cheese factory, dairy and food inspectors and such creamery and dairy and food inspectors as may from time to time be designated by the superintendent of weights and measures shall act, ex officio, as sealers of weights and measures, with like authority, powers, and duties as prescribed for city sealers in subsections 2 to 5, inclusive, of section 1661. [*1871 c. 88; R. S. 1878 s. 1662; 1885 c. 181 s. 5; Ann. Stats. 1889 s. 1662; 1911 c. 566 s. 3*]

Sealer's liability; his removal from office. SECTION 1663. If any sealer of weights and measures shall neglect to perform any duty imposed by law or shall prove and seal any weight, measure, scale or beam by any public standard which shall not have been tried, proved and sealed as prescribed by this chapter he shall forfeit for each such offense ten dollars. The state superintendent of weights and measures may remove from office any sealer of weights and measures for wilful malfeasance or nonfeasance or for manifest incompetence, upon first giving him written notice of the charges against him and a reasonable opportunity to be heard in his defense. [*R. S. 1858 c. 58 s. 8; R. S. 1878 s. 1663; Ann. Stats. 1889 s. 1663; Stats. 1898 s. 1663; 1919 c. 152*]

Police powers of sealers. SECTION 1664. 1. There is hereby conferred upon the state superintendent of weights and measures, his inspectors, and all sealers of weights and measures, police power; they shall be provided by the superintendent of weights and measures with suitable badges or insignia of authority and in the exercise of their functions shall exhibit the same, upon demand, to any person questioning their powers, and they are hereby empowered and authorized to make arrests, with or without formal warrant, of any person or persons violating the provisions of any statute relating to weights and measures.

2. Whoever in any manner whatsoever impersonates or hinders the state superintendent of weights and measures or any inspector or any sealer of weights and measures, in the performance of their official duties shall be punished by a fine of not less than ten nor more than one hundred dollars. [*1911 c. 566*]

Dry commodity standards. SECTION 1665. 1. Whenever any of the articles or commodities mentioned in this section shall be sold by the bushel, or fractional part thereof, and no special agreement as to the weight thereof shall be made in writing, the measure thereof shall be ascertained by avoirdupois weight, and shall be computed as follows:

2. Sixty pounds for a bushel of wheat, peas, potatoes, clover seed, beans, alfalfa, or alsike;
4. Fifty-six pounds for a bushel of Indian corn, rye, lima beans, wrinkled peas, flaxseed, rutabagas, or tomatoes;
5. Fifty-four pounds for a bushel of sweet potatoes;
6. Fifty pounds for a bushel of corn meal, rape seed, millet seed, beets, green cucumbers, rye meal, carrots, buckwheat, hickory nuts, onions, or fine salt;
7. Forty-eight pounds for a bushel of barley, peaches, pears, or Hungarian grass seed;
8. Fourteen pounds for a bushel of blue grass seed or redtop seed;
9. Forty-six pounds for a bushel of castor beans;
10. Forty-five pounds for a bushel of timothy seed or rough rice;
11. Forty-four pounds for a bushel of hemp seed, parsnips, apples, or sea island cotton seed;
12. Forty-two pounds for a bushel of turnips;
13. Thirty-five pounds for a bushel of cranberries;
14. Thirty-four pounds for a bushel of barley malt;
15. Thirty-three pounds for a bushel of dried peaches;
16. Thirty-two pounds for a bushel of oats or onion sets;
17. Thirty pounds for a bushel of upland cotton seed;
18. Twenty-five pounds for a bushel of dried apples;
19. Twenty pounds for a bushel of bran or shorts;

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20. Seventy pounds for a bushel of coarse salt or lime;
21. Eighty pounds for a bushel of unslaked lime;
22. Eight pounds for a bushel of plastering hair;
23. And two thousand two hundred pounds for a cord of hemlock bark;
24. For a fractional part of a bushel a like fractional part of the above weights shall be required.

25. All dry commodities not otherwise specified in this section shall be bought or sold only by standard dry measures, standard weight, or numerical count except where parties otherwise agree in writing. [*R. S. 1858 c. 58 s. 11; 1866 c. 87, 97; 1868 c. 125; 1872 c. 12; 1874 c. 303; 1877 c. 290; R. S. 1878 s. 1665; 1881 c. 121; Ann. Stats. 1889 s. 1665; 1893 c. 55; 1895 c. 195; Stats. 1898 s. 1665; 1899 c. 282 s. 1; 1901 c. 111 s. 1; Supl. 1906 s. 1665; 1907 c. 118; 1911 c. 566; 1911 c. 664 s. 123; 1913 c. 773 s. 57; 1915 c. 63*]

Standard bushel. SECTION 1666. The bushel in struck measure shall contain two thousand one hundred fifty and forty-two hundredths cubic inches. The half bushel and the parts thereof shall correspond in capacity to that of the bushel and shall be the standard measure for fruits, vegetables, and other dry commodities customarily sold by heaped measure; and in measuring such commodities, the half bushel or other smaller measure shall be heaped as high as may be without special effort or design. [*R. S. 1858 c. 58 s. 12; R. S. 1878 s. 1666; Ann. Stats. 1889 s. 1666; 1895 c. 195 s. 3; Stats. 1898 s. 1666; 1911 c. 566; 1911 c. 664 s. 123*]

Standard bottles. SECTION 1666*a*. 1. Bottles used for the sale of milk and cream shall be of the capacity of half gallon, three pints, one quart, one pint, half pint, one gill filled full to the bottom of the cap seat, stopple or other designating mark. The following variations on individual bottles or jars may be allowed, but the average contents of not less than twenty-five bottles selected at random from at least four times the number tested must not be in error by more than one quarter of the tolerances: Six drams above and six drams below on the half gallon; five drams above and five drams below on the three-pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half pint; two drams above and two drams below on the gill. When milk or cream is pasteurized in the bottle in which it is to be sold or delivered, such bottle may have a capacity sufficient to permit of the expansion of the contents in the process of heating, but such bottle shall have clearly marked thereon by a line or other designating mark the point to which such bottle is filled when containing the respective capacities provided for in this section, at sixty-eight degrees Fahrenheit (twenty degrees centigrade). The state superintendent of weights and measures shall prescribe and adopt such rules and regulations as he may deem necessary to carry out the provisions of this section. Bottles or jars used for the sale of milk or cream shall have clearly blown or otherwise permanently marked in the side of the bottle, the capacity of the bottle and the word "Sealed" and in the side or bottom of the bottle the name, initials or the trade-mark of the manufacturer and designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the state superintendent of weights and measures upon application by the manufacturer, and upon filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney-general, conditioned upon their conformance with the requirements of this section. A record of the bonds furnished, the designating numbers, and to whom furnished, shall be kept in the office of the superintendent of weights and measures.

2. Any manufacturer who sells milk or cream bottles to be used in this state that do not comply as to size and markings with the provisions of this section shall suffer the penalty of five hundred dollars, to be recovered by the attorney-general in an action against the offender's bondsmen, to be brought in the name of the people of the state. Any dealer who uses, for the purpose of selling milk or cream, jars or bottles purchased after this law takes effect that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using false or insufficient measure.

3. Sealers of weights and measures are not required to seal bottles or jars for milk or cream marked as in this section provided, but they shall from time to time make tests on individual bottles used by the various firms in the territory over which they have jurisdiction, in order to ascertain whether the above provisions are being complied with, and they shall report violations found immediately to the superintendent of weights and measures. [*1911 c. 566; 1915 c. 443*]

Inspection of fuel deliveries. SECTION 1666*b*. It shall be unlawful to sell or offer to sell in this state any coal, charcoal, or coke in any other manner than by weight. No person, firm, or corporation shall deliver any coal, charcoal, or coke without each such

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delivery being accompanied by a delivering ticket and a duplicate thereof, on each of which shall be in ink, or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, and the quantity, or quantities of coal, charcoal, or coke, contained in the cart, wagon, or other vehicle used in such deliveries, with the name of the purchaser thereof, and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the sealer of weights and measures upon his demand, for his inspection, and this ticket or weight slip issued by the sealer when the sealer desires to retain the original shall be delivered to said purchaser of said coal, or his agent or representative, at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds delivered over to the purchaser must be given to the purchaser at the time the sale is made. [*1911 c. 566*]

Hundred weight and ton. SECTION 1667. When any commodity shall be sold by weight it shall be understood to mean the net weight, and all contracts concerning goods or commodities sold by weight shall be construed accordingly unless such construction would be manifestly inconsistent with the special agreement of the parties contracting. When any commodity is sold by the ton it shall be understood to mean the net weight of twenty hundred avoirdupois pounds unless such construction would be manifestly inconsistent with the special agreement of the parties contracting. [*R. S. 1858 c. 58 s. 10; R. S. 1878 s. 1667; Ann. Stats. 1889 s. 1667; 1895 c. 195 s. 1; Stats. 1898 s. 1667; 1917 c. 45*]

Standard barrels, crates and boxes. SECTION 1668. 1. A barrel for liquids shall contain thirty-one and one-half gallons, and a hogshead two barrels.

2. A barrel for beer, ale, porter or other similar fermented liquors shall contain thirty-one gallons, each gallon to contain two hundred thirty-one cubic inches; a half barrel, fifteen and one-half gallons; a quarter barrel, seven and three-fourths gallons; an eighth barrel, three and seven-eighths gallons. The capacities of the barrel and its subdivisions enumerated above shall apply to all containers in which beer, ale, porter or other similar fermented liquors are commonly sold, known as barrels, kegs, casks, or any other container made of staves, hoops and flatheads. Reasonable tolerances shall be prescribed by the state superintendent of weights and measures for the containers above designated.

3. A barrel of flour measured by weight shall contain one hundred ninety-six pounds;

4. A barrel for potatoes or other vegetables shall be the same as the standard barrel for apples or pears or other fruit as provided in subsection 6 of this section.

5. A barrel of unslacked lime shall contain two hundred pounds.

6. The standard barrel for apples or pears or other fruit, unless otherwise specifically defined, shall have an interior capacity of seven thousand and fifty-six cubic inches, and shall not be less than twenty-six inches between the heads inside; the diameter of the heads shall be seventeen and one-eighth inches, including the beveled edge; the outside bilge or circumference shall be not less than sixty-four inches, the thickness of the staves being four-tenths of an inch; provided, however, that any barrel of a different form, but of an interior capacity of seven thousand and fifty-six cubic inches, shall be a legal barrel.

7. The standard barrel for cranberries shall measure not less than twenty-five and one-quarter inches between the heads inside; the diameter of the heads shall be sixteen and one-quarter inches, including the beveled edge; the outside bilge, or circumference, shall measure not less than fifty-eight and one-half inches, the thickness of the staves being four-tenths of an inch. But any barrel of different form, but of the same interior capacity shall be considered a legal barrel.

8. A standard crate, box or basket for apples, pears, plums, peaches, and other fruits not secondarily contained in quart or other boxes within such crate, box or basket, shall have an interior capacity of two thousand one hundred fifty cubic inches exclusive of cover.

9. A bushel crate of cranberries or blueberries shall have an interior capacity of one bushel struck measure.

10. All sales of blackberries, blueberries, currants, gooseberries, raspberries, cherries, strawberries, and similar berries in quantities of less than one bushel shall be by the quart, pint, or half-pint, dry measure, and all berry boxes or baskets sold, used, or offered for sale within the state shall be of the interior capacity of not less than one quart, pint, or half-pint, dry measure. Any person who, by himself or by his servant or agent or as the servant or agent of another, shall violate any of the provisions of this

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subsection shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than three months. In addition thereto, the illegal boxes or baskets and the fruit therein contained may be confiscated.

11. All sales of fresh fruits or vegetables in containers of less than one bushel dry capacity measure shall be in containers of the standard capacity of one quart, two quarts, three quarts, four quarts, five quarts, six quarts, eight quarts, sixteen quarts or twenty-four quarts standard dry measure, and such receptacles shall in fact contain the full capacity of such fresh fruits or vegetables, or if in other than standard containers such receptacles for fresh fruits or vegetables shall be plainly and conspicuously marked to indicate the true net weight, measure or numerical count of such fruits or vegetables.

13. All contracts for the sale of apples, pears, cranberries, or other fruits, potatoes or other vegetables, by the barrel or crate, unless it is otherwise expressly stipulated in writing, shall be construed to mean barrels or crates of the capacity prescribed in subsections 4, 6, 7, 8, and 9 of this section.

14. (a) Nothing in this section shall be construed as preventing the sale and shipment into other states of barrels, crates, berry boxes, or baskets of other capacities than those herein specified, nor as prohibiting the use of barrels, crates, berry boxes, or baskets of other capacities than those herein specified for the sale and shipment therein into other states of the fruits or vegetables named or designated in this section; and until the first day of March, 1913, nothing in this section shall prevent the sale by net avoirdupois weight of any of the fruits or vegetables named or designated in this section, if in containers of other capacities than the standards fixed by this section; and until the first day of March, 1913, nothing in this section shall prevent the sale of any of the fruits or vegetables named or designated in this section, if the containing barrel, crate, berry box, or basket in which the same are sold is plainly and indelibly stamped or branded on the outside thereof in characters in color different from the container, at least one inch high in the case of barrel or crate, and at least one-half inch high in the case of berry box or basket, so as to show the correct interior capacity thereof by fractional part of the standard barrel or crate or of the standard quart or pint dry measure, as the case may be, if sold for such capacity.

(b) The requirement of subsection 4 of section 1661 of the statutes as to sealing by the sealer of weights and measures shall not be construed as applying to the barrels, crates, boxes, or baskets designated in this section. [*1874 c. 90; R. S. 1878 s. 1668; 1885 c. 384 s. 1, 2; 1887 c. 330; Ann. Stats. 1889 s. 1668, 1669a, 1669b; 1895 c. 195 s. 1, 4; Stats. 1898 s. 1668; 1899 c. 334 s. 1; 1905 c. 56 s. 1; Supl. 1906 s. 1668; 1907 c. 118; 1911 c. 566 s. 6; Spl. S. 1912 c. 15; 1915 c. 225, 392; 1921 c. 427*]

SECTION 1668*m*. [*Repealed by 1921 c. 256*]

Hop boxes. SECTION 1669. The standard size of boxes used for picking hops shall be not exceeding three feet long, one and one-half feet wide and two feet deep, inside measure. [*1866 c. 29 s. 2; 1867 c. 92; R. S. 1878 s. 1669; Ann. Stats. 1889 s. 1669; Stats. 1898 s. 1669*]

Standard for grain. SECTION 1670. No person shall sell, buy or receive in store any grain at any weight or measure per bushel other than the standard weight or measure per bushel fixed by law; and for any violation hereof the offender shall forfeit not less than five nor more than fifty dollars. [*1872 c. 49; R. S. 1878 s. 1670; Ann. Stats. 1889 s. 1670; Stats. 1898 s. 1670*]

Grain tester, how used. SECTION 1670*a*. No person shall determine the grade of any grain which is bought or received in store at any mill, elevator, warehouse or storehouse by the use of any grain tester that is not sealed in accordance with the United States standard of measure and which sealer is not in accordance therewith at the time it is used. When grain is tested at the instance of the seller the tester shall be filled by pouring the grain into it from a scoop or a similar vessel, and when the tester is filled it shall be struck or leveled with three zigzag movements of a straight edge. Any person who shall violate the provisions of this section and thereby cheat or defraud the seller or buyer of any grain shall be punished as is provided in section 4432. [*1879 c. 174; Ann. Stats. 1889 s. 1670a; Stats. 1898 s. 1670a*]

Appropriation. SECTION 1670*b*. The salaries and expenses of city sealers shall be paid from the city treasuries, respectively. [*1911 c. 566; 1913 c. 772 s. 34*]

Cheese purchased at wholesale to be weighed before delivery. SECTION 1670*m*. 1. Every person, firm or corporation that purchases or engages in the business of purchasing cheese in quantities of fifty pounds or more, in this state shall, in all cases except where otherwise agreed by express contract, correctly weigh or cause to be correctly weighed, each and every box or package thereof, at or before the time that such cheese

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shall be delivered to the purchaser, or to any common carrier for the purchaser for shipment, and every such person, firm or corporation shall make payment for all such cheese purchased, according to the weight so ascertained, and at the price or amount therefor agreed upon with the owner or vendor of such cheese at the time of such delivery, except for such cheese as shall be found to be of inferior quality by a test thereof made at or before the time of such delivery.

2. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten nor more than two hundred dollars. [*1911 c. 381*]

Sale of growing crops; weighing; quality. SECTION 1670*m*. 1. Any person, firm or corporation transacting business in this state, that shall enter into any contract for the purchase of any crop that is not ready for immediate delivery, shall in all cases weigh, or cause to be weighed, the crop so purchased, at or before the time such crop is delivered to the purchaser, or to a common carrier at the direction of the purchaser for shipment, and every such person, firm or corporation shall ultimately make payment in full for all of the crop so purchased according to the weight so ascertained and at the price or amount specified in the contract, without regard to the quality or condition of such crop or portions thereof at the time of delivery, unless any inferior quality or unsound condition of such crop shall be due to the negligence or wilful act of the vendor, subsequent to such purchase, and in case any purchaser shall fail or refuse to comply with his contract as provided in this section, the vendor, in any action prosecuted by him to recover for any crop sold to such purchaser, shall recover as damages for such failure or refusal, double the contract price of such crop at the weight thereof when ready for delivery and offered to or accepted by the purchaser. [*1913 c. 55*]

Cotton duck or canvas; weight and quality; branding. SECTION 1670*t*. 1. That for the purposes of this section cotton duck or canvas shall be deemed to include all cotton duck or canvas, whether single filling, double filling, roll or wide duck.

2. That for the purposes of this section, the equivalent of thirty-six inches in length by twenty-nine inches in width or seven and one-fourth square feet of cotton duck or canvas shall constitute a yard, and an ounce shall be one-sixteenth part of a pound avoirdupois.

3. Any person, company or corporation who shall manufacture for sale or who may offer or expose for sale any cotton duck or canvas, or any article other than clothing and wearing apparel composed or made in whole or in part of cotton duck or canvas, shall distinctly and durably stamp, brand, or mark thereon the true and correct weight of such cotton duck or canvas, by ounces per yard, together with a description by name of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture.

4. It shall be unlawful for any person or corporation, either individually or in any representative capacity, to carry for sale, sell or endeavor to sell any cotton duck or canvas as herein defined, or any articles other than clothing and wearing apparel, composed or made in whole or in part of any cotton duck or canvas without having marked thereon the true and correct weight of said canvas or cotton duck by ounces per yard, together with a description by name of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture, or to misstate, misrepresent, or conceal the true weight of said canvas or cotton duck by ounces per yard, or to misstate, misrepresent, or conceal the existence of any filler or other preparation placed in or on said cotton duck or canvas since its manufacture.

5. It shall be unlawful for any person or corporation either individually or in representative capacity, selling, carrying for sale or endeavoring to sell any awnings, paulins, wagon covers, tents, grain and hay covers, stable or tent tops to misstate, or misrepresent, or conceal the true and correct size and dimensions thereof.

6. It shall be unlawful for any person to deface, mutilate, obscure, conceal, efface, cancel, or remove any mark provided for by this section or cause, or permit the same to be done with intent to mislead, deceive, or to violate any of the provisions of this section.

7. Any person, company, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall for the first offense be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, and for each subsequent offense by a fine of not less than fifty dollars nor more than one hundred dollars. [*1913 c. 92*]

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CHAPTER 77.

RATES OF TOLL FOR GRINDING.

Rate fixed. SECTION 1671. The owners or occupiers of all gristmills moved by water shall be entitled to one-eighth part of all wheat, rye or other grain ground and bolted or ground and not bolted, and no more; and such owners or occupiers shall not be permitted to grind their own grain to the exclusion of other grists so long as such mill is used and occupied as a gristmill. [*R. S. 1858 c. 59 s. 1; R. S. 1878 s. 1671; Ann. Stats. 1889 s. 1671; Stats. 1898 s. 1671*]

Order in which grinding done. SECTION 1672. The owner or occupier of any gristmill shall well and sufficiently grind the grain brought to his mill for that purpose, in due time and in the order in which it shall be received, and shall be accountable for the safe-keeping of all grain received in such mill for the purpose of being ground therein, and shall deliver the same, when ground or ground and bolted, as the case may be, with the bag or casks in which it was brought, when demanded; but no owner or occupier of any mill shall be compelled to grind for distilling or for sale or merchant work to the exclusion of his own grain. [*R. S. 1858 c. 59 s. 2; R. S. 1878 s. 1672; Ann. Stats. 1889 s. 1672; Stats. 1898 s. 1672*]

Liability for losses. SECTION 1673. Nothing contained in the last section shall be so construed as to charge the owner or occupier of any mill for the loss of any grain, bag or cask which shall happen by robbery, fire or inevitable accident, without the fault of such owner or occupier, his agents or servants. [*R. S. 1858 c. 59 s. 3; R. S. 1878 s. 1673; Ann. Stats. 1889 s. 1673; Stats. 1898 s. 1673*]

Penalty. SECTION 1674. Every miller or owner or occupier of a gristmill who shall not well and sufficiently grind any grain as aforesaid, or not in due turn as the same shall be brought, or who shall exact or take more toll than is herein allowed shall in every such case forfeit not less than three nor more than twenty dollars and shall also be liable to the party injured in double the actual damages sustained by him. [*R. S. 1858 c. 59 s. 4; R. S. 1878 s. 1674; Ann. Stats. 1889 s. 1674; Stats. 1898 s. 1674*]

CHAPTER 78.

BILLS OF EXCHANGE AND PROMISSORY NOTES.

GENERAL PROVISIONS.

Definitions. SECTION 1675. In this chapter unless the context otherwise requires:

"Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counterclaim and set-off.

"Bank" includes any person or association of persons carrying on the business of banking, whether incorporated or not.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means negotiable promissory note.

"Delivery" means transfer of possession, actual or constructive from one person to another.

"Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

"Indorsement" means an indorsement completed by delivery.

"Instrument" means negotiable instrument.

"Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay same. All other parties are "secondarily" liable.

In determining what is a "reasonable time" or an "unreasonable time," regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case. Where the day, or the last day,

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for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day. The provisions of this chapter do not apply to negotiable instruments made and delivered prior to the passage hereof.

In any case not provided for in this chapter the rules of the law merchant shall govern. [*1899 c. 356 s. 1, 2; 1901 c. 361 s. 2; Supl. 1906 s. 1675; 1907 c. 118*]

FORM AND INTERPRETATION.

Negotiable instruments; form. SECTION 1675—1. An instrument to be negotiable must conform to the following requirements:

(1) It must be in writing and signed by the maker or drawer.

(2) Must contain an unconditional promise or order to pay a sum certain in money.

(3) Must be payable on demand or at a fixed or determinable future time.

(4) Must be payable to order or to bearer.

(5) Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty. [*R. S. 1858 c. 60 s. 1; 1877 c. 220; R. S. 1878 s. 1675, 1676; 1879 c. 194 s. 2 sub. 12; Ann. Stats. 1889 s. 1675, 1676; Stats. 1898 s. 1675, 1676; 1899 c. 356 s. 1; Supl. 1906 s. 1675—1; 1907 c. 118; 1909 c. 291; 1917 c. 179 s. 2; 1921 c. 286*]

Words to be printed on face of note. SECTION 1675—1*a*. All promissory notes and other evidences of indebtedness, taken or given for any lightning rod, stallion, boar or brood sow, or interest therein as the case may be, shall have written or printed thereon in red ink the words: "The consideration for this note is the sale of a lightning rod, stallion, boar or brood sow, or interest therein, as the case may be." [*1901 c. 268 s. 1; 1903 c. 438 s. 1; Supl. 1906 s. 1675—1a; 1907 c. 118; 1917 c. 679 s. 77; 1921 c. 345*]

Penalty for taking note without statement required. SECTION 1675—1*b*. Any person who shall sell a lightning rod, stallion, boar or brood sow, or any interest in a lightning rod, stallion, boar or brood sow, who shall take a promissory note or other evidence of indebtedness for the whole or any part of the consideration thereof, and who shall fail to state the consideration for said note as provided by section 1675—1*a*, or in words of similar import, shall be liable to a penalty equal to the face of the note so taken. [*1901 c. 268 s. 2; 1903 c. 438 s. 2; Supl. 1906 s. 1675—1b; 1907 c. 118; 1911 c. 663 s. 301; 1919 c. 679 s. 77; 1921 c. 345*]

Certain notes nonnegotiable; innocent holder of. SECTION 1675—1*c*. All notes or other evidences of indebtedness taken as the whole or a part of the consideration for any lightning rod, stallion, boar or brood sow, or interest therein, which shall express upon their face the consideration for which they are taken, as required by section 1675—1*a*, shall be nonnegotiable, and be subject to all the defenses in the hands of an innocent holder that the same would have if not transferred. [*1901 c. 268 s. 3; 1903 c. 438 s. 3; Supl. 1906 s. 1675—1c; 1907 c. 118; 1911 c. 663 s. 301; 1919 c. 679 s. 77; 1921 c. 345*]

Sum certain. SECTION 1675—2. The sum payable is a sum certain within the meaning of this chapter, although it is to be paid:

(1) With interest; or

(2) By stated instalments; or

(3) By stated instalments, with a provision that upon default in payment of any instalment or of interest, the whole shall become due; or

(4) With exchange, whether at a fixed rate or at the current rate; or

(5) With costs of collection or an attorney's fee, in case payment shall not be made at maturity. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—2; 1907 c. 118*]

Unconditional promise. SECTION 1675—3. An unqualified order or promise to pay is unconditional within the meaning of this chapter, though coupled with:

(1) An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

(2) A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—3; 1907 c. 118*]

Determinable future time. SECTION 1675—4. An instrument is payable at a determinable future time, within the meaning of this chapter, which is expressed to be payable:

(1) At a fixed period after date or sight; or

(2) On or before a fixed or determinable future time specified therein; or

(3) On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

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(4) At a fixed period after date or sight, though payable before then on a contingency. An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect, except as herein provided. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—4; 1907 c. 118*]

Negotiable character not affected. SECTION 1675—5. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

(1) Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or

(2) Authorizes a confession of judgment if the instrument be not paid at maturity; or

(3) Waives the benefit of any law intended for the advantage or protection of the obligor; or

(4) Gives the holder an election to require something to be done in lieu of payment of money. But nothing in this section shall validate any provision or stipulation otherwise illegal or authorize the waiver of exemptions from execution. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—5; 1907 c. 118*]

Validity and negotiability not affected, when. SECTION 1675—6. The validity and negotiable character of an instrument are not affected by the fact that:

(1) It is not dated; or

(2) Does not specify the value given, or that any value has been given therefor; or

(3) Does not specify the place where it is drawn or the place where it is payable; or

(4) Bears a seal; or

(5) Designates a particular kind of current money in which payment is to be made. But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—6; 1907 c. 118*]

Payable on demand, when. SECTION 1675—7. An instrument is payable on demand:

(1) Where it is expressed to be payable on demand, or at sight, or on presentation; or

(2) In which no time for payment is expressed. Where an instrument is issued, accepted, or indorsed, when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—7; 1907 c. 118*]

Payable to order, when. SECTION 1675—8. The instrument is payable to order where it is drawn payable to the order of a specified person, or to him or his order. It may be drawn payable to the order of:

(1) A payee who is not maker, drawer, or drawee; or

(2) The drawer or maker; or

(3) The drawee; or

(4) Two or more payees jointly; or

(5) One or some of several payees; or

(6) The holder of an office for the time being. Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—8; 1907 c. 118*]

Payable to bearer, when. SECTION 1675—9. The instrument is payable to bearer:

(1) When it is expressed to be so payable; or

(2) When it is payable to a person named therein or bearer; or

(3) When it is payable to the order of a fictitious or nonexisting person, and such fact was known to the person making it so payable; or

(4) When the name of the payee does not purport to be the name of any person; or

(5) When the only or last indorsement is an indorsement in blank. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—9; 1907 c. 118*]

Effect of memoranda on instrument. SECTION 1675—10. The instrument need not follow the language of this chapter, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof. Memoranda upon the face or back of the instrument, whether signed or not, material to the contract, if made at the time of delivery, are part of the instrument, and parol evidence is admissible to show the circumstances under which they were made. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—10; 1907 c. 118*]

Date prima facie evidence. SECTION 1675—11. Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance, or indorsement as the case may be. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—11; 1907 c. 118*]

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Date. SECTION 1675—12. The instrument is not invalid for the reason that it is antedated or postdated, provided that this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—12; 1907 c. 118*]

Undated paper. SECTION 1675—13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—13; 1907 c. 118*]

Uncompleted instruments. SECTION 1675—14. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it prior to negotiation by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as an authority to fill it up as such for any amount. In order, however, that any such instrument when complete may be enforced against any person who became a party thereto prior to completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—14; 1907 c. 118*]

Incomplete instruments completed without authority. SECTION 1675—15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before negotiation. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—15; 1907 c. 118*]

Contracts on negotiable paper, when incomplete. SECTION 1675—16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—16; 1907 c. 118*]

Construction of ambiguities. SECTION 1675—17. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

(1) Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount;

(2) Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof;

(3) Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

(4) Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;

(5) Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election;

(6) Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;

(7) Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon;

(8) Where several writings are executed at or about the same time, as parts of the same transaction, intended to accomplish the same object, they may be construed as one and the same instrument as to all parties having notice thereof. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—17; 1907 c. 118*]

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Trade or assumed names. SECTION 1675—18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed his own name. [*R. S. 1858 c. 60 s. 4; R. S. 1878 s. 1679; Ann. Stats. 1889 s. 1679; Stats. 1898 s. 1679; 1899 c. 356 s. 1; Supl. 1906 s. 1675—18; 1907 c. 118*]

Signature by agent. SECTION 1675—19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency. [*R. S. 1858 c. 60 s. 2; R. S. 1878 s. 1677; Ann. Stats. 1889 s. 1677; Stats. 1898 s. 1677; 1899 c. 356 s. 1; Supl. 1906 s. 1675—19; 1907 c. 118*]

Agent not liable. SECTION 1675—20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—20; 1907 c. 118*]

Signature by "procuration." SECTION 1675—21. A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—21; 1907 c. 118*]

Indorsement by corporation or infant. SECTION 1675—22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—22; 1907 c. 118*]

Forgery. SECTION 1675—23. Where a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—23; 1907 c. 118*]

Bank; forged check; limitation. SECTION 1675—24. No bank shall be liable to any depositor for the payment by it of a forged or raised check unless action therefor shall be brought against such bank within one year after the return to the depositor by such bank of the check so forged or raised as a voucher. [*1905 c. 262; Supl. 1906 s. 1675—24; 1907 c. 118*]

CONSIDERATION.

Presumptions. SECTION 1675—50. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—50; 1907 c. 118*]

Value, defined. SECTION 1675—51. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—51; 1907 c. 118; 1917 c. 179 s. 2*]

Value presumed. SECTION 1675—52. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—52; 1907 c. 118*]

When holder has lien. SECTION 1675—53. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—53; 1907 c. 118*]

Absence of consideration matter of defense. SECTION 1675—54. Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense pro tanto, whether the failure is an ascertained and liquidated amount or otherwise. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—54; 1907 c. 118*]

Accommodation party defined. SECTION 1675—55. An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party. [*1899 c. 356 s. 1; Supl. 1906 s. 1675—55; 1907 c. 118*]

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NEGOTIATION.

Instrument, when negotiated. SECTION 1676. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer, it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery. [*1899 c. 356 s. 1; Supl. 1906 s. 1676; 1907 c. 118*]

Indorsement, what is. SECTION 1676—1. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—1; 1907 c. 118*]

Indorsement is entire. SECTION 1676—2. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—2; 1907 c. 118*]

Special or blank indorsement. SECTION 1676—3. An indorsement may be either special or in blank; and it may also be either restrictive or qualified, or conditional. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—3; 1907 c. 118*]

What special or blank indorsement. SECTION 1676—4. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—4; 1907 c. 118*]

Conversion of blank into special indorsement. SECTION 1676—5. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—5; 1907 c. 118*]

Restrictive indorsement. SECTION 1676—6. An indorsement is restrictive which either:

(1) Prohibits the further negotiation of the instrument; or

(2) Constitutes the indorsee the agent of the indorser; or

(3) Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—6; 1907 c. 118*]

Right conferred by. SECTION 1676—7. A restrictive indorsement confers upon the indorsee the right:

(1) To receive payment of the instrument;

(2) To bring any action thereon that the indorser could bring;

(3) To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—7; 1907 c. 118*]

Qualified indorsement. SECTION 1676—8. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—8; 1907 c. 118*]

Conditional indorsement. SECTION 1676—9. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—9; 1907 c. 118*]

Indorsements of instruments payable to bearer. SECTION 1676—10. Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—10; 1907 c. 118*]

Instruments payable to two or more persons. SECTION 1676—11. Where an instrument is payable to the order of two or more payees or joint indorsees who are not part-

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ners, all must indorse, unless the one indorsing has authority to indorse for the others. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—11; 1907 c. 118*]

When drawn to fiscal officer. SECTION 1676—12. Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—12; 1907 c. 118*]

Misspelled names. SECTION 1676—13. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he thinks fit, his proper signature. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—13; 1907 c. 118*]

Negative personal liability. SECTION 1676—14. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—14; 1907 c. 118*]

Prima facie evidence of negotiation. SECTION 1676—15. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been effected before the instrument was overdue. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—15; 1907 c. 118*]

Presumption. SECTION 1676—16. Except where the contrary appears every indorsement is presumed prima facie to have been made at the place where the instrument is dated. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—16; 1907 c. 118*]

Duration of negotiability. SECTION 1676—17. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—17; 1907 c. 118*]

Erasing indorsements. SECTION 1676—18. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him are thereby relieved from liability on the instrument. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—18; 1907 c. 118*]

Transfer without indorsement; subsequent indorsement. SECTION 1676—19. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—19; 1907 c. 118; 1917 c. 179 s. 2*]

Reissue by prior party. SECTION 1676—20. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—20; 1907 c. 118*]

RIGHTS OF THE HOLDER.

Holder may sue. SECTION 1676—21. The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument. [*R. S. 1858 c. 60 s. 3; R. S. 1878 s. 1678; Ann. Stats. 1889 s. 1678; Stats. 1898 s. 1678; 1899 c. 356 s. 1; Supl. 1906 s. 1676—21; 1907 c. 118*]

Holder in due course. SECTION 1676—22. A holder in due course is a holder who has taken the instrument under the following conditions:

(1) That it is complete and regular upon its face;

(2) That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;

(3) That he took it in good faith and for value.

(4) That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

(5) That he took it in the usual course of business. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—22; 1907 c. 118*]

When not a holder in due course. SECTION 1676—23. When an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—23; 1907 c. 118*]

Notice of infirmity in the instrument. SECTION 1676—24. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid therefor the full amount agreed to be paid he will be

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deemed a holder in due course only to the extent of the amount theretofore paid by him. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—24; 1907 c. 118*]

Defective title. SECTION 1676—25. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtains the instrument, or any signature thereto, by fraud, duress, or force or fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud and the title of such person is absolutely void when such instrument or signature was so procured from a person who did not know the nature of the instrument and could not have obtained such knowledge by the use of ordinary care. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—25; 1907 c. 118*]

Actual knowledge of infirmity necessary to notice. SECTION 1676—26. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—26; 1907 c. 118*]

Rights of holder in due course; exception. SECTION 1676—27. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon except as provided in sections 1944 and 1945 of these statutes, relating to insurance premiums, and also in cases where the title of the person negotiating such instrument is void under the provision of section 1676—25 of this act. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—27; 1907 c. 118*]

Holder, other than in due course. SECTION 1676—28. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were nonnegotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud, duress or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to such holder. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—28; 1907 c. 118*]

Burden of proof as to title. SECTION 1676—29. Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course. But the last-mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title. [*1899 c. 356 s. 1; Supl. 1906 s. 1676—29; 1907 c. 118*]

LIABILITIES OF PARTIES.

Maker. SECTION 1677. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor; and admits the existence of the payee and his then capacity to indorse. [*1899 c. 356 s. 1; Supl. 1906 s. 1677; 1907 c. 118*]

Drawer. SECTION 1677—1. The drawer by drawing the instrument admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negativing or limiting his own liability to the holder. [*1899 c. 356 s. 1; Supl. 1906 s. 1677—1; 1907 c. 118*]

Acceptor. SECTION 1677—2. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits:

(1) The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and,

(2) The existence of the payee and his then capacity to indorse. [*1899 c. 356 s. 1; Supl. 1906 s. 1677—2; 1907 c. 118*]

Indorser. SECTION 1677—3. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity. [*1899 c. 356 s. 1; Supl. 1906 s. 1677—3; 1907 c. 118*]

Liability of indorser in blank. SECTION 1677—4. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

(1) If the instrument is payable to the order of a third person he is liable to the payee and to all subsequent parties.

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(2) If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

(3) If he sign for the accommodation of the payee, he is liable to all parties subsequent to the payee. [*1899 c. 356 s. 1; Supl. 1906 s. 1677—4; 1907 c. 118*]

Warranty. SECTION 1677—5. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants:

(1) That the instrument is genuine and in all respects what it purports to be;

(2) That he has good title to it;

(3) That all prior parties had capacity to contract;

(4) That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision 3 of this section do not apply to persons negotiating public or corporate securities, other than bills and notes. [*1899 c. 356 s. 1; Supl. 1906 s. 1677—5; 1907 c. 118*]

Warranty of indorser without qualification. SECTION 1677—6. Every indorser who indorses without qualification, warrants to all subsequent holders in due course:

(1) The matters and things mentioned in subdivisions 1, 2 and 3 of the next preceding section; and,

(2) That the instrument is at the time of his indorsement valid and subsisting.

And in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it is dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. [*1899 c. 356 s. 1; Supl. 1906 s. 1677—6; 1907 c. 118*]

Indorsement of instrument negotiable by delivery. SECTION 1677—7. When a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser. [*1899 c. 356 s. 1; Supl. 1906 s. 1677—7; 1907 c. 118*]

Indorsers liable in order of indorsement. SECTION 1677—8. As respects one another, indorsers are liable prima facie in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally. [*1899 c. 356 s. 1; Supl. 1906 s. 1677—8; 1907 c. 118*]

Negotiable without indorsement by broker. SECTION 1677—9. When a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section 1677—5, unless he discloses the name of his principal, and the fact that he is acting only as an agent. [*1899 c. 356 s. 1; Supl. 1906 s. 1677—9; 1907 c. 118*]

PRESENTMENT FOR PAYMENT.

Presentment when necessary. SECTION 1678. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers. [*1899 c. 356 s. 1; Supl. 1906 s. 1678; 1907 c. 118*]

Instruments payable on demand. SECTION 1678—1. Where the instrument is not payable on demand presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—1; 1907 c. 118*]

Sufficient presentment. SECTION 1678—2. Presentment for payment, to be sufficient, must be made:

(1) By the holder, or by some person authorized to receive payment on his behalf;

(2) At a reasonable hour on a business day;

(3) At a proper place as herein defined;

(4) To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—2; 1907 c. 118*]

Presentment at proper place. SECTION 1678—3. Presentment for payment is made at the proper place:

(1) Where a place of payment is specified in the instrument and it is there presented;

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(2) Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented;

(3) Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;

(4) In any other case if presented to the person to make payment wherever he can be found, or if presented at his last-known place of business or residence. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—3; 1907 c. 118*]

Exhibition of instrument. SECTION 1678—4. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—4; 1907 c. 118*]

During banking hours. SECTION 1678—5. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—5; 1907 c. 118*]

In case of death. SECTION 1678—6. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if such there be, and if, with the exercise of reasonable diligence, he can be found. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—6; 1907 c. 118*]

Partners. SECTION 1678—7. Where the persons primarily liable on the instrument are liable as partners and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—7; 1907 c. 118*]

Joint debtors. SECTION 1678—8. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all. [*1899 s. 356 s. 1; Supl. 1906 s. 1678—8; 1907 c. 118*]

In order to charge drawer. SECTION 1678—9. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—9; 1907 c. 118*]

In order to charge indorser. SECTION 1678—10. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—10; 1907 c. 118*]

Delay, when excused. SECTION 1678—11. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—11; 1907 c. 118*]

When dispensed with. SECTION 1678—12. Presentment for payment is dispensed with:

(1) Where after the exercise of reasonable diligence presentment as required by this chapter cannot be made;

(2) Where the drawee is a fictitious person;

(3) By waiver of presentment express or implied. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—12; 1907 c. 118*]

DISHONOR.

By nonpayment. SECTION 1678—13. The instrument is dishonored by nonpayment when:

(1) It is duly presented for payment and payment is refused or cannot be obtained; or,

(2) Presentment is excused and the instrument is overdue and unpaid. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—13; 1907 c. 118*]

Right of recourse of holder. SECTION 1678—14. Subject to the provisions of this act, when the instrument is dishonored by nonpayment, an immediate right of recourse to all parties secondarily liable thereon, accrues to the holder. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—14; 1907 c. 118*]

Without grace; maturity. SECTION 1678—15. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon a Sunday, or a holiday, the instrument is payable on the next succeeding business day. [*1895 c. 122 s. 1, 2; Stats. 1898 s. 1680, 1684; 1899 c. 356 s. 1; Supl. 1906 s. 1678—15; 1907 c. 118*]

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Time of payment. SECTION 1678—16. Where the instrument is payable at a fixed period after date, after sight or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of the payment. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—16; 1907 c. 118*]

At a bank. SECTION 1678—17. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—17; 1907 c. 118*]

Payment in due course. SECTION 1678—18. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—18; 1907 c. 118*]

NOTICE OF DISHONOR.

Notice, how given. SECTION 1678—19. Except as herein otherwise provided, when a negotiable instrument has been dishonored by nonacceptance or nonpayment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—19; 1907 c. 118*]

Who may give. SECTION 1678—20. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up would have a right to reimbursement from the party to whom the notice is given. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—20; 1907 c. 118*]

By agent. SECTION 1678—21. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—21; 1907 c. 118*]

Subsequent holders. SECTION 1678—22. Where notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—22; 1907 c. 118*]

Notice on behalf of entitled party. SECTION 1678—23. Where notice is given by or on behalf of a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—23; 1907 c. 118*]

In hands of an agent. SECTION 1678—24. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—24; 1907 c. 118*]

Character of notice. SECTION 1678—25. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by nonacceptance or nonpayment. It may in all cases be given by delivering it personally or through the mails. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—25; 1907 c. 118*]

Written notice. SECTION 1678—26. A written notice need not be signed and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—26; 1907 c. 118*]

To whom given. SECTION 1678—27. Notice of dishonor may be given either to the party himself or to his agent in that behalf. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—27; 1907 c. 118*]

Deceased party. SECTION 1678—28. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—28; 1907 c. 118*]

Partners. SECTION 1678—29. Where the parties to be notified are partners, notice to any one partner is notice to the firm even though there has been a dissolution. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—29; 1907 c. 118*]

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Joint parties. SECTION 1678—30. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—30; 1907 c. 118*]

Bankrupt. SECTION 1678—31. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustees or assignee. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—31; 1907 c. 118*]

When given. SECTION 1678—32. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this chapter. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—32; 1907 c. 118*]

Where parties reside in same place. SECTION 1678—33. Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times:

(1) If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following.

(2) If given at his residence, it must be given before the usual hours of rest on the day following.

(3) If sent by mail, it must be deposited in the post office in time to reach him in usual course on the day following. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—33; 1907 c. 118*]

Where parties reside in different places. SECTION 1678—34. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

(1) If sent by mail, it must be deposited in the post office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

(2) If given otherwise than through the post office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post office within the time specified in the last subdivision. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—34; 1907 c. 118*]

By mail. SECTION 1678—35. Where notice of dishonor is duly addressed and deposited in the post office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—35; 1907 c. 118*]

When mailed. SECTION 1678—36. Notice is deemed to have been deposited in the post office when deposited in any branch post office or in any letter box under the control of the post-office department. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—36; 1907 c. 118*]

Notice to antecedent parties. SECTION 1678—37. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—37; 1907 c. 118*]

Where to be sent. SECTION 1678—38. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows:

(1) Either to the post office nearest to his place of residence, or to the post office where he is accustomed to receive his letters; or

(2) If he live in one place, and have his place of business in another, notice may be sent to either place; or

(3) If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this act, it will be sufficient, though not sent in accordance with the requirements of this section. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—38; 1907 c. 118*]

Waiver of notice. SECTION 1678—39. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—39; 1907 c. 118*]

Waiver in instrument. SECTION 1678—40. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—40; 1907 c. 118*]

Waiver of protest. SECTION 1678—41. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—41; 1907 c. 118*]

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Notice, when dispensed with. SECTION 1678—42. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—42; 1907 c. 118*]

Delay, when excused. SECTION 1678—43. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—43; 1907 c. 118*]

Notice to drawer, when not required. SECTION 1678—44. Notice of dishonor is not required to be given to the drawer in either of the following cases:

(1) Where the drawer and drawee are the same person;

(2) Where the drawee is a fictitious person or a person not having capacity to contract;

(3) Where the drawer is the person to whom the instrument is presented for payment;

(4) Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;

(5) Where the drawer has countermanded payment. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—44; 1907 c. 118*]

Notice to indorser, when not required. SECTION 1678—45. Notice of dishonor is not required to be given to an indorser in either of the following cases:

(1) Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;

(2) Where the indorser is the person to whom the instrument is presented for payment:

(3) Where the instrument was made or accepted for his accommodation. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—45; 1907 c. 118*]

Of subsequent dishonor. SECTION 1678—46. Where due notice of dishonor by nonacceptance has been given notice of a subsequent dishonor by nonpayment is not necessary, unless in the meantime the instrument has been accepted. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—46; 1907 c. 118*]

Omission to give notice. SECTION 1678—47. An omission to give notice of dishonor by nonacceptance does not prejudice the rights of a holder in due course subsequent to the omission, but this shall not be construed to revive any liability discharged by such omission. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—47; 1907 c. 118*]

Protest. SECTION 1678—48. Where any negotiable instrument has been dishonored it may be protested for nonacceptance or nonpayment, as the case may be; but protest is not required except in the case of foreign bills of exchange. [*1899 c. 356 s. 1; Supl. 1906 s. 1678—48; 1907 c. 118*]

DISCHARGE OF NEGOTIABLE INSTRUMENTS.

When discharged. SECTION 1679. A negotiable instrument is discharged:

(1) By the payment in due course by or on behalf of the principal debtor;

(2) By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;

(3) By the intentional cancellation thereof by the holder;

(4) By any other act which will discharge a simple contract for the payment of money;

(5) When the principal debtor becomes the holder of the instrument at or after maturity in his own right. [*1899 c. 356 s. 1; Supl. 1906 s. 1679; 1907 c. 118*]

Discharge from secondary liability. SECTION 1679—1. A person secondarily liable on the instrument is discharged:

(1) By any act which discharges the instrument;

(2) By the intentional cancellation of his signature by the holder;

(3) By the discharge of a prior party;

(4) By a valid tender of payment made by a prior party;

(4a) By giving up or applying to other purposes collateral security applicable to the debt, or, there being in the holder's hands or within his control the means of complete or partial satisfaction, the same are applied to other purposes;

(5) By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;

(6) By an agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument unless made with the assent, prior

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or subsequent, of the party secondarily liable, unless the right of recourse against such party is expressly reserved, or unless he is fully indemnified. [*1899 c. 356 s. 1; Supl. 1906 s. 1679—1; 1907 c. 118*]

When paid by secondary party. SECTION 1679—2. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

(1) Where it is payable to the order of a third person, and has been paid by the drawer; and

(2) Where it was made or accepted for accommodation, and has been paid by the party accommodated. [*1899 c. 356 s. 1; Supl. 1906 s. 1679—2; 1907 c. 118*]

Renunciation of rights. SECTION 1679—3. The holder may expressly renounce his rights against any party to the instrument, before, at or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon. [*1899 c. 356 s. 1; Supl. 1906 s. 1679—3; 1907 c. 118*]

Cancellation by mistake. SECTION 1679—4. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been canceled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority. [*1899 c. 356 s. 1; Supl. 1906 s. 1679—4; 1907 c. 118*]

Altering of instrument. SECTION 1679—5. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented, orally or in writing, to the alteration and subsequent indorsers. But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor. [*1899 c. 356 s. 1; Supl. 1906 s. 1679—5; 1907 c. 118*]

Material alteration. SECTION 1679—6. Any alteration which changes:

(1) The date;

(2) The sum payable, either for principal or interest;

(3) The time or place of payment;

(4) The number or the relation of the parties;

(5) The medium or currency in which payment is to be made;

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration. [*1899 c. 356 s. 1; Supl. 1906 s. 1679—6; 1907 c. 118*]

BILLS OF EXCHANGE; FORM AND INTERPRETATION.

What is bill of exchange. SECTION 1680. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or bearer. [*1899 c. 356 s. 1; Supl. 1906 s. 1680; 1907 c. 118*]

Not an assignment of funds. SECTION 1680*a*. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof and the drawee is not liable on the bill unless and until he accepts the same. [*1899 c. 356 s. 1; Supl. 1906 s. 1680a; 1907 c. 118*]

Address of bill. SECTION 1680*b*. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative. [*1899 c. 356 s. 1; Supl. 1906 s. 1680b; 1907 c. 118*]

Inland and foreign bill. SECTION 1680*c*. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this state. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill. [*1899 c. 356 s. 1; Supl. 1906 s. 1680c; 1907 c. 118*]

Where drawer and drawee are same person. SECTION 1680*d*. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note. [*1899 c. 356 s. 1; Supl. 1906 s. 1680d; 1907 c. 118*]

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Referee in case of need. SECTION 1680e. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by nonacceptance or nonpayment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit. [*1899 c. 356 s. 1; Supl. 1906 s. 1680e; 1907 c. 118*]

ACCEPTANCE.

Acceptance of bill. SECTION 1680f. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money. [*R. S. 1858 c. 60 s. 7; R. S. 1878 s. 1681; Ann. Stats. 1889 s. 1681; Stats. 1898 s. 1681; 1899 c. 356 s. 1; Supl. 1906 s. 1680f; 1907 c. 118; 1911 c. 343 s. 1*]

Acceptance in writing. SECTION 1680g. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill and if such request is refused, may treat the bill as dishonored. [*1899 c. 356 s. 1; Supl. 1906 s. 1680g; 1907 c. 118*]

Written acceptance on paper other than bill. SECTION 1680h. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value. [*1899 c. 356 s. 1; Supl. 1906 s. 1680h; 1907 c. 118*]

Promise in writing. SECTION 1680i. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value. [*1899 c. 356 s. 1; Supl. 1906 s. 1680i; 1907 c. 118*]

Time allowed for acceptance. SECTION 1680j. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance if given dates as of the day of presentation. [*1899 c. 356 s. 1; Supl. 1906 s. 1680j; 1907 c. 118*]

Refusal or failure to return. SECTION 1680k. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or nonaccepted to the holder, he will be deemed to have accepted the same. Mere retention of the bill is not acceptance. [*1899 c. 356 s. 1; Supl. 1906 s. 1680k; 1907 c. 118*]

Acceptance before signing. SECTION 1680l. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by previous refusal to accept, or by nonpayment. But when a bill payable after sight is dishonored by nonacceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment. [*1899 c. 356 s. 1; Supl. 1906 s. 1680l; 1907 c. 118*]

General or qualified acceptance. SECTION 1680m. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn. [*1899 c. 356 s. 1; Supl. 1906 s. 1680m; 1907 c. 118*]

General acceptance. SECTION 1680n. An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only and not elsewhere. [*1899 c. 356 s. 1; Supl. 1906 s. 1680n; 1907 c. 118*]

Qualified acceptance. SECTION 1680o. An acceptance is qualified, which is:

(1) Conditional, that is to say, which makes payment by the acceptor dependent on the fulfilment of a condition therein stated;

(2) Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

(3) Local, that is to say, acceptance to pay only at a particular place;

(4) Qualified as to time;

(5) The acceptance of some one or more of the drawees, but not of all. [*1899 c. 356 s. 1; Supl. 1906 s. 1680o; 1907 c. 118*]

Refusal of qualified acceptance. SECTION 1680p. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by nonacceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance or subsequently

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assent thereto. When the drawer or indorser receives notice of a qualified acceptance, he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto. [*1899 c. 356 s. 1; Supl. 1906 s. 1680p; 1907 c. 118*]

PRESENTMENT FOR ACCEPTANCE.

Where made. SECTION 1681. Presentment for acceptance must be made:

(1) Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

(2) Where the bill expressly stipulates that it shall be presented for acceptance; or

(3) Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable. [*1899 c. 356 s. 1; Supl. 1906 s. 1681; 1907 c. 118*]

Failure to present or negotiate. SECTION 1681—1. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—1; 1907 c. 118*]

When and where to be made. SECTION 1681—2. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and

(1) Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only;

(2) Where the drawee is dead, presentment may be made to his personal representative;

(3) Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—2; 1907 c. 118; 1913 c. 773 s. 58*]

Presentment of bill. SECTION 1681—3. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections 1678—2 and 1678—15. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—3; 1907 c. 118*]

Delay, when excusable. SECTION 1681—4. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—4; 1907 c. 118*]

Presentment, when excused. SECTION 1681—5. Presentment for acceptance is excused and a bill may be treated as dishonored by nonacceptance, in either of the following cases:

(1) Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill;

(2) Where, after the exercise of reasonable diligence, presentment cannot be made;

(3) Where, although presentment has been irregular, acceptance has been refused on some other ground. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—5; 1907 c. 118*]

When dishonored. SECTION 1681—6. A bill is dishonored by nonacceptance:

(1) When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or cannot be obtained; or

(2) When presentment for acceptance is excused and the bill is not accepted. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—6; 1907 c. 118*]

Recourse, when lost. SECTION 1681—7. When a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by nonacceptance or he loses the right of recourse against the drawer and indorsers. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—7; 1907 c. 118*]

When recourse accures. SECTION 1681—8. When a bill is dishonored by nonacceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—8; 1907 c. 118*]

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PROTEST.

Foreign bills; by notary. SECTION 1681—9. Where a foreign bill appearing on its face to be such is dishonored by nonacceptance, it must be duly protested for nonacceptance, and where such a bill which has not previously been dishonored by nonacceptance is dishonored by nonpayment, it must be duly protested for nonpayment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary. Every notary public, when any bill of exchange or promissory note shall be by him protested for nonacceptance or nonpayment, shall give notice thereof in writing to the drawer, maker and each indorser of such bill of exchange or promissory note; he shall also thereupon make a certificate under his hand and official seal, setting forth the presentment, demand, refusal and protest thereof for nonacceptance or nonpayment, the contents of the notice given, and the time and manner of service thereof, specifying the post office and reputed place of residence of each person notified by mail; he shall also thereupon make and keep a record of such certificate and of the description of the instrument protested; and such certificate or such record, or a certified copy thereof, shall be presumptive evidence of the facts therein stated. The want of such certificate or record, or both, shall not invalidate any such protest or notice, but the same may be proved by any other competent evidence. [*1899 c. 356 s. 1; 1901 c. 41 s. 1; Supl. 1906 s. 1681—9; 1907 c. 118*]

Specifications of protest. SECTION 1681—10. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify:

(1) The time and place of presentment;

(2) The fact that presentment was made and the manner thereof;

(3) The cause or reason for protesting the bill;

(4) The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—10; 1907 c. 118*]

How made. SECTION 1681—11. Protest may be made by:

(1) A notary public; or

(2) By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—11; 1907 c. 118*]

When made. SECTION 1681—12. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—12; 1907 c. 118*]

Where made. SECTION 1681—13. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business, or residence of some person other than the drawee, has been dishonored by nonacceptance, it must be protested for nonpayment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—13; 1907 c. 118*]

For nonpayment. SECTION 1681—14. A bill which has been protested for nonacceptance may be subsequently protested for nonpayment. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—14; 1907 c. 118*]

When acceptor a bankrupt. SECTION 1681—15. When the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—15; 1907 c. 118*]

When dispensed with. SECTION 1681—16. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—16; 1907 c. 118*]

Lost bill. SECTION 1681—17. Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—17; 1907 c. 118*]

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ACCEPTANCE FOR HONOR.

Acceptance supra protest, for honor. SECTION 1681—18. Where a bill of exchange has been protested for dishonor by nonacceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—18; 1907 c. 118*]

To be in writing. SECTION 1681—19. An acceptance for honor supra protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—19; 1907 c. 118*]

For drawer, when. SECTION 1681—20. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—20; 1907 c. 118*]

Liability of acceptor. SECTION 1681—21. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—21; 1907 c. 118*]

Engagement of acceptor for honor. SECTION 1681—22. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided also, that it shall have been duly presented for payment and protested for nonpayment and notice of dishonor given to him. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—22; 1907 c. 118*]

Bill payable after sight. SECTION 1681—23. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for nonacceptance and not from the date of the acceptance for honor. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—23; 1907 c. 118*]

Acceptance of dishonored bill. SECTION 1681—24. Where a dishonored bill has been accepted for honor supra protest or contains a reference in case of need, it must be protested for nonpayment before it is presented for payment to the acceptor for honor or referee in case of need. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—24; 1907 c. 118*]

Presentment to acceptor, how made. SECTION 1681—25. Presentment for payment to the acceptor for honor must be made as follows:

(1) If it is to be presented in the place where the protest for nonpayment was made, it must be presented not later than the day following its maturity.

(2) If it is to be presented in some other place, than the place where it was protested, then it must be forwarded within the time specified in section 1678—34. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—25; 1907 c. 118*]

Section 1678—11 applies. SECTION 1681—26. The provisions of section 1678—11 apply where there is delay in making presentment to the acceptor for honor or referee in case of need. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—26; 1907 c. 118*]

By acceptor for honor. SECTION 1681—27. When the bill is dishonored by the acceptor for honor it must be protested for nonpayment by him. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—27; 1907 c. 118*]

PAYMENT FOR HONOR.

Payment supra protest. SECTION 1681—28. Where a bill has been protested for nonpayment, any person may intervene and pay it supra protest for the honor of any person liable thereon for the honor of the person for whose account it was drawn. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—28; 1907 c. 118*]

Notarial act of honor, when necessary. SECTION 1681—29. The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—29; 1907 c. 118*]

Foundation of notarial act. SECTION 1681—30. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—30; 1907 c. 118*]

Different parties. SECTION 1681—31. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most par-

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ties to the bill is to be given the preference. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—31; 1907 c. 118*]

Bill paid for honor. SECTION 1681—32. Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—32; 1907 c. 118*]

Holder's refusal, supra protest. SECTION 1681—33. Where the holder of a bill refuses to receive payment supra protest, he loses his right of recourse against any party who would have been discharged by such payment. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—33; 1907 c. 118*]

Payer for honor. SECTION 1681—34. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incident to its dishonor, is entitled to receive both the bill itself and the protest. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—34; 1907 c. 118*]

BILLS IN A SET.

When one bill. SECTION 1681—35. Where a bill is drawn in a set, each part of a set being numbered and containing a reference to the other parts, the whole of the parts constitutes one bill. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—35; 1907 c. 118*]

Where parts are negotiated. SECTION 1681—36. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—36; 1907 c. 118*]

Indorsement to different parties. SECTION 1681—37. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—37: 1907 c. 118*]

Acceptance on any part. SECTION 1681—38. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—38; 1907 c. 118*]

Liability of acceptor in paying part. SECTION 1681—39. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—39; 1907 c. 118*]

When whole bill is discharged. SECTION 1681—40. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged. [*1899 c. 356 s. 1; Supl. 1906 s. 1681—40; 1907 c. 118*]

DAMAGES ON BILLS.

Rate of damages within state. SECTION 1682. Whenever any bill of exchange drawn or indorsed within this state and payable without the limits of the United States shall be duly protested for nonacceptance or nonpayment the party liable for the contents of such bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of the demand and damages at the rate of five per cent upon the contents thereof, together with interest on the said contents, to be computed from the date of the protest; and said amount of contents, damages and interest shall be in full of all damages, charges and expenses. [*R. S. 1858 c. 60 s. 8; R. S. 1878 s. 1682; Ann. Stats. 1889 s. 1682; Stats. 1898 s. 1682; 1899 c. 356 s. 1; Supl. 1906 s. 1682; 1907 c. 118*]

Rate of damages without state. SECTION 1683. If any bill of exchange drawn upon any person or corporation out of this state, but within some state or territory of the United States, for the payment of money shall be duly presented for acceptance or payment and protested for nonacceptance or nonpayment the drawer or indorser thereof, due notice being given of such nonacceptance or nonpayment, shall pay said bill with legal interest according to its tenor and five per cent damages, together with costs and charges of protest. [*R. S. 1858 c. 60 s. 9, 10; R. S. 1878 s. 1683; Ann. Stats. 1889 s. 1683; Stats. 1898 s. 1683; 1899 c. 356 s. 1; Supl. 1906 s. 1683; 1907 c. 118*]

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PROMISSORY NOTES AND CHECKS.

Negotiable notes defined. SECTION 1684. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand, or at a fixed or determinable future time a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him. [*1899 c. 356 s. 1; Supl. 1906 s. 1684; 1907 c. 118*]

Check. SECTION 1684—1. A check is a bill of exchange drawn on a bank, payable on demand. Except as herein otherwise provided, the provisions of this act applicable to a bill of exchange payable on demand apply to a check. [*1899 c. 356 s. 1; Supl. 1906 s. 1684—1; 1907 c. 118*]

Presentation of check. SECTION 1684—2. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay. [*1899 c. 356 s. 1; Supl. 1906 s. 1684—2; 1907 c. 118*]

Certified check. SECTION 1684—3. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance. [*1899 c. 356 s. 1; Supl. 1906 s. 1684—3; 1907 c. 118*]

Discharge of liability of drawer and indorsers. SECTION 1684—4. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon. [*1899 c. 356 s. 1; Supl. 1906 s. 1684—4; 1907 c. 118*]

Check not assignment of funds. SECTION 1684—5. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check. [*1899 c. 356 s. 1; Supl. 1906 s. 1684—5; 1907 c. 118*]

OTHER PROVISIONS.

Notes no part of chapter. SECTION 1684—6. The notes to the foregoing sections of this chapter shall be no part of this chapter, but may be resorted to for the purposes of construction and interpretation. The secretary of state shall, in preparing the session laws of 1899, print such notes in connection with the sections to which they apply. [*1899 c. 356 s. 1; Supl. 1906 s. 1684—6; 1907 c. 118*]

Repeal. SECTION 1684—7. Sections 176, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683 and 1684, of the statutes are hereby repealed. Sections 1944, 1945, 4193, 4194, 4425 and 4458 of said statutes are not affected by this chapter, and nothing herein shall be deemed to repeal any part of such sections. All other provisions inconsistent with this chapter are repealed. [*1899 c. 356 s. 1; 1901 c. 361 s. 1; Supl. 1906 s. 1684—7; 1907 c. 118; 1911 c. 663 s. 302*]

CHAPTER 78*m*.

WAREHOUSE RECEIPTS ACT.

Warehouse receipts; issuing. SECTION 1684*m*—1. Warehouse receipts may be issued by any warehouseman. [*1899 c. 251 s. 1; 1901 c. 107; 1903 c. 73; 1905 c. 383; Supl. 1906 s. 1747—91; 1907 c. 118; 1909 c. 291*]

Form; essential terms. SECTION 1684*m*—2. 1. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:

(1) The location of the warehouse where the goods are stored.

(2) The date of issue of the receipt.

(3) The consecutive number of the receipt.

(4) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.

(5) The rate of storage charges.

(6) A description of the goods or of the packages containing them.

(7) The signature of the warehouseman, which may be made by his authorized agent.

(8) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and

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(9) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

Warehouseman's liability. 2. A warehouseman shall be liable to any person injured thereby, for all damage caused by the omission from a negotiable receipt of any of the terms herein required. [*1899 c. 251 s. 1, 6; 1901 c. 107; 1903 c. 73; 1905 c. 383; Supl. 1906 s. 1747—91, 1747—96; 1907 c. 118; 1909 c. 291*]

Register; how kept. SECTION 1684*m*—3. Every warehouseman shall keep in the office in which the business of the warehouse is transacted a register in which shall be entered all the facts with reference to each receipt issued, as required by section 1684*m*—2. When the warehouseman shall cease to be responsible for the delivery of the property described in the receipt, the fact and date of the delivery of the property and such other facts as may terminate liability on such receipt, shall be entered on such register in connection with the original entry of such receipt. Such register shall be open to the inspection of the owner or holder of any such receipt, or of any person who shall present the same at the office of the warehouseman. The warehouseman shall be responsible to any person relying on such entries in good faith for any loss or damage which he may sustain through any failure to make the entries herein required. [*1899 c. 251 s. 4; 1903 c. 412; Supl. 1906 s. 1747—81–1747—87, 1747—94; 1907 c. 118; 1909 c. 291*]

Receipts; form; what terms may be inserted. SECTION 1684*m*—4. A warehouseman may insert in a receipt, issued by him, any other terms and conditions; provided, that such terms and conditions shall not:

(1) Be contrary to the provisions of this chapter.

(2) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods intrusted to him which a reasonably careful man would exercise in regard to similar goods of his own. [*1909 c. 291; 1911 c. 663 s. 303*]

Nonnegotiable receipt defined. SECTION 1684*m*—5. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a nonnegotiable receipt. [*1909 c. 291*]

Negotiable receipt defined. SECTION 1684*m*—6. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt. No provision shall be inserted in a negotiable receipt that is nonnegotiable. Such provision, if inserted, shall be void. [*1909 c. 291*]

Duplicate, must be so marked. SECTION 1684*m*—7. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt. [*1899 c. 251 s. 5, 6; Supl. 1906 s. 1747—95, 1747—96; 1907 c. 118; 1909 c. 291*]

Nonnegotiable, how marked. SECTION 1684*m*—8. A nonnegotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "nonnegotiable" or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable. This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character. [*1909 c. 291*]

Delivery of goods; duty of warehouseman. SECTION 1684*m*—9. 1. A warehouseman, in the absence of some lawful excuse provided by this chapter, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with:

(1) An offer to satisfy the warehouseman's lien;

(2) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipts, and

(3) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

Liability. 2. In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal. [*1909 c. 291; 1911 c. 663 s. 303*]

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Justification for delivery. SECTION 1684*m*—10. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is:

(1) The person lawfully entitled to the possession of the goods, or his agent;

(2) A person who is either himself entitled to delivery by the terms of a nonnegotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper, or

(3) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee. [*1909 c. 291*]

Misdelivery; warehouseman's liability. SECTION 1684*m*—11. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions 2 and 3 of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either:

(1) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or

(2) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods. [*1899 c. 251 s. 5, 6; Supl. 1906 s. 1747—95, 1747—96; 1907 c. 118; 1909 c. 291*]

Negotiable receipts; cancellation when goods delivered. SECTION 1684*m*—12. Except as provided in section 1684*m*—37, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman. [*1909 c. 291*]

Cancellation, when part of goods delivered. SECTION 1684*m*—13. Except as provided in section 1684*m*—37, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman. [*1909 c. 291*]

Altered receipts. SECTION 1684*m*—14. 1. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was:

(1) Immaterial,

(2) Authorized, or

(3) Made without fraudulent intent.

2. If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

3. Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase. [*1909 c. 291*]

Lost or destroyed. SECTION 1684*m*—15. 1. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel fees.

2. The delivery of the goods under an order of the court as provided in this section shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods. [*1909 c. 291*]

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Duplicate receipts; effect of. SECTION 1684*m*—16. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability. [*1909 c. 291*]

Warehouseman cannot set up title in himself. SECTION 1684*m*—17. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt. [*1909 c. 291*]

Interpleader of adverse claimants. SECTION 1684*m*—18. If more than one person claim the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for nondelivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead. [*1909 c. 291*]

Reasonable time for determining validity of claims. SECTION 1684*m*—19. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead. [*1909 c. 291*]

Adverse title; no defense; except. SECTION 1684*m*—20. Except as provided in the two preceding sections and in sections 1684*m*—10 and 1684*m*—37, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt. [*1909 c. 291*]

Nonexistence or misdescription of goods; liability. SECTION 1684*m*—21. A warehouseman shall be liable to the holder of a receipt for damages caused by the nonexistence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor. [*1899 c. 251 s. 5, 6; Supl. 1906 s. 1747—95, 1747—96; 1907 c. 118; 1909 c. 291*]

Care of goods; liability. SECTION 1684*m*—22. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care. [*1909 c. 291*]

Goods; kept separate; except. SECTION 1684*m*—23. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited. [*1899 c. 251 s. 8; Supl. 1906 s. 1747—98; 1907 c. 118; 1907 c. 154; 1907 c. 676 s. 8; 1909 c. 291*]

Fungible goods; commingling; authorization. SECTION 1684*m*—24. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole. [*1899 c. 251 s. 8; Supl. 1906 s. 1747—98; 1907 c. 118; 1907 c. 154; 1907 c. 676 s. 8; 1909 c. 291*]

Commingled goods; liability. SECTION 1684*m*—25. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate. [*1909 c. 291*]

Damages; failure to comply. SECTION 1684*m*—26. Whenever the failure or neglect of any warehouseman to comply with any provision of this chapter shall cause loss or damage to any person, such warehouseman shall be liable to respond in damages to such person to the extent of the actual damages sustained by him on account of such

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failure or neglect. [*1899 c. 251 s. 6; Supl. 1906 s. 1727—96; 1907 c. 138; 1909 c. 291; 1911 c. 663 s. 303*]

Attachment; goods for which negotiable receipt issued. SECTION 1684*m*—27. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court. [*1909 c. 291*]

Creditors' remedies to reach negotiable receipts. SECTION 1684*m*—28. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process. [*1909 c. 291*]

Warehouseman's lien; claims included. SECTION 1684*m*—29. Subject to the provisions of section 1684*m*—32, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering, and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien. [*1909 c. 291*]

Warehouseman's lien; property subject to. SECTION 1684*m*—30. Subject to the provisions of section 1684*m*—31, a warehouseman's lien may be enforced:

(1) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and

(2) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person had been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid. [*1909 c. 291*]

Lien; how lost. SECTION 1684*m*—31. A warehouseman loses his lien upon goods:

(1) By surrendering possession thereof, or

(2) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this chapter. [*1909 c. 291; 1911 c. 663 s. 303*]

Negotiable receipt; must state charge for which lien is claimed. SECTION 1684*m*—32. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 1684*m*—28, although the amount of the charges so enumerated is not stated in the receipt. [*1909 c. 291*]

Lien; satisfaction; delivery of goods. SECTION 1684*m*—33. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied. [*1909 c. 291*]

Lien; other remedies. SECTION 1684*m*—34. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay. [*1909 c. 291*]

Lien; satisfaction; sale; notice; publication. SECTION 1684*m*—35. 1. A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(1) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due;

(2) A brief description of the goods against which the lien exists;

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(3) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(4) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

2. In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place.

3. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

4. From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

5. At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

6. If any sale of personal property had under the provisions of this section, shall be rendered invalid by reason of a failure to comply with any of the terms of this section, no action at law for damages for the conversion of said goods or otherwise, or in equity for an accounting of the proceeds of any such sale, which shall accrue thereby to the owner of said goods or his or its assigns, shall be maintained unless the same shall be commenced within one year from the date of any such sale. [*1909 c. 291; 1915 c. 202*]

Perishable and hazardous goods; sale; notice. SECTION 1684*m*—36. 1. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising.

2. If the warehouseman, after a reasonable effort, is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

3. The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section. [*1909 c. 291*]

Liens enforcement; other remedies. SECTION 1684*m*—37. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property. [*1909 c. 291*]

Sale; effect. SECTION 1684*m*—38. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable. [*1909 c. 291*]

Negotiable receipts; negotiation; by delivery. SECTION 1684*m*—39. 1. A negotiable receipt may be negotiated by delivery:

(1) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

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(2) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

2. Where, by the terms of a negotiable receipt, goods are deliverable to bearer, or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee. [*1909 c. 291*]

Negotiable receipts; negotiation by indorsement. SECTION 1684*m*—40. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer, or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer, or to another specified person. Subsequent negotiation may be made in like manner. [*1909 c. 291*]

Receipt; transfer. SECTION 1684*m*—41. 1. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

2. A nonnegotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right. [*1909 c. 291*]

Receipt; who may negotiate. SECTION 1684*m*—42. A negotiable receipt may be negotiated:

(1) By the owner thereof, or

(2) By any person in possession of the same, however such possession may have been acquired if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of such person, or if at the time of negotiation the receipt is in such form that it may be negotiated by delivery. [*1909 c. 291; 1917 c. 179 s. 2*]

Receipts; rights of person to whom negotiated. SECTION 1684*m*—43. A person to whom a negotiable receipt has been duly negotiated acquires thereby:

(1) Such title to the goods as the person negotiating the receipt to him had, or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had, or had ability to convey to a purchaser in good faith for value, and

(2) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him. [*1909 c. 291*]

Receipt; rights of transferee. SECTION 1684*m*—44. 1. A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferrer, the title to the goods, subject to the terms of any agreement with the transferrer.

2. If the receipt is nonnegotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

3. Prior to the notification of the warehouseman by the transferrer or transferee of a nonnegotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferrer, or by a notification to the warehouseman by the transferrer or a subsequent purchaser from the transferrer of a subsequent sale of the goods by the transferrer. [*1909 c. 291*]

Receipt; negotiable; transferred without indorsement. SECTION 1684*m*—45. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferrer is essential for negotiation, the transferee acquires a right against the transferrer to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. [*1909 c. 291*]

Receipt; sale; warranties. SECTION 1684*m*—46. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants:

(1) That the receipt is genuine;

(2) That he has a legal right to negotiate or transfer it;

(3) That he has knowledge of no fact which would impair the validity or worth of the receipt, and

(4) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby. [*1909 c. 291*]

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Indorser; not a guarantor. SECTION 1684*m*—47. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations. [*1909 c. 291*]

Warranty; not implied from accepting payment of debt. SECTION 1684*m*—48. A mortgagee, pledgee or holder for security of a receipt, who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described. [*1909 c. 291*]

When negotiation not impaired by fraud, mistake or duress. SECTION 1684*m*—49. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress. [*1909 c. 291*]

Subsequent negotiation. SECTION 1684*m*—50. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage, or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation. [*1909 c. 291*]

Negotiation defeats vendor's lien. SECTION 1684*m*—51. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation. [*1909 c. 291*]

Receipt; issue; goods not received; penalty. SECTION 1684*m*—52. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt, knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall, upon conviction thereof, be punished by imprisonment in the state prison for not more than five years nor less than one year, or by a fine not exceeding five thousand dollars, or by both. [*1899 c. 251 s. 5; Supl. 1906 s. 1747—95; 1907 c. 118; 1909 c. 291*]

Receipt; issue; containing false statement; penalty. SECTION 1684*m*—53. A warehouseman, or any officer, agent, or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods, knowing that it contains any false statement, shall, upon conviction thereof, be punished by imprisonment in the state prison for not more than five years nor less than one year, or by a fine not exceeding five thousand dollars, or by both. [*1899 c. 251 s. 7; Supl. 1906 s. 1747—97; 1907 c. 118; 1909 c. 291*]

Receipt; duplicate; not so marked; issue. SECTION 1684*m*—54. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in section 1684*m*—15, shall, upon conviction thereof, be punished by imprisonment in the state prison for not more than five years nor less than one year, or by a fine not exceeding five thousand dollars, or by both. [*1899 c. 251 s. 5, 7; Supl. 1906 s. 1747—95, 1747—97; 1907 c. 118; 1909 c. 291*]

Receipts issued for warehouseman's goods which do not state that fact. SECTION 1684*m*—55. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall, upon conviction thereof, be punished by imprisonment in the state prison for not more than five years nor less than one year, or by a fine not exceeding five thousand dollars, or by both. [*1909 c. 291*]

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Delivery of goods without obtaining negotiable receipt. SECTION 1684m—56. A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods, is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections 1684m—15 and 1684m—37, upon conviction thereof, be punished by imprisonment in the state prison for not more than five years nor less than one year, or by a fine not exceeding one thousand dollars, or by both. [*1899 c. 251 s. 5, 7; Supl. 1906 s. 1747—95, 1747—97; 1907 c. 118; 1909 c. 291*]

Negotiation of receipt for mortgaged goods. SECTION 1684m—57. Any person who deposits goods to which he had not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall upon conviction thereof, be punished by imprisonment in the state prison for not more than one year, or by a fine not exceeding one thousand dollars, or by both. [*1909 c. 291*]

Sale; without consent of holder; penalty. SECTION 1684m—58. A warehouseman, or any officer, agent, or servant of a warehouseman, who shall sell, incumber, ship, transfer, or in any manner remove beyond the immediate control of the warehouseman any property deposited with such warehouseman upon such receipt, without the consent of the holder of such receipt, shall upon conviction thereof, be punished by imprisonment in the state prison for not more than five years nor less than one year, or by a fine not exceeding five thousand dollars, or by both. [*1899 c. 251 s. 5, 7; Supl. 1906 s. 1747—95, 1747—97; 1907 c. 118; 1909 c. 291*]

Receipts; alteration; destruction; failure to register; penalty. SECTION 1684m—59. Any person who shall wilfully alter or destroy any receipt or register of receipts or any warehouseman, or any officer, agent, or servant of a warehouseman, who shall issue any receipt without entering the same as required by section 1684m—3, shall upon conviction thereof, be punished by imprisonment in the state prison for not more than five years nor less than one year, or by a fine not exceeding five thousand dollars, or by both. [*1899 c. 251 s. 7; 1903 c. 412 s. 6; Supl. 1906 s. 1747—86, 1747—97; 1907 c. 118; 1909 c. 291*]

Law applicable. SECTION 1684m—60. In any case not provided for in this chapter, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern. [*1909 c. 291; 1911 c. 663 s. 303*]

Construction. SECTION 1684m—61. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. [*1909 c. 291; 1911 c. 663 s. 303*]

Definitions. SECTION 1684m—62. 1. In this chapter, unless the context or subject matter otherwise requires:

(1) "Action" includes counterclaim, set-off, and suit in equity.

(2) "Delivery" means voluntary transfer of possession from one person to another.

(3) "Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

(4) "Goods" means chattels or merchandise in storage, or which has been, or is about to be stored.

(5) "Holder" of a receipt mean a person who has both actual possession of such receipt and a right of property therein.

(6) "Order" means an order by indorsement on the receipt.

(7) "Owner" does not include mortgagee or pledgee.

(8) "Person" includes a corporation or partnership or two or more persons having a joint or common interest.

(9) To "purchase" includes to take as mortgagee or as pledgee.

(10) "Purchaser" includes mortgagee and pledgee.

(11) "Receipt" means a warehouse receipt.

(12) "Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as a security therefor.

(13) "Warehouseman" means a person lawfully engaged in the business of storing goods for profit; provided, that this chapter shall not apply to common carriers who store merchandise or other property received by them as such common carriers.

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2. A thing is done "in good faith," within the meaning of this chapter, when it is in fact done honestly, whether it be done negligently or not. [*1909 c. 291; 1911 c. 663 s. 303*]

Existing receipts. SECTION 1684*m*—63. The provisions of this chapter do not apply to receipts made and delivered prior to the taking effect of this chapter. [*1899 c. 251 s. 9; Supl. 1906 s. 1747—99; 1907 c. 118; 1909 c. 291; 1911 c. 663 s. 303*]

CHAPTER 78*n*.

UNIFORM BILLS OF LADING ACT.

ISSUE OF BILLS.

Bills governed by this act. SECTION 1684*n*—1. Bills of lading issued by any common carrier shall be governed by this act. [*1917 c. 179 s. 3*]

Form of bills; essential terms. SECTION 1684*n*—2. 1. Every bill must embody within its written or printed terms:

(1) The date of its issue,

(2) The name of the person from whom the goods have been received,

(3) The place where the goods have been received,

(4) The place to which the goods are to be transported,

(5) A statement whether the goods received will be delivered to a specified person, or to the order of a specified person,

(6) A description of the goods or of the packages containing them which may, however, be in such general terms as are referred to in section 1684*n*—23, and

(7) The signature of the carrier.

2. A negotiable bill shall have the words "order of" printed thereon, immediately before the name of the person upon whose order the goods received are deliverable.

3. A carrier shall be liable to any person injured thereby for the damage caused by the omission from a negotiable bill of any of the provisions required in this section. [*1917 c. 179 s. 3*]

Form of bills; what terms may be inserted. SECTION 1684*n*—3. A carrier may insert in a bill, issued by him, any other terms and conditions, provided that such terms and conditions shall not:

(1) Be contrary to law or public policy, or

(2) In any wise impair his obligation to exercise at least that degree of care in the transportation and safe-keeping of the goods entrusted to him, which a reasonably careful man would exercise in regard to similar goods of his own. [*1917 c. 179 s. 3*]

Nonnegotiable bills. SECTION 1684*n*—4. A bill in which it is stated that the goods are consigned or destined to a specified person, is a nonnegotiable or straight bill. [*1917 c. 179 s. 3*]

Definition of negotiable bill. SECTION 1684*n*—5. A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill is a negotiable or order bill. Any provision in such a bill that it is nonnegotiable shall not affect its negotiability within the meaning of this act. [*1917 c. 179 s. 3*]

Negotiable bills not issued in sets. SECTION 1684*n*—6. Negotiable bills issued in this state for the transportation of goods to any place in the United States on the continent of North America, except Alaska, shall not be issued in parts or sets. If so issued, the carrier issuing them shall be liable for failure to deliver the goods described therein to any one who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts. [*1917 c. 179 s. 3*]

Duplicates to be so marked. SECTION 1684*n*—7. When more than one negotiable bill is issued in this state for the same goods to be transported to any place in the United States on the continent of North America, except Alaska, the word "duplicate" or some other word or words indicating that the document is not an original bill shall be placed plainly upon the face of every such bill, except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to any one who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill. [*1917 c. 179 s. 3*]

Nonnegotiable bills to be so marked. SECTION 1684*n*—8. A nonnegotiable bill shall have placed plainly upon its face by the carrier issuing it "nonnegotiable" or "not nego-

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tiable." This section shall not apply, however, to memoranda or acknowledgments of an informal character. [*1917 c. 179 s. 3*]

Insertion of name of person to be notified. SECTION 1684*n*—9. The insertion in a negotiable bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill, or constitute notice to a purchaser thereof of any rights or equities of such person in the goods. [*1917 c. 179 s. 3*]

Acceptance indicates assent to terms. SECTION 1684*n*—10. Except as otherwise provided in this act, where a consignor receives a bill and makes no objection to its terms or conditions at the time he receives it, neither the consignor nor any person who accepts delivery of the goods, nor any person who seeks to enforce any provision of the bill, shall be allowed to deny that he is bound by such terms and conditions, so far as they are not contrary to law or public policy. [*1917 c. 179 s. 3*]

OBLIGATIONS AND RIGHTS OF CARRIERS.

Obligation of carrier to deliver. SECTION 1684*n*—11. 1. A carrier, in the absence of some lawful excuse, is bound to deliver goods upon demand made either by the consignee named in the bill for the goods, or if the bill is negotiable, by the holder thereof, if such demand is accompanied by:

(1) An offer in good faith to satisfy the carrier's lawful lien upon the goods.

(2) An offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is negotiable, and

(3) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier.

2. In case the carrier refuses or fails to deliver the goods in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure. [*1917 c. 179 s. 3*]

Justification of carrier in delivering. SECTION 1684*n*—12. A carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is:

(1) A person lawfully entitled to the possession of the goods, or

(2) The consignee named in a nonnegotiable bill for the goods, or

(3) A person in possession of a negotiable bill for the goods by the terms of which the goods are deliverable to his order, or which has been indorsed to him or in blank by the consignee or by the mediate or immediate indorsee of the consignee. [*1917 c. 179 s. 3*]

Carrier's liability for misdelivery. SECTION 1684*n*—13. 1. Where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to any one having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (2) and (3) of the preceding section, and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he:

(1) Had been requested, by or on behalf of a person having a right of property or possession in the goods not to make such delivery, or

(2) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

2. A request or information to be effective within the meaning of this section must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods. [*1917 c. 179 s. 3*]

Negotiable bills must be canceled on delivery of goods. SECTION 1684*n*—14. Except as provided in section 1684*n*—27, and except when compelled by legal process, if a carrier delivers goods for which a negotiable bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to any one who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier, and notwithstanding delivery was made to the person entitled thereto. [*1917 c. 179 s. 3*]

Cancellation on part delivery. SECTION 1684*n*—15. Except as provided in section 1684*n*—27, and except when compelled by legal process, if a carrier delivers part of the goods for which a negotiable bill had been issued and fails either:

(1) To take up and cancel the bill, or

(2) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill to

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any one who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto. [*1917 c. 179 s. 3*]

Altered bills. SECTION 1684*n*—16. Any alteration, addition, or erasure in a bill after its issue without authority from the carrier issuing the same either in writing or noted on the bill shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor. [*1917 c. 179 s. 3*]

Lost or destroyed bills. SECTION 1684*n*—17. 1. Where a negotiable bill has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss, incurred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees.

2. The delivery of the goods under an order of the court, as provided in this section, shall not relieve the carrier from liability to a person to whom the negotiable bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods. [*1917 c. 179 s. 3*]

Effect of duplicate bills. SECTION 1684*n*—18. A bill, upon the face of which the word "duplicate," or some other word or words indicating that the document is not an original bill, is placed plainly, shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability. [*1917 c. 179 s. 3*]

Carrier cannot set up title in himself. SECTION 1684*n*—19. No title to goods or right to their possession, asserted by a carrier for his own benefit, shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien. [*1917 c. 179 s. 3*]

Interpleader of adverse claimants. SECTION 1684*n*—20. If more than one person claims the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for nondelivery of the goods, or as an original suit, whichever is appropriate. [*1917 c. 179 s. 3*]

Carrier has reasonable time to determine validity of claims. SECTION 1684*n*—21. If some one other than the consignee or person in possession of the bill, has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods, either to the consignee or person in possession of the bill, or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead. [*1917 c. 179 s. 3*]

Adverse title is no defense. SECTION 1684*n*—22. Except as provided in the two preceding sections and in section 1684*n*—12, no right or title of a third person unless enforced by legal process shall be a defense to an action brought by the consignee of a nonnegotiable bill or by the holder of a negotiable bill against the carrier for failure to deliver the goods on demand. [*1917 c. 179 s. 3*]

Liability for nonreceipt or misdescription of goods. SECTION 1684*n*—23. 1. If a bill of lading has been issued by a carrier or on his behalf by an agent or employe, the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to:

(1) The consignee named in a nonnegotiable bill, or

(2) The holder of a negotiable bill, who has given value in good faith relying upon the description therein of the goods, for damages caused by the nonreceipt by the carrier or a connecting carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

2. If, however, the goods are described in a bill merely by a statement of marks or labels upon them or upon the packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill, such statements, if true, shall not make liable the carrier issuing the bill, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may, also, by inserting in the bill the words "shipper's load and count" or other words of like purport indicate that the goods were loaded by the shipper and the description of

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them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper leading or by the nonreceipt or by the misdescription of the goods described in the bill. [*1917 c. 179 s. 3*]

Attachment or levy on goods. SECTION 1684*n*—24. If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner, and a negotiable bill is issued for them, they cannot thereafter, while in the possession of the carrier, be attached by garnishment or otherwise, or be levied upon under an execution, unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court. [*1917 c. 179 s. 3*]

Creditor's remedies to reach negotiable bills. SECTION 1684*n*—25. A creditor whose debtor is the owner of a negotiable bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill, or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process. [*1917 c. 179 s. 3*]

Negotiable bill must state lien charges. SECTION 1684*n*—26. If a negotiable bill is issued the carrier shall have no lien on the goods therein mentioned, except for charges on those goods for freight, storage, demurrage and terminal charges and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier. [*1917 c. 179 s. 3*]

Effect of sale. SECTION 1684*n*—27. After goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods to the consignee or owner of the goods, or to a holder of the bill given for the goods when they are shipped, even if such bill be negotiable. [*1917 c. 179 s. 3*]

NEGOTIATION AND TRANSFER.

Negotiation of negotiable bill by delivery. SECTION 1684*n*—28. A negotiable bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank. [*1917 c. 179 s. 3*]

Negotiation by indorsement. SECTION 1684*n*—29. A negotiable bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner. [*1917 c. 179 s. 3*]

Transfer of bills. SECTION 1684*n*—30. 1. A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby.

2. A nonnegotiable bill cannot be negotiated, and the indorsement of such a bill gives the transferee no additional right. [*1917 c. 179 s. 3*]

Who may negotiate a bill. SECTION 1684*n*—31. A negotiable bill may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the bill, the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery. [*1917 c. 179 s. 3*]

Rights of person to whom a bill is negotiated. SECTION 1684*n*—32. A person to whom a negotiable bill has been duly negotiated acquires thereby:

(1) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value, and

(2) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him. [*1917 c. 179 s. 3*]

Rights of person to whom a bill is transferred. SECTION 1684*n*—33. 1. A person to whom a bill has been transferred but not negotiated acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor. If the bill is nonnegotiable, such person also acquires the right to notify the car-

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rier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification.

2. Prior to the notification of the carrier by the transferor or transferee of a non-negotiable bill, the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

3. A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time, with the exercise of reasonable diligence, to communicate with the agent or agents having actual possession or control of the goods. [*1917 c. 179 s. 3*]

Transfer without indorsement. SECTION 1684*n*—34. Where a negotiable bill is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation the transferee acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced. [*1917 c. 179 s. 3*]

Warranties on sale of bill. SECTION 1684*n*—35. 1. A person who negotiates or transfers for value a bill by indorsement or delivery, including one who assigns for value a claim secured by a bill, unless a contrary intention appears, warrants:

(1) That the bill is genuine,

(2) That he has a legal right to transfer it,

(3) That he has knowledge of no fact which would impair the validity or worth of the bill, and

(4) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a bill the goods represented thereby.

2. In the case of an assignment of a claim secured by a bill, the liability of the assignor shall not exceed the amount of the claim. [*1917 c. 179 s. 3*]

Indorser not a guarantor. SECTION 1684*n*—36. The indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations. [*1917 c. 179 s. 3*]

No warranty implied from accepting payment of a debt. SECTION 1684*n*—37. A mortgagee or pledgee, or other holder of a bill for security, who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or to warrant the genuineness of such bill or the quantity or quality of the goods therein described. [*1917 c. 179 s. 3*]

Effect of fraud, accident, mistake, duress or conversion. SECTION 1684*n*—38. The validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor, in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress or conversion. [*1917 c. 179 s. 3*]

Subsequent negotiation. SECTION 1684*n*—39. Where a person having sold, mortgaged, or pledged goods which are in a carrier's possession, and for which a negotiable bill has been issued, or having sold, mortgaged or pledged the negotiable bill representing such goods, continues in possession of the negotiable bill, the subsequent negotiation thereof by that person under any sale, pledge or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation. [*1917 c. 179 s. 3*]

Form of bill as indicating rights of buyer and seller. SECTION 1684*n*—40. Where goods are shipped by the consignor in accordance with a contract or order for their purchase, the form in which the bill is taken by the consignor shall indicate the transfer or retention of the property or right to the possession of the goods as follows:

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(1) Where by the bill the goods are deliverable to the buyer or to his agent, or to the order of the buyer or of his agent, the consignor thereby transfers the property in the goods to the buyer.

(2) Where by the bill the goods are deliverable to the seller or to his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods, but if, except for the form of the bill, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3) Where by the bill the goods are deliverable to the order of the buyer or of his agent, but possession of the bill is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

(4) Where the seller draws on the buyer for the price and transmits the draft and bill together to the buyer to secure acceptance or payment of the draft, the buyer is bound to return the bill if he does not honor the draft, and if he wrongfully retains the bill he acquires no added right thereby. If, however, the bill provides that the goods are deliverable to the buyer, or to the order of the buyer, or is indorsed in blank or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill or goods from the buyer, shall obtain the title to the goods, although the draft has not been honored, if such purchaser has received delivery of the bill indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful. [*1917 c. 179 s. 3*]

Title to bill on presentation or acceptance of draft. SECTION 1684*n*—41. 1. Where the seller of goods draws on the buyer for the price of the goods and transmits the draft and a bill of lading for the goods either directly to the buyer or through a bank or other agency, unless a different intention on the part of the seller appears, the buyer and all other parties interested shall be justified in assuming:

(1) If the draft is by its terms or legal effect payable on demand or presentation or at sight, or not more than three days thereafter (whether such three days be termed days of grace or not), that the seller intended to require payment of the draft before the buyer should be entitled to receive or retain the bill.

(2) If the draft is by its terms payable on time, extending beyond three days after demand, presentation or sight (whether such three days be termed days of grace or not), that the seller intended to require acceptance, but not payment of the draft before the buyer should be entitled to receive or retain the bill.

2. The provisions of this section are applicable whether by the terms of the bill the goods are consigned to the seller, or to his order, or to the buyer, or to his order, or to a third person, or to his order. [*1917 c. 179 s. 3*]

Negotiation defeats vendor's lien. SECTION 1684*n*—42. Where a negotiable bill has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation. [*1917 c. 179 s. 3*]

Effect on rights under liens. SECTION 1684*n*—43. Except as provided in section 1684*n*—42, nothing in this act shall limit the rights and remedies of a mortgagee or lienholder whose mortgage or lien on goods would be valid, apart from this act, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them. [*1917 c. 179 s. 3*]

CRIMINAL OFFENSES.

Issue of bill for goods not received. SECTION 1684*n*—44. Any officer, agent or servant of a carrier, who with intent to defraud issues or aids in issuing a bill, knowing that all or any part of the goods for which such bill is issued, have not been received by such carrier, or by an agent of such carrier, or by a connecting carrier, or are not under the carrier's control at the time of issuing such bill, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both. [*1917 c. 179 s. 3*]

Issue of bill containing false statement. SECTION 1684*n*—45. Any officer, agent or servant of a carrier, who with intent to defraud issues or aids in issuing a bill for goods knowing that it contains any false statement, shall be guilty of a crime, and upon con-

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viction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. [*1917 c. 179 s. 3*]

Issue of duplicate bills not so marked. SECTION 1684*n*—46. Any officer, agent or servant of a carrier, who with intent to defraud issues or aids in issuing a duplicate or additional negotiable bill for goods in violation of the provisions of section 1684*n*—7, knowing that a former negotiable bill for the same goods or any part of them is outstanding and uncanceled, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both. [*1917 c. 179 s. 3*]

Negotiation of bill for mortgaged goods. SECTION 1684*n*—47. Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. [*1917 c. 179 s. 3*]

Negotiation of bill for mortgaged goods. SECTION 1684*n*—47. Any person who who with intent to deceive negotiates or transfers for value a bill knowing that any or all of the goods, which by the terms of such bill appear to have been received for transportation by the carrier which issued the bill, are not in the possession or control of such carrier, or of a connecting carrier, without disclosing this fact, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both. [*1917 c. 179 s. 3*]

Inducing issue of bill when goods not received. SECTION 1684*n*—49. Any person who with intent to defraud, secures the issue by a carrier of a bill knowing that at the time of such issue, any or all of the goods described in such bill as received for transportation have not been received by such carrier or an agent of such carrier, or a connecting carrier, or are not under the carrier's control, by inducing an officer, agent or servant of such carrier falsely to believe that such goods have been received by such carrier, or are under its control, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both. [*1917 c. 179 s. 3*]

Issue of nonnegotiable bill not so marked. SECTION 1684*n*—50. Any person who with intent to defraud issues or aids in issuing a nonnegotiable bill without the words "not negotiable" placed plainly upon the face thereof, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both. [*1917 c. 179 s. 3*]

INTERPRETATION.

Rule for cases not provided for. SECTION 1684*n*—51. In any case not provided for in this act, the rules of law and equity including the law merchant; and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress, coercion, accident, mistake, bankruptcy or other invalidating cause, shall govern. [*1917 c. 179 s. 3*]

Interpretation of act. SECTION 1684*n*—52. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. [*1917 c. 179 s. 3*]

Definitions. SECTION 1684*n*—53. 1. In this act, unless the context or subject matter otherwise requires:

"Action" includes counterclaim, set-off and suit in equity.

"Bill" means bill of lading.

"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.

"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.

"Goods" means merchandise or chattels in course of transportation, or which have been or are about to be transported.

"Holder" of a bill means a person who has both actual possession of such bill and a right of property therein.

"Order" means an order by indorsement on the bill.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership, or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee and to take as pledgee.

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"Purchaser" includes mortgagee and pledgee.

"Value" is any consideration sufficient to support a simple contract.

An antecedent or pre-existing obligation, whether for money or not, constitutes value where a bill is taken either in satisfaction thereof or as security therefor.

2. A thing is done "in good faith," within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not. [*1917 c. 179 s. 3*]

Existing bills not affected. SECTION 1684n—54. The provisions of this act do not apply to bills made and delivered prior to the taking effect thereof. [*1917 c. 179 s. 3*]

Citation of act. SECTION 1684n—55. This act may be cited as the "Uniform Bills of Lading Act." [*1917 c. 179 s. 3*]

CHAPTER 78t.

UNIFORM SALES ACT.

FORMATION OF THE CONTRACT.

Contracts to sell and sales. SECTION 1684t—1. 1. A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

2. A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

3. A contract to sell or a sale may be absolute or conditional.

4. There may be a contract to sell or a sale between one part owner and another. [*1911 c. 549*]

Capacity; liability for necessaries. SECTION 1684t—2. 1. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

2. Where necessaries are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

3. Necessaries in this section mean goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery. [*1911 c. 549*]

FORMALITIES OF THE CONTRACT.

Form of contract or sale. SECTION 1684t—3. Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties. [*1911 c. 549*]

Statute of frauds. SECTION 1684t—4. 1. A contract to sell or a sale of any goods or choses in action of the value of fifty dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

2. The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer, and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

3. There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods. [*1911 c. 549*]

SUBJECT MATTER OF CONTRACT.

Existing and future goods. SECTION 1684t—5. 1. The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods."

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2. There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

3. Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods. [*1911 c. 549*]

Undivided shares. SECTION 1684t—6. 1. There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

2. In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears. [*1911 c. 549*]

Destruction of goods sold. SECTION 1684t—7. 1. Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

2. Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale:

(1) As avoided, or

(2) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible, or to pay the agreed price for the goods in which the property passes if the sale was divisible. [*1911 c. 549*]

Destruction of goods contracted to be sold. SECTION 1684t—8. 1. Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

2. Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract:

(a) As avoided, or

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible. [*1911 c. 549*]

PRICE.

Definition and ascertainment of price. SECTION 1684t—9. 1. The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

2. The price may be made payable in any personal property.

3. Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

4. Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case. [*1911 c. 549*]

Sale at a valuation. SECTION 1684t—10. 1. Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person without fault of the seller or the buyer, cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

2. Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by sections 1684t—52 to 1684t—70, inclusive, of the statutes. [*1911 c. 549*]

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CONDITIONS AND WARRANTIES.

Effect of conditions. SECTION 1684t—11. 1. Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first-mentioned party may also treat the nonperformance of the condition as a breach of warranty.

2. Where the property in the goods has not passed, the buyer may treat the fulfilment by the seller of his obligation to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods. [*1911 c. 549*]

Definition of express warranty. SECTION 1684t—12. Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty. [*1911 c. 549*]

Implied warranties of title. SECTION 1684t—13. In a contract to sell or a sale, unless a contrary intention appears, there is:

(1) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass;

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale;

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or incumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee or other person professing to sell by virtue of authority in fact or law goods in which a third person has a legal or equitable interest. [*1911 c. 549*]

Implied warranty in sale by description. SECTION 1684t—14. Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description. [*1911 c. 549; 1917 c. 566 s. 27*]

Implied warranties of quality and fitness. SECTION 1684t—15. Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2) Where the goods are bought by the description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith. [*1911 c. 549*]

SALE BY SAMPLE.

Implied warranty in sale by sample. SECTION 1684t—16. In the case of a contract to sell or a sale by sample:

(1) There is an implied warranty that the bulk shall correspond with the sample in quality.

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(2) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 1684t—47.

(3) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample. [*1911 c. 549*]

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER.

No property passes until goods are ascertained. SECTION 1684t—17. Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 1684t—6. [*1911 c. 549*]

Property in specific goods passes when parties so intend. SECTION 1684t—18. 1. Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

2. For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade and the circumstances of the case. [*1911 c. 549*]

Rules for ascertaining intention. SECTION 1684t—19. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done.

3. (1) When goods are delivered to the buyer "on sale or return," or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

(2) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer:

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction;

(b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

4. (1) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

(2) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 1684t—20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalents.

5. If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon. [*1911 c. 549*]

Reservation of right of possession or property when goods are shipped. SECTION 1684t—20. 1. Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved not-

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withstanding the delivery of the goods to the buyer or to a carrier or to other bailee for the purpose of transmission to the buyer.

2. Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

3. Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer.

4. Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is indorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored; provided, that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful. [*1911 c. 549*]

Sale by auction. SECTION 1684*t*—21. In the case of sale by auction:

(1) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3) A right to bid may be reserved expressly by or on behalf of the seller.

(4) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer. [*1911 c. 549*]

Risk of loss. SECTION 1684*t*—22. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property is transferred to the buyer the goods are at the buyer's risk, whether delivery has been made or not, except that:

(1) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

(2) Where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault. [*1911 c. 549; 1917 c. 566 s. 28*]

TRANSFER OF TITLE.

Sale by a person not the owner. SECTION 1684*t*—23. 1. Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

2. Nothing in this act, however, shall affect:

(a) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction. [*1911 c. 549*]

Sale by one having a voidable title. SECTION 1684*t*—24. Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the

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buyer acquires a good title to the goods; provided, he buys them in good faith, for value, and without notice of the seller's defect of title. [*1911 c. 549*]

Sale by a seller in possession of goods already sold. SECTION 1684*t*—25. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same. [*1911 c. 549*]

Creditor's rights against sold goods in seller's possession. SECTION 1684*t*—26. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, and such retention of possession is fraudulent in fact, or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void. [*1911 c. 549*]

Definition of negotiable documents of title. SECTION 1684*t*—27. A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document, is a negotiable document of title. [*1911 c. 549*]

Negotiation of negotiable documents by delivery. SECTION 1684*t*—28. 1. A negotiable document of title may be negotiated by delivery:

(1) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same, undertakes to deliver the goods to the bearer, or

(2) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same, undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to bearer.

2. Where by the terms of a negotiable document of title the goods are deliverable to bearer, or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee. [*1911 c. 549*]

Negotiation of negotiable documents by indorsement. SECTION 1684*t*—29. A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed, to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner. [*1911 c. 549*]

Negotiable documents of title marked "not negotiable." SECTION 1684*t*—30. If a document of title which contains an undertaking by a carrier, warehouseman or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable," "nonnegotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. [*1911 c. 549; 1917 c. 179 s. 2*]

Transfer of nonnegotiable documents. SECTION 1684*t*—31. A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A nonnegotiable document cannot be negotiated and the indorsement of such document gives the transferee no additional right. [*1911 c. 549*]

Who may negotiate a document. SECTION 1684*t*—32. A negotiable document of title may be negotiated:

(1) By the owner thereof, or

(2) By any person in possession of the same, however such possession may have been acquired if, by the terms of the document, the bailee issuing it undertakes to deliver the goods to the order of such person or if at the time of negotiation the document is in such form that it may be negotiated by delivery. [*1911 c. 549; 1917 c. 179 s. 2*]

Rights of person to whom document has been negotiated. SECTION 1684*t*—33. A person to whom a negotiable document of title has been duly negotiated acquires thereby:

(1) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and

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(2) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him. [*1911 c. 549*]

Rights of person to whom document has been transferred. SECTION 1684*t*—34. 1. A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

2. If the document is nonnegotiable, such person also acquires the right to notify the bailee who issues the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

3. Prior to the notification of such bailee by the transferor or transferee of a nonnegotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor. [*1911 c. 549*]

Transfer of negotiable document without indorsement. SECTION 1684*t*—35. Where a negotiable document of title is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. [*1911 c. 549*]

Warranties on sale of document. SECTION 1684*t*—36. A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

(1) That the document is genuine;

(2) That he has a legal right to negotiate or transfer it;

(3) That he has knowledge of no fact which would impair the validity or worth of the document, and

(4) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby. [*1911 c. 549*]

Indorser not a guarantor. SECTION 1684*t*—37. The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations. [*1911 c. 549*]

When negotiation not impaired by fraud, mistake or duress. SECTION 1684*t*—38. The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was induced by fraud, mistake or duress to entrust the possession or custody thereof to such person, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefor, without notice of the breach of duty, or fraud, mistake or duress. [*1911 c. 549*]

Attachment or levy upon goods for which a negotiable document has been issued. SECTION 1684*t*—39. If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable document of title is issued for them, they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied upon under execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court. [*1911 c. 549*]

Creditor's remedies to reach negotiable documents. SECTION 1684*t*—40. A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process. [*1911 c. 549*]

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PERFORMANCE OF THE CONTRACT.

Seller must deliver and buyer accept goods. SECTION 1684t—41. It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale. [*1911 c. 549*]

Delivery and payment are concurrent conditions. SECTION 1684t—42. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer must be ready and willing to pay the price in exchange for possession of the goods. [*1911 c. 549*]

Place, time and manner of delivery. SECTION 1684t—43. 1. Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business if he have one, and if not, his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

2. Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

3. Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

4. Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

5. Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller. [*1911 c. 549*]

Delivery of wrong quantity. SECTION 1684t—44. 1. Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

2. Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

3. Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

4. The provisions of this section are subject to any usage of trade, special agreement or course of dealing between the parties. [*1911 c. 549*]

Delivery in instalments. SECTION 1684t—45. 1. Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments.

2. Where there is a contract to sell goods to be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation, but not to a right to treat the whole contract as broken. [*1911 c. 549*]

Delivery to a carrier on behalf of the buyer. SECTION 1684t—46. 1. Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer, is deemed to be a delivery of the

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goods to the buyer, except in the cases provided for in section 1684t—19, paragraph 5, unless a contrary intent appears.

2. Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

3. Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit. [*1911 c. 549*]

Right to examine the goods. SECTION 1684t—47. 1. Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

2. Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

3. Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words "collect on delivery," or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination. [*1911 c. 549*]

What constitutes acceptance. SECTION 1684t—48. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them. [*1911 c. 549*]

Acceptance does not bar action for damages. SECTION 1684t—49. In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fails to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know, of such breach, the seller shall not be liable therefor. [*1911 c. 549*]

Buyer is not bound to return goods wrongly delivered. SECTION 1684t—50. Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them. [*1911 c. 549*]

Buyer's liability for failing to accept delivery. SECTION 1684t—51. When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the rights against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default. [*1911 c. 549*]

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

Definition of unpaid seller. SECTION 1684t—52. 1. The seller of goods is deemed to be an unpaid seller within the meaning of this act:

(1) When the whole of the price has not been paid or tendered.

(2) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

2. In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller. [*1911 c. 549*]

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Remedies of an unpaid seller. SECTION 1684t—53. 1. Subject to the provisions of this act, notwithstanding that the property in the goods may be passed to the buyer, the unpaid seller of goods, as such, has:

(a) A lien on the goods or right to retain them for the price while he is in possession of them;

(b) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them;

(c) A right of resale as limited by this act;

(d) A right to rescind the sale as limited by this act.

2. Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage in transitu where the property has passed to the buyer. [*1911 c. 549*]

SECTION 1684t—53a. [*Repealed by 1919 c. 672 s. 2*]

UNPAID SELLER'S LIEN.

When right of lien may be exercised. SECTION 1684t—54. 1. Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

(a) Where the goods have been sold without any stipulation as to credit;

(b) Where the goods have been sold on credit, but the term of credit has expired;

(c) Where the buyer becomes insolvent.

2. The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer. [*1911 c. 549*]

Lien after part delivery. SECTION 1684t—55. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention. [*1911 c. 549*]

When lien is lost. SECTION 1684t—56. 1. The unpaid seller of goods loses his lien thereon:

(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof;

(b) When the buyer or his agent lawfully obtains possession of the goods;

(c) By waiver thereof.

2. The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods. [*1911 c. 549*]

STOPPAGE IN TRANSITU.

Seller may stop goods on buyer's insolvency. SECTION 1684t—57. Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods at any time while they are in transitu, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession. [*1911 c. 549*]

When goods are in transit. SECTION 1684t—58. 1. Goods are in transit within the meaning of section 1684t—57:

(a) From the time they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee;

(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

2. Goods are no longer in transit within the meaning of section 1684t—57:

(a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination;

(b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer;

(c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

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3. If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

4. If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods. [*1911 c. 549*]

Ways of exercising the right to stop. SECTION 1684*t*—59. 1. The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

2. When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the direction of, the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation. [*1911 c. 549*]

RESALE BY THE SELLER.

When and how resale may be made. SECTION 1684*t*—60. 1. Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

2. Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

3. It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

4. It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

5. The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale. [*1911 c. 549*]

RESCISSION BY THE SELLER.

When and how the seller may rescind the sale. SECTION 1684*t*—61. 1. An unpaid seller having a right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

2. The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted. [*1911 c. 549*]

Effect of sale of goods subject to lien or stoppage in transitu. SECTION 1684*t*—62. 1. Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

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2. If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transitu. [*1911 c. 549*]

REMEDIES OF THE SELLER FOR BREACH OF CONTRACT.

Action for the price. SECTION 1684*t*—63. 1. Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

2. Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

3. Although the property in the goods has not passed, if they cannot readily be resold for a reasonable price, and if the provisions of subsection 4, of section 1684*t*—64, are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price. [*1911 c. 549*]

Action for damages for nonacceptance of the goods. SECTION 1684*t*—64. 1. Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for nonacceptance.

2. The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

3. Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

4. If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfil his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages. [*1911 c. 549*]

When seller may rescind contract or sale. SECTION 1684*t*—65. Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer. [*1911 c. 549*]

REMEDIES OF THE BUYER.

Action for converting or detaining goods. SECTION 1684*t*—66. Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld. [*1911 c. 549*]

Action for failing to deliver goods. SECTION 1684*t*—67. 1. Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for nondelivery.

2. The measure of damages is the loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract.

3. Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver. [*1911 c. 549*]

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Specific performance. SECTION 1684t—68. Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just. [*1911 c. 549*]

Remedies for breach of warranty. SECTION 1684t—69. 1. Where there is a breach of warranty by the seller, the buyer may, at his election:

(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price;

(b) Accept or keep the goods and maintain an action against the seller, for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

(d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

2. When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

3. Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

4. Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

5. Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 1684t—53.

6. The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

7. In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty. [*1911 c. 549*]

Interest and special damages. SECTION 1684t—70. Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed. [*1911 c. 549*]

INTERPRETATION.

Interpretation. SECTION 1684t—71. Where the right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale. [*1911 c. 549*]

Rights may be enforced by action. SECTION 1684t—72. Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action. [*1911 c. 549*]

Rules for cases not provided for by this act. SECTION 1684t—73. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods. [*1911 c. 549*]

Interpretation shall give effect to purpose of uniformity. SECTION 1684t—74. This act shall be so interpreted and construed, as to effectuate its general purpose to make uniform the laws of those states which enact it. [*1911 c. 549*]

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Provisions not applicable to mortgages. SECTION 1684*t*—75. The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge or other security. [*1911 c. 549*]

Definitions. SECTION 1684*t*—76. 1. In this act, unless the context or subject matter otherwise requires:

"Action" includes counterclaim, set-off and suit in equity.

"Buyer" means a person who buys or agrees to buy goods or any legal successor in interest of such person.

"Defendant" includes a plaintiff against whom a right of set-off or counterclaim is asserted.

"Delivery" means voluntary transfer of possession from one person to another.

"Divisible contract to sell or sale" means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

"Documents of title to goods" includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

"Fault" means wrongful act or default.

"Fungible goods" means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

"Future goods" means goods to be manufactured or acquired by the seller after the making of the contract of sale.

"Goods" include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

"Order" in sections of this act relating to documents of title means an order by indorsement on the document.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

"Plaintiff" includes defendant asserting a right of set-off or counterclaim.

"Property" means the general property in goods, and not merely a special property.

"Purchaser" includes mortgagee and pledgee.

"Purchases" includes taking as a mortgagee or as a pledgee.

"Quality of goods" includes their state or condition.

"Sale" includes a bargain and sale as well as a sale and delivery.

"Seller" means a person who sells or agrees to sell goods, or any legal successor in the interest of such person.

"Specific goods" means goods identified and agreed upon at the time a contract to sell or a sale is made.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, constitutes value where goods or documents of title are taken either in satisfaction thereof or as security therefor.

2. A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

3. A person is "insolvent" within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

4. Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them. [*1911 c. 549*]

Act not retroactive. SECTION 1684*t*—77. None of the provisions of this act shall apply to any sale, or to any contract to sell, made prior to the taking effect of this act. [*1911 c. 549*]

Warehouse receipts act not affected. SECTION 1684*t*—78. Nothing in this act or in any repealing clause thereof shall be construed to repeal or limit any of the provisions of chapter 78*m* of the statutes. [*1911 c. 549; 1911 c. 664 s. 119*]

Citation. SECTION 1684*t*—79. This act may be cited as the "Uniform Sales Act." [*1911 c. 549*]

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CHAPTER 78*u*.

UNIFORM CONDITIONAL SALES ACT.

Definition of terms. SECTION 1684*u*—1. 1. In this chapter "conditional sale" means (a) Any contract for the sale of goods under which possession is delivered to the buyer and the property in the goods is to vest in the buyer at a subsequent time upon the payment of part or all of the price, or upon the performance of any other condition or the happening of any contingency; or (b) any contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value of the goods, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming the owner of such goods upon full compliance with the terms of the contract.

2. "Buyer" means the person who buys or hires the goods covered by the conditional sale, or any legal successor in interest of such person.

3. "Filing district" means the subdivision of the state in which conditional sale contracts, or copies thereof, are required by this act to be filed.

4. "Goods" means all chattels personal other than things in action and money, and includes emblements, industrial growing crops, and things attached to or forming a part of land which are agreed to be severed before sale or under the conditional sale.

5. "Performance of the condition" means the occurrence of the event upon which the property in the goods is to vest in the buyer, whether such event is the performance of an act by the buyer or the happening of a contingency.

6. "Person" includes an individual, partnership, corporation, and any other association.

7. "Purchase" includes mortgage and pledge.

8. "Purchaser" includes mortgagee and pledgee.

9. "Seller" means the person who sells or leases the goods covered by the conditional sale, or any legal successor in interest of such person. [*1919 c. 672 s. 1*]

Primary rights of buyer. SECTION 1684*u*—2. The buyer shall have the right when not in default to retain possession of the goods, and he shall also have the right to acquire the property in the goods on the performance of the conditions of the contract. The seller shall be liable to the buyer for the breach of all promises and warranties, express or implied, made in the conditional sale contract, whether or not the property in the goods has passed to the buyer. [*1919 c. 672 s. 1*]

Primary rights of seller. SECTION 1684*u*—3. The buyer shall be liable to the seller for the purchase price, or for instalments thereof, as the same shall become due, and for breach of all promises made by him in the conditional sale contract, whether or not the property in the goods has passed to the buyer. [*1919 c. 672 s. 1*]

Conditional sales valid except as otherwise provided. SECTION 1684*u*—4. Every provision in a conditional sale reserving property in the seller after possession of the goods is delivered to the buyer, shall be valid as to all persons, except as otherwise provided in this chapter. [*1919 c. 672 s. 1*]

Conditional sales void as to certain persons. SECTION 1684*u*—5. Every provision in a conditional sale reserving property in the seller, shall be void as to any purchaser from or creditor of the buyer, who, without notice of such provision, purchases the goods or acquires by attachment or levy a lien upon them, before the contract or a copy thereof shall be filed as provided in this chapter, unless such contract or copy is so filed within ten days after the making of the conditional sale. [*1919 c. 672 s. 1*]

Place of filing. SECTION 1684*u*—6. The conditional sale contract or copy shall be filed in the office of the clerk of the town, village or city in which the goods are first kept for use by the buyer after the sale. It shall not be necessary to the validity of such conditional sale contract, or in order to entitle it to be filed, that it be acknowledged or attested. This section shall not apply to the contracts described in section 1684*u*—8. [*1919 c. 672 s. 1*]

Fixtures. SECTION 1684*u*—7. If the goods are so affixed to realty, at the time of a conditional sale or subsequently as to become a part thereof and not to be severable wholly or in any portion without material injury to the freehold, the reservation of property as to any portion not so severable shall be void after the goods are so affixed, as against any person who has not expressly assented to the reservation. If the goods are so affixed to realty at the time of a conditional sale or subsequently as to become part thereof but to be severable without material injury to the freehold, the reservation of property shall be

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void after the goods are so affixed as against subsequent purchasers of the realty for value and without notice of the conditional seller's title, unless the conditional sale contract, or a copy thereof, together with a statement signed by the seller briefly describing the realty and stating that the goods are or are to be affixed thereto, shall be filed before such purchase in the office where a deed of the realty would be recorded or registered to affect such realty. As against the owner of realty the reservation of the property in goods by a conditional seller shall be void when such goods are to be so affixed to the realty as to become part thereof but to be severable without material injury to the freehold, unless the conditional sale contract, or a copy thereof, together with a statement signed by the seller briefly describing the realty and stating that the goods are to be affixed thereto, shall be filed before they are affixed, in the office where a deed would be recorded or registered to affect such realty. [*1919 c. 672 s. 1*]

Railroad equipment or rolling stock. SECTION 1684*u*—8. No conditional sale of railroad, or street or interurban railway equipment or rolling stock shall be valid as against the purchasers and creditors described in section 1684*u*—5, unless the contract shall be acknowledged by the buyer or attested in like manner as a deed of real property, and the contract, or a copy thereof, shall be filed or recorded in the office of the secretary of state; and unless when any engine or car so sold is delivered there shall then be plainly and conspicuously marked upon each side thereof the name of the seller, followed by the word "owner." [*1919 c. 672 s. 1*]

Conditional sale of goods for resale. SECTION 1684*u*—9. When goods are delivered under a conditional sale contract and the seller expressly or impliedly consents that the buyer may resell them prior to performance of the condition, the reservation of property shall be void against purchasers from the buyer for value in the ordinary course of business, and as to them the buyer shall be deemed the owner of the goods, even though the contract or a copy thereof shall be filed according to the provisions of this chapter. [*1919 c. 672 s. 1*]

Filing. SECTION 1684*u*—10. The filing officer shall mark upon the contract or copy filed with him the day and hour of filing and shall file the contract or copy in his office for public inspection. He shall keep a separate book in which he shall enter the names of the seller and buyer, the date of the contract, the day and hour of filing, a brief description of the goods, the price named in the contract and the date of cancellation thereof; except that in entering the contracts mentioned in section 1684*u*—6 the secretary of state shall record either the sum remaining to be paid upon the contract or the price of the goods. Such book shall be indexed under the names of both seller and buyer. For filing and entering such contract or copy the filing officer shall be entitled to a fee of ten cents, except that for filing and entering a contract described in section 1684*u*—8 the secretary of state shall be entitled to a fee of one dollar. [*1919 c. 672 s. 1*]

Refiling. SECTION 1684*u*—11. The filing of conditional sale contracts provided for in sections 1684*u*—5, 1684*u*—6 and 1684*u*—7 shall be valid for a period of three years only. The filing of the contract provided for by section 1684*u*—8 shall be valid for a period of fifteen years only. The validity of the filing may in each case be extended for successive additional periods of one year from the date of refiling by filing in the proper filing district a copy of the original contract within thirty days next preceding the expiration of each period, with a statement attached signed by the seller, showing that the contract is in force and the amount remaining to be paid thereon. Such copy, with statement attached, shall be filed and entered in the same manner as a contract or copy filed and entered for the first time, and the filing officer shall be entitled to a like fee as upon the original filing. [*1919 c. 672 s. 1*]

Cancellation of contract. SECTION 1684*u*—12. After the performance of the condition, upon written demand delivered personally or by registered mail by the buyer or any other person having an interest in the goods, the seller shall execute, acknowledge and deliver to the demandant a statement that the condition in the contract has been performed. If for ten days after such demand the seller fails to mail or deliver such a statement of satisfaction, he shall forfeit to the demandant five dollars and be liable for all damages suffered. Upon presentation of such statement of satisfaction the filing officer shall file the same and note the cancellation of the contract and the date thereof on the margin of the page where the contract has been entered. For filing and entering the statement of satisfaction the filing officer shall be entitled to a fee of ten cents, except that the secretary of state shall be entitled to a fee of fifty cents for filing and entering a statement of the satisfaction of a contract described in section 1684*u*—8. [*1919 c. 672 s. 1*]

Prohibition of removal or sale without notice. SECTION 1684*u*—13. Unless the contract otherwise provides, the buyer may, without the consent of the seller, remove the goods

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from any filing district and sell, mortgage or otherwise dispose of his interest in them; but prior to the performance of the condition, no such buyer shall remove the goods from a filing district in which the contract or a copy thereof is filed, except for temporary uses for a period of not more than thirty days, unless the buyer not less than ten days before such removal shall give the seller personally or by registered mail written notice of the place to which the goods are to be removed and the approximate time of such intended removal; not prior to the performance of the condition shall the buyer sell, mortgage or otherwise dispose of his interest in the goods, unless he, or the person to whom he is about to sell, mortgage or otherwise dispose of the same, shall notify the seller in writing personally or by registered mail of the name and address of the person to whom his interest in the goods is about to be sold, mortgaged or otherwise transferred, not less than ten days before such sale, mortgage or other disposal. If any buyer does so remove the goods, or does so sell, mortgage or otherwise dispose of his interest in them without such notice or in violation of the contract, the seller may retake possession of the goods and deal with them as in case of default in payment of part or all of the purchase price. The provisions of this section regarding the removal of goods shall not apply, however, to the goods described in section 1684*u*—6. [*1919 c. 672 s. 1*]

Refiling on removal. SECTION 1684*u*—14. When, prior to the performance of the condition, the goods are removed by the buyer from a filing district in this state to another filing district in this state in which such contract or a copy thereof is not filed, or are removed from another state into a filing district in this state where such contract or copy is not filed, the reservation of the property in the seller shall be void as to the purchasers and creditors described in section 1684*u*—5, unless the conditional sale contract or a copy thereof shall be filed in the filing district to which the goods are removed, within ten days after the seller has received notice of the filing district to which the goods have been removed. The provisions of this section shall not apply, however, to the goods described in section 1684*u*—8. The provisions of section 1684*u*—11 regarding the duration of the validity of the filing and the necessity for refiling shall apply to contracts or copies which are filed in a filing district other than that where the goods are originally kept for use by the buyer after the sale. [*1919 c. 672 s. 1*]

Fraudulent injury, concealment, removal or sale. SECTION 1684*u*—15. When, prior to the performance of the condition, the buyer maliciously or with intent to defraud, shall injure, destroy or conceal the goods, or remove them to a filing district where the contract or a copy thereof is not filed, without having given the notice required by section 1684*u*—13, or shall sell, mortgage, or otherwise dispose of such goods under claim of full ownership, he shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the county jail for not more than one year or be fined not more than five hundred dollars or both. [*1919 c. 672 s. 1*]

Retaking possession. SECTION 1684*u*—16. When the buyer shall be in default in the payment of any sum due under the contract, or in the performance of any other condition which the contract requires him to perform in order to obtain the property in the goods, or in the performance of any promise, the breach of which is by the contract expressly made a ground for the retaking of the goods, the seller may retake possession thereof. Unless the goods can be retaken without breach of the peace, they shall be retaken by legal process; but nothing herein shall be construed to authorize a violation of the criminal law. [*1919 c. 672 s. 1*].

Notice of intention to retake. SECTION 1684*u*—17. Not more than forty nor less than twenty days prior to the retaking, the seller, if he so desires, may serve upon the buyer personally or by registered mail a notice of intention to retake the goods on account of the buyer's default. The notice shall state the default and the period at the end of which the goods will be retaken, and shall briefly and clearly state what the buyer's rights under this act will be in case they are retaken. If the notice is so served and the buyer does not perform the obligations in which he has made default before the day set for retaking, the seller may retake the goods and hold them subject to the provisions of sections 1684*u*—19, 1684*u*—20, 1684*u*—21, 1684*u*—22 and 1684*u*—23 regarding résale, but without any right of redemption. [*1919 c. 672 s. 1*]

Redemption. SECTION 1684*u*—18. If the seller does not give the notice of intention to retake described in section 1684*u*—17, he shall retain the goods for ten days after the retaking within the state in which they were located when retaken, during which period the buyer, upon payment or tender of the amount due under the contract at the time of retaking and interest, or upon performance or tender of performance of such other condition as may be named in the contract as precedent to the passage of the property in the goods, or upon performance or tender of performance of any other promise for the

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breach of which the goods were retaken, and upon payment of the expenses of retaking, keeping and storage, may redeem the goods and become entitled to take possession of them and to continue in the performance of the contract as if no default had occurred. Upon written demand delivered personally or by registered mail by the buyer, the seller shall furnish to the buyer a written statement of the sum due under the contract and the expense of retaking, keeping and storage. For failure to furnish such statement within a reasonable time after demand, the seller shall forfeit to the buyer ten dollars and also be liable to him for all damages suffered because of such failure. If the goods are perishable so that retention for ten days as herein prescribed would result in their destruction or substantial injury, the provisions of this section shall not apply, and the seller may resell the goods immediately upon their retaking. The provision of this section requiring the retention of the goods within the state during the period allowed for redemption shall not apply to the goods described in section 1684*u*—8. [*1919 c. 672 s. 1*]

Compulsory resale by seller. SECTION 1684*u*—19. If the buyer does not redeem the goods within ten days after the seller has retaken possession, and the buyer has paid at least fifty per cent of the purchase price at the time of the retaking, the seller shall sell them at public auction in the state where they were at the time of the retaking, such sale to be held not more than thirty days after the retaking. The seller shall give to the buyer not less than ten days' written notice of the sale, either personally or by registered mail, directed to the buyer at his last known place of business or residence. The seller shall also give notice of the sale by at least three notices posted in different public places within the filing district where the goods are to be sold, at least five days before the sale. If at the time of the retaking five hundred dollars or more has been paid on the purchase price, the seller shall also give notice of the sale at least five days before the sale by publication in a newspaper published or having a general circulation within the filing district where the goods are to be sold. The seller may bid for the goods at the resale. If the goods are of the kind described in section 1684*u*—8, the parties may fix in the conditional sale contract the place where the goods shall be resold. [*1919 c. 672 s. 1*]

Resale at option of parties. SECTION 1684*u*—20. If the buyer has not paid at least fifty per cent of the purchase price at the time of the retaking, the seller shall not be under a duty to resell the goods as prescribed in section 1684*u*—19, unless the buyer serves upon the seller, within ten days after the retaking, a written notice demanding a resale, delivered personally or by registered mail. If such notice is served, the resale shall take place within thirty days after the service, in the manner, at the place and upon the notice prescribed in section 1684*u*—19. The seller may voluntarily resell the goods for account of the buyer on compliance with the same requirements. [*1919 c. 672 s. 1*]

Proceeds of resale. SECTION 1684*u*—21. The proceeds of the resale shall be applied (a) To the payment of the expenses thereof, (b) to the payment of the expenses of retaking, keeping and storing the goods, (c) to the satisfaction of the balance due under the contract. Any sum remaining after the satisfaction of such claim shall be paid to the buyer. [*1919 c. 672 s. 1*]

Deficiency on resale. SECTION 1684*u*—22. If the proceeds of the resale are not sufficient to defray the expenses thereof, and also the expenses of retaking, keeping and storing the goods and the balance due upon the purchase price, the seller may recover the deficiency from the buyer, or from anyone who has succeeded to the obligations of the buyer. [*1919 c. 672 s. 1*]

Rights of parties where there is no resale. SECTION 1684*u*—23. Where there is no resale, the seller may retain the goods as his own property without obligation to account to the buyer except as provided in section 1684*u*—25, and the buyer shall be discharged of all obligation. [*1919 c. 672 s. 1; 1921 c. 590 s. 22*]

Election of remedies. SECTION 1684*u*—24. After the retaking of possession as provided in section 1684*u*—16 the buyer shall be liable for the price only after a resale and only to the extent provided in section 1684*u*—22. Neither the bringing of an action by the seller for the recovery of the whole or any part of the price, nor the recovery of judgment in such action, nor the collection of a portion of the price, shall be deemed inconsistent with a later retaking of the goods as provided in section 1684*u*—16. But such right of retaking shall not be exercised by the seller after he has collected the entire price, or after he has claimed a lien upon the goods, or attached them, or levied upon them as the goods of the buyer. [*1919 c. 672 s. 1*]

Recovery of part payments. SECTION 1684*u*—25. If the seller fails to comply with the provisions of sections 1684*u*—18, 1684*u*—19, 1684*u*—20, 1684*u*—21 and 1684*u*—23 after retaking the goods, the buyer may recover from the seller his actual damages, if any,

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and in no event less than one-fourth of the sum of all payments which have been made under the contract, with interest. [*1919 c. 672 s. 1*]

Waiver of statutory protection. SECTION 1684*u*—26. No act or agreement of the buyer before or at the time of the making of the contract, nor any agreement or statement by the buyer in such contract, shall constitute a valid waiver of the provisions of sections 1684*u*—18, 1684*u*—19, 1684*u*—20, 1684*u*—21, 1684*u*—25; except that the contract may stipulate that on such default of the buyer as is provided for in section 1684*u*—16, the seller may rescind the conditional sale, either as to all the goods or as to any part thereof for which a specific price was fixed in the contract. If the contract thus provides for rescission, the seller at his option, may retake such goods without complying with or being bound by the provisions of sections 1684*u*—17 to 1684*u*—25, inclusive, as to the goods retaken, upon crediting the buyer with the full purchase price of those goods. So much of this credit as is necessary to cancel any indebtedness of the buyer to the seller shall be so applied, and the seller shall repay to the buyer on demand any surplus not so required. [*1919 c. 672 s. 1; 1921 c. 231*]

Loss and increase. SECTION 1684*u*—27. After the delivery of the goods to the buyer and prior to the retaking of them by the seller, the risk of injury and loss shall rest upon the buyer. The increase of the goods shall be subject to the same conditions as the original goods. [*1919 c. 672 s. 1*]

Act prospective only. SECTION 1684*u*—28. This chapter shall not apply to conditional sales made prior to the time when it takes effect. [*1919 c. 672 s. 1*]

Rules for cases not provided for. SECTION 1684*u*—29. In any case not provided for in this chapter the rules of law and equity, including the law merchant, and in particular those relating to principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to conditional sales. [*1919 c. 672 s. 1*]

Uniformity of interpretation. SECTION 1684*u*—30. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. [*1919 c. 672 s. 1*]

Short title. SECTION 1684*u*—31. This chapter may be cited as the "Uniform Conditional Sales Act." [*1919 c. 672 s. 1*]

CHAPTER 78*w*.

UNIFORM COLD STORAGE ACT.

Definitions. SECTION 1684*w*—1. For the purpose of this chapter "cold storage" shall mean the storage or keeping of articles of food at or below a temperature above zero of forty-five degrees Fahrenheit in a cold storage warehouse; "cold storage warehouse" shall mean any place artificially cooled to or below a temperature above zero of forty-five degrees Fahrenheit, in which articles of food are placed and held for forty days or more; "article of food" shall mean fresh meat as defined in section 4601—4*a* of the statutes and fresh meat products and all eggs, butter, and butter substitutes. [*1917 c. 428*]

License. SECTION 1684*w*—2. No person, firm or corporation shall maintain or operate a cold storage warehouse without a license so to do issued by the dairy and food commissioner. Any person, firm or corporation desiring such license shall make written application to the dairy and food commissioner for that purpose, stating the location of the warehouse. The dairy and food commissioner thereupon shall cause an examination to be made of said warehouse and, if it be found by him to be in a proper sanitary condition and otherwise properly equipped for its intended use, he shall issue a license authorizing the applicant to operate the same as a cold storage warehouse during one year upon payment to the state treasurer by the applicant of a license fee as follows: For a warehouse located in a city of the first class, forty dollars; for a warehouse located in a city of the second class, thirty dollars; for a warehouse located in a city of the third class, twenty dollars; and for a warehouse located in a city of the fourth class, ten dollars. [*1917 c. 428*]

Sanitation. SECTION 1684*w*—3. In case any cold storage warehouse, or any part thereof, shall at any time be deemed by the dairy and food commissioner to be in an insanitary condition, or not properly equipped for its intended use, he shall notify the licensee of such condition and upon the failure of the licensee to put such cold storage warehouse in a sanitary condition or to properly equip the same for its intended use,

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within a time to be designated by the dairy and food commissioner, he shall revoke such license. [*1917 c. 428*]

Records and reports. SECTION 1684*w*—4. Every such licensee shall keep accurate records of the articles of food received in and of the articles of food withdrawn from his cold storage warehouse, and the dairy and food commissioner shall have free access to such records at any time. Every such licensee shall submit a monthly report to the dairy and food commissioner, setting forth in itemized particulars the quantities and kinds of articles of food in his cold storage warehouse. Such monthly reports shall be filed on or before the fifth day of each month, and the reports so rendered shall show the conditions existing on the last day of the preceding month reported and a summary of such reports shall be prepared by the dairy and food commissioner and shall be open to public inspection on or before the tenth day of each month. [*1917 c. 428*]

Inspection. SECTION 1684*w*—5. The dairy and food commissioner shall inspect and supervise all cold storage warehouses and make such inspection of articles of food therein as he may deem necessary to secure the proper enforcement of this chapter, and he shall have access to all cold storage warehouses at all reasonable times. The dairy and food commissioner may appoint such persons as he deems qualified to make any inspection under this chapter. [*1917 c. 428*]

Purity of foods. SECTION 1684*w*—6. No person, firm or corporation, as owner shall knowingly place, receive or keep in any cold storage warehouse any articles used for food or drink or condiment by man, whether simple, mixed or compound, nor any article used or intended for use as ingredients in the composition thereof, or in the preparation thereof, if diseased, tainted, infested or contaminated with maggots or any other form of insect organism or with animal excreta or if otherwise unfit for human consumption, or which may not reasonably be expected to keep wholesome for human consumption, unless said articles bear a label or brand in accordance with forms to be prescribed by the dairy and food commissioner showing plainly the fact that the said articles are not intended for human consumption and are not to be sold or used as and for such, and the date when such articles were received in cold storage, and unless the aforesaid articles shall be stored separate and apart from all foods intended for human consumption. [*1917 c. 428; 1921 c. 520*]

Marking dates of reception and removal of foods. SECTION 1684*w*—7. No person, firm or corporation shall place, receive or keep in any cold storage warehouse in this state articles of food unless the same shall be plainly marked, stamped or tagged, either upon the container in which they are packed, or upon the article of food itself, with the date when placed therein; and no person, firm or corporation shall remove, or allow to be removed, such article of food from any cold storage warehouse unless the same shall be plainly marked, stamped or tagged, either on the container in which it is inclosed or upon the article of food itself, with the date of such removal, and such marks, stamps and tags shall be prima facie evidence of such receipt and removal and of the dates thereof. All articles of food in any cold storage warehouse at the time this chapter goes into effect shall, before being removed therefrom, be plainly marked, stamped or tagged with the date when this chapter goes into effect and the date of removal therefrom. It shall be unlawful for any person, firm or corporation, except the ultimate consumer or purchaser of such article of food, to remove, alter, mutilate or conceal such dates of entry and removal from cold storage. When any package containing such article of food shall be broken and the contents thereof sold by items, or when the said dates are marked, stamped or tagged upon the article of food itself in bulk, then the seller shall, at the request of the purchaser, correctly state the information required by this section to be placed upon the original package or upon the article of food itself in bulk, upon a tag to be attached to such item before delivering the same to the purchaser. The container from which such article of food is sold shall be in plain view of the purchaser or on demand produced for inspection by the purchaser. [*1917 c. 428*]

Time limitation on storage. SECTION 1684*w*—8. No person, firm or corporation shall hereafter keep or permit to remain in any cold storage warehouse any article of food which has been held in cold storage either within or without the state, for a longer aggregate period than twelve months, except with the consent of the dairy and food commissioner as hereinafter provided. The dairy and food commissioner may upon application during the twelfth month, extend the period of storage beyond twelve months for any particular article of food, provided the same is found upon examination to be in proper condition for further cold storage. The length of time for which such further storage is allowed shall be specified in the order granting the permission and shall not exceed thirty days. A report on each case in which such extension of storage may be permitted, including information relating to the reason for the action of the dairy and food commissioner, the kinds and amounts of the articles of food for which the storage

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period was extended, and the length of time for which this continuance was granted, shall be filed, open to public inspection, in the office of the dairy and food commissioner, and shall be included in his annual report. [*1917 c. 428; 1921 c. 56*]

Limitation on storage other than cold storage. SECTION 1684*w*—9. It shall be unlawful to sell, or offer for sale, any article of food which has been held for a period of forty days or over in cold storage either within or without the state, except as and for "cold storage goods," and without notifying persons purchasing, or intending to purchase the same, that it has been so held, by the display of a placard plainly and conspicuously marked, "cold storage goods" on the bulk mass or articles of food; and it shall be unlawful to sell, offer for sale, represent or advertise as fresh any article of food which has been held in cold storage for a period of forty days or over. It shall be unlawful to sell or to offer for sale, to display, advertise, or to represent in any manner whatsoever for the purpose of selling, any eggs other than cold storage that have been held for a period of forty days or over, either within or without the state, without notifying the persons purchasing or intending to purchase the same, that they are held eggs. [*1917 c. 428*]

Foods removed not to be returned to storage. SECTION 1684*w*—10. It shall be unlawful to return to any cold storage warehouse any article of food which has been once released from storage for the purpose of placing it on the market for sale. Provided, however, that the dairy and food commissioner may, upon application, permit eggs and butter to be returned to any cold storage warehouse, provided the same is found upon examination to be in proper condition for further cold storage. Such return shall be unlawful unless all prior stampings, markings and taggings upon such article shall remain thereon. It shall be unlawful to transfer any article of food from one cold storage warehouse to another contrary to the provisions of this chapter, except with the consent of the dairy and food commissioner, and such transfer shall be unlawful unless all prior stampings, markings and taggings upon such article shall remain thereon. [*1917 c. 428*]

Rules and regulations. SECTION 1684*w*—11. The dairy and food commissioner may make all necessary rules and regulations to carry this chapter into effect. Such rules and regulations shall be filed in his office, and shall not take effect until sixty days after such filing. [*1917 c. 428*]

Penalty. SECTION 1684*w*—12. Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for the first offense by a fine of not less than fifty dollars nor more than one hundred dollars and for the second or any subsequent offense by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment of not more than six months, or by both such fine and imprisonment in the discretion of the court. [*1917 c. 428; 1921 c. 56*]

Interpretation. SECTION 1684*w*—13. This chapter shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it. [*1917 c. 428*]

Citation. SECTION 1684*w*—14. This chapter may be cited as the "Uniform Cold Storage Act." [*1917 c. 428*]

CHAPTER 79.

MONEY AND RATES OF INTEREST.

What is. SECTION 1685. The money of account of this state shall be the dollar, cent and mill; and all accounts in public offices, and other public accounts, and all proceedings in courts shall be kept and had in conformity to this regulation. [*R. S. 1858 c. 62 s. 1; R. S. 1878 s. 1685; Ann. Stats. 1889 s. 1685; Stats. 1898 s. 1685*]

Contracts not affected. SECTION 1686. Nothing contained in the preceding section shall vitiate or affect any account, charge or entry originally made or any note, bond or other instrument expressed in any other money of account; but the same shall be reduced to dollars or parts of a dollar as hereinbefore directed in any suit thereupon. [*R. S. 1858 c. 62 s. 2; R. S. 1878 s. 1686; Ann. Stats. 1889 s. 1686; Stats. 1898 s. 1686*]

Judgments, how computed. SECTION 1687. In all judgments or decrees rendered by any court of justice for any debt, damages or costs and in all executions issued thereon the amount shall be computed, as near as may be, in dollars and cents, rejecting smaller fractions; and no judgment or other proceeding shall be considered erroneous

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for such omissions. [*R. S. 1858 c. 62 s. 3; R. S. 1878 s. 1687; Ann. Stats. 1889 s. 1687; Stats. 1898 s. 1687*]

RATES OF INTEREST.

What are. SECTION 1688. The rate of interest upon the loan or forbearance of any money, goods or things in action shall be six dollars upon the one hundred dollars for one year and after that rate for a greater or less sum or for a longer or a shorter time; but it shall be competent for parties to contract for the payment and receipt of a rate of interest not exceeding ten dollars on one hundred dollars as aforesaid, in which case such rate exceeding six dollars on one hundred dollars shall be clearly expressed in writing. [*R. S. 1858 c. 61 s. 1; 1859 c. 160 s. 1; 1866 c. 120 s. 1; R. S. 1878 s. 1688; Ann. Stats. 1889 s. 1688; 1893 c. 61; Stats. 1898 s. 1688*]

Maximum rate. SECTION 1689. No person, company or corporation shall directly or indirectly take or receive in money, goods or things in action, or in any other way, any greater sum or any greater value for the loan or forbearance of money, goods or things in action than at the rate of ten dollars upon one hundred dollars for one year; and in the computation of interest upon any bond, note or other instrument or agreement interest shall not be compounded, nor shall the interest thereon be construed to bear interest unless an agreement to that effect is clearly expressed in writing and signed by the party to be charged therewith. [*R. S. 1858 c. 61 s. 2; 1859 c. 160 s. 2; 1868 c. 60; R. S. 1878 s. 1689; Ann. Stats. 1889 s. 1689; Stats. 1898 s. 1689*]

Contracts for excessive rate. SECTION 1690. All bonds, bills, notes, assurances, conveyances and all other contracts or securities whatever, whereby there is reserved or secured a rate of interest exceeding ten dollars on one hundred dollars for one year, shall be valid and effectual to secure the repayment of the principal sum loaned; but no interest shall be recovered on such securities or on any money or other thing loaned by such contract except upon bottomry and respondentia bonds and contracts; and no corporation shall interpose the defense of usury. [*1871 c. 93 s. 2; R. S. 1878 s. 1690; Ann. Stats. 1889 s. 1690; Stats. 1898 s. 1690*]

Usury agents; chattels and wages assignments; evidence. SECTION 1691. 1. Every person who, for any such loan or forbearance, shall have paid or delivered any greater sum or value than is above allowed to be received, may, by himself or his personal representative, recover in an action against the person who shall have taken or received the same, or his personal representatives, treble the amount of the money so paid or value delivered above the rate aforesaid if such action shall be brought within one year after such payment or delivery.

2. And any person who, as principal or as agent for another, shall ask, demand, receive, take, accept or charge more than ten per centum per annum upon the sum of money actually loaned for the forbearance, use or loan thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment not more than six months, or by both such fine and imprisonment.

3. And when the payment of the money loaned shall be secured, or purport to be secured, or claimed by the payee of said loan to be secured, by chattel mortgage, bill of sale, pledge, receipt or other evidence of debt upon chattel goods or property, or by assignment of wages, or by power of attorney to execute any such instrument on behalf of the borrower, whether any such instrument or the power given to execute the same, shall be valid or not, or whether any such instrument or power shall be fully executed or executed partly in blank, any person who, as principal or as agent for another, shall ask, demand, or receive, take, accept or charge, in addition to the interest aforesaid, more than an amount equal to seven per centum per annum of the original sum actually loaned for the time of such loan, on sums of a hundred dollars or less, nor more than four per cent per annum of the original sum actually loaned for time of such loan, on sums over one hundred dollars, disregarding part payments and the dates thereof, but not to be computed for a period exceeding one year in any event, in full for all examinations, views, fees, appraisals, commissions, renewals and charges of any kind or description whatsoever in the procuring, making and transacting of the business connected with such loan, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment not more than six months, or by both such fine and imprisonment for the first offense; and by a fine of not less than five hundred dollars, nor more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment for the second offense; and for the third offense the license of such association, copartnership, corporation, doing business under the aforesaid sections, shall be revoked.

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3a. Before any person, or any association, copartnership, or corporation, heretofore or hereafter created, shall do business under the provisions of section 1691 of the statutes, such person, association, copartnership, or corporation shall first obtain a permit from the commissioner of banking, who is hereby invested with the supervision of said organizations.

4. And it shall be prima facie proof of the commission of the offenses aforesaid by any person as principal, who is charged with having committed such offense through another person as his agent, that such other person has asked, demanded, received, taken, accepted, or charged interest or commissions, as the case may be, in an amount exceeding the rates aforesaid, and was authorized on behalf of such principal to loan, and did in fact loan unto the borrower at the time and place referred to in the indictment, information or complaint, the money of such principal.

4a. The books of account of such person, association, copartnership, or corporation, doing business under the aforesaid section, shall at all times be open to the inspection and examination by the commissioner of banking. [*R. S. 1858 c. 61 s. 3; 1859 c. 160; 1866 c. 120; 1868 c. 60; 1871 c. 43, 93; R. S. 1878 s. 1691; Ann. Stats. 1889 s. 1691; 1895 c. 327; Stats. 1898 s. 1691; 1905 c. 278; Supl. 1906 s. 1691; 1907 c. 118, 412; 1913 c. 115; 1915 c. 450*]

Condition of relief. SECTION 1692. Whenever any person shall apply to any court in this state to be relieved in case of a usurious contract or security, or when any person shall set up the plea of usury in any action instituted against him, such person to be entitled to such relief or the benefit of such plea shall prove a tender of the principal sum of money or thing loaned to the party entitled to receive the same. [*R. S. 1858 c. 61 s. 6; 1872 c. 157; R. S. 1878 s. 1692; Ann. Stats. 1889 s. 1692; Stats. 1898 s. 1692*]

SECTIONS 1693 to 1702*k*. [*Withdrawn by 1921 c. 590 s. 45*]

SECTION 1703. [*Repealed by 1919 c. 449 s. 2*]

CHAPTER 81.

UNIFORM LIMITED PARTNERSHIP ACT.

Limited partnership defined. SECTION 1703—1. A limited partnership is a partnership formed by two or more persons under the provisions of section 1703—2, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership. [*1919 c. 449*]

Formation. SECTION 1703—2. 1. Two or more persons desiring to form a limited partnership shall

(a) Sign and swear to a certificate, which shall state

1. The name of the partnership,
2. The character of the business,
3. The location of the principal place of business,
4. The name and place of residence of each member; general and limited partners being respectively designated,
5. The term for which the partnership is to exist,
6. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,
7. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,
8. The time, if agreed upon, when the contribution of each limited partner is to be returned,
9. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,
10. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,
11. The right, if given, of the partners to admit additional limited partners,
12. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,
13. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and
14. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

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(b) File for record the certificate in the office of the register of deeds of the county in which the principal place of business is located.

2. A limited partnership is formed if there has been substantial compliance in good faith with the requirements of subsection 1 of this section. [*1919 c. 449*]

Business which may be carried on. SECTION 1703—3. A limited partnership may carry on any business which a partnership without limited partners may carry on. [*1919 c. 449*]

Character of limited partner's contribution. SECTION 1703—4. The contributions of a limited partner may be cash or other property, but not services. [*1919 c. 449*]

A name not to contain surname of limited partner; exceptions. SECTION 1703—5. 1. The surname of a limited partner shall not appear in the partnership name, unless

(a) It is also the surname of a general partner, or

(b) Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

2. A limited partner whose name appears in a partnership name contrary to the provisions of subsection 1 of this section is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner. [*1919 c. 449*]

Liability for false statements in certificate. SECTION 1703—6. If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false.

(a) At the time he signed the certificate, or

(b) Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in subsection 3 of section 1703—25. [*1919 c. 449*]

Limited partner not liable to creditors. SECTION 1703—7. A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business. [*1919 c. 449*]

Admission of additional limited partners. SECTION 1703—8. After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of section 1703—25. [*1919 c. 449*]

Rights, powers and liabilities of a general partner. SECTION 1703—9. 1. A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

(a) Do any act in contravention of the certificate,

(b) Do any act which would make it impossible to carry on the ordinary business of the partnership,

(c) Confess a judgment against the partnership,

(d) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose,

(e) Admit a person as a general partner,

(f) Admit a person as a limited partner, unless the right so to do is given in the certificate,

(g) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate. [*1919 c. 449*]

Rights of a limited partner. SECTION 1703—10. 1. A limited partner shall have the same rights as a general partner to

(a) Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them,

(b) Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and

(c) Have dissolution and winding up by decree of court.

2. A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in sections 1703—15 and 1703—16. [*1919 c. 449*]

Status of person erroneously believing himself a limited partner. SECTION 1703—11. A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general part-

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ner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income. [*1919 c. 449*]

One person or both general and limited partner. SECTION 1703—12. 1. A person may be a general partner and a limited partner in the same partnership at the same time.

2. A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner. [*1919 c. 449*]

Loans and other business transactions with limited partner. SECTION 1703—13. 1. A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim

(a) Receive or hold as collateral security any partnership property, or

(b) Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

2. The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of subsection 1 of this section is a fraud on the creditors of the partnership. [*1919 c. 449*]

Relation of limited partners inter se. SECTION 1703—14. Where there are several limited partners the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing. [*1919 c. 449*]

Compensation of limited partner. SECTION 1703—15. A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners. [*1919 c. 449*]

Withdrawal or reduction of limited partner's contribution. SECTION 1703—16. 1. A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

(a) All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid, or there remains property of the partnership sufficient to pay them,

(b) The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of subsection 2 of this section, and

(c) The certificate is canceled or so amended as to set forth the withdrawal or reduction.

2. Subject to the provisions of subsection 1 of this section a limited partner may rightfully demand the return of his contribution

(a) On the dissolution of a partnership, or

(b) When the date specified in the certificate for its return has arrived, or

(c) After he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

3. In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

4. A limited partner may have the partnership dissolved and its affairs wound up when

(a) He rightfully but unsuccessfully demands the return of his contribution, or

(b) The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by subdivision (a) of subsection 1 of this section and the limited partner would otherwise be entitled to the return of his contribution. [*1919 c. 449*]

Liability of limited partner to partnership. SECTION 1703—17. 1. A limited partner is liable to the partnership

(a) For the difference between his contribution as actually made and that stated in the certificate as having been made, and

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(b) For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

2. A limited partner holds as trustee for the partnership

(a) Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and

(b) Money or other property wrongfully paid or conveyed to him on account of his contribution.

3. The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

4. When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before such return. [*1919 c. 449*]

Nature of limited partner's interest in partnership. SECTION 1703—18. A limited partner's interest in the partnership is personal property. [*1919 c. 449*]

Assignment of limited partner's interest. SECTION 1703—19. 1. A limited partner's interest is assignable.

2. A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

3. An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

4. An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

5. An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with section 1703—25.

6. The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

7. The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under sections 1703—6 and 1703—17. [*1919 c. 449*]

Effect of retirement, death or insanity of a general partner. SECTION 1703—20. The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

(a) Under the right so to do stated in the certificate, or

(b) With the consent of all members. [*1919 c. 449*]

Death of limited partner. SECTION 1703—21. 1. On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

2. The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner. [*1919 c. 449*]

Rights of creditors of limited partners. SECTION 1703—22. 1. On due application to a court of competent jurisdiction by any judgment creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of the judgment debt; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

2. The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

3. The remedies conferred by subsection 1 of this section shall not be deemed exclusive of others which may exist.

4. Nothing in this chapter shall be held to deprive a limited partner of his statutory exemption. [*1919 c. 449*]

Distribution of assets. SECTION 1703—23. 1. In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order:

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(a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners,

(b) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions,

(c) Those to limited partners in respect to the capital of their contributions,

(d) Those to general partners other than for capital and profits,

(e) Those to general partners in respect to profits,

(f) Those to general partners in respect to capital.

2. Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims. [*1919 c. 449*]

When certificate shall be canceled or amended. SECTION 1703—24. 1. The certificate shall be canceled when the partnership is dissolved or all limited partners cease to be such.

2. A certificate shall be amended when

(a) There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner,

(b) A person is substituted as a limited partner,

(c) An additional limited partner is admitted,

(d) A person is admitted as a general partner,

(e) A general partner retires, dies or becomes insane, and the business is continued under section 1703—20,

(f) There is a change in the character of the business of the partnership,

(g) There is a false or erroneous statement in the certificate,

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution,

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or

(j) The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them. [*1919 c. 449*]

Requirements for amendment and for cancellation of certificate. SECTION 1703—25. 1. The writing to amend a certificate shall

(a) Conform to the requirements of subdivision (a) of subsection 1 of section 1703—2 as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

2. The writing to cancel a certificate shall be signed by all members.

3. A person desiring the cancellation or amendment of a certificate, if any person designated in subsections 1 and 2 of this section as a person who must execute the writing refuses to do so, may petition the circuit court of the county in which the certificate is recorded to direct a cancellation or amendment thereof.

4. If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the register of deeds of the county in which the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

5. A certificate is amended or canceled when there is filed for record in the office of the register of deeds of the county in which the certificate is recorded

(a) A writing in accordance with the provisions of subsections 1 or 2 of this section, or

(b) A certified copy of the order of court in accordance with the provisions of subsection 4 of this section.

6. After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this chapter. [*1919 c. 449*]

Parties to actions. SECTION 1703—26. A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership. [*1919 c. 449*]

Name of act. SECTION 1703—27. This chapter may be cited as the "Uniform Limited Partnership Act." [*1919 c. 449*]

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Rules of construction. SECTION 1703—28. 1. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this chapter.

2. This chapter shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

3. This chapter shall not be so construed as to impair the obligations of any contract existing when the chapter goes into effect, nor to affect any action on proceedings begun or right accrued before this chapter takes effect. [*1919 c. 449*]

Rules for cases not provided for in this chapter. SECTION 1703—29. In any case not provided for in this chapter the rules of law and equity, including the law merchant, shall govern. [*1919 c. 449*]

Provisions for existing limited partnerships. SECTION 1703—30. 1. A limited partnership formed under any statute of this state prior to the adoption of this chapter, may become a limited partnership under this chapter by complying with the provisions of section 1703—2; provided the certificate sets forth

(a) The amount of the original contribution of each limited partner, and the time when the contribution was made, and

(b) That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

2. A limited partnership formed under any statutes of this state prior to the adoption of this chapter, until or unless it becomes a limited partnership under this chapter, shall continue to be governed by the provisions of sections 1703 to 1724 of the statutes of 1917, except that such partnership shall not be renewed unless so provided in the original agreement. [*1919 c. 449*]

SECTIONS 1704 to 1724. [*Repealed by 1919 c. 449 s. 2*]

CHAPTER 81*m*.

UNIFORM PARTNERSHIP ACT.

Citation; definition of terms; knowledge and notice. SECTION 1724*m*—1. 1. This chapter may be cited as the "Uniform Partnership Act."

2. In this chapter, "court" includes every court and judge having jurisdiction in the case.

"Business" includes every trade, occupation, or profession.

"Person" includes individuals, partnerships, corporations, and other associations.

"Bankrupt" includes bankrupt under the federal bankruptcy act or insolvent under any state insolvent act.

"Conveyance" includes every assignment, lease, mortgage, or incumbrance.

"Real property" includes land and any interest or estate in land.

3. A person has "knowledge" of a fact within the meaning of this chapter not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances shows bad faith.

A person has "notice" of a fact within the meaning of this chapter when the person who claims the benefit of the notice (a) states the fact to such person, or (b) delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his place of business or residence. [*1915 c. 358*]

Rules of construction. SECTION 1724*m*—2. 1. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this chapter.

2. The law of estoppel shall apply under this chapter.

3. The law of agency shall apply under this chapter.

4. This chapter shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

5. This chapter shall not be construed so as to impair the obligations of any contract existing when this chapter goes into effect, nor to affect any action or proceedings begun or right accrued before this chapter takes effect.

6. In any case not provided for in this chapter the rules of law and equity, including the law merchant, shall govern. [*1915 c. 358*]

Partnership defined. SECTION 1724*m*—3. 1. A partnership is an association of two or more persons to carry on as co-owners a business for profit.

2. But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under

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this chapter, unless such association would have been a partnership in this state prior to the adoption of this chapter; but this chapter shall apply to limited partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith. [*1915 c. 358*]

Determination of whether partnership exists. SECTION 1724*m*—4. In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by section 1724*m*—13, persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment as a debt by instalments or otherwise; as wages of an employe or rent to a landlord; as an annuity to a widow or representative of a deceased partner; as interest on a loan, though the amount of payment vary with the profits of the business; or as the consideration for the sale of the good will of a business or other property by instalments or otherwise. [*1915 c. 358*]

Partnership property. SECTION 1724*m*—5. 1. All property originally brought into the partnership stock or subsequently acquired, by purchase or otherwise, on account of the partnership is partnership property.

2. Unless the contrary intention appears, property acquired with partnership funds is partnership property.

3. Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

4. A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears. [*1915 c. 358*]

Partners are agents of partnership. SECTION 1724*m*—6. 1. Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

2. An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

3. Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to: (a) Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership; (b) dispose of the good will of the business; (c) do any other act which would make it impossible to carry on the ordinary business of the partnership; (d) confess a judgment; or (e) submit a partnership claim or liability to arbitration or reference.

4. No act of a partner in contravention of a restriction on his authority shall bind the partnership to persons having knowledge of the restriction. [*1915 c. 358*]

Conveyance of real property of partnership. SECTION 1724*m*—7. 1. Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of subsection 1 of section 1724*m*—6, or unless such property has been conveyed by the grantee or a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.

2. Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of subsection 1 of section 1724*m*—6.

3. Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of sub-

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section 1 of section 1724*m*—6, unless the purchaser or his assignee, is a holder for value, without knowledge.

4. Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of subsection 1 of section 1724*m*—6.

5. Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property. [*1915 c. 358*]

Admission by partner is evidence against the partnership. SECTION 1724*m*—8. An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this chapter is evidence against the partnership. [*1915 c. 358*]

Notice to or knowledge of partner charges partnership. SECTION 1724*m*—9. Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner. [*1915 c. 358*]

Partnership liable for wrongful act of partner. SECTION 1724*m*—10. Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership, or with the authority of his copartners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act. [*1915 c. 358*]

Partnership liable on partner's breach of trust. SECTION 1724*m*—11. The partnership is bound to make good the loss: (a) Where one partner acting within the scope of his apparent authority receives money or property of a third person and misapplies it; and (b) where the partnership in the course of its business receives money or property of a third person and the money or property so received is misapplied by any partner while it is in the custody of the partnership. [*1915 c. 358*]

Liability of partners. SECTION 1724*m*—12. All partners are liable: (a) Jointly and severally for everything chargeable to the partnership under sections 1724*m*—10 and 1724*m*—11; (b) jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract. [*1915 c. 358*]

Partnership by estoppel. SECTION 1724*m*—13. 1. When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made (a) when a partnership liability results, he is liable as though he were an actual member of the partnership; (b) when no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

2. When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation. [*1915 c. 358*]

Liability of incoming partner. SECTION 1724*m*—14. A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of partnership property. [*1915 c. 358*]

Rights and duties of partners. SECTION 1724*m*—15. The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

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(a) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute towards the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

(b) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(c) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

(d) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

(e) All partners have equal rights in the management and conduct of the partnership business.

(f) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

(g) No person can become a member of a partnership without the consent of all the partners.

(h) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners. [*1915 c. 358*]

Partnership books. SECTION 1724*m*—16. The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them. [*1915 c. 358*]

Partners must render information. SECTION 1724*m*—17. Partners shall render on demand true and full information of all things affecting the partnership to any partner or the legal representative of any deceased partner or partner under legal disability. [*1915 c. 358*]

Partner accountable as fiduciary. SECTION 1724*m*—18. 1. Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him of its property.

2. This section applies also to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner. [*1915 c. 358*]

Right to an account. SECTION 1724*m*—19. Any partner shall have the right to a formal account as to partnership affairs: (a) If he is wrongfully excluded from the partnership business or possession of its property by his copartners; (b) if the right exists under the terms of any agreement; (c) as provided by section 1724*m*—18; or (d) whenever other circumstances render it just and reasonable. [*1915 c. 358*]

After fixed term partnership continues as partnership at will. SECTION 1724*m*—20. 1. When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agreement, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

2. A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership. [*1915 c. 358*]

Property rights of partner. SECTION 1724*m*—21. 1. The property rights of a partner are his rights in specific partnership property, his interest in the partnership, and his right to participate in the management.

2. A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

3. The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this chapter and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

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(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of the rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to widows, heirs, or next of kin. [*1915 c. 358*]

Partner's interest in partnership. SECTION 1724*m*—22. A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property. [*1915 c. 358*]

Assignment of partner's interest. SECTION 1724*m*—23. 1. A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled.

2. In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners. [*1915 c. 358*]

Partner's interest chargeable as such with judgment lien. SECTION 1724*m*—24. 1. On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect to the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

2. The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution: (a) With separate property, by any one or more of the partners; or (b) with partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

3. Nothing in this chapter shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership. [*1915 c. 358*]

Dissolution of partnership defined. SECTION 1724*m*—25. 1. The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business.

2. On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed. [*1915 c. 358*]

Causes of dissolution. SECTION 1724*m*—26. Dissolution is caused:

(1) Without violation of the agreement between the partners (a) by the termination of the definite term or particular undertaking specified in the agreement, (b) by the express will of any partner when no definite term or particular undertaking is specified, (c) by the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking, (d) by the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

(4) By the death of any partner;

(5) By the bankruptcy of any partner or the partnership;

(6) By decree of court under section 1724*m*—27. [*1915 c. 358*]

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Dissolution by decree of court. SECTION 1724*m*—27. 1. On application by or for a partner the court shall decree a dissolution whenever: (a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind; (b) a partner becomes in any other way incapable of performing his part of the partnership contract; (c) a partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business; (d) a partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him; (e) the business of the partnership can only be carried on at a loss; or (f) other circumstances render a dissolution equitable.

2. On the application of the purchaser of a partner's interest under sections 1724*m*—23 or 1724*m*—24: (a) After the termination of the specified term or particular undertaking; (b) at any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued. [*1915 c. 358*]

Dissolution terminates agency of partner. SECTION 1724*m*—28. Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership, with respect to the partners, when the dissolution is not by the act, bankruptcy or death of a partner; or when the dissolution is by such act, bankruptcy or death of a partner, in cases where section 1724*m*—29 so requires, and with respect to persons not partners, as declared in section 1724*m*—30. [*1915 c. 358*]

Liability of dissolving partner to partners continues until knowledge of dissolution. SECTION 1724*m*—29. Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his copartners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless (a) the dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or (b) the dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy. [*1915 c. 358*]

Partner's agency after dissolution. SECTION 1724*m*—30. 1. After dissolution a partner can bind the partnership except as provided in subsection 3

(a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution.

(b) By any transaction which would bind the partnership if dissolution had not taken place, provided the other party to the transaction

(1) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution; or

(2) Though he had not so extended credit, had nevertheless known of the partnership prior to dissolution and, having no knowledge or notice of dissolution, the fact of dissolution had not been advertised in a newspaper of general circulation in the place (or in each place if more than one) at which the partnership business was regularly carried on.

2. The liability of a partner under subdivision (b) of subsection 1 shall be satisfied out of partnership assets alone when such partner had been prior to dissolution

(a) Unknown as a partner to the persons with whom the contract is made; and

(b) So far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

3. The partnership is in no case bound by any act of a partner after dissolution

(a) Where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; or

(b) Where the partner has become bankrupt; or

(c) Where the partner has no authority to wind up partnership affairs, except by a transaction with one who

(1) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

(2) Had not extended credit to the partnership prior to dissolution, and having no knowledge or notice of his want of authority, the fact of his want of authority had not been advertised in the manner provided for advertising the fact of dissolution in paragraph (2) of subdivision (b) of subsection 1.

4. Nothing in this section shall affect the liability under section 1724*m*—13 of any person who after dissolution represents himself or consents to another representing him as a partner in a partnership engaged in carrying on business. [*1915 c. 358; 1917 c. 146 s. 2*]

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Discharge of existing liabilities on dissolution. SECTION 1724*m*—31. 1. The dissolution of the partnership does not of itself discharge the existing liability of any partner.

2. A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

3. Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

4. The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts. [*1915 c. 358*]

Right to wind up. SECTION 1724*m*—32. Unless otherwise agreed, the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; provided, however, that any partner, his legal representative, or his assignee, upon cause shown, may obtain winding up by the court. [*1915 c. 358*]

Application of partnership property on dissolution. SECTION 1724*m*—33. 1. When dissolution is caused in any way, except in contravention of the partnership agreement, each partner, as against his copartners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement, and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under the provisions of subsection 2 of section 1724*m*—31, he shall receive in cash only the net amount due him from the partnership.

2. When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

(a) Each partner who has not caused dissolution wrongfully shall have all the rights specified in subsection 1 of this section, and the right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under subdivision (a) of this subsection, and in like manner indemnify him against all present or future partnership liabilities.

(c) A partner who has caused the dissolution wrongfully shall have, if the business is not continued under the provisions of subdivision (b) of this subsection, all the rights of a partner under subsection 1 of this section subject to the provisions of subdivision (a) of this subsection, and, if the business is continued under subdivision (b) of this subsection, the right as against his copartners and all claiming through them in respect of their interests in the partnership, to have the value of his interest in the partnership, less any damages caused to his copartners by the dissolution, ascertained and paid to him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good will of the business shall not be considered. [*1915 c. 358*]

Adjustment of rights on dissolution for fraud. SECTION 1724*m*—34. Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled (a) to a lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and (b) to stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and (c) to be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership. [*1915 c. 358*]

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Settlement and distribution on dissolution. SECTION 1724m—35. In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

(1) The assets of the partnership are (a) the partnership property, (b) the contributions of the partners necessary for the payment of all the liabilities specified in subdivision (2) of this section.

(2) The liabilities of the partnership shall rank in order of payment, as follows: (a) those owing to creditors other than partners; (b) those owing to partners other than for capital and profits; (c) those owing to partners in respect of capital; (d) those owing to partners in respect of profits.

(3) The assets shall be applied in the order of their declaration in subdivision (1) of this section to the satisfaction of the liabilities.

(4) The partners shall contribute, as provided by subdivision (a) of section 1724m—15, the amount necessary to satisfy the liabilities, but if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(5) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contributions specified in subdivision (4) of this section.

(6) Any partner or his legal representative shall have the right to enforce the contributions specified in subdivision (4) of this section to the extent of the amount which he has paid in excess of his share of the liability.

(7) The individual property of a deceased partner shall be liable for the contributions specified in subdivision (4) of this section.

(8) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(9) Where a partner has become bankrupt or his estate is insolvent the claims against his separate property shall rank in the following order: (a) Those owing to separate creditors; (b) those owing to partnership creditors; (c) those owing to partners by way of contribution. [*1915 c. 358*]

Rights and liabilities on continuing business after dissolution without liquidation. SECTION 1724m—36. 1. When any new partner is admitted into an existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two or more of the partners, or to one or more of the partners and one or more third persons, if the business is continued without liquidation of the partnership affairs, creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

2. When all but one partner retire and assign (or the representative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

3. When any partner retires or dies and the business of the dissolved partnership is continued as set forth in subsections 1 and 2 of this section, with the consent of the retired partners or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

4. When all the partners or their representatives assign their rights in partnership property to one or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

5. When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions of subdivision (b) of subsection 2 of section 1724m—33, either alone or with others, and without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

6. When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

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7. The liability of a third person becoming a partner in the partnership continuing the business, under this section to the creditors of the dissolved partnership shall be satisfied out of partnership property only.

8. When the business of a partnership after dissolution is continued under any conditions set forth in this section, the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

9. Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

10. The use by the person or partnership continuing the business of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership. [*1915 c. 358; 1917 c. 566 s. 29*]

Rights of retiring or deceased partner. SECTION 1724*m*—37. When any partner retires or dies, and the business is continued under any of the conditions set forth in subsections 1, 2, 3, 5 and 6 of section 1724*m*—36 or subdivision (b) of subsection 2 of section 1724*m*—33, without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership; provided that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section, as provided by subsection 8 of section 1724*m*—36. [*1915 c. 358*]

Right to accounting accrues on dissolution. SECTION 1724*m*—38. The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution, in the absence of any agreement to the contrary. [*1915 c. 358*]

CHAPTER 82.

INNKEEPERS.

Their liability. SECTION 1725. No innkeeper or hotelkeeper, whether individual, partnership or corporation, who shall constantly have in his inn, or hotel an iron safe or vault in good order and suitable for the safe custody of money, jewelry, articles of gold or silver manufacture, precious stones, personal ornaments, negotiable or valuable papers and bullion and who keeps on the doors of the sleeping rooms used by guests suitable locks or bolts, and who shall keep a copy of this and the next succeeding section printed together in large, plain English type and framed, constantly and conspicuously suspended and posted in the office, and in five other conspicuous places in his inn or hotel, and also a copy printed together in ordinary size, plain English type, posted in a conspicuous place in each public sleeping room of his inn or hotel, shall be liable for the loss of any such articles aforesaid suffered by any guest unless such guest shall have first offered to deliver such property lost by him to such innkeeper or hotelkeeper for custody in such iron safe or vault and such innkeeper or hotelkeeper shall have refused or omitted to take it and deposit it in such safe or vault for its custody and give such guest a receipt therefor; provided, however, that the keeper of any inn or hotel shall not be obliged to receive from any one guest for deposit in such safe or vault any property hereinbefore described exceeding a total value of three hundred dollars, and shall not be liable for any excess of such property, with the exception that such innkeeper or hotelkeeper may, by special arrangement with a guest, receive for deposit in such safe or vault any property upon such terms as may be mutually agreed to in writing, but every innkeeper or hotelkeeper, upon production of such receipt and demand by the owner thereof, shall be liable for any loss of the above-enumerated articles, the property of a guest in his inn or hotel, after said articles have been ac-

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cepted for deposit. [*1864 c. 318; R. S. 1878 s. 1725; Ann. Stats. 1889 s. 1725; Stats. 1898 s. 1725; 1913 c. 479*]

Innkeeper's liability limited. SECTION 1725*a*. It shall be the duty of every guest and of everyone intending to be a guest of any hotel in this state, upon delivering to the proprietor of such hotel, or to his servants, any baggage or other articles of property of such guests for safe-keeping (elsewhere than to the room assigned to such guest), to demand, and of such hotel proprietor to give, a check or receipt therefor in such case, to evidence the fact of such delivery; and no hotel proprietor shall be liable for the loss of or injury to such baggage or other articles of property of his guest, unless the same shall have been actually delivered by such guest to such hotel proprietor or his servants for safe-keeping, or unless such loss or injury shall have occurred through the negligence of such hotel proprietor, or by his servants or employes in such hotel. [*1913 c. 479*]

Loss by fire or theft. SECTION 1726. No innkeeper or hotelkeeper shall be liable for the loss of any baggage or other property of his guest caused by fire, not intentional, produced by the innkeeper, hotelkeeper or any of his servants; but every innkeeper or hotelkeeper shall be liable for any loss of any baggage or other property of any guest in his inn or hotel caused by theft or gross negligence of such innkeeper, hotelkeeper or any of his servants; provided, however, that in no case shall such liability exceed the sum of two hundred dollars for each trunk and its contents, seventy-five dollars for each valise and its contents, and ten dollars for each box, bundle, or package and contents, so placed under his care, and all other miscellaneous effects including wearing apparel and personal belongings, fifty dollars, unless he shall have consented in writing with such guest to assume a greater liability. And provided further, whenever any person shall suffer his baggage or property to remain in any inn or hotel, after leaving the same as a guest, and after the relation of innkeeper and guest between such guest and the proprietor of such inn or hotel has ceased, or shall forward the same to such inn or hotel before becoming a guest thereof and the same shall be received into such inn or hotel, such innkeeper or hotelkeeper shall hold such baggage or property at the risk of such owner. [*1864 c. 318 s. 2; R. S. 1878 s. 1726; Ann. Stats. 1889 s. 1726; Stats. 1898 s. 1726; 1913 c. 479*]

SECTION 1727. [*Repealed by 1917 c. 566 s. 30*]

Who shall not be guest. SECTION 1727*a*. No person shall be entitled to entertainment at any inn or hotel in this state who is suffering from a contagious disease, as enumerated in section 1408, nor shall one who has been suffering from any such contagious disease be entitled to such entertainment until all danger of spreading contagion therefrom is past; provided, however, that nothing contained in this section shall authorize compulsory removal or refusal of shelter to any such person then receiving entertainment at any such inn or hotel, if such removal would specially endanger life or health.

Penalty. Any person who shall knowingly and wilfully solicit or receive entertainment in violation of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding six months. [*1905 c. 198 s. 1, 2; Supl. 1906 s. 1727a; 1907 c. 118; 1911 c. 663 s. 305*]

Individual towels prescribed. SECTION 1727*m*. 1. All towels for the use of guests in any hotel, whether in their private rooms or the public wash room, and all towels in such places or buildings, whether publicly or privately owned, as the state board of public health may find the use of the common towel therein to be inimical to the public health, shall be individual towels and when used and discarded by the individual, shall not be again used until thoroughly washed and dried.

2. Any person, partnership or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars. [*1911 c. 440; 1911 c. 664 s. 72; 1913 c. 44*]

Hotel rates to be posted. SECTION 1727*t*. 1. Every innkeeper shall keep posted in a conspicuous place in each sleeping room in his hotel, in type not smaller than twelve point, the rates charged per day for each single individual occupying such room. Such posted rates shall not be changed until notice to that effect shall have been posted, in a similar manner, for ten days previous to each proposed change. A schedule of the rates of all rooms used for sleeping purposes with the number of each room and the price charged for each of them per day for single individuals shall be displayed in the lobby of the hotel.

2. Any innkeeper who fails to have rates posted, as prescribed in subsection 1 who shall charge, demand, collect, or receive for such accommodation any sum different from the said posted rates shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, for each

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offense. Provided, that it shall not be deemed a violation of this section to permit a room to be occupied at the rate fixed for a lower priced room after all of such lower priced rooms have been taken and until such time as one of them shall become unoccupied. Nothing herein contained shall be construed as prohibiting the making of special rates other than the posted rates for the use of such sleeping rooms, either by the week, month or for longer periods, or as prohibiting the making of special rates other than the posted rates for the use of such rooms by families or other collective groups or individuals, firms or corporations.

3. The state board of health or its representatives shall have power to enforce the posting of rates as provided in subsection 1 of section 1727*t*. [*1915 c. 77; 1921 c. 524*]

SECTION 1728. [*Repealed by 1913 c. 381*]

CHAPTER 83.

HOURS OF LABOR AND EMPLOYMENT OF CHILDREN, AND BOARDS OF ARBITRATION.

Definitions. SECTION 1728—1. The following terms as used in sections 1728—1 to 1728—4, inclusive, shall be construed as follows:

(1) The term "place of employment" shall mean and include any manufactory, mechanical or mercantile establishment, laundry, restaurant, confectionery store, or telegraph or telephone office or exchange, or any express or transportation establishment.

(2) The term "employment" shall mean and include any trade, occupation or process of manufacture, or any method of carrying on such trade or occupation in which any female may be engaged, or for any place of employment, as herein defined.

(3) The term "employer" shall mean and include every person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment or place of employment, as herein defined.

(4) The terms "order," "general order," "special order," "safe," "safety," and "welfare" shall be construed as defined is section 2394—41 of the statutes. [*1913 c. 381*]

Hours of labor for women. SECTION 1728—2. No female shall be employed or be permitted to work in any place of employment or at any employment for such period or periods of time during any day, night or week, as shall be dangerous or prejudicial to the life, health, safety or welfare of such female. It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classification, and to issue general or special orders fixing a period or periods of time, or hours of beginning and ending work during any day, night or week, which shall be necessary to protect the life, health, safety or welfare of any female, or to carry out the purposes of sections 1728—1 to 1728—4, inclusive, of the statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394—41 to 2394—70, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1728—1, 1728—2, 1728—3, and 1728—4 of the statutes, and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394—41 to 2394—70, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violation of sections 1728—1, 1728—2, 1728—3 and 1728—4 of the statutes. Until such time as the industrial commission shall so investigate, ascertain, determine and fix, and shall issue general or special orders thereon, the periods of time specified in the attached schedule shall be deemed to be dangerous or prejudicial to the life, health, safety or welfare of females.

Schedule.

At day work, more than ten hours in any one day, or more than fifty-five hours in any one week.

At night work, more than eight hours in any one night, or more than forty-eight hours in any one week.

Day work is work done between six o'clock A. M., and eight o'clock P. M., of the same day; provided that employment not more than one night in the week after eight o'clock P. M. shall not be considered night work.

Night work is work done between eight o'clock P. M. and six o'clock A. M. of the following day.

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Less than one hour during each day or night for dinner or other meals. [*1867 c. 88; 1877 c. 289; 1878 c. 187; R. S. 1878 s. 1728; 1888 c. 185; Ann. Stats. 1889 s. 1728; Stats. 1898 s. 1728; 1911 c. 548; 1913 c. 381*]

NOTE: The schedule contained in this section has been modified by general orders issued by the Industrial Commission.

Posting of time list. SECTION 1728—3. Every employer shall post in a conspicuous place in each of the several departments in or for which women are employed, a list on a printed form furnished by the industrial commission, stating the names and hours required of each woman during each day of the week, the hours of commencing and stopping work, and the period allowed for dinner or other meals. Such list need not be posted where time records are kept for inspection by the said commission for a period of at least six months prior to such inspection or where any other substitute equally effective for the enforcement of sections 1728—1 to 1728—4, inclusive, is approved by the commission. [*1911 c. 548; 1913 c. 381*]

Violations; penalty. SECTION 1728—4. The employment of any female in any such employment or place of employment, as defined in section 1728—1, at any time other than those of the posted hours of labor, as hereinbefore provided for, shall be prima facie evidence of a violation of this act. Every day for each female employed, and every week for each female employed, during which any employer shall fail to observe or to comply with any order of the commission, or to perform any duty enjoined by sections 1728—1 to 1728—4, inclusive, of the statutes, shall constitute a separate and distinct offense. [*1911 c. 548; 1913 c. 381*]

Definitions. SECTION 1728*a*. 1. The terms "place of employment," "employment," "employer," "employe," "frequenter," "deputy," "order," "local order," "general order," "special order," "welfare," "safe," and "safety," as used in sections 1728*a* to 1728*e*, inclusive, shall be construed as defined in section 2394—41 of the statutes.

2. (a) No employer shall employ or permit any minor or any female to work in any place of employment, or at any employment dangerous or prejudicial to life, health, safety or welfare of such minor or such female, or where the employment of such minor may be dangerous or prejudicial to the life, health, safety or welfare of other employes or frequenters.

(b) It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to investigate, determine and fix reasonable classifications of employments and places of employment, minors and females, and to issue general or special orders prohibiting the employment of such minors or females in any employment or place of employment dangerous or prejudicial to the life, health, safety or welfare of such minor or female, and to carry out the purposes of sections 1728*a* to 1728*e*, inclusive, of the statutes.

(c) The investigations, classifications and orders provided for in paragraph (b) of this section and any action, proceeding, or suit to set aside, vacate or amend any such order of the commission, or enjoin the enforcement thereof, shall be made pursuant to sections 2394—41 to 2394—70, inclusive, of the statutes, and every order of the commission shall have the same force and effect as the orders issued pursuant to sections 2394—41 to 2394—70, inclusive, of the statutes.

3. Until such time as the industrial commission shall investigate, determine and fix the classifications provided for in paragraph (b) of subsection 2 of this section, the employments and places of employment designated in the following schedule shall be deemed to be dangerous or prejudicial to the life, health, safety or welfare of minors or females under the ages specified:

(a) Minors under twenty-one years of age: In cities of the first, second and third class, before six o'clock in the morning and after eight o'clock in the evening of any day, as messenger for a telegraph or messenger company in the distribution, transmission or delivery of messages or goods.

(b) Minors under eighteen years of age:

(1) Blast furnaces; in or about.
(2) Boats and vessels engaged in the transportation of passengers or merchandise; pilot; fireman; engineer.
(3) Docks; in or about.
(4) Dusts; operating or using any emery, tripoli, rouge, corundum, stone carborundum, and abrasive or emery polishing or buffing wheel, where articles of the baser materials, or of iridium, are manufactured.
(5) Electric wires; on the outside erection and repair of electric wires, including telegraph and telephone wires.
(6) Elevators; in the running or management of any elevators, lifts or hoisting machines.

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(7) Explosives; in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded or stored.
(8) Matches; in dipping, dyeing or packing.
(9) Mine or quarry; in or about.
(10) Oiling or cleaning; in oiling or cleaning dangerous or hazardous machinery in motion.
(11) Railroads, street railways and interurban railroads; switch-tending, gate-tending, or track repairing; as brakeman, fireman, engineer, motorman, conductor, telegraph operator.
(12) Wharves; in or about.
(13) Females; in the distribution or delivery of messages for any telegraph or telephone company or other employer engaged in similar business.

(c) Minors under sixteen years of age:
(1) Bakeries; dough brakes or cracker machinery of any description.
(2) Belts; adjusting belts (in motion); sewing belts (in any capacity).
(3) Boilers; operating any steam boiler or steam-generating apparatus.
(4) Bowling alleys; as pin boys.
(5) Building trades; on scaffolding, or on a ladder or in heavy work.
(6) Burnishing machines in any tannery or leather manufacturing.
(7) Corrugating rolls in roofing or washboard factories.
(8) Dusts; occupations causing dust in injurious quantities.
(9) Emery or polishing wheel for polishing metal.
(10) Immoral purposes; manufacture of goods for.
(11) Iron and steel, wire or iron-straightening machinery; punchers or shears.
(12) Laundry machinery.
(13) Liquors; in or about any store, brewery, distillery, bottling establishment, hotel barroom, saloon, saloon dining room or restaurant, any place in connection with a saloon or a similar place of any name, or in or about any dance hall, bowling alley, pool room, beer garden, or similar place of any name, in which strong, spirituous or malt liquors are made, bottled, sold or given away.
(14) Machinery; oiling or assisting in oiling, wiping or cleaning any machinery in motion. Operating or assisting in operating or taking material from any circular or band saw, or any crosscut saw or slasher, or other cutting or pressing machine from which material is taken from behind.
(15) Paints and poisons; manufacture of paints, colors or white lead. Manufacture of any composition in which dangerous or poisonous acids are used. Manufacture or preparation of compositions of dangerous or poisonous dyes. Manufacture or preparation of compositions with dangerous or poisonous gases. Manufacture or preparation of compositions of lye or in which the quantity thereof is injurious to health.
(16) Presses; cylinder or job, boring or drill.
(17) Rubber; washing, grinding or mixing mill or calender rolls in rubber manufacturing.
(18) Stamping machines; in sheet-metal and tinware manufacturing. In washer and nut factory. In lace-paper and leather manufacturing.
(19) Theater or concert hall.
(20) Tobacco; in any tobacco warehouse, cigar or other factory where tobacco is manufactured or prepared.
(21) Woodworking; woodshaper, woodjointer, planer, sandpaper, wood-polishing or wood-turning machine.
(22) Wool, cotton, hair, upholstering; carding machine, or machine used in picking wool, cotton, hair or any upholstering material.
(23) Any other employment dangerous to life or limb, injurious to the health, or depraving to the morals.

(d) Females:
(1) Any female under seventeen years of age in any capacity where such employment compels her to remain standing constantly.
(2) Any female in or about any mine or quarry. No female under the age of twenty-one years shall be employed as a bellhop in any hotel.

4. (a) No child between the ages of fourteen and seventeen years unless indentured as an apprentice, as provided in section 2377 of the statutes, shall be employed, or permitted to work at any time in any factory, workshop, store, hotel, restaurant, bakery,

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mercantile establishment, laundry, telegraph, telephone or public messenger service, or the delivery of any merchandise, or at any gainful occupation, or employment, directly or indirectly, or, in cities wherein a vocational school is maintained, in domestic service other than casual employment in such service, unless there is first obtained from the industrial commission, or from a judge of a county, municipal, or juvenile court designated by the industrial commission where such child resides, or from some other person designated by the industrial commission a written permit authorizing the employment of such child in such employment within such time or times as the said industrial commission or a judge or other person designated by said commission may fix; providing that such times shall not conflict with those designated in subsection 8 of this section.

(b) No child under the age of fourteen years shall be employed, or permitted to work at any gainful occupation or employment, except that during the vacation of the public or equivalent school in the town, village or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, mercantile establishment, warehouse, telegraph, telephone or public messenger service, in the town, village or city where it resides and not elsewhere; provided that it shall have first obtained a permit in the same manner and under the same conditions as prescribed in paragraph (a) of subsection 4 of this section. For such vacation permit no proof of educational qualifications shall be necessary. This paragraph shall not be construed to authorize the employment of any child under fourteen years of age in the delivery of merchandise.

4a. Except for employment in domestic service as provided in paragraph (a) of subsection 4 of this section, which employment involves the attendance of the child at vocational school, the permit provided for in said subsection shall not be required during school vacations for employment of children of the ages therein specified in any work usual to the home of the employer, provided that such employment shall not be in connection with nor form a part of the business, trade, profession, or occupation of the employer, and provided further that such employment shall not be specifically prohibited by any provision of this section nor by any order of the industrial commission issued under its authority. Children between fourteen and seventeen years of age may be likewise employed in any work usual to the home of the employer without permits during school terms but not during the daily period of the school session if such children are in actual, regular and full time attendance as provided by law at any public, private or parochial school and maintain in such school a passing grade in all studies pursued by them. This subsection shall not authorize the employment of a child who is at the time guilty of truancy or deficiency in his studies.

5. The permit provided for in subsection 4 of this section shall contain the signature of the vocational school director where the child is to attend and state the name, the date and place of birth of the child, the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the following evidence, records and papers have been duly examined, approved and filed.

(a) Such evidence as is required by the industrial commission showing the age of the child. The industrial commission shall formulate and publish rules and regulations governing the proof of age of minors who apply for labor permits, and such rules and regulations shall be binding upon all persons authorized by law to issue such permits.

(b) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the aforementioned persons a certificate of the clerk of the school board, showing that such child is more than fourteen years of age, and stating also the date of the birth of such child, and the number of years such child has attended school. Such certificate shall contain the further statement that such child has passed successfully the eighth grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least nine years. Attendance at kindergarten shall not be counted as a part of the nine years of school attendance. It shall be the duty of such superintendent, principal or clerk to issue such certificate upon receipt of any application in behalf of any child entitled thereto.

(c) A letter written on the regular letterhead or other business paper used by the person who desires to employ the child, stating the intention of such person to employ such child and signed by such person or someone duly authorized by him.

6. (a) The permits provided for in subsection 4 of this section shall be issued upon blanks furnished by the industrial commission and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the industrial commission, together with a detailed statement of the character and substance of the evidence offered prior to the issuance of such permit. Such statement shall be made upon blanks furnished by the industrial commission.

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(b) Whenever it shall appear to the industrial commission that any permit has been improperly or illegally issued, or that the physical or moral welfare of the child would be best served by the revocation of the permit, the said commission may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such child, and the child holding such permit of such revocation. Upon receipt of such notice, the employer employing such child shall forthwith return the revoked permit to the industrial commission and discontinue the employment of the child.

(c) The industrial commission or other person designated under the provisions of subdivision (a) of subsection 4 of this section, may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they are to be employed. They may also refuse to grant a permit if, in their judgment, the best interests of the child would be served by such refusal.

(d) Nothing contained in sections 1728*a* to 1728*e*, inclusive, of the statutes, shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child.

6a. (a) In case any applicant for employment claims to be more than seventeen years of age, and that he or she is unable to furnish documentary proof of his or her date of birth, the county court of the county wherein such applicant resides may, by judgment, establish the age and the date and place of birth of such person.

(b) Proceedings for such purpose shall be had only upon the verified petition of the applicant, setting forth his full name, his residence during the five years next preceding the filing of the petition, the date and the place of his birth, the full names of his parents and the residence of each, the period of time spent in school and the grade he or she has completed.

(c) A notice stating therein the general nature of the application and the time and place of the hearing, shall be published at least once in some newspaper published in the county, to be designated by the court, such publication to be made at least ten days prior to the date fixed for the hearing. Proof of publication shall be made by affidavit of the publisher.

(d) At the hearing of the petition, testimony shall be taken as to all matters contained therein and the same shall be preserved and filed in the proceeding. If it shall satisfactorily appear that the applicant is unable to establish his age by a birth certificate filed or recorded, as required by law, in the state or country of his birth, or by a verified baptismal certificate issued under seal of the church in which the applicant was baptized, showing that the applicant was baptized at least five years prior to the filing of the petition, and the court shall be satisfied as to the age of the applicant and the date and place of his birth, it shall determine the same and make findings accordingly.

(e) A certified copy of such findings shall be conclusive evidence of the age of the applicant in any proceedings under any of the labor laws and workmen's compensation laws of this state, as to any act or thing occurring subsequent to the date of the judgment.

7. Every employer employing or permitting a minor to work as provided in this section shall:

(a) Receive and file the permit before the minor is permitted to do any work and shall keep the same on file during the entire period of the employment of the minor and subject at all times to the inspection of the industrial commission or any truant officer.

(b) Post in a conspicuous place in each of the several departments in or for which minors under sixteen years of age are employed a list on a printed form furnished by the industrial commission stating the names, ages and hours required of each child during each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begin and end.

(c) Upon the termination of employment of any minor, return within twenty-four hours the permit for employment of such minor to the person and place designated by the industrial commission, with a statement of reasons for the termination of said employment. Any employer who fails to return the permit of any minor as provided in this paragraph, shall be liable in action to such minor for two dollars for each day during which such failure continues.

8. (a) No child under the age of sixteen years shall be employed or permitted to work at any gainful occupation, other than domestic service or farm labor, for more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening, nor more than six days in any one week. In any locality where the daylight savings plan has been adopted the words "seven o'clock in the morning and six o'clock in the evening," as hereinbefore used, shall mean seven o'clock in the morning according

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to daylight savings and six o'clock in the evening according to daylight savings so long as said daylight savings shall remain in force in said locality. In occupations in which the hours of labor of women are regulated under the provisions of the statutes, the dinner period for girls under sixteen shall not be shorter than that provided for adult women. In occupations in which the hours of labor of women are not regulated under the provisions of the statutes, the dinner period for girls under sixteen shall not be less than one hour. In no case shall the dinner period allowed to boys under sixteen years of age be less than thirty minutes. During such dinner period, the power shall be disengaged from machinery operated by children under sixteen years of age and no work shall be permitted.

(b) No person under eighteen years of age shall be employed or permitted to work in a cigar shop or cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week. [*1921 c. 185, 323, 395, 417; 1921 c. 434 s. 2; 1921 c. 457; 1921 c. 590 s. 22a, 22b, 22c, 23, 23a*]

SECTION 1728*a*—1. [*Repealed by 1921 c. 434 s. 1*]

SECTION 1728*a*—2. [*1921 c. 185; renumbered section 1728a sub. 6a by 1921 c. 590 s. 23a*]

SECTION 1728*a*—3. [*Repealed by 1921 c. 434 s. 1*]

SECTION 1728*a*—4 [*Repealed by 1921 c. 434 s. 1*]

SECTION 1728*a*—5. [*Repealed by 1913 c. 466*]

SECTION 1728*a*—6. [*Repealed by 1921 c. 434 s. 1*]

Employment of illiterate minors. SECTION 1728*a*—11. No person, firm or corporation shall employ an illiterate minor over seventeen years of age in any city, village or town in which a public evening school or vocational school, is maintained, unless such minor is a regular attendant at the public evening school or vocational school. An illiterate minor within the meaning of this section is a minor who cannot read at sight and write legibly simple sentences in the English language. Attendance of four hours per week at the public evening school or vocational school shall be deemed regular attendance within the meaning of this section. [*1911 c. 522; 1917 c. 677 s. 43; Spl. S. 1918 c. 2 s. 3*]

Duty of parents. SECTION 1728*a*—12. No parent, guardian or custodian shall permit a minor over seventeen years of age to be employed in violation of section 1728*a*—11. [*1911 c. 522; Spl. S. 1918 c. 2 s. 3*]

Vocational school records to be filed with employer. SECTION 1728*a*—13. Any minor required by section 1728*a*—11 to attend an evening school or vocational school, shall furnish to his employer each week during its session a record showing that he is a regular attendant at the evening school or vocational school. The employer shall file all records of attendance in his office and no minor, subject to sections 1728*a*—11 to 1728*a*—16, inclusive, shall be employed unless the records of attendance or absence for valid cause, during the previous week be on file. [*1911 c. 522; 1911 c. 664 s. 126; 1917 c. 677 s. 44; Spl. S. 1918 c. 2 s. 3*]

Physician's certificate excusing attendance. SECTION 1728*a*—14. Upon presentation by a minor of a certificate signed by a registered practicing physician, showing that his physical condition, or the distance necessary to be traveled, would render the required school attendance, in addition to his daily labor, prejudicial to his health, the industrial commission may in its discretion authorize his employment for such period as it may determine. [*1911 c. 522; Spl. S. 1918 c. 2 s. 3*]

SECTION 1728*a*—15. [*Stats. 1917 s. 1728a—15; repealed by Spl. S. 1918 c. 2*]

Penalties on employers for violations. SECTION 1728*a*—15. Any person, firm or corporation, agent or manager of any corporation, who whether for himself or for such firm or corporation, or by himself or through agents, servants or foremen, shall violate or fail to comply with any of the provisions of sections 1728*a*—11 to 1728*a*—14, inclusive, of the statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars for each offense. Any corporation which by its agents, officers or servants shall violate or fail to comply with any of the provisions of sections 1728*a*—11 to 1728*a*—14, inclusive, shall be liable to the same penalty which may be recovered against such corporation in action for debt or assumpsit, brought before any court of competent jurisdiction. [*1911 c. 522; 1911 c. 664 s. 126; Stats. 1917 s. 1728a—16; Spl. S. 1918 c. 2 s. 3*]

Penalty on parent or guardian. SECTION 1728*a*—16. Any parent or guardian who suffers or permits a minor to be employed, or suffered or permitted to work in violation of sections 1728*a*—12 and 1728*a*—13 of the statutes, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars. [*1911 c. 522; Stats. 1917 s. 1728a—17; Spl. S. 1918 c. 2 s. 2*]

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Permits to sing, play or perform. SECTION 1728*b*. 1. No child under sixteen years of age shall be employed, or permitted to sing, play or perform in any circus, theatrical or musical exhibition, concert or festival, or in any public place, unless there is first obtained from the industrial commission, county judge, municipal judge or the judge of a juvenile court where the child resides, if such child is a resident of this state, and from a county judge, municipal judge, or judge of a juvenile court of this state if such child is not a resident of this state, a written permit authorizing the appearance of such child at such places, at such times as the said industrial commission, county judge, municipal judge or judge of a juvenile court may fix; provided, that it appears to the satisfaction of such industrial commission, county judge, municipal judge or judge of a juvenile court, that the appearance of such child shall not be detrimental to its morals, health, safety, welfare or opportunities for education equivalent to those of the common schools; provided, also, that a child under fourteen years of age shall be accompanied by a parent or guardian, approved by the said industrial commission, county judge, municipal judge or judge of a juvenile court.

2. The provisions of this section shall not prevent the education of children in music nor their employment as musicians or participants in a church, chapel, or school exhibition, nor in any home talent exhibition given by the people of the local community, nor shall permits of any kind be required for such activities. [*1921 c. 434 s. 2*]

Employment in theater, picture house, factory, workshop. SECTION 1728*c*. (1) The industrial commission and truant officers shall visit and inspect at all reasonable times, and as often as possible, all places covered by sections 1728*a* to 1728*c*, inclusive, of the statutes.

(2) Any person, being the owner or lessee of any opera house, theater, or moving picture house, or any similar place of any name, or having in whole or in part, the management or control thereof, shall be responsible for any violation of sections 1728*a* to 1728*e*, inclusive, of the statutes, on the premises of such opera house or similar place of any name.

(3) The failure of any employer to produce for inspection to the industrial commission, or truant officers, the permit provided for in subsection 4 of section 1728*a*, shall be prima facie evidence of unlawful employment of the minor. The presence of any minor in any factory, workshop or other place of employment, shall be prima facie evidence of the employment of such minor. The presence of any child under sixteen years of age in any factory, workshop or other place of employment at any time other than that named on the posted hours of labor, as provided in subsection 7 of section 1728*a*, shall be prima facie evidence of the unlawful employment of such child.

(4) (a) No person, firm or corporation, during the term that the public schools are in session, shall advertise or cause or permit any advertisement to be published in any newspaper for the labor or services of any child during school hours in any employment for which a labor permit is required under the provisions of section 1728*a* of the statutes which does not specifically state the minimum age of the child whose services are desired, which age must be above that for which a labor permit is required.

(b) No person, firm or corporation, or paid agent thereof, shall solicit in the schools or homes of this state, children of permit age to leave school and enter their employment, if a labor permit is required for such employment by section 1728*a* of the statutes.

(c) Any person, firm or corporation who shall violate any of the provisions of this section, shall forfeit and pay into the state treasury a sum not less than ten dollars nor more than one hundred dollars for each such offense. Every day during which any person, firm or corporation violates any of the provisions of this section, shall constitute a separate and distinct offense. [*1921 c. 340; 1921 c. 434 s. 2; 1921 c. 590 s. 23b*]

SECTION 1728*c*—1. [*Repealed by 1921 c. 434 s. 1*]

Vocational school, attendance. SECTION 1728*d*. (1) Whenever any day vocational school shall be established in any town, village or city in this state for minors, working under permit as now provided by law, every such child residing or employed within any town, village or city in which any such school is established, who has not completed four years of work above the eight elementary grades, and who is not in attendance at some other public, private or parochial school at least half time shall attend such school not less than half time in the daytime until the end of the school term, quarter, semester or other division of the school year in which he is sixteen years of age, and after that eight hours a week until the end of the term, quarter, semester or other division of the school year in which he is eighteen years of age, for at least eight months in each year, and for such additional months or parts thereof as the other public schools in such city, town or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, and every employer

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shall allow all minor employes a reduction in hours of work of not less than the number of hours the minor is by law required to attend school. Whenever the working time and the class time coincide, such reduction in hours of work shall be allowed at the time when the classes which the minor is by law required to attend are held.

(2) This act shall take effect upon passage and publication, but in cities in which suitable quarters are not available, and in cities in which new buildings are in process of erection, the state board of vocational education may, for a reasonable period not to extend beyond September 1, 1923, provide for temporary continuation of the present legal requirements and a gradual transition to the requirements established by this act.

(3) The total hours of schooling and employment for minors under sixteen years of age shall not exceed eight in any one day and forty-eight in any one week, and the total hours of schooling and employment for boys over sixteen and under seventeen years of age shall not exceed fifty-five in any one week; except when the minor shall attend school a greater number of hours than is required by law, in which case the total number of hours may be increased by the excess of the hours of school attendance over the minimum prescribed by law. [*1921 c. 434 s. 2; 1921 c. 513; 1921 c. 590 s. 116*]

Penalties; evidence. SECTION 1728*e*. 1. (a) Any employer who shall employ, or permit any minor or any female to work in any employment in violation of any of the provisions of sections 1728*a* to 1728*e*, inclusive, of the statutes or of any order of the industrial commission issued under the provisions of said sections, or shall hinder or delay the industrial commission or truant officers in the performance of their duties, or refuse to admit or lock out any such officer from any place required to be inspected under the provisions of sections 1728*a* to 1728*e*, inclusive, of the statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars for each offense, or imprisoned in the county jail not longer than thirty days. Every day during which such violation continues shall constitute a separate and distinct offense.

(b) The penalties specified in paragraph (a) of this section may be recovered by the state against any employer in an action for debt brought before any court of competent jurisdiction.

(c) Any parent or guardian who suffers or permits a child to be employed or to work in violation of any of the provisions of sections 1728*a* to 1728*e*, inclusive, of the statutes, or of any order of the industrial commission issued under the provisions of said sections, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars for each offense, or imprisoned in the county jail not longer than thirty days.

2. Whenever in any proceeding in any court under any of the provisions of sections 1728*a* to 1728*e*, inclusive, of the statutes, or of any order of the industrial commission issued under the provisions of said sections, there is any doubt as to the age of the child, a verified baptismal certificate or duly attested birth certificate shall be produced and filed with the court. In case such certificate cannot be secured, upon proof of such fact the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof. [*1921 c. 434 s. 2*]

SECTION 1728*f*. [*Repealed by 1913 c. 466*]
SECTION 1728*g*. [*Repealed by 1921 c. 434 s. 1*]
SECTION 1728*h*. [*Repealed by 1921 c. 434 s. 1*]
SECTION 1728*i*. [*Repealed by 1921 c. 434 s. 1*]
SECTION 1728*j*. [*Repealed by 1921 c. 434 s. 1*]
SECTION 1728*k*. [*Repealed by 1913 c. 466*]

Seats for females. SECTION 1728*l*. Every person or corporation employing females in any manufacturing, mechanical or mercantile establishment in the state of Wisconsin shall provide suitable seats for the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty. Any person or corporation who shall violate the provisions of this section shall, upon conviction thereof, be considered guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than thirty dollars for each and every offense. [*1899 c. 77 s. 1, 2; Supl. 1906 s. 1728l; 1907 c. 118; 1911 c. 663 s. 307*]

turing, which requires from persons in his or its employ, under penalty of forfeiture of

Mutual forfeit. SECTION 1728*m*. Any person or corporation engaged in manufac-

a part of the wages earned by them, a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges, without similar notice, a person in such employ except for incapacity or misconduct, unless in case of a gen-

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eral suspension of labor in his or its shop or factory or in the department thereof wherein such employe is engaged. [*1899 c. 330 s. 1; Supl. 1906 s. 1728m; 1907 c. 118; 1911 c. 663 s. 308*]

Threat or discharge. SECTION 1728*n*. No person shall, by threatening to discharge a person from his employment or threatening to reduce the wages of a person or by promising to give employment at higher wages to a person, attempt to influence a qualified voter to give or withhold his vote at an election. [*1899 c. 330 s. 2; Supl. 1906 s. 1728n; 1907 c. 118; 1911 c. 663 s. 308*]

Children in shows. SECTION 1728*o*. No license shall be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats, contortionists or in any feats of gymnastics or equestrianism, when in the opinion of the board of officers authorized to grant licenses such children are employed in such manner as to corrupt their morals or impair their physical health. [*1899 c. 330 s. 3; Supl. 1906 s. 1728o; 1907 c. 118; 1911 c. 663 s. 308*]

Penalty. SECTION 1728*o*—1. Any person who shall violate any of the provisions of sections 1728*m*, 1728*n* and 1728*o* shall, upon conviction, be fined in a sum not exceeding one hundred dollars. [*1899 c. 330 s. 4; Supl. 1906 s. 1728m–1728o; 1911 c. 663 s. 308*]

SECTION 1728*o*—2. [*Repealed by 1921 c. 411 s. 2; 1921 c. 434 s. 1; 1921 c. 590 s. 24*]

Street trade defined. SECTION 1728*p*. The term "street trade," as used in sections 1728*p* to 1728*ze*, inclusive, shall mean any business or occupation of distributing, soliciting, selling, displaying or offering for sale of any articles, goods or merchandise, handbills, circulars, newspapers, magazines, or periodicals, or employment as a bootblack, in any street, alley, court, square or other public place. [*1909 c. 377; 1911 c. 439; 1911 c. 664 s. 71; 1919 c. 354 s. 1*]

Age limit. SECTION 1728*p*—1. No boy under the age of twelve years and no girl under the age of eighteen years shall in any city of the first class, work at any time or be employed or permitted to work at any time in any street trade as defined in section 1728*p*. [*1919 c. 354 s. 3*]

Age limit. SECTION 1728*q*. No boy under fourteen years of age, shall, in any city of the first class, work at any time, or be employed or permitted to work at any time, at any street trade, excepting the distribution and sale of newspapers, magazines or periodicals as hereinafter provided. [*1909 c. 377; 1911 c. 439; 1919 c. 354 s. 1*]

SECTION 1728*r*. [*Repealed by 1919 c. 354 s. 2*]

Permit and badge for newsboys, bootblacks, etc.; school attendance. SECTION 1728*s*. No boy under seventeen years of age shall, in any city of the first class, distribute, sell, or expose or offer for sale any newspapers, magazines or periodicals in any street or public place or work as a bootblack, or in any other street or public trade, or sell or offer for sale or distribute any handbills or other articles, unless he complies with all the legal requirements concerning school attendance, and unless a permit and badge, as hereinafter provided, shall have been issued to him by the board of education where he resides. No such permit and badge shall be issued until the officer issuing the same shall have received an application in writing therefor, signed by the parent or guardian or other person having the custody of the child, desiring such permit and badge, and until such officer shall have received, examined and placed on file the written statement of the principal or chief executive officer of the public, private or parochial school, which the said child is attending, stating that such child is an attendant at such school with the grade such child shall have attained, and provided that no such permit and badge shall be issued, unless such officer issuing it is satisfied that such child is mentally and physically able to do such work besides his regular school work as required by law. [*1909 c. 377; 1911 c. 439; 1913 c. 483; Spl. S. 1918 c. 12*]

Proofs and application for permit; revocation; lists of pupils. SECTION 1728*t*. Before any such permit is issued, the board of education shall demand and be furnished with proof of such child's age by the production of a verified baptismal certificate or a duly attested birth certificate, or, in case such certificate cannot be secured, by the record of age stated in the first school enrollment of such child. Whenever it appears that a permit was obtained by wrong or false statements as to any child's age, the officer who granted such permit shall forthwith revoke the same. After having received, examined and placed on file such papers, the officer shall issue to the child a permit and badge. The principal or chief executive officer of schools, in which children under seventeen years of age are pupils, shall keep a complete list of all children in their school to whom a permit and badge has been issued, as provided in sections 1728*p* to 1728*za*, inclusive. [*1909 c. 377; 1911 c. 439; 1911 c. 664 s. 71; 1913 c. 483; Spl. S. 1918 c. 12*]

Form and contents of permit and badge. SECTION 1728*u*. Such permit shall state the place and date of birth of the child, the name and address of its parents, guardian,

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custodian or next friend, as the case may be, and describe the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and shall further state that the papers required by the preceding section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. Provided, that in case of carrier boys working on salary for newspaper publishers delivering papers, a card of identification shall be issued to such carriers by the board of education which they shall carry on their person, and exhibit to any officer authorized under sections 1728*p* to 1728*za*, inclusive, who may accost them for a disclosure of their right to serve as such carriers; and provided further, that in case of the illness or absence of any boy who shall belong to the regular delivery or distributing force of any newspaper at the time when such delivery or distribution of newspapers is to be made, if there shall be no other boy who has a permit and badge, as provided herein, ready to make the delivery and distribution, such delivery and distribution may be made for a period which shall not exceed seven days, by any other boy over the age of twelve years, who shall have complied with all the other requirements of sections 1728*p* to 1728*za*, inclusive, except the requirement of a permit and badge; in such cases, a written certificate, stating the facts, on blank form furnished by the board of education, signed by the circulation or business manager of such newspaper or its authorized representative shall be issued to such boy for a period not to exceed seven days. Copies of all such certificates shall be furnished the board of education within twenty-four hours after issue. [*1909 c. 377; 1911 c. 439; 1911 c. 664 s. 71; 1913 c. 483*]

Badge worn conspicuously; nontransferable. SECTION 1728*v*. The badge provided for herein shall be such as the board of education shall designate and shall be worn conspicuously in sight at all times in such position as may be designated by the said board of education by such child while so working. No child to whom such permit and badge or identification card are issued shall transfer the same to any other person. No badge shall be issued except on deposit of a fee of twenty-five cents. Such fee shall be refunded upon return of the badge, within one year from the expiration of the permit. All fees remaining after the expiration of such year are hereby appropriated to the board of education with whom they have been deposited to apply upon any expenditures incurred in the administration of sections 1728*p* to 1728*za*. [*1909 c. 377; 1911 c. 439; 1913 c. 483; Spl. S. 1918 c. 12*]

Hours of employment. SECTION 1728*w*. No boy under seventeen years of age shall, in any city of the first class, sell, expose or offer for sale any newspapers, magazines or periodicals after the hour of seven-thirty o'clock in the evening or before five o'clock in the morning; and no child under seventeen years of age shall distribute, sell, expose or offer for sale any newspapers, magazines or periodicals or shall work as a bootblack or in any street or public trades or distribute handbills or shall be employed or permitted to work in the distribution or sale or exposing or offering for sale of any newspapers, magazines or periodicals or as a bootblack or in other street or public trades or in the distribution of handbills during the hours when the public schools of the city where such child shall reside are in session. Provided, that any boy between the ages of fourteen and seventeen years, who is complying and shall continue to comply with all the legal requirements concerning school attendance, and who is mentally and physically able to do such delivery besides his regular school work, shall be authorized to deliver newspapers between the hours of four and six in the morning. [*1909 c. 377; 1911 c. 439; 1913 c. 483; Spl. S. 1918 c. 12*]

Enforcement. SECTION 1728*x*. The board of education or any person acting under its direction shall enforce the provisions of sections 1728*p* to 1728*za*, inclusive, and said board is hereby vested with all powers requisite therefor. The said board is hereby authorized to use any funds provided for by section 40.69 of the statutes in the administration of this act. [*1909 c. 377; 1911 c. 439; 1911 c. 664 s. 71; 1913 c. 483*]

Revocation of permit and surrender of badge for violations. SECTION 1728*y*. The permit of any child, who in any city of the first class distributes, sells or offers for sale any newspapers, magazines or periodicals in any street or public place, or works as a bootblack, or in any other street trade, or sells or offers for sale or distributes any handbills or other articles in violation of the provisions of sections 1728*p* to 1728*za*, inclusive, or who becomes delinquent or fails to comply with all the legal requirements concerning school attendance, shall forthwith be revoked for a period of six months, and his badge taken from said child. The refusal of any child to surrender such permit, and the distribution, sale or offering for sale of newspapers, magazines or periodi-

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cals or any goods or merchandise, or the working by such child as a bootblack, or in any other street or public trade, or in distributing handbills or other articles, after notice, by any officer authorized to grant permits under this law of the revocation of such permit and a demand for the return of the badge, shall be deemed a violation of sections 1728*p* to 1728*za*, inclusive. The permit of said child may also be revoked by the officer who issued such permit, and the badge taken from such child, upon the complaint of any police officer or other attendance officer or probation officer of a juvenile court, and such child shall surrender his permit and badge upon the demand of any police officer, truancy or other attendance officer or probation officer of a juvenile court or other officer charged with the duty of enforcing sections 1728*p* to 1728*za*, inclusive. In case of a second violation of sections 1728*p* to 1728*za*, inclusive, by any child, he shall be brought before the juvenile court, if there shall be any juvenile court in the city where such child resides, or, if not, before any court or magistrate having jurisdiction of offenses committed by minors and be dealt with according to law. The permit of a minor who changes his residence subsequent to its issuance may be revoked in like manner by the officers of the permit district to which he removes. [*1909 c. 377; 1911 c. 439; 1911 c. 664 s. 71; Spl. S. 1918 c. 12*]

Employment of minors in street trade; permit. SECTION 1728*ya*. The employment of any minor of the age of twelve years or more, pursuant to the provisions of sections 1728*p* to 1728*za*, inclusive, in a "street trade," shall have the same warrant as if his employment was under the permit provided by section 1728*a*, and such permit shall, within the trade for which it was issued, afford like protection to an employer as would a permit issued pursuant to section 1728*a*. The permit shall authorize such minor to engage in the specified trade anywhere within the state. [*Spl. S. 1918 c. 12 s. 2*]

Penalty for violation of child labor laws. SECTION 1728*z*. Any parent or other person who employs a minor under the age of seventeen years in peddling without a license, or who, having the care or custody of such minor, suffers or permits the child to engage in such employment, or to violate sections 1728*p* to 1728*za*, inclusive, shall be punished by a fine not to exceed fifty dollars nor less than ten dollars, or by commitment to the county jail for not more than thirty days or less than ten days. [*1909 c. 377; 1911 c. 439; 1913 c. 483; Spl. S. 1918 c. 12*]

Certificate of school attendance; penalty on newspapers for allowing boys to loiter at distribution places. SECTION 1728*za*. No badge shall be issued for a boy selling papers between the ages of twelve and seventeen years except upon certificate of the principal of either public, parochial or other private school attended by said boy, stating and setting forth that said boy is a regular attendant upon said school. In any city or other permit district in which compulsory school attendance ends at the age of sixteen years, the educational requirements contained in sections 1728*p* to 1728*za*, inclusive, shall not apply to children over sixteen years of age. No boy under the age of seventeen years shall be permitted by any newspaper publisher or printer or persons having for sale newspapers or periodicals of any character, to loiter or remain around any salesroom, assembly room, circulation room or office for the sale of newspapers, between the hours of nine in the forenoon and three in the afternoon, on days when school is in session. Any newspaper publisher, printer, circulation agent or seller of newspapers shall upon conviction for permitting newsboys to loiter or hang around any assembly room, circulation room, salesroom or office where papers are distributed or sold, shall be punished by a fine not to exceed one hundred dollars nor less than twenty-five dollars, or by commitment to the county jail for not more than sixty days or less than ten days. [*1909 c. 377; 1911 c. 439; 1911 c. 663 s. 311; Spl. S. 1918 c. 12*]

Regulation of employment of minors in street trades; classification. SECTION 1728*zb*. Except as to cities of the first class the industrial commission is charged with general supervision of minors engaged in a "street trade," as the term is defined in section 1728*p* to the end that such minors be not required, suffered or permitted to work at or engage in a street trade under conditions or during hours which are dangerous or prejudicial to their life, health, safety or welfare. For such purpose it is made the duty of the industrial commission, and it shall have power, jurisdiction and authority to investigate, ascertain, determine and classify street trades and to issue general or special orders prohibiting the employment or engagement of minors in a street trade dangerous or prejudicial to the life, health, safety or welfare of such minor, and, by like orders, to fix the terms and conditions of permits to such minors and provide for their issuance by the board of education or school board of the city, village or town in which such minor resides, for the revocation of permits, and for such other regulations as may be reasonably necessary to

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carry out the purpose and intent hereof, provided, however, that no boy under the age of twelve years and no girl under the age of eighteen years shall at any time be permitted to engage in a street trade. [*Spl. S. 1918 c. 12 s. 2*]

Effect of classification and orders. SECTION 1728*zc*. Such investigations, classifications and orders shall have the same force and effect as orders issued pursuant to sections 2394—41 to 2394—70, inclusive, and any action, proceeding or suit to set aside, vacate or amend any such order of the commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding authorized in sections 2394—41 to 2394—70, inclusive. [*Spl. S. 1918 c. 12 s. 2*]

Ad interim effect of child labor laws. SECTION 1728*zd*. Until such time as the industrial commission shall investigate, ascertain, determine and classify street trades for districts other than cities of the first class, as provided in section 1728*zb*, and by order designate those trades, and the conditions and hours therein, at which a minor shall not be permitted to engage, any engagement or employment of a minor in a street trade in any such district contrary to the limitations provided in sections 1728*p* to 1728*za*, inclusive, shall be deemed prejudicial to the life, health, safety and welfare of such minor. Except as the industrial commission may provide ways and means in conflict with the administrative procedure provided in sections 1728*p* to 1728*za*, inclusive, the provisions of said sections shall be effective, insofar as applicable, in all other cities and in the villages and towns of the state. [*Spl. S. 1918 c. 12 s. 2*]

General school moneys made available. SECTION 1728*ze*. In the discharge of any duty put upon boards of education or school boards pursuant to the provisions of sections 1728*zb* to 1728*zd*, inclusive, they are authorized to make use of any funds appropriated to their use for general school purposes. [*Spl. S. 1918 c. 12 s. 2*]

Eight hours a day's work, when. SECTION 1729. In all engagements to labor in any manufacturing or mechanical business, where there is no express contract to the contrary, a day's work shall consist of eight hours and all engagements or contracts for labor in such cases shall be so construed; but this shall not apply to any contract for labor by the week, month or year. [*1867 c. 83 s. 2; R. S. 1878 s. 1729; Ann. Stats. 1889 s. 1729; Stats. 1898 s. 1729*]

When wages payable; pay orders. SECTION 1729*a*. 1. Every corporation organized for pecuniary profit engaged in any enterprise or business within the state of Wisconsin, excepting corporations owning or operating hospitals and sanatoriums for the care of sick or insane persons, shall as often as on the fifteenth and on the last day of each month pay to every employe engaged in its business, except to those employes engaged in lumbering and logging operations, all wages or salaries earned by such employe to a day not more than sixteen days prior to the date of such payment. Any employe who is absent at the time fixed for payment or who for any other reason is not paid at that time shall be paid thereafter at any time upon six days' demand and any employe leaving his or her employment or discharged therefrom shall be paid in full following his or her employment at any time upon three days' demand. No corporation coming within the meaning of this act shall by special contract with employes or by any other means secure exemption from the provisions of this act and each and every employe of any corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided, in any court of competent jurisdiction. Whenever such regular payments cover wages earned to a date more than eight days prior to the day of payment in the event the day fixed for the semimonthly payment falls on Sunday or a holiday payment shall be made on the previous business day. Any corporation owning or operating any hospital or sanatorium for the care of sick or insane persons shall give the same number of days' notice of its intention to discharge any employe as it requires such employe to give before being permitted to quit its service, unless such employe is discharged because of a serious infraction of a rule.

2. Any corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars for each separate offense and each and every failure or refusal to pay each employe the amount of wages due him or her at the time, or under the conditions required in this statute shall constitute a separate offense. [*1889 c. 474; Ann. Stats. 1889 s. 1729a; 1891 c. 430; Stats. 1898 s. 1729a; 1901 c. 47; Supl. 1906 s. 1729a; 1907 c. 118; 1915 c. 114; 1917 c. 279; 1921 c. 460*]

Firemen, cities second, third class; hours of labor. SECTION 1729*a*—10. Each fireman in fire departments in all cities of the second and third class in this state having a population of thirty thousand or more shall be off duty at least one continuous twenty-

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four hour period in each seven days. Proper arrangements shall be made by the chiefs of such departments to carry out the provisions of this section. No fireman shall leave the city without written permission from the chief. [*1909 c. 341; 1911 c. 663 s. 312*]

SECTIONS 1729*b* to 1729*j*, inclusive. [*Repealed by 1911 c. 485 s. 2*]

Public buildings; hours of labor. SECTION 1729*m*. 1. Each and every contract hereafter made for the erection, construction, remodeling or repairing of any public building or works, except contracts for the construction or maintenance of public highways and bridges, to which the state or any officer or agent thereof is a party, which may involve the employment of laborers, workmen or mechanics, shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor, agent or other person, doing or contracting to do all or a part of the work contemplated by the contract, shall be permitted to work more than eight hours in any one calendar day, except in cases of extraordinary emergencies.

2. The phrase "extraordinary emergencies," as used in this section, shall mean and include only such as grow out of the necessity of protecting property or human life when endangered by reason of an attack by the public enemy or endangered from fire, flood or storm.

3. This section shall apply only to such work as is actually performed on the premises on which such buildings or works are being erected, constructed, remodeled or repaired. [*1909 c. 391; 1911 c. 171; 1919 c. 217, 535*]

Responsibility and penalties for violations of eight-hour law on public buildings. SECTION 1729*n*. 1. Any officer, any member of any board or commission or any agent of the state of Wisconsin or any person acting under or for such officer, agent, board, commission or member thereof, or any contractor, subcontractor, corporation, copartnership, firm or person, or any agent thereof, who violates any of the provisions of sections 1729*m* and 1729*n* of the statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

2. Any person, who as an officer or a member of a board or commission, or as agent of such officer, board or commission, who executes a contract violating any of the provisions of sections 1729*m* and 1729*n* of the statutes, shall be deemed to be the party who has violated the provisions of sections 1729*m* and 1729*n* of the statutes, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishment herein provided for.

3. Any contractor, subcontractor, corporation, copartnership, firm or person, or any agent thereof, who after executing a contract under the provisions of sections 1729*m* and 1729*n* of the statutes shall allow or permit any laborer, workman or mechanic in his, its or their employ, or in the employment of any contractor, subcontractor, agent or other person under his, its or their control or direction, to work more than eight hours in any one calendar day, except in cases of extraordinary emergencies, shall be deemed to have violated the provisions of sections 1729*m* and 1729*n* of the statutes and shall be subject to the punishment herein provided for.

4. Whenever it shall be ascertained that any laborer, workman, mechanic or other person worked more than eight hours in any calendar day in violation of subsections 1 and 2, of section 1729*m*, the proof of such fact shall be prima facie proof that such laborer, workman, mechanic or other person was so required or permitted to work. [*1909 c. 391; 1911 c. 171; 1911 c. 664 s. 16*]

SECTION 1729*o*. [*Repealed by 1915 c. 457*]

Fraudulent advertising for labor. SECTION 1729*p*—1. 1. It shall be unlawful to influence, induce, persuade or attempt to influence, induce, persuade or engage workmen to change from one place of employment to another in this state or to accept employment in this state or to bring workmen of any class or calling into this state to work in any department of labor in this state, through or by means of any false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of the employment, or failure to state in any advertisement, proposal or contract for the employment that there is a strike or lockout at the place of the proposed employment, when in fact such strike or lockout then actually exists in such employment at such place. Any of such unlawful acts shall be deemed a false advertisement, or misrepresentation for the purposes of this section.

2. Any person, who, by himself, his servant or agent, or as the servant or agent of any other person, or as an officer, director, servant or agent of any firm, corporation, association or organization of any kind, shall violate any of the provisions of subsection 1 of this

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section shall upon conviction thereof be punished by a fine of not more than two thousand dollars or by imprisonment in the county jail not more than one year or by both such fine and imprisonment.

3. Any person who shall be influenced, induced or persuaded to engage with any persons mentioned in subsection 1 of this section, through or by means of any of the things therein prohibited, shall have a right of action for recovery of all damages that he shall have sustained in consequence of the false or deceptive representation, false advertising or false pretenses used to induce him to change his place of employment or to accept such employment, against any person or persons, corporations or companies or associations, directly or indirectly causing such damage; and in addition to all such actual damages such workman may have sustained, shall be entitled to recover such reasonable attorney fees as the court shall fix, to be taxed as costs in any judgment recovered. [*1911 c. 364; Stats. 1913 s. 1729o; 1915 c. 457 s. 2; 1919 c. 643*]

Permits; house contract work; penalties. SECTION 1729*r*. No owner or lessee of any factory, nor any manager, employe or agent of such owner or lessee, and no contractor doing work for any factory, shall contract with any person to manufacture, alter, repair, or finish any articles in any tenement or dwelling house, or in any shed or other building situated in the rear of any tenement or dwelling house, unless there has been secured a permit from the industrial commission authorizing such factory or contractor to engage in home work manufacture. Such permits shall be conditioned upon compliance with sections 1728*a* to 1728*i*, inclusive, sections 1729*s*—1 to 1729*s*—12, inclusive, and section 1418*c* of the statutes, and upon furnishing to the industrial commission any information which it may require to determine whether these provisions of the statutes are complied with in such home work manufacture. Failure to faithfully observe these conditions shall be cause for the revocation of such permits. So far as not inconsistent with the provisions of this section the provisions of sections 2394—41 to 2394—70, inclusive, of the statutes, are made a part hereof, and the penalties therein shall be applied to and be imposed for any violations of this section. [*1921 c. 259 s. 2*]

MINIMUM WAGE LAW.

Definitions. SECTION 1729*s*—1. The following terms as used in sections 1729*s*—1 to 1729*s*—12, inclusive, shall be construed as follows:

(1) The term "employer" shall mean and include every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.

(2) The term "employe" shall mean and include every person who is in receipt of or is entitled to any compensation for labor performed for any employer.

(3) The term "wage" and the term "wages" shall each mean any compensation for labor measured by time, piece or otherwise.

(4) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(5) The term "living-wage" shall mean compensation for labor paid, whether by time, piece-work or otherwise, sufficient to enable the employe receiving it to maintain himself or herself under conditions consistent with his or her welfare. [*1913 c. 712*]

Living-wage prescribed. SECTION 1729*s*—2. Every wage paid or agreed to be paid by any employer to any female or minor employe, except as otherwise provided in section 1729*s*—7, shall be not less than a living-wage. [*1913 c. 712*]

Definition of guilt. SECTION 1729*s*—3. Any employer paying, offering to pay, or agreeing to pay to any female or minor employe a wage lower or less in value than a living-wage shall be deemed guilty of a violation of sections 1729*s*—1 to 1729*s*—12, inclusive, of the statutes. [*1913 c. 712*]

Classifications; authority conferred upon industrial commission. SECTION 1729*s*—4. It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classifications, and to issue general or special orders, determining the living-wage, and to carry out the purposes of sections 1729*s*—1 to 1729*s*—12, inclusive, of the statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394—41 to 2394—70, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1729*s*—1, 1729*s*—2, 1729*s*—3, 1729*s*—4, 1729*s*—5, 1729*s*—6, 1729*s*—7, 1729*s*—8, 1729*s*—9, 1729*s*—10, 1729*s*—11, and 1729*s*—12 of the statutes; and every order of the said commis-

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sion shall have the same force and effect as the orders issued pursuant to said sections 2394—41 to 2394—70, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violation of sections 1729s—1, 1729s—2, 1729s—3, 1729s—4, 1729s—5, 1729s—6, 1729s—7, 1729s—8, 1729s—9, 1729s—10, 1729s—11, and 1729s—12 of the statutes. [*1913 c. 712*]

NOTE: The Industrial Commission determined the living wage in an order effective August 1, 1919

Complaints; investigation. SECTION 1729s—5. After July 1, 1913, the industrial commission may, upon its own initiative, and after July 1, 1914, the industrial commission shall, within twenty days after the filing of a verified complaint of any person setting forth that the wages paid to any female or minor employe in any occupation are not sufficient to enable such employe to maintain himself or herself under conditions consistent with his or her welfare, investigate and determine whether there is reasonable cause to believe that the wage paid to any female or minor employe is not a living-wage. [*1913 c. 712*]

Advisory wage board; determination. SECTION 1729s—6. If, upon investigation, the commission finds that there is reasonable cause to believe that the wages paid to any female or minor employe are not a living-wage, it shall appoint an advisory wage board, selected so as fairly to represent employers, employes and the public, to assist in its investigations and determinations. The living-wage so determined upon shall be the living-wage for all female or minor employes, within the same class as established by the classification of the commission. [*1913 c. 712*]

Regulations; license to work. SECTION 1729s—7. The industrial commission shall make rules and regulations whereby any female or minor unable to earn the living-wage theretofore determined upon, shall be granted a license to work for a wage which shall be commensurate with his or her ability. Each license so granted shall establish a wage for the licensee, and no licensee shall be employed at a wage less than the rate so established. [*1913 c. 712*]

Apprentices. SECTION 1729s—8. 1. All minors working in an occupation for which a living-wage has been established for minors, and who shall have no trade, shall, if employed in an occupation which is a trade industry, be indentured under the provisions of section 2377.

2. A "trade" or a "trade industry" within the meaning of this act shall be a trade or an industry involving physical labor and characterized by mechanical skill and training such as render a period of instruction reasonably necessary. The industrial commission shall investigate, determine and declare what occupations and industries are included within the phrase a "trade" or a "trade industry."

3. All minors working in an occupation for which a living-wage has been established for minors but which is not a trade industry, who have no trade, shall be subject to the same provisions as minors between the ages of fourteen and sixteen as provided in section 1728c—1 of the statutes.

4. The industrial commission may make exceptions to the operation of subsections 1 and 2 of this section where conditions make their application unreasonable. [*1913 c. 712; 1919 c. 679 s. 78*]

Registration; records. SECTION 1729s—9. Every employer employing three or more females or minors shall register with the industrial commission, on blanks to be supplied by the commission. In filling out the blank he shall state separately the number of females and the number of minors employed by him, their age, sex, wages, and the nature of the work at which they are employed, and shall give such other information relative to the work performed and the wages received as the industrial commission requires. Each employer shall also keep a record of the names and addresses of all women and minors employed by him, the hours of employment and wages of each, and such other records as the industrial commission requires. [*1913 c. 712*]

Penalty for intimidating witness. SECTION 1729s—10. Any employer who discharges or threatens to discharge, or in any way discriminates, or threatens to discriminate against any employe because the employe has testified or is about to testify, or because the employer believes that the employe may testify, in any investigation or proceeding relative to the enforcement of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offense. [*1913 c. 712*]

Definition of violation. SECTION 1729s—11. Each day during which any employer shall employ a person for whom a living-wage has been fixed at a wage less than the living-wage fixed shall constitute a separate and distinct violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes. [*1913 c. 712*]

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Complaints. SECTION 1729s—12. Any person may register with the industrial commission a complaint that the wages paid to an employe for whom a living-wage has been established, are less than that rate, and the industrial commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less then the living-wage. [*1913 c. 712*]

Board of conciliation, hours and conditions of labor, wages, review by railroad commission. SECTION 1729t. (1) A board of conciliation is hereby created to consist of three members one of whom shall be a skilled employe, but not having employing or discharging power, one of whom shall be an employer of labor, and one of whom shall have a general knowledge of manufacturing and labor conditions. Immediately after the passage of this act, the governor, by and with the advice and consent of the senate, shall appoint such members, but no member so appointed shall act until so confirmed. The term of the first such appointee shall terminate on the first Monday of February, 1920; the term of the second such appointee shall terminate on the first Monday of February, 1921; and the term of the third such appointee shall terminate on the first Monday in February, 1922. In January, 1920, and annually thereafter, there shall be appointed and confirmed in the same manner, one member for the term of three years from the first Monday in February in such year. Each member shall hold his office until his successor is appointed and qualified.

(2) Whenever any dispute shall arise between an employer of more than twenty-five persons in a common employment, and his employes, over the wages of such employes, such employer, or any number of such employes more than one-half, working in a common employment, may request the board of conciliation to investigate and report as to what is a fair, equitable, and just wage for such employes under all the circumstances surrounding both such employer and his employes. The board may, upon receiving such request, investigate and report as to what, in their opinion, is a fair, equitable, and just wage under all the circumstances and conditions surrounding both such employer and his employes. In the event such dispute shall arise between any public service corporation and its employes of any class, division or grade, and said board of conciliation shall investigate and report thereon as herein provided, and determine the wages, hours of labor, or working conditions to which such employes are reasonably entitled, such determination shall be immediately submitted to the railroad commission of Wisconsin, which railroad commission shall without delay further investigate the said matter and make and file its determination therein, confirming or modifying the report of said board within forty-five days after receiving the same. If the earnings of such public service business in which such employes are engaged are found to be sufficient to meet the cost of making the determination of the said commission effective without depriving said corporation of a fair return upon the capital employed in such business, as determined by the railroad commission, said railroad commission shall order such public service corporation to make effective the wages, hours of labor and working conditions so determined by it to be fair, equitable, and just, otherwise the commission shall provide for such a revision of the rates, tariffs and charges of such public service business as will enable it to meet such cost and yield a fair rate of return upon the capital employed therein, as determined by the railroad commission, which order of the railroad commission shall be subject to review in the manner now provided by law for the review of orders relating to the rates and service of the public service business affected by the order sought to be reviewed.

(3) The board may employ such experts as shall be necessary to assist them in making investigations under this act and such clerks and stenographers as may be necessary to perform the clerical work of the board.

(4) For the purpose of making such investigation and report, the board may issue subpœnas, compel the attendance of witnesses and the production of books, records, papers, and documents. In case of failure of any person to comply with any order of the board or any subpœna lawfully issued or on the refusal of any witness to testify to any matter regarding which he may be interrogated, it shall be the duty of the circuit court of any county or the judge thereof, on the application of a member of the board, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of subpœna issued in such court or a refusal to testify therein.

(5) The board, or any member thereof, or any person employed by the board for that purpose, shall, upon demand, have the right to inspect the books, records, and papers of any employer who is under investigation by the board and to examine under oath any officer, agent, or employe of such employer, provided that any person other than a member of the board who shall make such demand or conduct such examination shall first produce his authority therefor, signed by the board or a majority thereof.

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(6) No person shall be excused from testifying or from producing any books, records, papers or documents before the board on the ground or for the reason that such testimony, books, records, papers or documents may tend to incriminate him or subject him to a penalty or forfeiture, but no person having so testified or produced such books, records, papers or documents, shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced books, records, papers or documents, provided that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying. Any person who shall wilfully interfere with the board or any of its employes in conducting any examination or who shall wilfully testify falsely to any matter or thing material to the investigation, or who shall, after a proper demand has been made therefor, fail or wilfully refuse to produce any book, record, paper or document which is in his possession or under his control, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred, nor more than one thousand dollars for each offense.

(7) Whenever the board shall have made and compelled an investigation under the provision of this act, it shall make and file its written report thereon as soon as practicable, which report shall be open to the public and the board shall, immediately upon making and filing such report, furnish a certified copy thereof to the employer so investigated and a like certified copy thereof to his employes. [*1919 c. 530 s. 1–7; 1919 c. 702 s. 79; 1921 c. 88*]

CHAPTER 84.

INSPECTION AND MEASUREMENT OF LOGS, TIMBER AND LUMBER.

State divided into districts. SECTION 1730. For the purpose of inspecting and regulating the measurement of logs, timber and lumber, four lumber districts are established and shall be designated by the following numbers respectively:

(a) All that part of the state east of the fourth principal meridian and north of the township line between townships thirty and thirty-one north, number one.

(b) All that part of the state west of the fourth principal meridian and north of the township line between townships thirty and thirty-one north, number two.

(c) All that part of the state west of the fourth principal meridian and south of the township line between townships thirty and thirty-one north, number three.

(d) All that part of the state east of the fourth principal meridian and south of the township line between townships thirty and thirty-one north, number four. [*1864 c. 167 s. 1; 1868 c. 129 s. 1; 1869 c. 74 s. 1, 2; 1870 c. 90 s. 1, 2; 1871 c. 70 s. 1, 2; 1875 c. 242 s. 1, 2; 1876 c. 254 s. 1, 2; R. S. 1878 s. 1730; 1881 c. 225; 1882 c. 193; 1885 c. 112; 1889 c. 387; Ann. Stats. 1889 s. 1730; 1895 c. 54; 1897 c. 74; Stats. 1898 s. 1730; 1919 c. 502 s. 2*]

Inspectors; term. SECTION 1731. The governor shall appoint an inspector for each of said lumber districts who shall be styled "Lumber Inspector of District No...." (designating the proper district); he shall at the time of his appointment be a citizen of this state and reside within the lumber district for which he is appointed. The term of office of each of the four inspectors first appointed shall expire on the first Monday in April, 1921, and thereafter the term of office of each inspector shall be two years and commence on the first Monday in April of the year of his appointment, but the incumbent shall hold until his successor is appointed and qualified. [*1864 c. 167 s. 2; R. S. 1878 s. 1731; Ann. Stats. 1889 s. 1731; Stats. 1898 s. 1731; 1919 c. 362 s. 32; 1919 c. 502 s. 2; 1919 c. 702 s. 70*]

Their duties, oath and bond. SECTION 1732. Each lumber inspector shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully discharge the duties of his office to the best of his knowledge, judgment and ability and execute to the county in which his office shall be kept a bond, with three or more sureties, to be approved by the treasurer and county judge, in the sum of five thousand dollars, conditioned that he will faithfully perform his duties as lumber inspector of district (giving the number) and deliver to his successor in office all bills, papers, journals, books and other effects appertaining to his office. Such oath of office and bond shall be filed in the office of such county treasurer; and any person feeling himself aggrieved

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may commence an action in his own name on said bond in like manner as actions may be brought on other official bonds according to the provisions of chapter 44. [*1864 c. 167 s. 4; R. S. 1878 s. 1732; Ann. Stats. 1889 s. 1732; Stats. 1898 s. 1732*]

Location of offices. SECTION 1733. The inspectors of lumber district number one shall keep his office at Rhinelander; of district number two, at Ladysmith; of district number three, at Eau Claire; of district number four, at Stevens Point. [*1864 c. 167 s. 3; 1868 c. 129 s. 2; 1869 c. 74 s. 3; 1870 c. 90 s. 3; 1871 c. 70 s. 3; 1875 c. 242 s. 3; 1876 c. 254 s. 5; R. S. 1878 s. 1733; 1881 c. 225; 1882 c. 193; 1885 c. 112, 288; 1889 c. 387 s. 2; Ann. Stats. 1889 s. 1733; 1895 c. 34; 1897 c. 35; Stats. 1898 s. 1733; 1919 c. 502 s. 2*]

Deputies; oaths. SECTION 1734. Each such inspector may divide his district into such subdistricts as he may deem best and for each subdistrict, as well as for any specific purpose, may appoint one or more deputies, for whose conduct and fidelity in the discharge of his duties as such he shall be responsible upon his official bond; each of said lumber inspectors shall have power and authority to administer oaths to their several deputies or for any purpose relating to the duties of their office. [*1864 c. 167 s. 5; 1869 c. 52 s. 1; R. S. 1878 s. 1734; Ann. Stats. 1889 s. 1734; Stats. 1898 s. 1734*]

Scale bills; effect of. SECTION 1735. Each lumber inspector shall, in person or by deputy, at the request of any owner of logs, timber or lumber, after a scalement or measurement thereof, make a bill, stating therein the number of logs, the number of feet, board measure, contained in such logs and lumber, and the number of feet, cubic, running or board measure, contained in said timber, and at whose request the same were scaled or measured and to whom scaled or measured, a copy of which bill he shall enter upon the books of his office, to be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to such owner, with a certificate thereto attached that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained and of the correctness of such scalement or measurement in all courts, except in favor of the inspector or deputy inspector who made the same. [*1864 c. 167 s. 6; R. S. 1878 s. 1735; Ann. Stats. 1889 s. 1735; Stats. 1898 s. 1735*]

Rules for measurement; deputies to report. SECTION 1736. Each lumber inspector and his deputies shall, in surveying or measuring logs, make such allowance for hollow, rotten or crooked logs as would make them equal to good, sound, straight, merchantable logs; and all logs that are straight and sound are to be measured at their full size, inside the bark at the small end, and all logs over twenty-four feet long and not exceeding thirty-six feet, shall be scaled or measured as two logs, allowing such rise from the first to the second log as the same may require or as may seem proper in the opinion of the inspector or his deputy. Each lumber inspector shall require of each of his deputies, at the end of each month, a correct account of all the logs, lumber or timber measured by him during the month next preceding, and he shall immediately enter such account upon the books of his office. [*1864 c. 167 s. 8; 1866 c. 57 s. 1; R. S. 1878 s. 1736; Ann. Stats. 1889 s. 1736; Stats. 1898 s. 1736*]

Table showing standard scale; use of other. SECTION 1737. The standard rule for scaling or measuring logs in the said districts shall be in accordance with the following table, showing in the first column the diameter of log at the small end in inches, at the head of each other column the length of log in feet, and in the body of such other columns the resultant contents of each log in board measure feet of lumber, to wit:

STANDARD SCALE OF LOG MEASUREMENT.

Diameter of log at small end in inches	Length of log and board measurement in feet						
	12	14	16	18	20	22	24
6	10	10	20	20	20	30	30
7	20	20	30	30	30	40	40
8	20	20	30	30	30	40	40
9	30	30	40	40	40	50	60
10	30	40	60	60	70	80	90
11	40	50	70	80	80	90	100
12	60	70	80	90	100	110	120
13	70	80	100	110	120	130	150
14	90	100	110	130	140	160	170
15	110	120	140	160	180	200	210
16	120	140	160	180	200	220	240
17	140	160	180	210	230	250	280
18	160	190	210	240	270	290	320
19	180	210	240	270	300	330	360

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STANDARD SCALE OF LOG MEASUREMENT.—Concluded.

Diameter of log at small end in inches	Length of log and board measurement in feet						
	12	14	16	18	20	22	24
20	210	240	280	310	350	380	420
21	230	270	300	340	380	420	460
22	250	290	330	380	420	460	500
23	280	330	380	420	470	520	570
24	300	350	400	450	500	550	610
25	340	400	460	520	570	630	690
26	370	440	500	560	620	690	750
27	410	480	550	620	680	750	820
28	440	510	580	650	730	800	870
29	460	530	610	680	760	840	910
30	490	570	660	740	820	900	990
31	530	620	710	800	890	980	1060
32	550	640	740	830	920	1010	1100
33	590	690	780	880	980	1060	1180
34	600	700	800	900	1000	1100	1200
35	660	770	880	980	1090	1200	1310
36	690	810	920	1040	1150	1270	1380
37	770	900	1030	1160	1290	1440	1540
38	800	930	1070	1200	1330	1470	1600
39	840	980	1120	1260	1400	1540	1680
40	900	1050	1200	1350	1500	1660	1800
41	950	1110	1270	1430	1590	1750	1900
42	1010	1170	1340	1510	1680	1850	2020
43	1050	1220	1400	1570	1740	1920	2100
44	1110	1290	1480	1660	1850	2040	2220
45	1140	1330	1520	1710	1900	2090	2280
46	1190	1390	1590	1780	1980	2180	2380
47	1240	1450	1660	1860	2070	2280	2480
48	1300	1510	1730	1940	2160	2380	2600

Other rules may be used at the request of the owner of logs; but in all such cases the bill of the inspector shall state by what rule the logs were scaled or measured. [*1864 c. 167 s. 9; R. S. 1878 s. 1737; Ann. Stats. 1889 s. 1737; Stats. 1898 s. 1737; 1901 c. 451 s. 1; Supl. 1906 s. 1737; 1907 c. 118; 1913 c. 275*]

Marks. SECTION 1738. Any owner of logs or timber in any of said lumber districts may use thereon any mark not before recorded and used by any other person in the same district. Before any such mark shall be used, the owner thereof intending to use the same shall cause a diagram and a full and complete written description of his mark, signed by him, to be recorded in the office of the inspector, who shall record the same, provided the mark, diagram and description are different from any other mark, diagram or description recorded in his office. Every inspector shall keep a book for such purpose and for the purpose of recording all assignments and transfers of marks so recorded, which book shall at all reasonable times be open to public inspection. No person shall use any mark on any logs or timber until he shall have caused a diagram and description thereof to be so recorded, and no person shall use any mark previously recorded and used by another in the same district unless authorized so to do by an instrument in writing executed and acknowledged by the owner of such mark and recorded in the office or offices where said mark is recorded. No person shall mark any prize log. Any person violating any of the provisions of this section shall forfeit ten dollars, one-half of which shall be paid to the person prosecuting therefor. [*1864 c. 167 s. 11; 1883 c. 267; 1889 c. 441 s. 2, 3, 6; Ann. Stats. 1889 s. 1738b, 1738c, 1738f, 1744b; Stats. 1898 s. 1738; 1919 c. 502 s. 2*]

Marking logs, etc.; presumption; forfeiture. SECTION 1738*a*. Every person who shall put any logs, timber or other floatables into the Wisconsin river or any stream flowing into said river for the purpose of rafting or floating the same thereon shall impress in a conspicuous place or places upon the end and surface of each such log, stick or timber or other floatable some mark or marks previously selected and recorded or assigned as provided in section 1738, which mark or marks shall also be recorded in the office of the inspector of every lumber district through which such logs, timber or other floatable are to be rafted or floated on said river or stream, and written notice of which mark or marks shall be given to each log-running or booming company doing business thereon. All the provisions of the next preceding section relating to the use of marks shall apply to logs, timber and other floatables put into said waters for the purpose herein specified, and all logs, timber or other floatables so put into said river or stream, when marked as herein provided, shall be presumed to be the property of the person in whose name the mark or marks used thereon shall have been recorded. Any person

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violating any provision of this section shall forfeit ten dollars, one-half of which shall be for the use of the person prosecuting therefor. [*1898 c. 441 s. 1, 2, 4; Ann. Stats. 1889 s. 1738a, 1738b, 1738d; Stats. 1898 s. 1738a*]

Mortgages, etc., of marked logs to be recorded. SECTION 1739. All mortgages, liens, bills of sale or other written instruments in any way affecting the ownership of any marked logs in any lumber district which shall specify the marks placed upon said logs and when they were cut shall be recorded in the office of the lumber inspector in which said marks are recorded; and no such conveyance, lien, mortgage or transfer shall be valid, except as to the parties thereto, until the same is so recorded or until the same shall be filed with some deputy lumber inspector, who shall immediately forward such instrument to the inspector of the proper district. Such filing and recording of all such instruments and papers shall have the same effect as the recording of deeds and mortgages in the office of the register of deeds. [*1864 c. 167 s. 12; 1866 c. 57 s. 3; R. S. 1878 s. 1739; Ann. Stats. 1889 s. 1739; Stats. 1898 s. 1739*]

Prize logs, how divided; lien for driving. SECTION 1740. All prize logs shall be divided between the owners in each subdistrict in proportion to the number of logs owned by each person or company respectively in such subdistrict; and prize logs are hereby defined to mean such logs as bear no mark or marks and all logs bearing marks not recorded or claimed within one year after any general drive. And any person with whose logs or timber in any waters of this state such prize logs or timber shall become so intermixed that they cannot be conveniently separated for the purpose of being floated to the market or place of manufacture may drive all such logs or timber with which his own may be intermixed toward such market or place, when no special or different provision is made by law for driving the same, and shall be entitled to reasonable compensation from the owner for driving such logs or timber, to be recovered after demand therefor on said owner or agent, if known; and he shall have a prior lien thereon until thirty days after they arrive at their place of destination to enable him to attach the same; and if the owner thereof cannot be ascertained the property shall be liable according to law and enough be disposed of to defray the expenses thereof. [*1864 c. 167 s. 7; 1869 c. 80 s. 1; R. S. 1878 s. 1740; Ann. Stats. 1889 s. 1740; Stats. 1898 s. 1740*]

Fees of inspectors. SECTION 1741. 1. Each lumber inspector or deputy shall be entitled to receive eight dollars per day for time actually and necessarily spent in the performance of services as such lumber inspector or deputy and necessary traveling expenses incurred in the discharge of such services. In all cases such compensation and expenses shall be paid by the owner of the logs, timber or lumber scaled or measured.

2. For recording each mark or assignment thereof, fifty cents.

3. For recording any mortgage, bill of sale or other written instrument, the same fees allowed by law to registers of deeds for recording like instruments. [*1864 c. 167 s. 10, 12; 1864 c. 259 s. 1; 1874 c. 220 s. 1; 1875 c. 107 s. 1; 1876 c. 254 s. 3, 4; R. S. 1878 s. 1741; 1889 c. 441 s. 3; Ann. Stats. 1889 s. 1738c, 1741; Stats. 1898 s. 1741; 1919 c. 502 s. 2*]

Records of old offices to be transferred to the new. SECTION 1742. All records in the offices of the various lumber inspectors in the districts as heretofore existing shall be transferred, respectively, to the offices of the lumber inspectors of the new districts created by section 1730, of which such previously existing districts are now a part. [*1919 c. 502 s. 2*]

Deadheads and sunken logs. SECTION 1743. 1. Deadheads and sunken or stranded logs outside the limits of an existing boom or pound, which have remained for more than six years in those portions of the navigable waters of this state in which more than one person, firm or corporation has floated logs, and in which a booming company has not actually operated within such period, shall be presumed to have been abandoned and may be salvaged by any person, firm or corporation as provided in subsection 2.

2. Before raising any such log or logs, such person, firm or corporation shall file for record with the lumber inspector of the district, and publish in a paper of general circulation in each county in which such work is to be carried on, a notice of intention to salvage logs, and the place where such work is to be carried on, but such notice shall give no priority. Before the seventh of each month such person, firm or corporation shall file for record with the lumber inspector of the district, a notice showing the total number of logs so salvaged during the previous month, a description of the marks, if any, appearing thereon, and the number of logs bearing each such mark, and the place where such logs were salvaged. The owner of any log, or interest therein, claiming the same within thirty days after the recording of such notice, shall be entitled to recover such log, the proceedings thereof, or lumber cut therefrom, or to enforce his interest therein, subject,

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however, to a lien for reasonable compensation for the salvage thereof and labor performed thereon. Logs or the proceeds thereof, or lumber cut therefrom, not so claimed shall belong to the person, firm or corporation salvaging such logs, except that no logs shall be salvaged from those portions of the Menominee and Brule rivers which constitute boundary lines between the states of Wisconsin and Michigan and their tributaries nor from the Wisconsin river and its tributaries north of the city of Rhinelander nor from the Peshtigo river. [*1921 c. 287*]

SECTION 1744. [*Repealed by 1919 c. 502 s. 1*]

SECTION 1744*a*. [*Repealed by 1919 c. 502 s. 1*]

Reports of inspectors. SECTION 1745. Each lumber inspector shall report to the legislature biennially, within ten days after the meeting thereof, the amount of logs, timber and lumber scaled or measured by him in his district for the two years previous to the date of his report. [*1864 c. 167 s. 13; R. S. 1878 s. 1745; Ann. Stats. 1889 s. 1745; Stats. 1898 s. 1745*]

Records of districts. SECTION 1746. All bills, books, papers, journals and records appertaining to the former offices of surveyors-general, received from them respectively, and now in the offices of the respective lumber inspectors, shall be held and deemed to be records of said lumber districts and shall have the same force and effect as if the office of surveyor-general had not been abolished. [*1864 c. 167 s. 14; 1864 c. 259 s. 3; R. S. 1878 s. 1746; Ann. Stats. 1889 s. 1746; Stats. 1898 s. 1746*]

Marking rafted logs. SECTION 1747. Every person rafting logs on any of the rivers of this state shall have the marks thereon on the upper side of every log when rafted open to view and inspection to all persons interested; and every person violating this section shall forfeit one dollar for each log the mark of which shall not be so exposed, one-half to the use of the person prosecuting therefor. [*1861 c. 209 s. 1, 2; R. S. 1878 s. 1747; Ann. Stats. 1889 s. 1747; Stats. 1898 s. 1747*]

CHAPTER 84*a*.

MISCELLANEOUS PROVISIONS.

LABELS AND TRADE-MARKS.

Trade-marks and labels; application. SECTION 1747*a*. 1. Any person, firm, copartnership, corporation, association, or union of workingmen, which has heretofore adopted or used or shall hereafter adopt or use any label, trade-mark, trade name, term, design, pattern, model, device, shop mark, drawing, specification, designation, or form of advertisement, for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or other product of labor or manufacture as having been made, manufactured, produced, prepared, packed, or put on sale by such person, firm, copartnership, corporation, association, or union of workingmen, or by a member or members thereof, he or they, if residents of this or any other state of the United States, and such foreign corporations as may have been duly licensed to transact business in the state of Wisconsin, may file an original, a copy, or photographs, or cuts with specifications of the same for record in the office of the secretary of state, by leaving two such originals, copies, photographs, or cuts with specifications, the same being counterparts, facsimiles, or drawings thereof, with said secretary and by filing therewith a sworn statement, specifying the name of the person, firm, copartnership, corporation, association, or union of workingmen, on whose behalf such label, trade-mark, term, trade name, pattern, model, design, device, shop mark, drawing, specification, designation, or form of advertisement is to be filed, the class of merchandise and a separate description of the goods to which the same has been or is intended to be appropriated, the residence, location, or place of business of such party, that the party, on whose behalf such label, trade-mark, trade name, term, design, pattern, model, device, shop mark, drawing, specification, designation, or form of advertisement is to be filed, has the right to the use of the same, and that no other person, or persons, firm, copartnership, corporation, association or union of workingmen has such right either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the originals, copies, photographs, or cuts, counterparts, facsimiles, or drawings filed therewith are correct.

Trade name; several parts. 2. Where the several parts of a single unit article of trade or commerce are severally marked to distinguish them by the person, firm, copartnership, corporation, association, or union of workingmen having the right to manufacture such single unit under a trade name or brand used by him or them, such person, firm,

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copartnership, corporation, association, or union may, in filing under this section the designation of such trade name or brand, attach thereto photographs or cuts with specifications of the several parts of the unit to which it is attached or applied, and thereafter no further filing or registration of any such parts so used shall be necessary to protect the owner or lawful use of the trade name or brand of the unit against the use by others of any of the several parts thereof and any such filing shall be construed to be a single filing, and but one filing fee shall be paid therefor.

Recording. 3. The papers required to be filed hereunder shall be recorded in a book for that purpose, and there shall be paid to the secretary of state for such recording and filing one dollar.

Beverages not covered by this section. 4. Nothing in this section shall be construed as authorizing registration hereunder of names and brands of beverages by the persons, firms or corporations specified in section 1747*d*. [*1891 c. 280; 1893 c. 14, 104; 1895 c. 151 s. 1, 3; Stats. 1898 s. 1747a; 1909 c. 127; 1917 c. 495 s. 1*]

Duplication or reproduction prohibited. SECTION 1747*am*. 1. It shall be unlawful for any person, firm, copartnership, corporation, association or union of workingmen, without the consent of the owner of any such label, trade-mark, trade name, term, design, pattern, model, device, shop mark, drawing, specification, designation, or form of advertisement registered in accordance with the provisions of the preceding section, to remove any such label, trade-mark, trade name, design, shop mark, or other designation, or form of advertisement so registered and attached to merchandise or products of labor, for the purpose of using such merchandise or products of labor as a pattern for the duplicating or reproduction of the same, either in the identical form or in such near resemblance thereto as may be calculated to deceive.

Repairs. 2. Nothing herein contained shall be taken to prohibit the using of such merchandise or products of labor as a pattern for the reproduction of the same in individual cases of emergency repairs.

Use. 3. And it shall be unlawful for any other person to make use of such label, trade-mark, trade name, term, design, pattern, model, device, shop mark, drawing, specification, designation, or form of advertisement so filed, or any such likeness or imitation thereof, or utter or display the same orally, or in any printed or written form in the conduct of his business or any business transaction without the express consent, license, and authority of the person, firm, copartnership, corporation, association, or union so owning the same, and such unauthorized and unlawful use may be prohibited and prevented by injunction or other proper proceeding in a court of competent jurisdiction without recourse to the penal statute providing a punishment for such lawful use. In case such association or union of workingmen is not incorporated such actions may be commenced and prosecuted by an officer or member of such association or union on behalf of and for the use of such association or union. [*1909 c. 127*]

Penalty. SECTION 1747*an*. 1. Every person who shall knowingly and wilfully violate sections 1747*a* or 1747*am*, except only those provisions relative to emergency repairs, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not more than six months or by a fine of not more than two hundred dollars.

Not retroactive. 2. Nothing contained in sections 1747*a*, 1747*am* and 1747*an* shall require a new filing or registration in cases to which this act applies where there has heretofore been a compliance with section 1747*a*, or any acts amendatory thereof, by any person or persons, firm, copartnership, corporation, association, or union of workingmen. [*1909 c. 127*]

Filing of description with secretary of state; publication of; fees. SECTION 1747*a*—1. Any and all persons or corporations who may be the owners of cans, tubs, firkins, boxes, bottles, casks, barrels, kegs, cartons, tanks, fountains, vessels or containers with his, her, its or their names, brands, designs, trade-marks, devices or other marks of ownership stamped, impressed, labeled, blown in or otherwise marked thereon, may file with the secretary of state and also with the register of deeds of any county in which any such person or persons or corporations may have his, her, its or their principal place of business, a written statement or description verified by affidavit of such owner or his, her or its agent, of the names, brands, designs, trade-marks, devices or other marks of ownership so used by him, her, it or them, and of the said article or articles upon which the same are used, or if such principal place of business shall be without the state, then such written statement or description so verified may be filed with the register of deeds of any county of this state. Said statement shall be published once a week for three successive weeks in a newspaper printed in the English language and of general circulation in said county, a copy of which publication, proved

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in the same manner as proof of publication is now required to be made by law, when no special mode of proving the same is provided, shall also be filed with the secretary of state and with such register of deeds. All such written statements or descriptions and all such certificates of publication so filed with the register of deeds shall be recorded at large by him in a book to be kept by him and such book shall be subject at all reasonable hours to the inspection of all persons who may choose to inspect the same. The secretary of state and the register of deeds shall deliver to any person who may apply therefor copies of all such written statements or descriptions of names, brands, designs, trade-marks, devices, or other marks of ownership and of all certificates of publication so filed with them, duly certified to by them in the usual manner, and such certified copies shall be admissible in evidence in all prosecutions under sections 1747*a*—1 to 1747*a*—5, inclusive, and shall be prima facie evidence that the provisions of this section have been complied with, and of the title of the owner or owners named therein, to the property upon which the name, brand, design, trade-mark, device or other marks of ownership of such owner or owners may appear as described therein. The secretary of state and the register of deeds shall each receive a fee of one dollar for each statement and certificate of publication filed and also a fee of one dollar for each certified copy of such statement and certificate of publication, to be paid for by the person filing or applying for the same. [*1901 c. 360 s. 1; Supl. 1906 s. 1747a—1; 1907 c. 118; 1911 c. 663 s. 313*]

Sale of receptacle by other than owner prohibited. SECTION 1747*a*—2. It is hereby declared to be unlawful for any person or persons or corporation without the written consent of the owner or owners thereof, to hereafter keep for sale any can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container so marked or distinguished as aforesaid, of which a description shall have been filed and published as provided in section 1747*a*—1, or to use or fill with any similar substance, commodity or product as originally contained therein for the sale of such substance, commodity or product any such can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container or to receive, take, buy, sell, or dispose of or traffic in any such can, tub, firkin, bottle, box, cask, barrel, keg, carton, tank, fountain, vessel or container, or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, brand, design, trade-mark, device or other mark thereon, for the purpose of destroying or removing the evidence of the ownership of such article. [*1901 c. 360 s. 2; Supl. 1906 s. 1747a—2; 1907 c. 118; 1919 c. 679 s. 79*]

Use of receptacle by other than owner; as to junk dealers. SECTION 1747*a*—3. The using by any person or persons or corporation other than the owner or owners thereof, or his, her, its or their agent, of any such can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, for the sale therein of any substance, commodity or product, other than that originally therein contained, or the buying, selling, or trafficking in any such can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, or the fact that any junk dealer or dealers in cans, tubs, firkins, boxes, bottles, casks, barrels, kegs, cartons, tanks, fountains, vessels or containers, shall have in his or her possession any such can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, so marked or stamped, and a description of which shall have been filed and published as provided in section 1747*a*—1, shall be, and it hereby is, declared to be, prima facie evidence that such using, buying, selling or trafficking in or possession of is unlawful within the meaning of sections 1747*a*—1 to 1747*a*—5, inclusive. [*1901 c. 360 s. 3; Supl. 1906 s. 1747a—3; 1907 c. 118; 1911 c. 663 s. 314*]

Penalty for unlawful use. SECTION 1747*a*—4. Any person or persons or corporation or any officer or agent of any corporation acting for or in the name of such corporation who shall knowingly and wilfully with intent to unlawfully convert to his own use violate any of the provisions of sections 1747*a*—1 to 1747*a*—5, inclusive, shall be punished by imprisonment in the county jail not more than six months, or by fine of not more than two hundred dollars, or by both such fine and imprisonment. [*1901 c. 360 s. 4; 1903 c. 196 s. 1; Supl. 1906 s. 1747a—4; 1907 c. 118; 1911 c. 663 s. 313*]

Rights of owner to injunction. SECTION 1747*a*—5. Every such person or corporation having complied with the provisions of sections 1747*a*—1 to 1747*a*—5, inclusive, as aforesaid, may proceed by suit to enjoin any other person or corporation from filling with any substance, commodity or product for the sale therein of such substance, commodity or product any can, tub, firkin, box, bottle, cask, barrel, keg, carton, tank, fountain, vessel or container, so marked or distinguished as aforesaid, or from buying, selling, using or disposing of or trafficking in the same, or from defacing, erasing, obliterating, covering up or otherwise removing any such name, brand, design,

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trade-mark, device or other marks or ownership thereon, for the purpose of destroying or removing the evidence of the ownership of such article, and all courts having equity jurisdiction shall have power to grant injunctions according to the course and principles of courts of equity, to restrain such filing [filling] for sale or such buying, selling, giving away, using or disposing of, or trafficking in or such defacing, erasing, obliterating, covering up, or otherwise removing or the violation of any right acquired under the provisions of sections 1747*a*—1 to 1747*a*—5, inclusive, and upon a decree being rendered in any such case against the defendant, the complainant shall be entitled to recover the damages the complainant may have sustained by reason of the said acts of the defendant and the court shall assess the same or cause the same to be assessed under its direction. [*1901 c. 360 s. 5; Supl. 1906 s. 1747a—5; 1907 c. 118; 1911 c. 663 s. 313*]

Certificate; evidence. SECTION 1747*b*. Said secretary shall deliver to the person, association or union so filing or causing to be filed any such label, trade-mark, term, design, device or form of advertisement so many duly attested certificates of the filing and recording of the same as may be desired, and shall receive for each such certificate a fee of one dollar. Any such certificate shall, in all suits and prosecutions arising out of or depending upon any rights claimed under such label, trade-mark, term, design, device or form of advertisement be sufficient proof of the adoption thereof. The secretary of state shall not record any label, trade-mark, term, design, device or form of advertisement that may reasonably be mistaken for anything theretofore filed in his office under the provisions of this chapter. [*1895 c. 151 s. 3; Stats. 1898 s. 1747b*]

Fraudulent filing; damages. SECTION 1747*c*. Any person who shall for himself or on behalf of any other person, association or union procure the filing of any label, trade-mark, term, design, device or form of advertisement under the provisions of the preceding section by making any false or fraudulent representations or declarations, verbally or in writing, or by any other fraudulent means shall be liable for any damages sustained in consequence thereof, to be recovered by or on behalf of the party injured thereby, and shall also be punished as provided by law. [*1895 c. 151 s. 3; Stats. 1898 s. 1747c*]

Record of brands, etc. SECTION 1747*d*. The secretary of state shall, on application by any person, or firm domiciled in this state or by any corporation created under the laws thereof, or by a foreign corporation licensed to do business therein and engaged in the manufacture or sale of ale, porter, lager beer, soda water, mineral water or other beverages put up in packages, record in a book kept for that purpose a description of the names, brand or trade-mark used by such person, firm or corporation for marking the casks, barrels, kegs, bottles, jugs, fountains, boxes or other packages containing such beverage. Before any such record shall be made there shall be paid said secretary a fee of five dollars for each and every such description of name, brand or trade-mark which he is requested to have recorded. Nothing elsewhere in this chapter contained is intended to be contrary to or to control or modify the provisions of this section. [*1878 c. 302; R. S. 1878 s. 4470a; Ann. Stats. 1889 s. 4470a sub. 1, 2; Stats. 1898 s. 1747d; 1917 c. 495 s. 2*]

Suit to enjoin use of trade-mark may be brought and injunction issued. SECTION 1747*dd*. Every person, association or union adopting or using a label, trade-mark, term, design, device or form of advertisement, as provided in section 1747*a*, may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, and courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale, and may award the complainant damages resulting from such manufacture, use, sale or display as may be deemed just and reasonable by said court, including all profits derived from such wrongful manufacture, use, display or sale; such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant be delivered to an officer of the court to be destroyed. In case such association or union is not incorporated, such actions may be commenced and prosecuted by an officer or member of such association or union on behalf of and for the use of such association or union. [*1901 c. 140 s. 1; Supl. 1906 s. 1747dd; 1907 c. 118*]

Labels on prison-made goods. SECTION 1747*dd*—1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed in any state, except this state, and imported, brought or introduced into this state shall, before being exposed for sale, be branded, labeled or marked as herein provided, and shall not be exposed for sale in this state without such brand, label or mark. Such brand, label or mark shall contain at the head or top thereof the words "convict-made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of

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the style and size known as great primer roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article, where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering. [*1897 c. 155 s. 1, 2; Stats. 1898 s. 4960a; Stats. 1917 s. 4960a; 1919 c. 78 s. 15*]

Enforcement of law. SECTION 1747*dd*—2. It shall be the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the foregoing section, and when, upon complaint or otherwise, such commissioner has reason to believe that the same has been violated he shall advise the district attorney of the county wherein such alleged violation has occurred, of the fact, giving the information in support of his conclusions, and such district attorney shall at once institute the proper legal proceedings to compel compliance therewith. [*1897 c. 155 s. 3; Stats. 1898 s. 4960b; Stats. 1917 s. 4960b; 1919 c. 78 s. 15*]

TRUSTS AND MONOPOLIES.

Unlawful contracts; conspiracies. SECTION 1747*e*. 1. Every contract or combination in the nature of a trust or conspiracy in restraint of trade or commerce is hereby declared illegal. Every combination, conspiracy, trust, pool, agreement or contract intended to restrain or prevent competition in the supply or price of any article or commodity in general use in this state, to be produced or sold therein or constituting a subject of trade or commerce therein, or which combination, conspiracy, trust, pool, agreement or contract shall in any manner control the price of any such article or commodity, fix the price thereof, limit or fix the amount or quantity thereof to be manufactured, mined, produced or sold in this state, or fix any standard or figure in which its price to the public shall be in any manner controlled or established, is hereby declared an illegal restraint of trade. Every person, corporation, copartnership, trustee or association who shall either as principal or agent become a party to any contract, combination, conspiracy, trust, pool or agreement herein declared unlawful or declared to be in restraint of trade, or who shall combine or conspire with any other person, corporation, copartnership, association or trustee to monopolize or attempt to monopolize any part of the trade or commerce in this state shall forfeit for each such offense not less than one hundred dollars nor more than five thousand dollars. Any such person, corporation, copartnership, trustee or association shall also be liable to any person transacting or doing business in this state for all damages he may sustain by reason of the doing of anything forbidden by this section.

Prosecutions by attorney-general. 2. It shall be the duty of the attorney-general to enforce the provisions of this act and to bring an action for the recovery of the forfeiture herein provided for, whenever complaint shall be made to him and evidence produced which shall satisfy him that there has been any violation thereof. The several district attorneys shall, upon the advice of the attorney-general, who may appear as counsel in any such case, institute such actions or proceedings as he shall deem necessary to recover any forfeiture incurred on account of the violation of any of the provisions of this act. [*1893 c. 219 s. 1, 2, 5; Stats. 1898 s. 1747e; 1921 c. 458; 1921 c. 590 s. 102*]

Injunction; pleading; practice. SECTION 1747*f*. The several circuit courts may prevent or restrain, by injunction or otherwise, the formation of any such contract or combination or the execution of the purposes thereof. The several district attorneys shall, upon the advice of the attorney-general, who may appear as counsel in any such case, institute such actions or proceedings as he shall deem necessary to prevent or restrain a violation of the provisions of the preceding section, which shall be begun by way of information or complaint as in ordinary actions, setting forth the cause and grounds for the intervention of the court and praying that such violation, whether intended or continuing, shall be enjoined or otherwise prohibited. When the parties informed against or complained of shall have been served with a copy of the information or complaint and cited to answer the same the court shall proceed, as soon as may be in accordance with its rules, to the hearing and determination of the case; and pending the filing of the answer to such information or complaint may, at any time, upon proper notice, make such temporary restraining order or prohibition as shall be just. Whenever it shall appear to the court that the ends of justice require that other persons

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should be made parties to the action or proceeding the court may cause them to be brought in in such manner as it shall direct. [*1893 c. 219 s. 3, 4; Stats. 1898 s. 1747f*]

Examination of adverse party; records; contempt. SECTION 1747*g*. 1. The examination of any party, or if a corporation be a party, of the president, secretary, other principal officer or the general managing agent thereof, or of the person who was such president, secretary, officer or agent at the time of the occurrence of the facts made the subject of the examination, or of any person acting for another or for a corporation or partnership, other than as a witness on a trial, may be taken by deposition at the instance of the attorney-general in any such action or proceeding at any time intermediate the commencement thereof and final judgment. Such deposition shall be taken within the state before a judge at chambers or a court commissioner on a previous notice to such party and any other adverse party or the attorney thereof of at least five days, and may be taken without the state in the manner provided in these statutes for taking other depositions.

2. The attendance of the party to be examined may be compelled by subpœna, without prepayment of witness' fees, and the examination shall be subject to the same rules as govern that of other witnesses; but he shall not be compelled to disclose anything not relevant to the controversy. If the examination shall be taken before issue joined, the notice of taking it shall be accompanied by the affidavit of the attorney-general, district attorney or some party stating the general nature and object of the action, that discovery is sought to enable the party to plead and the points upon which such discovery is desired; such examination shall be confined to the discovery of the facts relevant to the points so stated, unless the court or the presiding judge thereof, on motion and one day's notice, shall, before the examination is begun, by order further limit the scope thereof. Such examination shall not preclude the right to another examination after issue is joined upon all the questions in the cause, and the party examining shall in all cases be allowed to examine upon oral interrogatories.

3. The examination shall not be compelled in any other county in this state than that of the party's residence except in the county of Dane; provided, that whenver the defendant is a nonresident of the state his deposition may be taken as in other cases. In any such examination the judge or commissioner before whom the same is had shall have authority to compel the party examined to answer all questions relevant to the issues and shall, on application by the attorney-general or district attorney, compel the production by such party of all books, papers and records relevant and pertinent to the issues. If any defendant or his agent who is lawfully required to appear and testify on such examination or to produce such books, papers or records shall, either within or without the state, neglect or refuse to do so he may be punished as for contempt, and the pleading of any such defendant may, in the discretion of the court, be stricken out and judgment rendered against him according to the prayer of the complaint. [*1893 c. 219 s. 6, 7; Stats. 1898 s. 1747g; 1917 c. 646 s. 2*]

Partnerships included. SECTION 1747*h*. The word "person" wherever used in the three next preceding sections shall be deemed to include, besides individuals, corporations, partnerships and associations existing under or authorized by the laws of the United States, any of the territories of this or any other state or of any foreign country; provided, that nothing therein shall be construed to affect labor unions or any other association of laborers organized for the purpose of promoting the welfare of its members, nor associations or organizations intended to legitimately promote the interests of trade, commerce or manufacturing in this state. Provided further that nothing therein shall be construed to affect associations, corporate or otherwise, of farmers, gardeners or dairymen, including live stock farmers and fruit growers engaged in making collective sales or marketing for its members or shareholders of farm, orchard or dairy products produced by its members or shareholders. [*1893 c. 219 s. 8, 9; Stats. 1898 s. 1747h; 1919 c. 278*]

Certain organizations not forbidden. SECTION 1747*h*—1. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of mutual help, and not having capital stock or conducted for profit or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws. The labor of a human being is not a commodity or article of commerce. [*1919 c. 211; Stats. 1919 s. 1747ee; 1921 c. 9 s. 2*]

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Inquisitorial proceeding. SECTION 1747*h*—2. 1. Whenever the attorney-general shall file with any circuit court commissioner of this state a written statement or declaration that he has reason to believe and does believe that a contract, agreement, combination, trust or conspiracy in restraint of trade as defined by section 1747*e* or 1791*j* exists or that a violation of said or either of said sections has occurred in this state, or in any locality thereof, it shall be the duty of said circuit court commissioner to issue his subpœna for such persons as may be requested by the attorney-general, requiring them to appear before him at a time and place to be fixed in said subpœna. Said subpœna may also require the production of all papers, books, files, or records in the possession of the person so subpœnaed. It shall not be necessary to pay the person so subpœnaed any mileage or witness fees in advance but claims for such mileage and fees duly verified and approved by the attorney-general shall be audited and paid out of the state treasury and charged to the appropriation provided by subsection (2) of section 20.08, and shall be at the same rates as provided for witnesses for the circuit court.

2. It shall be the duty of any person so subpœnaed to appear as commanded by such subpœna, and upon his failure so to do or to produce any papers, books, files or records in his possession, the commissioner so subpœnaing may punish such person as for contempt. It shall be the duty of any person so subpœnaed to answer under oath all inquiries that may be put to him by the attorney-general, his deputy, any of his assistants or any district attorney or special counsel for the state acting under his direction, touching or relating to the existence of any contract, agreement, combination, trust or conspiracy in restraint of trade, as defined by section 1747*e* or 1791*j*, and upon his failure to make full and complete answers and disclosures to all such questions as may be put to him, the court commissioner before whom such proceedings are pending is empowered to punish such witness as for contempt.

3. Such testimony shall be taken by a stenographic reporter, transcribed into longhand, read over to or by the deponent and (unless such signing be waived by the state) be signed by him before the officer before whom the same was taken, and shall be kept and preserved by the attorney-general as a part of the records of his office.

4. The court commissioner shall be entitled to the usual fees for issuance of subpœnas and administering of oaths, and ten dollars per day for the time consumed in holding the inquiry. The stenographic reporter shall be entitled to ten cents per folio for taking and transcribing the testimony. All such fees and all other costs and expense incident to such inquiry shall be paid out of the appropriation provided by subsection (2) of section 20.08 of the statutes. [*1917 c. 646 s. 1; 1919 c. 628 s. 11; Stats. 1919 s. 1747e—1; 1921 c. 9 s. 2*]

Working people may organize; injunction not to restrain certain acts. SECTION 1747*h*—3. 1. Working people may organize themselves into or carry on labor unions and other associations or organizations for the purpose of aiding their members to become more skilful and efficient workers, the promotion of their general intelligence, the elevation of their character; the regulation of their wages and their hours and conditions of labor, the protection of their individual rights in the prosecution of their trade or trades, the raising of funds for the benefit of sick, disabled, or unemployed members, or the families of deceased members, or for such other object or objects for which working people may lawfully combine, having in view their mutual protection or benefit.

2. No restraining order or injunction shall be granted by any court of this state, or a judge or judges thereof, in any case between an employer and employes, or between employers and employes, or between employes, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

3. No such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a law-

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ful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any laws of this state. [*1919 c. 211; Stats. 1919 s. 1747ff; 1921 c. 9 s. 2*]

Collective bargaining. SECTION 1747*h*—4. Sections 1747*e*, 1747*h*, 1770*g* and 1791*j* shall be so construed as to permit collective bargaining by associations of producers of agricultural products and by associations of employes when such bargaining is actually and expressly done for the individual benefit of the separate members of each such association making such collective bargain. [*1919 c. 399; Stats. 1919 s. 1747h—1; 1921 c. 9 s. 2*]

DISPOSITION OF SURPLUS MONEYS CONTRIBUTED FOR CHARITABLE PURPOSES.

Restored to donors or applied to charity. SECTION 1747*i*. Whenever, upon the occurrence of a cyclone, conflagration or like calamity, five or more persons shall contribute moneys to a common fund for the relief of the sufferers by such calamity the surplus money, if exceeding twenty-five dollars in amount, remaining unexpended for such purpose in the hands of any person authorized to receive and disburse the same after the expiration of six months from the date of such calamity shall be disposed of as herein provided. Within ten days after the expiration of such six months the person having possession of such surplus shall make and cause to be published a complete itemized statement of all moneys paid into such fund, all disbursements therefrom and the amount of the unexpended balance. Such publication shall be made in some newspaper published in the town, city or village wherein such calamity occurred, or if no paper is published therein then such publication shall be made in some newspaper published in the county wherein such calamity occurred. There shall be annexed to and published with such statement a notice, signed by the person having possession of such surplus, to the effect that he will pay to each of the contributors to such fund his pro rata share of such surplus at a place or places named in such notice, after deducting expenses of publishing and posting the notice, if payment thereof shall be duly demanded within sixty days from the date of the publication of such notice, and that after the expiration of said period all moneys not so returned to contributors will be donated to one or more charities to be named in such notice. Within two days after the date of the publication of such notice and statement copies thereof shall be posted in three of the most public places in such town, city or village. Within five days after the expiration of said sixty days the person having such surplus in his possession shall deliver it to the charity or one or more of the charities mentioned in such notice, and on delivery of the same and the filing of a receipt therefor, with an affidavit of the publication, posting and mailing of such notice and statement, in the office of the clerk of the county in which such calamity occurred, shall not thereafter be liable or accountable therefor to the contributors of such fund, any portion of them or any other person. [*1889 c. 359; Ann. Stats. 1889 s. 1729b–1729h; Stats. 1898 s. 1747i*]

FRAUDULENT ADVERTISING.

Fraudulent advertising. SECTION 1747*k*. Any person, firm, corporation or association who, with intent to sell or in any wise dispose of merchandise, live stock, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, for the purpose of defrauding the public, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, live stock, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than ten days nor more than ninety days, or by both such fine and imprisonment; providing that nothing herein shall apply to any proprietor or publisher of any newspaper or magazine who publishes, disseminates or circulates any such advertisement without knowledge of the unlawful or untruthful nature of such advertisement. [*1913 c. 510; 1915 c. 84*]

Regulation of trading stamps. SECTION 1747*m*. 1. No person, firm, corporation, or association within this state shall use, give, offer, issue, transfer, furnish, deliver, or cause

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or authorize to be furnished or delivered to any other person, firm, corporation, or association within this state, in connection with the sale of any goods, wares or merchandise, any trading stamp, token, ticket, bond, or other similar device, which shall entitle the purchaser receiving the same to procure any goods, wares, merchandise privilege, or thing of value in exchange for any such trading stamp, token, ticket, bond, or other similar device, except that any manufacturer, packer or dealer may issue any slip, ticket, or check with the sale of any goods, wares or merchandise, which slip, ticket or check shall bear upon its face a stated cash value and shall be redeemable only in cash for the amount stated thereon, upon presentation in amounts aggregating twenty-five cents or over of redemption value, and only by the person, firm or corporation issuing the same.

2. It shall be the duty of the dairy and food commissioner to enforce the provisions of this section.

3. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. [*1917 c. 480*]

GRAIN AND WAREHOUSE COMMISSION.

Commission created. SECTION 1747—1. There is hereby created a grain and warehouse commission for the state of Wisconsin to consist of three members to be appointed by the governor of the state of Wisconsin, as hereinafter more particularly provided. [*1905 c. 19 s. 1; Supl. 1906 s. 1747—1; 1907 c. 118*]

Personnel. SECTION 1747—2. Such commissioners shall be appointed by the governor of Wisconsin, but no person interested in any elevator or warehouse or in the transportation of grain or in the employ of any person or corporation owning or operating any elevator or warehouse or engaged in the transportation of grain, or in the employ of any common carrier shall be appointed to membership on such commission. Before making such appointment, the governor shall request the governor of the state of North Dakota, the governor of the state of New York and the board of trade of the city of Superior to respectively recommend a person or persons for appointment upon such commission, which said recommendations shall be taken into consideration by the governor in appointing such commissioners, but he shall not be confined to the persons so recommended in appointing such commissioners. [*1905 c. 19 s. 2; Supl. 1906 s. 1747—2; 1907 c. 118*]

Grain and warehouse commission; appointment; terms. SECTION 1747—3. The commissioners heretofore appointed under sections 1747—1 to 1747—55, inclusive, shall hold their offices until the first Monday in February, 1910, and until their successors are appointed and qualified. On or before the first Monday in February, 1910, the governor shall appoint three commissioners; the term of one such appointee shall terminate on the first Monday in February, 1911; the term of the second such appointee shall terminate on the first Monday in February, 1912; and the term of the third such appointee shall terminate on the first Monday in February, 1913. In January, 1911, and annually thereafter there shall be appointed in the same manner one commissioner for the term of three years from the first Monday in February of such year. Each commissioner so appointed shall hold his office until his successor is appointed and qualified. [*1905 c. 19 s. 3; Supl. 1906 s. 1747—3; 1907 c. 118; 1909 c. 440; 1911 c. 663 s. 315; 1919 c. 362 s. 19, 28, 32*]

Oath of office; bond. SECTION 1747—4. Each of such commissioners shall, before entering upon the duties of his office, take and file with the secretary of state his oath of office that he will support the constitution of the United States, of the state of Wisconsin and the laws thereof, and faithfully perform the duties of his office to the best of his ability, and shall also execute and file with the state treasurer a bond to the state of Wisconsin in the sum of five thousand dollars, with sufficient surety to be approved by the governor of the state, and conditioned for the faithful performance of the duties of his office, and that he will fully account for any and all moneys which may come into his hands by virtue of his office, and that he will pay over such funds as herein directed. [*1905 c. 19 s. 4; Supl. 1906 s. 1747—4; 1907 c. 118*]

Duties; carload coal weighing regulations. SECTION 1747—5. 1. It shall be the duty of the commission created by sections 1747—1 to 1747—55, inclusive, to superintend the inspection, weighing and grading of all grain milled or received for milling, bought or sold in the city of Superior, and of all grain received for storage, stored or shipped from any and all elevators and warehouses located in said city which are required to take out licenses under the provisions of this act. For the purpose of making such inspection, weighing

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and grading of grain, said commission shall have the power, and it shall be their duty to appoint a chief inspector and one or more deputy inspectors, a weighmaster and one or more deputy weighmasters, and to adopt and publish rules and regulations governing the inspection, weighing and grading of grain delivered into or shipped out of any and all such elevators and warehouses in said city. And there is further granted to said commission full power and authority to make such further regulations as will enable them to fully comply with all the provisions of this act, including the granting of licenses to elevators and warehouses hereinafter provided for, and the establishment and collection of charges and fees for the inspection, weighing and grading of the grain.

2. The commission may, upon request, enforce reasonable regulations for the weighing of cars of coal offered for shipment in carload lots and may direct any deputy weighmaster to weigh coal in carload lots on the docks within the territory under its jurisdiction, except coal shipped by any person, firm or corporation for its own use or consumption, and issue weighing certificates therefor, and to inspect and supervise scales therefor. The commission shall fix a fee for any such services, and such fee and all expenses incurred by the commission in complying with such request shall be paid by the person, firm or corporation making the request therefor. [*1905 c. 19 s. 5; Supl. 1906 s. 1747—5; 1907 c. 118; 1911 c. 663 s. 316; 1913 c. 164*]

Public warehouses. SECTION 1747—6. All elevators and warehouses located in the city of Superior doing business for a compensation, and all elevators and warehouses located in said city in which the grain of different owners is stored in bulk or mixed together, or stored in such manner that the identity of different lots and parcels cannot be accurately preserved, and all elevators and warehouses located in said city which issue warehouse receipts for grain received or stored are hereby declared to be public warehouses. [*1905 c. 19 s. 6; 1905 c. 317 s. 1; Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—6; 1907 c. 118*]

Warehouse licenses. SECTION 1747—7. The owner, lessee or manager of any public warehouse in the city of Superior shall be required, before transacting any business, to procure from the grain and warehouse commission a license permitting him to transact business as a public warehouseman under and pursuant to sections 1747—1 to 1747—55, inclusive, which license shall be issued by said grain and warehouse commission upon written application, which shall set forth the location and name of such warehouse, and the individual name of each person interested as owner or principal in the management of the same, or if such warehouse be owned or managed by a corporation, the name of the president, secretary and treasurer of such corporation shall be stated, and such license shall give authority to carry on and conduct the business of a public warehouse pursuant to sections 1747—1 to 1747—55, inclusive, and shall be revocable by said commission upon summary proceedings upon complaint of any person in writing setting forth the particular violation of the law, and upon satisfactory proof to be taken in such action in such manner and upon such notice as may be directed by the commission. [*1905 c. 19 s. 7; Supl. 1906 s. 1747—7; 1907 c. 118; 1911 c. 663 s. 315*]

Bond of licensee. SECTION 1747—8. Before receiving such license, the person applying for the same shall file with the commission a bond to the state of Wisconsin in the penal sum of ten thousand dollars, with good and sufficient sureties to be approved by the commission, conditioned for the faithful performance of his duty as a public warehouseman, and for a full compliance with all the laws of the state relating thereto; and shall pay to said commission a license fee of two dollars for each license so applied for, provided that where any person or corporation procures a license for more than one warehouse in said city, only one such bond need be given. [*1905 c. 19 s. 8; Supl. 1906 s. 1747—8; 1907 c. 118*]

Penalty on default of license. SECTION 1747—9. Any person who shall transact the business of a public warehouseman within the city of Superior without first procuring the license herein provided, or who shall continue to transact business after such license has been revoked (save only that he may be permitted to deliver property previously stored in such warehouse) shall on conviction be fined a sum not less than one hundred or more than five hundred dollars for each and every day such business is carried on, and the commission may refuse to grant a new license to any person whose license shall have been revoked for a period of one year from the time of such revocation. [*1905 c. 19 s. 9; Supl. 1906 s. 1747—9; 1907 c. 118*]

How grain stored; mixing; inspection fees; suit for. SECTION 1747—10. It shall be the duty of every public warehouseman to receive for storage any and all grain that is dry and in a suitable condition for warehousing that may be tendered to him in the usual manner in which warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between the persons de-

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siring to avail themselves of the warehouse facilities. Such grain to be in all cases inspected and graded by a duly authorized inspector appointed under the provisions of sections 1747—1 to 1747—55, inclusive, and to be stored with grain of similar grade, but in no case shall grain of different grades be mixed together while in storage, except as hereinafter provided, though if the owner or consignee so requests and the warehouseman consents thereto, his grain of the same grade may be kept in a bin by itself apart from that of other owners, which bin must be marked and known as "special bin." If a warehouse receipt be issued for grain so kept in separate bins, it shall state on its face that it is for grain so stored in a special bin, and shall state the number of such bin, and all such special bin grain delivered from such warehouse shall be inspected on its delivery by a duly authorized inspector appointed under sections 1747—1 to 1747—55, inclusive. Nothing in this section shall be construed to require the receipt of any kind of grain into any warehouse which has not sufficient room to contain or store it properly. The charges for inspection upon receipt and delivery shall be paid by the warehouseman, and may be added to the charge for storage. The grain and warehouse commission may recover such charges of the warehouseman, and for that purpose and for the purpose of fully carrying out the provisions of sections 1747—1 to 1747—55, inclusive, the said commission may sue and be sued in the name of the "Grain and Warehouse Commission for the State of Wisconsin." [*1905 c. 19 s. 10; Supl. 1906 s. 1747—10; 1907 c. 118; 1911 c. 663 s. 315*]

Warehouse receipts; numbers. SECTION 1747—11. Upon application of the owner or consignee of grain stored in public warehouses as defined in this act, accompanied with evidence that all transportation and other charges which may be a lien upon such grain, including charges for inspection and weighing thereof, have been paid, and not otherwise, the warehouseman shall issue to the person entitled to receive the same a warehouse receipt therefor subject to the order of such owner or consignee, which receipt shall bear even date with the receipt of the grain in store, and shall state upon its face the quantity and grade of the grain as fixed by the inspection provided for in this act, and that the grain mentioned in said receipt has been received into store to be stored with grain of the same grade, and is deliverable upon the return of the receipt properly indorsed by the person to whose order it shall be issued and the payment of the proper charges for storage. All warehouse receipts for grain issued by the same warehouse shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same warehouse during any calendar year, except in case of a lost or destroyed receipt, in which case a new receipt may be issued which shall bear the same date and number as the original receipt, and shall have plainly stamped or marked across its face the word "duplicate." Each such receipt shall state, if the grain is received from cars, the number of each car together with the amount it contained; if from vessels, the name of such craft, together with the amount it contained; if from teams or by other means, the amount and manner of its receipt. [*1905 c. 19 s. 11; Supl. 1906 s. 1747—11; 1907 c. 118*]

Receipts; new receipts. SECTION 1747—12. Upon delivery of grain from store upon any receipt, such receipt shall have plainly stamped or marked across its face the word "canceled," with the name of the person canceling the same, and such receipt shall thereafter be void and shall not again be put in circulation, nor shall grain be delivered twice upon the same receipt. No receipt shall be issued except upon actual delivery of grain into store in the warehouse from which it purports to be issued, and which is to be represented by said receipt; nor shall any receipt be issued for a greater quantity of grain that is contained in the lot stated to have been received; nor shall more than one receipt be issued for the same lot of grain, except in cases where a receipt for a part of the lot is desired, and then the aggregate receipts for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt issued thereon is delivered out of store, and the remainder is left in store, a new receipt may be issued for such remainder, but the new receipt shall bear the same date as the original receipt, and shall state on its face that it is for the balance of the grain represented by the original receipt, giving the number thereof, and the original receipt shall thereupon be canceled in the same manner as if the grain represented thereby had all been delivered. In case it is desirable to divide one receipt into two or more receipts, or in case it is desirable to consolidate two or more receipts into one receipt, and the warehouseman consents thereto, the original receipt shall thereupon be canceled in the same manner as if the grain represented thereby had been delivered from store, and the new receipts shall state on their face that they are a part of another receipt or a consolidation of other receipts, as the case may be, and shall also

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state the number of the original receipt so canceled as aforesaid, but no consolidation of receipts differing in dates more than ten days shall be permitted. And all such new receipt issued in lieu of old receipts which have been canceled as herein provided, shall bear the same date as the original receipts as near as may be. [*1905 c. 19 s. 12; Supl. 1906 s. 1747—12; 1907 c. 118*]

Liability not limited. SECTION 1747—13. No warehouseman operating or running a public warehouse as defined in sections 1747—1 to 1747—55, inclusive, shall insert in any receipt issued by him any language which shall in any wise limit or modify his liability or responsibility as imposed by the provisions of sections 1747—1 to 1747—55, inclusive, or the laws of this state, and no such warehouse receipt shall be issued unless it be issued at the warehouse or at the office of the warehouseman kept in the city of Superior, and shall not be delivered until a record is made of the issuing thereof, containing the date, number, amount, kind and grade of grain, which record shall at all times be kept at the warehouse, or at some other office of said warehouseman in the city of Superior, and shall be open to the inspection of any and all persons having grain stored in such elevator or warehouse, or holding any receipt upon grain stored therein, and any warehouse receipt issued contrary to the provisions of this section shall be absolutely null and void. [*1905 c. 19 s. 13; Supl. 1906 s. 1747—13; 1907 c. 118; 1911 c. 663 s. 315*]

Redemption of receipts; defaults. SECTION 1747—14. On the return of any warehouse receipt issued by him properly indorsed, and a tender of all proper charges upon the grain represented by it, such grain shall be delivered to the holder of such receipt, and it shall not be subject to any further charges for storage after such demand and tender for such delivery shall have been made, and grain represented by such receipt shall be delivered within twenty-four hours after such tender and demand shall have been made, and the cars or vessels to receive the same shall have been furnished. Such receipt and payment of charges may be tendered and made at the warehouse, or at the office of the warehouseman kept and provided as required by section 1747—13. Any warehouseman who shall make default in delivery of grain as herein provided, shall be liable to the owner of such grain or to the owner of the warehouse receipt issued thereon for any such default in the sum of one cent per bushel, and in addition thereto to one cent per bushel for each and every day of such neglect or refusal to so deliver; provided, that no warehouseman shall be held to be in default in delivery of grain if the grain is delivered in the order demanded and as rapidly as due diligence, care and prudence will justify. [*1905 c 19 s. 14; Supl. 1906 s. 1747—14; 1907 c. 118; 1911 c. 663 s. 317*]

Report to commission. SECTION 1747—15. It shall be the duty of every owner, lessee or manager of every public warehouse coming within the provisions of sections 1747—1 to 1747—55, inclusive, to furnish in writing under oath to the grain and warehouse commission, at such times as said commision may require or demand, the statement concerning the condition and management of his business as such warehouseman. [*1905 c. 19 s. 15; Supl. 1906 s. 1747—15; 1907 c. 118; 1911 c. 663 s. 315, 318*]

Weekly and daily statements. SECTION 1747—16. Every warehouseman within the provisions of this act shall on or before Tuesday morning of each week cause to be made out, and shall keep posted up in a conspicuous place in the business office of his warehouse within the city of Superior, a statement of the amount of each kind and grade of grain in store in the warehouse up to the close of business on the previous Saturday, and shall also on each Tuesday morning render a similar statement to the grain and warehouse commission, which statements shall be made under oath by one of the principal owners or operators of said warehouse, or by the bookkeeper thereof having personal knowledge of the facts. Every warehouseman shall also be required to furnish daily to said commission a correct statement of the amount of each kind and grade of grain received in store in the warehouse on the previous day; also the amount of each kind and grade of grain delivered or shipped by him during the previous day, and the warehouse receipts that have been canceled upon which the grain has been delivered on such day, giving the number of each such receipt and the amount and kind of grain and the grade thereof received or shipped on each; also, how much grain, if any, was so delivered or shipped, and the amount, kind and grade of it, on which warehouse receipts have not been issued; when and how such unreceipted grain was received by them; the aggregate amount of such receipted cancellations and delivery of unreceipted grain corresponding in amount, kind and grade with the amount so reported delivered or shipped; every warehouseman shall also at the same time report what receipts, if any, have been canceled and new receipts issued in their stead, as herein provided for, and in making such statements he shall in addition furnish such commission such fur-

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ther information regarding receipts issued or canceled as may be necessary to enable said commission to keep a full and correct record of all receipts issued and canceled and of all grain received and delivered. [*1905 c. 19 s. 16; Supl. 1906 s. 1747—16; 1907 c. 118*]

Secretary. SECTION 1747—17. It is hereby made the duty of said commission to appoint one of their members as secretary, who shall keep the records of said commission and receive the reports in accordance with the provisions of sections 1747—1 to 1747—55, inclusive. [*1905 c. 19 s. 17; Supl. 1906 s. 1747—17; 1907 c. 118; 1911 c. 663 s. 315*]

Table of rates to be published annually; maximum rates. SECTION 1747—18. Every warehouseman coming under the provisions of sections 1747—1 to 1747—55, inclusive, shall during the first week in September of each year publish in one or more of the daily newspapers in the city of Superior a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rate shall not be increased during the year, and such published rates, or any published reduction thereof, shall apply to all grain received in such warehouse from any person or source, and no discriminations as to rates shall be made, either directly or indirectly, by such warehouseman for the storage of grain. The maximum charge for the storing and handling of grain, including the cost of receiving and delivering, shall be for the first fifteen days, or fraction thereof, one-half cent per bushel, and one-half cent additional for every additional thirty days, or fraction thereof, thereafter.

Provided that if any warehouseman or other person shall deem said charges or either of them unreasonable he may file with the grain and warehouse commission a complaint in writing, stating the reason or ground upon which said charges or either of them are unreasonable, whereupon the commission shall set a time and place for hearing said complaint, which time shall not be later than ten days after the filing of said complaint. Upon said hearing, if the commission shall be of the opinion that the said charges or either of them are unreasonable it may increase or diminish said charges or either of them, such increased or diminished charge to go into effect immediately and remain in effect until increased or diminished upon a like hearing or upon appeal. If the warehouseman or other person making said complaint shall feel aggrieved by the decision of the commission he may appeal therefrom to the circuit court of Douglas county in the same manner and with like effect as appeals are now taken from the disallowance of claims by the county board. The commission shall have the power to administer oaths, issue subpœnas, compel the attendance of witnesses and the production of books and papers. In case of failure on the part of any person or persons to comply with the order of the commission or any subpœna, or of the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of Douglas county or the judge thereof, on application of the commission, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpœna issued from such court, or a refusal to testify therein. The commission or any warehouseman or other person making said complaint may cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like deposition in civil actions in circuit courts. [*1905 c. 19 s. 18; Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—18; 1907 c. 118; 1911 c. 663 s. 315*]

Warehouseman not to tamper with grain; "special grade" grain; warehouseman not responsible for damage by fire or heating; authority of warehouseman respecting grain out of condition. SECTION 1747—19. It shall not be lawful for any public warehouseman to mix grain of different grades together, nor to select different qualities of the same grade for the purpose of storing or delivering the same. Neither shall he attempt to deliver grain of one grade for another, nor in any way tamper with grain while in his possession or custody with a view of securing profit to himself or any other person. The grain and warehouse commission shall have authority under sections 1747—1 to 1747—55, inclusive, in their discretion, to grade any lot of grain "special grade," upon the request of the owner so to do; and such lot of grain shall only be received into public warehouses within the authority of sections 1747—1 to 1747—55, inclusive, as "special grade" grain, and shall be kept in a bin or bins by itself apart from that of other owners, and said bin or bins shall thereupon be marked and known as "special bins." Any warehouseman may, on the request of the owner of any grain stored in any such special bin, be permitted to mix, dry, clean or otherwise improve the condition or value of any such lot of grain; provided, that such lot of grain has been inspected by authority of the grain and warehouse commission as "special grade." If

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a warehouse receipt is issued for any such lot of grain, it shall state on its face that it is issued for "special grade" grain, and shall also state the number or numbers of the special bin or bins where the same is stored. Upon the application of the owner of any grain known as "special grade," the grain and warehouse commission may reinspect the same for the purpose of giving it its proper grade. The warehouseman shall, upon the surrender of the original warehouse receipt issued against such "special grade" grain, cancel said receipt and issue in lieu thereof a new receipt which shall state the grade of the grain so reinspected, and said warehouseman may then store said grain with other grain of a similar grade. Nothing in this section shall, however, prevent any warehouseman from removing grain while within his warehouse for its preservation or safe keeping. No warehouseman shall be responsible for any loss or damage to grain by fire while in his custody; provided, reasonable care and diligence be exercised to protect and preserve the same, nor shall he be held liable for damage to grain by heating; provided, it can be shown that he exercised proper care in handling and storing the same, and that such heating was the result of causes beyond his control; and in order that no injustice may result to the holder of grain in any public warehouse of the city of Superior it shall be deemed the duty of such warehouseman to dispose of by delivery or shipping, in the ordinary and legal manner of so delivering, that grain of any particular grade which was first received by them, or which has been for the longest time in store in his warehouse, and unless public notice has been given by a warehouseman that some portion of the grain stored in his warehouse is out of condition, or becoming so, he shall deliver grain of quality equal to that received by him on all receipts as presented. In case, however, that any warehouseman shall discover that any portion of the grain in his warehouse is out of condition, or becoming so, and it is not in his power to preserve the same, he shall immediately give public notice of its actual condition, as near as he can ascertain, by advertisement in a daily newspaper in the city of Superior, and by posting a notice in the most public place (for such purpose) in such city. Such notice shall state the amount, kind and grade of grain, the bins in which the same is stored, the receipt or receipts outstanding upon which such grain will be delivered, giving the numbers, amounts and dates of each (which receipts shall be those of the oldest dates then in circulation or uncanceled, the grain represented by which has not previously been receipted for); and the name of the party for whom such grain was stored, the date it was received and the amount thereof. The enumeration of receipts and identification of grain so discredited in said notice shall embrace, as near as may be, as great a quantity of grain as is contained in said bins and such grain shall be delivered upon the return and cancellation of the receipts and the unreceipted grain upon request of the owner or person in charge thereof. Nothing herein contained shall be held to relieve the warehouseman from exercising proper care and diligence in preserving any such grain after such publication of its condition, but such grain shall be kept separate and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such warehouse. In case the grain be declared to be out of condition as herein provided for shall not be removed from store by the owner thereof within two months from the date of the notice of its being out of condition, it shall be lawful for the warehouseman to sell the same at public auction for the account of said owner, by giving ten days' public notice by advertisement in a daily newspaper published in the city of Superior. Any warehouseman guilty of any act or neglect, the effect of which is to depreciate grain stored in any warehouse under his control, shall be held responsible as at common law upon his bond, and in addition thereto his license shall be revoked. Nothing in this section shall be so construed as to permit any warehouseman to deliver any grain stored in a special bin or by itself to any person other than the owner of such lot of grain, whether the same be represented by receipts or otherwise.

Nor shall any warehouseman be required to receive any more "special grade" grain than he can store conveniently having reference to the capacity of his house and the amount of regular grades stored therein. [*1905 c. 19 s. 19; Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—19; 1907 c. 118; 1911 c. 663 s. 315*]

Inspection; test of scales; penalty. SECTION 1747—20. All persons owning grain, or who may be interested in the same in any public warehouse, and all duly authorized inspectors of such grain, shall at all times, during ordinary business hours, be at full liberty to examine any and all grain stored in any public warehouse in the city of Superior, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants, for an examination, and all parts of the public warehouse shall be free for the inspection and examination of any person interested in grain stored therein, or of any authorized inspector of such grain. And all scales used for the

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weighing of grain in public warehouses shall be subject to examination and test by any duly authorized inspector, weighmaster or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose grain has been, or is to be weighed on such scales. The expense of such test by an inspector or sealer to be paid by the warehouse proprietor if the scales are found incorrect, but not otherwise. Any warehouseman who shall be guilty of continuing to use scales found to be in an imperfect or incorrect condition, by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as herein provided. [*1905 c. 19 s. 20; Supl. 1906 s. 1747—20; 1907 c. 118*]

Duty of weighmaster. SECTION 1747—21. The weighmaster appointed by the grain and warehouse commission and his deputies, shall supervise and have exclusive control of the weighing of grain received into any mill or received, stored or delivered or shipped from any and all public warehouses in the city of Superior, and also the inspection of scales upon which grain is weighed; and the action or certificates of such weighmaster or his assistants, in the discharge of their duties, shall be conclusive upon all parties, either in interest or otherwise, as to the matters contained in said certificates. [*1905 c. 19 s. 21; Supl. 1906 s. 1747—21; 1907 c. 118*]

Fees. SECTION 1747—22. The grain and warehouse commission shall fix the fees to be paid for the weighing of grain, which fees shall be paid by the warehouseman, and may be added to the charges for storage. [*1905 c. 19 s. 22; Supl. 1906 s. 1747—22; 1907 c. 118*]

Weighmaster; assistant; eligibility; bonds. SECTION 1747—23. The weighmaster and each and every assistant shall not be a member of any board of trade or association of like character. They shall give bonds in the sum of two thousand dollars, conditioned for the faithful discharge of their duties. [*1905 c. 19 s. 23; Supl. 1906 s. 1747—23; 1907 c. 118; 1909 c. 440; 1913 c. 772 s. 61*]

Penalty for obstruction. SECTION 1747—24. In case any person, warehouse or railroad corporation or any of their agents or employes, shall refuse or prevent the weighmaster, or either of his assistants, from having access to their scales in the regular performance of their duties in supervising and weighing of any grain in accordance with the tenor and meaning of sections 1747—1 to 1747—55, inclusive, they shall forfeit the sum of one hundred dollars for each offense to be recovered in an action by the said grain and warehouse commission, and any and all moneys collected shall be turned into the state treasury. [*1905 c. 19 s. 24; Supl. 1906 s. 1747—24; 1907 c. 118; 1911 c. 663 s. 315; 1913 c. 772 s. 61*]

Chief inspector; oath and bond. SECTION 1747—25. The chief inspector, appointed as hereinbefore provided, shall hold his office for the term of one year, unless sooner removed by said grain and warehouse commission. He shall, before entering upon the duties of his office, take an oath of office, and shall execute a bond in the penal sum of five thousand dollars with good and sufficient sureties to be approved by said commission, running to said commission and conditioned that he will faithfully and impartially discharge the duties of the office of chief inspector according to law, and the rules and regulations of said grain and warehouse commission, and will pay all damages to any person or persons who may be injured by reason of his neglect or failure to comply with the law or the rules and regulations aforesaid. [*1905 c. 19 s. 25; Supl. 1906 s. 1747—25; 1907 c. 118*]

Deputy inspectors; oath. SECTION 1747—26. The chief inspector shall appoint, subject to the approval of the grain and warehouse commission, such number of deputy inspectors as may be required, for whose acts the said chief inspector shall be responsible, and his bond shall be considered and held as covering the acts of such deputies. And a like oath shall be taken by each and every deputy and he may be required to give additional bond in the discretion of the grain and warehouse commission. All such deputies shall be subject to removal by the chief inspector at will, and they shall act in the performance of their duties in his name and under his immediate control and supervision. [*1905 c. 19 s. 26; Supl. 1906 s. 1747—26; 1907 c. 118*]

Bonds. SECTION 1747—27. All bonds required to be given by the weighmaster and his assistants, by the chief inspector and his deputies, shall be given to the grain and warehouse commission as obligee, and shall be filed and kept by it as a part of its records. [*1905 c. 19 s. 27; Supl. 1906 s. 1747—27; 1907 c. 118*]

Inspectors; duties; powers; salaries. SECTION 1747—28. The chief inspector of grain and all deputy inspectors shall be governed in their inspection duties by such rules and regulations as may be provided and promulgated by the grain and warehouse commission, which shall have power to fix the rates of charges for inspection and weighing of grain, and the manner in which the same shall be collected, which charges shall be regu-

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lated in such manner as will, in the judgment of said commission, produce sufficient revenue to meet the necessary expenses of the inspection and weighing service. [*1905 c. 19 s. 28; Supl. 1906 s. 1747—28; 1907 c. 118; 1909 c. 440; 1913 c. 772 s. 61*]

Disability. SECTION 1747—29. No chief inspector or deputy, shall during his term of service, be interested directly or indirectly, in the handling, storing, shipping, purchasing or selling of grain. [*1905 c. 19 s. 29; Supl. 1906 s. 1747—29; 1907 c. 118*]

Removals. SECTION 1747—30. Upon complaint in writing to the grain and warehouse commission, supported by reasonable and satisfactory proof, that the chief inspector or any of his deputies, have violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, said person shall be by said grain and warehouse commission immediately removed from office. [*1905 c. 19 s. 30; Supl. 1906 s. 1747—30; 1907 c. 118*]

Imposture. SECTION 1747—31. Any person who shall assume to act as an inspector of grain in the city of Superior, who has not first been appointed as provided in sections 1747—1 to 1747—55, inclusive, or has not made and filed his oath of office and given bond where such bond is required, shall be held to be an impostor, and shall be punished by a fine of not less than one hundred dollars for each and every attempt to so inspect grain, and if the complaint is made by any member of the grain and warehouse commission, or of any inspector or deputy inspector, one-half of said fine shall go to said grain and warehouse commission, and the remaining half to the school fund, and in case the complaint is made by any other person one-half of said fine shall go to the person so complaining and the remaining half to the school fund; such prosecution to be in the name of the state of Wisconsin, and shall be prosecuted by the district attorney of Douglas county or the attorney-general of the state of Wisconsin. [*1905 c. 19 s. 31; 1905 c. 317 s. 2; repealed by Spl. S. 1905 c. 12 s. 2; Supl. 1906 s. 1747—31; 1907 c. 118; 1911 c. 663 s. 315*]

Neglect; bribery. SECTION 1747—32. Any duly authorized inspector or deputy inspector of grain, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty, or any improper performance of duty as such inspector of grain, or any person who shall improperly influence any inspector of grain in the performance of his duty as such inspector, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars or more than five hundred dollars, or shall be imprisoned in the county jail not less than thirty days nor more than six months, or both, in the discretion of the court. [*1905 c. 19 s. 32; Supl. 1906 s. 1747—32; 1907 c. 118*]

Liens. SECTION 1747—33. The charge for the inspection and weighing of grain under the provisions of sections 1747—1 to 1747—55, inclusive, shall be and constitute a lien on grain so inspected, or weighed, and whenever such grain is in transit the said charges shall be treated as advanced charges to be paid by the common carrier in whose possession the same is at the time of inspection. [*1905 c. 19 s. 33; Supl. 1906 s. 1747—33; 1907 c. 118; 1911 c. 663 s. 315*]

Decisions final. SECTION 1747—34. The decision of the chief inspector, or of the deputy inspector, as to the grade of grain, shall be final and binding on all parties, unless an appeal is taken from such decision, as hereinafter provided. [*1905 c. 19 s. 34; Supl. 1906 s. 1747—34; 1907 c. 118*]

Appeals. SECTION 1747—35. In case any owner, consignee or shipper of grain, or any warehouse manager, shall be aggrieved by the decision of the chief inspector, or any of his deputies an appeal may be had to the grain and warehouse commission, and a decision of a majority of the members of said commission shall be final and said commission is hereby authorized to make all necessary rules governing such appeal, provided, however, that the party appealing shall pay to said commission not to exceed the sum of two dollars before any such appeal shall be entertained which sum shall be refunded in case the inspection appealed from is not sustained. [*1905 c. 19 s. 35; Supl. 1906 s. 1747—35; 1907 c. 118*]

Withholding storage; conversion. SECTION 1747—36. In case any owner or consignee of grain shall be dissatisfied with the inspection of any lot of grain, or shall from any cause desire to receive his property without its passing into store, he shall be at liberty to have the same withheld from going into any public warehouse (whether the property may have been previously assigned to such warehouse or not) by giving notice to the person or corporation in whose possession it may be at the time of giving such notice; and such grain shall be withheld from going into store, and be delivered to him subject

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only to such proper charges as may be a lien upon it prior to such notice, the grain in railroad cars to be removed therefrom by such owner or consignee within twenty-four hours after such notice has been given to the railroad company having it in possession; provided, such railroad company place the same in a proper and convenient place for unloading; and any person or corporation refusing to allow such owner or consignee to receive his grain shall be deemed guilty of conversion, and he shall be liable to pay such owner or consignee double the value of the property so converted. Notice that such grain is not to be delivered into store may also be given to the proprietor or manager of any warehouse into which it would otherwise have been delivered, and if, after such notice, it be taken into store, in such warehouse, the proprietor or manager of such warehouse shall be liable to the owner of such grain for double its market value. [*1905 c. 19 s. 36; Supl. 1906 s. 1747—36; 1907 c. 118*]

Contracts unlawful. SECTION 1747—37. It shall be unlawful for any proprietor, lessee or manager of any public warehouse to enter into any contract, agreement, understanding or combination with any railroad company or other corporation, or with any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any purpose, contrary to the direction of the owner, his agent or consignee. [*1905 c. 19 s. 37; Supl. 1906 s. 1747—37; 1907 c. 118*]

"Superior grades." SECTION 1747—38. The grain and warehouse commission shall before the fifteenth day of September in each year, establish a grade for all kinds of grain bought, sold or handled, in the city of Superior, which shall be known as "Superior Grades," and the grade so established shall be published in some daily newspaper in the city of Superior. [*1905 c. 19 s. 38; Supl. 1906 s. 1747—38; 1907 c. 118*]

Samples. SECTION 1747—39. It shall be the duty of the grain and warehouse commission to furnish any elevator or warehouse in the city of Superior standard samples of grain as established by the official inspection made in accordance with the grade established under the next preceding section, when requested so to do by the proprietor, lessee or manager thereof, at the actual cost of such samples. [*1905 c. 19 s. 38; Supl. 1906 s. 1747—39; 1907 c. 118*]

Supervision by commission. SECTION 1747—40. It shall be the duty of the grain and warehouse commission to assume and exercise a constant supervision over the housing and marketing of grain in the city of Superior, the handling, inspection, weighing and storing of same, and the management of the public houses of said city, and to at least three times annually verify by measurement the amount of grain shown to be in store in all public warehouses, and to investigate all complaints of fraud or oppression in the grain trade, and in the handling and housing of grain in said city, and to correct the same. [*1905 c. 19 s. 40; Supl. 1906 s. 1747—40; 1907 c. 118; 1911 c. 458*]

Publishing rules. SECTION 1747—41. The rules and regulations adopted by said grain and warehouse commission for the weighing and inspection of grain in the city of Superior shall be published in a daily newspaper in said city. [*1905 c. 19 s. 41; Supl. 1906 s. 1747—41; 1907 c. 118*]

Inspection fees. SECTION 1747—42. The fees and charges for the weighing and inspection of grain to be fixed by the grain and warehouse commission shall not exceed the sum of fifty cents per car for weighing and one dollar per car for inspection. And upon weighing and inspection on shipment by boat, or otherwise, out of the warehouse, not to exceed fifty cents per thousand bushels for weighing, nor more than one dollar per thousand bushels for inspection; and all fees for such services shall be paid to the treasurer of said commission, to be by him turned into the state treasury. [*1905 c. 19 s. 42; Supl. 1906 s. 1747—42; 1907 c. 118; 1913 c. 772 s. 61*]

Treasurer. SECTION 1747—43. The grain and warehouse commission shall appoint one of their number treasurer of said commission, and the person so appointed shall make and file with the state treasurer a bond to the state of Wisconsin, in the sum of twenty thousand dollars, conditioned to account for and pay over all moneys coming into his hands, and to keep a just and accurate account of all such moneys according to law; said bond to be approved by the governor of this state. All moneys collected or received, by each and every person, for or in behalf of the Wisconsin grain and warehouse commission, shall be by him deposited with or transmitted to the state treasurer. Such deposit shall in every case be made at least once a week, and at the time of the transmission of deposit, a statement showing the amount of such collection, from whom or for what purpose or on what account the same was received, shall be transmitted to the state treasurer. It shall be the duty of the state treasurer to credit the moneys thus received to the appropriation for the said commission. [*1905 c. 19 s. 43; Supl. 1906 s. 1747—43; 1907 c. 118; 1909 c. 440; 1911 c. 458; 1913 c. 772 s. 61*]

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Expenses. SECTION 1747—44. It shall be the duty of the Wisconsin grain and warehouse commission to file with the secretary of state on the first of each month, a correct and true statement of all expenses incurred by said commission during the preceding month, for the salaries allowed the commissioners by law, and all expenses incurred by said commission, or compensation allowed to appointees and employes for such weighing and inspection, the expenses of making and publication of rules for the weighing, inspection and grading of grain, the procurement of all bonds to be given by any and all members of said commission, the chief weighmaster and his assistants, the chief inspector and his deputies, and also for all stationery, postage and other incidental expenses necessarily incurred in carrying out the provisions of sections 1747—1 to 1747—55, inclusive. Said commission may further, from time to time, expend and appropriate out of moneys in the hands of the state treasurer appropriated to said commission over and above its legal obligations, a sum of money not exceeding twenty-five hundred dollars annually, for the purpose of promoting in a lawful and legitimate manner, the grain trade or market in Superior. Said report furnished the secretary of state shall contain the names and post-office addresses of all claimants, together with the amount due each; and the secretary of state shall audit said accounts, payable out of the Wisconsin grain and warehouse commission appropriation. [*1905 c. 19 s. 45; Supl. 1906 s. 1747—44; 1907 c. 118; 1909 c. 440; 1911 c. 458; 1911 c. 664 s. 87; 1913 c. 772 s. 61*]

Incapacity. SECTION 1747—45. The grain and warehouse commission shall have no authority to incur any debt in the name of or on account of the state of Wisconsin, nor shall it, or its members, be responsible for any indebtedness incurred in carrying out the provisions of sections 1747—1 to 1747—55, inclusive, but all claims or indebtedness so incurred shall only be payable out of moneys collected for the weighing and inspection of grain and fees provided for upon appeals, and in such other manner as may be provided by said commission in accordance with the provisions of sections 1747—1 to 1747—55, inclusive. [*1905 c. 19 s. 45; Supl. 1906 s. 1747—45; 1907 c. 118; 1911 c. 663 s. 315*]

Inspection fees to defray expenses. SECTION 1747—46. The Wisconsin grain and warehouse commission is hereby empowered to fix rates for the weighing and inspection of grain. It being intended in fixing the fees for weighing, inspection and other services performed under sections 1747—1 to 1747—55, inclusive, that they shall be so fixed as to make the work self-sustaining, including the salaries of the members of said commission. [*1905 c. 19 s. 46; Supl. 1906 s. 1747—46; 1907 c. 118; 1911 c. 458; 1911 c. 663 s. 315; 1911 c. 664 s. 87*]

Inspection record. SECTION 1747—47. The chief weighmaster appointed under sections 1747—1 to 1747—55, inclusive, shall keep a correct record of all grain weighed by him, giving the amount of each weight, the number of the car or cars weighed, if any, and the initial letters of the car, and the place where weighed, with date and contents of the car, and also of all grain weighed in the loading of boats or vessels and the date and amount thereof, with the name of the boat or vessel, and shall upon the payment of the weighing charges fixed as provided in sections 1747—1 to 1747—55, inclusive, give under his hand a certificate of the weight of the grain, with the date, amount and kind of grain and where weighed, with the name or initial of the car or boat from or into which the same was weighed, and such certificate shall be admissible in evidence in all actions at law or equity as prima facie evidence of the facts therein contained. [*1905 c. 19 s. 47; Supl. 1906 s. 1747—47; 1907 c. 118; 1911 c. 663 s. 315*]

Inspection on cars. SECTION 1747—48. It shall be the duty of the chief inspector of grain, and of any deputy serving under him, to open the doors of any cars containing grain, upon their arrival at the city of Superior, for the purpose of inspecting the same, to first ascertain the condition of any such car or cars and determine whether any leakage has occurred while said car or cars were in transit; also whether or not the end or side doors are properly secured and sealed, making a record of such facts in all cases and recording the same in a proper book to be kept for the purpose. After such examination shall have been duly made and recorded, and the inspection of such grain has been made, it shall be the duty of the said officials to securely close and reseal such doors as have been opened by them, using a special seal to be provided by said commission, and known as "Wisconsin State Seal." A record of all original seals broken and the time when broken, and also a record of all state seals substituted therefor, and the time when such state seals were substituted, together with a full description of said seals with their numbers, shall be made by said officials. [*1905 c. 19 s. 48; Supl. 1906 s. 1747—48; 1907 c. 118*]

Railroad police protection. SECTION 1747—49. It shall be the duty of all railroad companies operating any line of railroad in the city of Superior, to furnish ample and sufficient police protection at all stations in said city, and in their yards and about their terminal tracks to securely protect all cars containing grain, while the same are in their

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possession, pending transfer and delivery of the same, and it shall be the duty of such railroad companies to prohibit and restrain all unauthorized persons, whether under the guise of samplers, sweepers, or under any other pretext whatever from entering or loitering in or about their respective railroad yards or tracks and from entering any cars of grain under their control or removing grain therefrom, and shall employ and detail such number of watchmen as may be necessary for the purpose of carrying out the provisions of this section. [*1905 c. 19 s. 49; Supl. 1906 s. 1747—49; 1907 c. 118*]

Protection of grain after carrier delivery. SECTION 1747—50. It shall be the duty of all warehousemen operating or controlling elevators and warehouses in the city of Superior and the duty of all persons, firms or corporations, engaged in the manufacture of flour or other grain products within said city to furnish ample and sufficient protection to all grain in cars which may be in their possession and to properly care for all cars of grain consigned to their respective elevators, warehouses, mills or manufactories after delivery of the same has been made by the railroad companies, and in case of shipment of grain in cars from such elevators, warehouses, mills or manufactories the said persons shall fully protect and care for said cars of grain until delivery of the same has been made to the railroad company. [*1905 c. 19 s. 50; Supl. 1906 s. 1747—50; 1907 c. 118*]

Seal breaking. SECTION 1747—51. Any person other than the chief inspector or his deputies, or a regular employe of the railroad company or warehouseman, whose duty it shall be to have charge of said grain or cars, who shall tamper with or break any seals placed upon such cars of grain shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than ninety. [*1905 c. 19 s. 51; Supl. 1906 s. 1747—51; 1907 c. 118*]

No delivery before inspection; inspection fees. SECTION 1747—52. No railway company or common carrier, or any person engaged in the transportation of grain by rail shall deliver to any warehouse or warehouseman required by sections 1747—1 to 1747—55, inclusive, to obtain a license, any car or cars of grain to be unloaded into or stored in such warehouse until such warehouseman has taken out and obtained a license under the provisions of sections 1747—1 to 1747—55, inclusive, nor shall any such grain be delivered until the same shall be inspected and graded as provided in sections 1747—1 to 1747—55, inclusive, and the inspection charges paid. All of the inspection charges shall be added to the transportation charges of the grain, and shall be paid to the railroad company or common carrier by the warehouseman upon delivery of the grain into the warehouse in addition to the payment of the charges for transportation, and in the usual manner. And any railroad, common carrier or other person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon a conviction shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, and shall also be liable to the grain and warehouse commission in damages three times the amount of all inspection charges upon said grain at the maximum rate hereinbefore provided. [*1905 c. 19 s. 52; Supl. 1906 s. 1747—52; 1907 c. 118; 1911 c. 663 s. 315*]

Penalties. SECTION 1747—53. Any person who, or corporation which, shall violate any provision of sections 1747—1 to 1747—55, inclusive, or shall fail to perform each and every duty required by any provision hereof, when punishment or penalty shall not otherwise be specifically provided, shall be deemed guilty of a misdemeanor and be subject to a fine of not less than ten dollars nor more than one hundred dollars, and shall also be liable in damages to any and all persons aggrieved thereby for treble the amount of damages suffered. [*1905 c. 19 s. 53; Supl. 1906 s. 1747—53; 1907 c. 118; 1911 c. 663 s. 315*]

Flaxseed. SECTION 1747—54. The word "grain" as used in sections 1747—1 to 1747—55, inclusive, shall be construed to include flaxseed, whether flax is particularly mentioned or not. [*1905 c. 19 s. 54; Supl. 1906 s. 1747—54; 1907 c. 118; 1911 c. 663, s. 315*]

Salary of commissioners. SECTION 1747—55. The three members of the grain and warehouse commission, provided for in sections 1747—1 to 1747—55, inclusive, shall each give his entire time to the performance of the duties of his position, and shall not engage in any other active business; they shall each receive a salary of two hundred dollars per month, out of the funds or fees collected under the provisions of sections 1747—1 to 1747—55, inclusive. [*1905 c. 19 s. 55; Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—55; 1907 c. 118; 1909 c. 440; 1911 c. 458; 1911 c. 663 s. 315; 1911 c. 664 s. 87*]

SECTION 1747—56. [*Repealed by Spl. S. 1905 c. 12 s. 78*]

Minnesota sales void. SECTION 1747—58. All contracts for the sale or purchase of grain upon the basis of grades fixed upon inspection made by any person or persons appointed or employed by or under the railroad and warehouse commission of the state of

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Minnesota or upon weights fixed or certified by such appointees or employes or by any person in any wise related to or connected with the board of trade of the city of Duluth, where the grain is to be delivered or weighed in Superior shall be void. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—58; 1907 c. 118*]

Locus of sale. SECTION 1747—59. In all sales and purchases of grain where the same is to be delivered at any elevator, mill, warehouse, or other place in the city of Superior, or where the amount of the purchase price is to be determined by weighing the grain in said city, or where such delivery or weighing either is contemplated or afterwards takes place in said city, such grain shall be deemed to have been bought and sold in said city of Superior within the provisions of this act, and all grain so bought or sold shall be inspected and weighed under the provisions of this act. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—59; 1907 c. 118*]

Presumption of sale. SECTION 1747—60. All grain delivered from any and all elevators to cars or boats in the city of Superior, shall be presumed to have been delivered upon, or in fulfilment, in whole or in part, of a contract for the sale thereof, and shall subject said grain to weighing and inspection under the provisions of this act at the time of such delivery. But this shall not apply to the use of boats for storage out of the navigation season, provided the grain is afterwards returned to the elevator for inspection and weighing. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—60; 1907 c. 118*]

Unauthorized weighing; penalty. SECTION 1747—61. No person who is not the chief weighmaster or a deputy weighmaster under the provisions of chapter 19 of the laws of Wisconsin for the year 1905 shall weigh any grain received into any elevator or mill in the city of Superior or shipped out of such elevator or mill, and any person who shall violate any of the provisions of this section shall be punished by a fine of not less than one hundred dollars for each offense; provided, however, that this section shall not prevent the owner of any grain from, or punish him for, weighing his own grain where such weighing does not in any wise relate to the sale, purchase or delivery or payment for said grain, and is solely for his private use, but the burden of proof in any case to show that such weighing is for such private use shall be upon the defendant. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—61; 1907 c. 118*]

No receipt for grain not graded. SECTION 1747—62. No person or corporation shall issue any warehouse or elevator receipt for any grain received or stored in any elevator, mill elevator, or mill located in the city of Superior, unless said grain has been inspected and graded under, and pursuant to, said chapter 19 of the laws of 1905, and any receipt otherwise issued shall be void. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—62; 1907 c. 118*]

No delivery until fees paid. SECTION 1747—63. No railway company shall deliver to any person, firm or corporation, or to any elevator, warehouse, or mill in the city of Superior, any grain inspected by the grain and warehouse commission for the state of Wisconsin, the chief inspector, or any of his deputies or assistants, until the fees for such inspection are paid as provided in section 33 of said chapter 19, and in case it does so, it shall be liable in damages for three times the amount of the fees so unpaid, to be recovered in an action brought by and in the name of said grain and warehouse commission for the state of Wisconsin. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—63; 1907 c. 118*]

Refusal to pay charges by warehouseman; sales. SECTION 1747—64. In case any person, corporation, elevator company or mill company to whom grain is consigned, or to whom grain shall be ordered delivered, shall refuse to pay the inspection charges mentioned in the next preceding section, or shall refuse to receive the grain upon which said charges are declared to be a lien, by reason of the railway company insisting upon payment of such charges, said railway company shall immediately notify the consignor or owner of such grain of such refusal, and collect from him such charges, and in case none of the parties mentioned shall promptly pay said charges, said railway company or common carrier may upon one day's notice, oral, or in writing, or by telegram, sell said grain in the open market in the city of Superior, and out of the proceeds of said sale pay all of the expenses, including said inspection fees, weighing charges, and transportation charges, and pay the balance over to the person or persons or corporation entitled thereto. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—64; 1907 c. 118*]

Seizure on lien; sale; foreclosure. SECTION 1747—65. In addition to the remedies provided in said chapter 19 for the collection of inspection and weighing fees, the grain and warehouse commission for the state of Wisconsin may seize and take possession of any and all grain upon which it has a lien for such charges, and hold possession thereof, or sell the same, or it may take a sufficient amount of grain from each car to cover such charges and the expenses of selling the same, and may sell such grain in the open market in the city of Superior after giving not less than ten days' notice of the time and place of

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sale, either personally or in the manner provided for sales of personal property upon execution in justice court. Said grain and warehouse commission for the state of Wisconsin may also bring an action to foreclose its lien in the usual manner in a court of equity, in which case if the action is brought while the grain is still in the hands of the railway company or common carrier, it shall not be necessary to make any person or corporation a party to said action other than the railway company, in which case the railway company shall notify the owner of said grain, who may if he desires, and upon his own application, be made a party defendant in said action, and the said grain and warehouse commission may foreclose its lien upon any and all grain or upon any number of carloads of grain in the possession of any railroad company in a single action, and this section shall apply to all liens heretofore acquired, and to any and all actions heretofore or hereafter commenced for the foreclosure thereof. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—65; 1907 c. 118*]

Penalty for sale without inspection; locus of sale. SECTION 1747—66. No person, firm, or corporation shall sell, or offer for sale in the city of Superior, any grain until the same has been inspected under the supervision of the grain and warehouse commission for the state of Wisconsin, by its chief inspector, his deputy or assistant, or deliver any grain in said city in pursuance of any contract of sale made elsewhere to any person, corporation, elevator, mill, or from any such elevator to cars or boats, until such inspection shall be made, and any person or corporation violating this section, or participating in any such sale or delivery, or by receiving such grain, shall be punished by a fine of not less than one hundred dollars for each offense, or imprisonment not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court. Every sale, offer for sale, or delivery of grain within the meaning of this section, shall be deemed to be made within the city of Superior notwithstanding the contract may be made elsewhere if such grain shall, at the time of making the same, be within the city of Superior, or thereafter delivered in said city. In determining whether there is a delivery in the city of Superior, no delivery to a railway company or common carrier outside of the city of Superior shall be deemed a delivery to the purchaser unless the exact amount of the purchase price has been ascertained and paid. Provided that this section shall not prohibit the making of any executory contract for the delivery of grain if such contract shall provide for the inspection and weighing of the grain under the supervision of the grain and warehouse commission for the state of Wisconsin. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—66; 1907 c. 118*]

Sale, storage or delivery, when prohibited. SECTION 1747—67. No person or corporation shall offer for sale or sell or deliver any grain in the city of Superior, or receive or store grain in any elevator or warehouse in said city, or deliver the same from any such elevator or warehouse under or upon any inspection or grading made or fixed by any appointee or employe of the railroad and warehouse commission of the state of Minnesota, or upon weights given or certified by any such appointee or employe, or upon any other inspection, grading or weighing, than provided in said chapter 19, and any person violating this section shall be guilty of a misdemeanor and punished as provided in section 53 of said chapter. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—67; 1907 c. 118*]

Railroad warehouses. SECTION 1747—68. Every elevator or warehouse located in the city of Superior owned or held by any railway company, either in its own name or in the name of any other person, persons or corporation, for its use, is hereby declared and shall be deemed to be a public warehouse within the meaning of this act so far as to require the railway company owning or holding the same, or any lessee thereof, to receive and store, without discrimination, and subject only to the charges provided in said chapter 19, of all grain carried over the line of such railway company whether by said company directly or by any other railway company operating its line whether as lessee or otherwise, and delivered at Superior. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—68; 1907 c. 118*]

Railroad need not give bond, etc. SECTION 1747—69. If any such elevator or warehouse shall be operated directly by the railway company owning or holding the same, such company shall not be obliged to give bonds or take out license, but it shall within sixty days make and file with the grain and warehouse commission a written declaration stating its purpose to operate said elevator or warehouse pursuant to the laws of Wisconsin and the period for which it will so operate the same, or in case it has heretofore or shall hereafter lease said warehouse or elevator, then it shall make and file a like written declaration stating to whom and for what period said elevator or warehouse has been leased, with a copy of such lease. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—69; 1907 c. 118*]

Elevator lessees. SECTION 1747—70. In case any person, firm or corporation has heretofore leased, or shall hereafter lease, or become the lessee or occupant in any man-

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ner whatsoever of any elevator or warehouse located in the city of Superior belonging to any railway company, said lessee or occupant shall immediately upon the passage of this act, or upon the commencement of his leasehold term, if created subsequently to the passage hereof, become a public warehouseman and subject to all of the provisions of chapter 19 except so far that if unable to furnish storage for all persons applying for the same, he shall give preference to the storage of all grain received in Superior over the line of the railroad company owning said elevator or warehouse. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—70; 1907 c. 118*]

Setting out cars for inspection; penalty. SECTION 1747—71. Every railway company transporting grain into the city of Superior shall, before delivering the same to the consignee, or any other person or corporation, or setting the same in upon any track leading to any elevator, warehouse or mill, and before delivering the same to any terminal company or any other carrier, set out all such grain upon some one or more of the tracks in its yard convenient for the chief inspector of the grain and warehouse commission for the state of Wisconsin, his deputies and assistants, to inspect the same, and shall set out and separate the cars of grain destined to be delivered in Superior from any passing through in transit, and shall furnish said chief inspector a list with initials and numbers of cars, names of consignor and consignee, from where shipped, and where and to whom to be delivered, and shall furnish full and sufficient opportunity for such inspection of any and all grain delivered in Superior before such delivery whether to be delivered upon the original consignment or upon disposition subsequently given, and any railway company which shall violate any or fail to fully comply with all the provisions of this section shall forfeit the sum of one hundred dollars for each carload of grain, to be recovered in an action brought in the name of the grain and warehouse commission for the state of Wisconsin. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—71; 1907 c. 118*]

No water or rail shipment until inspection; penalty. SECTION 1747—72. No person or corporation shall deliver any grain from any elevator or warehouse in the city of Superior to any boat or car until the grain has been inspected, graded and weighed under the supervision of the grain and warehouse commission of the state of Wisconsin, and the fees for such inspection, grading and weighing paid on demand contemporaneously with such delivery, and any person or corporation violating this section by making such delivery or participating therein or in receiving such grain shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—72; 1907 c. 118*]

Penalty. SECTION 1747—73. Any person who shall resist or interfere with the chief inspector, or any of his deputies or assistants, or the weighmaster, or any of his deputies or assistants, while engaged in the lawful performance of his duty shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding two hundred dollars, or by both such fine and imprisonment in the discretion of the court. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—73; 1907 c. 118*]

Construction. SECTION 1747—79. A liberal construction shall be given to all of the provisions of this act and of chapter 19 of the laws of 1905 to the end that an honest inspection, grading and weighing of grain between any and all sellers and purchasers thereof in the market at Superior, and of all grain received, stored or delivered to or by any elevator in said city, and to prevent fraud therein. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—79; 1907 c. 118*]

Same. SECTION 1747—80. In the passage of this act and of chapter 19, laws of 1905, it is hereby declared to be the intention of the legislature that each section thereof is enacted independent of every other section thereof and not as compensation for or an inducement to the passage of any other section. [*Spl. S. 1905 c. 12 s. 1; Supl. 1906 s. 1747—80; 1907 c. 118*]

SECTIONS 1747—81 to 1747—87, inclusive. [*Repealed by 1909 c. 291*]

SECTIONS 1747—91 to 1747—99, inclusive. [*Repealed by 1909 c. 291*]

COLLECTION AGENCIES.

Bonding of collection agencies. SECTION 1747—150. 1. No person, firm, association or corporation shall conduct a collection agency, collection bureau or collection office in this state, or engage in this state in the business of collecting or receiving payment for others of any account, bill or other indebtedness, or engage in this state in the business of soliciting the right to collect or receive payment for another of any account, bill or other indebtedness, or advertise for or solicit in print the right to collect or receive payment for another of any account, bill or other indebtedness, unless, at the time of conducting such

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collection agency, collection bureau, collection office or collection business, or of doing such advertising or soliciting, such person, partnership, association or corporation, or the person, partnership, association or corporation for whom he or it may be acting as agent, shall have on file with the secretary of state a good and sufficient bond as hereinafter specified.

2. Said bond shall be in the sum of five thousand dollars and shall provide that the person, partnership, association or corporation giving the same shall, upon written demand, pay and turn over to or for the person, partnership, association or corporation for whom any account, bill or other indebtedness is taken for collection the proceeds of such collection in accordance with the terms of the agreement upon which such amount, bill or other indebtedness was received for collection. Said bond shall be in such form as the attorney-general shall prescribe.

3. Said bond shall be for the term of one year from the date thereof, unless the secretary of state and the person, partnership, association or corporation giving the same shall agree on a longer period. No action on said bond shall be begun after two years from the expiration of the bond.

4. Said bond shall be executed by said persons, partnerships, associations or corporations as principal, with at least two good and sufficient sureties who shall be residents and owners of real estate within the state. The bond shall not be accepted unless approved by the secretary of state, and upon such approval it shall be filed in his office. The bond of a surety company may be received if approved as aforesaid; or cash may be accepted in lieu of sureties.

5. The secretary of state shall keep a record of the bonds filed with him under the provisions hereof, with the names, places of residence and places of business of the principals and sureties, and the name of the officers before whom the bond was executed or acknowledged; and the record shall be open to public inspection.

6. This section shall not apply to any attorney at law duly authorized to practice in this state and resident herein, to a national bank, to any bank or trust company duly incorporated under the laws of this state, or to professional men's associations, the members of which are required by law to have a license, diploma or permit to practice or follow their profession, or to any person, firm or corporation not conducting or maintaining an office for the purpose of engaging principally in the business of collecting or receiving payment for another of any account, bill or other indebtedness.

7. Any association or federation of business men's associations in this state, duly incorporated under the laws of this state, whose membership is composed of business men's associations in various localities in this state through a system of federation, may file one bond of five thousand dollars as provided in this section, in behalf of all its branch organizations that maintain and operate a collection department in the interest of members only, and that any of such branch organizations will not be required by this section to be further bonded.

8. Any person, member of a partnership or officer of an association or corporation who fails to comply with any provision of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than ninety days or by both such fine and imprisonment. [*1915 c. 267*]

PULP WOOD SCALING.

Supervisor of pulp wood scaling; appointment; term; duties; assistants. SECTION 1747—155. 1. The office of supervisor of pulp wood scaling is hereby created. Such supervisor shall be appointed by the governor, by and with the advice and consent of the senate, for a term of two years from the date of his appointment and until his successor qualifies. Said supervisor shall take and file the official oath, and execute and file his official bond in the sum of five thousand dollars, with sureties approved by the governor.

2. It shall be the duty of the said supervisor to have inspected and scaled all pulp wood when the same is bought in quantities equal to car lots or more in any one shipment. Whenever a car lot or more of pulp wood is delivered at any mill, or at any other place of delivery, the purchaser shall have the same scaled by an official scaler appointed by such supervisor. Such official scalers shall be selected from persons in the employ of the purchasers of pulp wood and shall be licensed by the supervisor, but shall receive no compensation for their services from the state. Said supervisor may revoke the license of any such scaler at any time. Every such official scaler shall make quadruplicate reports of the amount and condition of the pulp wood sold and delivered, transmit one such report to the supervisor, one to the purchaser, one to the seller, and preserve one

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for his own use. The person buying such pulp wood shall pay the supervisor ten cents for each car scaled, which sum the supervisor shall pay to the state treasurer. Said supervisor shall appoint two assistant scalers for not to exceed six months in any one year, whose duty it shall be to supervise the work performed by the official scalers, but such assistants shall receive not to exceed the sum of one hundred and fifty dollars per month salary, and their actual and necessary expenses incurred in the performance of their duties. Such supervisor shall as often as required by the governor, and at least once annually, file with the secretary of state a detailed sworn statement of all work performed by him, expenses incurred and fees collected under the provisions of this section. Such supervisor shall be paid an annual salary of twenty-five hundred dollars, and his actual and necessary expenses incurred in the performance of the duties of his office. He shall maintain his office at some convenient place in the pulp wood district, and the same shall be provided with all necessary furniture, supplies and stationery by the superintendent of public property.

3. All moneys received by such supervisor for the sealing of pulp wood shall be paid, within one week after receipt, into the general fund. [*1919 c. 491 s. 1; 1919 c. 671 s. 29*]

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COMPOUND INTEREST TABLE.

The Amount of $1.00 at Compound Interest.

Year	2%	2½%	3%	3½%	4%	4½%	5%	6%	7%	8%
1	$1.020	$1.025	$1.030	$1.035	$1.040	$1.045	$1.050	$1.060	$1.070	$1.080
2	1.040	1.051	1.061	1.071	1.082	1.092	1.103	1.124	1.145	1.166
3	1.061	1.077	1.093	1.109	1.125	1.141	1.158	1.191	1.225	1.260
4	1.082	1.104	1.126	1.148	1.170	1.192	1.216	1.262	1.311	1.360
5	1.104	1.131	1.159	1.188	1.217	1.246	1.276	1.338	1.403	1.469
6	1.126	1.160	1.194	1.229	1.265	1.302	1.340	1.419	1.501	1.587
7	1.149	1.189	1.230	1.272	1.316	1.361	1.407	1.504	1.606	1.714
8	1.172	1.218	1.267	1.317	1.369	1.422	1.477	1.594	1.718	1.851
9	1.195	1.249	1.305	1.363	1.423	1.486	1.551	1.690	1.838	1.999
10	1.219	1.280	1.344	1.411	1.480	1.553	1.629	1.791	1.967	2.159
11	1.243	1.312	1.384	1.460	1.539	1.623	1.710	1.898	2.105	2.332
12	1.268	1.345	1.426	1.511	1.601	1.696	1.796	2.012	2.252	2.518
13	1.294	1.379	1.469	1.564	1.665	1.772	1.886	2.133	2.410	2.720
14	1.320	1.413	1.513	1.619	1.732	1.852	1.980	2.261	2.578	2.937
15	1.346	1.448	1.558	1.675	1.801	1.935	2.079	2.397	2.759	3.172
16	1.373	1.484	1.605	1.734	1.873	2.022	2.183	2.540	2.952	3.426
17	1.400	1.522	1.653	1.795	1.948	2.113	2.292	2.693	3.159	3.700
18	1.428	1.560	1.702	1.858	2.026	2.208	2.407	2.854	3.380	3.996
19	1.457	1.599	1.753	1.923	2.107	2.308	2.527	3.026	3.616	4.316
20	1.486	1.639	1.806	1.990	2.191	2.412	2.653	3.207	3.870	4.661
21	1.516	1.680	1.860	2.059	2.279	2.520	2.786	3.400	4.141	5.034
22	1.546	1.722	1.916	2.131	2.370	2.634	2.925	3.604	4.430	5.436
23	1.577	1.765	1.974	2.206	2.465	2.752	3.071	3.820	4.740	5.872
24	1.608	1.809	2.033	2.283	2.563	2.876	3.225	4.049	5.072	6.341
25	1.641	1.854	2.094	2.363	2.666	3.005	3.386	4.292	5.427	6.848
26	1.673	1.900	2.157	2.446	2.773	3.141	3.556	4.549	5.807	7.396
27	1.707	1.948	2.221	2.532	2.883	3.282	3.734	4.822	6.214	7.988
28	1.741	1.997	2.288	2.620	2.999	3.430	3.920	5.112	6.649	8.627
29	1.776	2.046	2.357	2.712	3.119	3.584	4.116	5.418	7.114	9.317
30	1.811	2.098	2.427	2.807	3.243	3.745	4.322	5.744	7.612	10.063
31	1.848	2.150	2.500	2.905	3.373	3.914	4.538	6.088	8.145	10.868
32	1.884	2.204	2.575	3.007	3.508	4.090	4.765	6.453	8.715	11.737
33	1.922	2.259	2.652	3.112	3.648	4.274	5.003	6.841	9.325	12.676
34	1.961	2.315	2.732	3.221	3.794	4.466	5.253	7.251	9.978	13.690
35	2.000	2.373	2.814	3.334	3.946	4.667	5.516	7.686	10.677	14.785
36	2.040	2.432	2.898	3.450	4.104	4.877	5.792	8.147	11.424	15.968
37	2.081	2.493	2.985	3.571	4.268	5.097	6.081	8.636	12.224	17.246
38	2.122	2.556	3.075	3.696	4.439	5.326	6.385	9.154	13.079	18.625
39	2.165	2.620	3.167	3.825	4.616	5.566	6.705	9.704	13.995	20.115
40	2.208	2.685	3.262	3.959	4.801	5.816	7.040	10.286	14.974	21.724
41	2.252	2.752	3.360	4.098	4.993	6.078	7.392	10.903	16.023	23.462
42	2.297	2.821	3.461	4.241	5.193	6.352	7.762	11.557	17.144	25.340
43	2.343	2.892	3.565	4.390	5.401	6.637	8.150	12.250	18.344	27.367
44	2.390	2.964	3.672	4.543	5.617	6.936	8.557	12.986	19.628	29.556
45	2.438	3.038	3.782	4.702	5.841	7.248	8.985	13.765	21.002	31.920
46	2.487	3.114	3.895	4.867	6.075	7.574	9.434	14.590	22.473	34.474
47	2.536	3.192	4.012	5.037	6.318	7.915	9.906	15.466	24.046	37.232
48	2.587	3.272	4.132	5.214	6.570	8.272	10.401	16.394	25.729	40.211
49	2.639	3.353	4.256	5.396	6.833	8.644	10.921	17.378	27.530	43.427
50	2.692	3.437	4.384	5.585	7.107	9.032	11.467	18.420	29.457	46.902

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